



**Clark County, NV**

**GUIDELINES AND APPLICATION  
INSTRUCTIONS  
Development of Affordable Housing  
Microbusiness Park Site**

Issue Date: March 23, 2023

## Pre-APPLICATION Meeting

A Pre-APPLICATION Meeting will be held on April 5, 2023 at 8:30am.

All parties who plan on submitting a response to this APPLICATION should attend the Pre-APPLICATION Meeting. The meeting will be held via virtual conference. The purpose of the Meeting is to answer questions concerning the application. The link to join the meeting on April 5, 2023 is:

<https://us06web.zoom.us/j/86427264246?pwd=TkRHRIJSemRUdnczOUlxQ0dWbnVrQT09>

**Webinar ID: 864 2726 4246**

**Passcode: 581334**

**Or One tap mobile :**

**US: +17193594580,,86427264246# or +12532050468,,86427264246#**

**Or Telephone:**

**Dial by your location**

**+1 408 638 0968 US (San Jose)**

Up to one week in advance of the Pre-APPLICATION Meeting March 29, 2023, interested parties may submit written questions via e-mail at [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov). Please include in the subject line "Microbusiness."

## Minimum Qualifications

COUNTY will not consider or evaluate APPLICATIONs that do not meet the following minimum qualifications of the APPLICANT or APPLICANT's team:

1. Completed development and construction of at least two multi-family affordable housing projects that use public funding or financing associated with affordable housing in the past ten years.
2. A demonstrated ability to finance the project proposed on commercially reasonable terms from financial institutions, including reference letters from two third-party lenders or investors.
3. A demonstrated ability to complete construction on all portions of the project that will be funded through the allotted (\$11M) American Rescue Plan Act (ARPA) funds, prior to U.S. Treasury deadline of December 31, 2026.

## Submission

Electronic APPLICATIONs will be accepted via ZoomGrants on or before 5:00 p.m., PST on May 5, 2023.

To access the APPLICATION, please use this link:

<https://www.zoomgrants.com/zgf/ClarkCountyMicrobusinessParkHousing>

## Terms

The term "COUNTY," as used throughout this document will mean the County of Clark, Nevada. The term "BCC" as used throughout this document will mean the Board of County Commissioners which is the governing body of Clark County. The term "APPLICANT" as used throughout this document will mean all those who respond to this APPLICATION. The term "SITE" as used throughout this document will mean APN# 139-22-201-005. The SITE is currently in process of being subdivided by the County, subject to approval from the City of North Las Vegas; and consists of 4.92 acres of undeveloped vacant land located at Lake Mead & Englestad, North Las Vegas, Nevada.

## Intent

The COUNTY is soliciting APPLICATIONs for the development and acquisition of the Affordable Housing Microbusiness Park SITE.

## Project Summary

The planned outcome of this project is to select an applicant to own and develop a minimum of 60 affordable and workforce housing units on the SITE. The SITE is in the Historic Westside of Las Vegas and will be adjacent to the County's planned Microbusiness Park, a commercial development that will house and support local small businesses. The SITE, in the Historic Westside of Las Vegas is a historically marginalized community with 40% Latino and 39% African American populations, and a 10% unemployment rate. Through its location next to the planned Clark County Microbusiness Park, the housing will provide new housing opportunities for low- and moderate-income households and members of the workforce in Clark County, and create economic investment in a minority community. The multi-family housing development should include a minimum of 60, but not more than 88, units that will be rent restricted with at least 30 units at 60% Area Median Income (AMI) and at least 30 units at 80% of AMI. The development should be high quality and include amenities to serve the target population. The attached plans show the vision and desired specifications of the housing portion of the project, though applicants are not required to use the plans or layout provided. The APPLICANT will be expected to work with Clark County on site planning, entitlements, and parcel subdivision for the entire SITE, including the commercial portion of the SITE, but will not be the builder or developer of the commercial buildings. Following parcel subdivision, the new parcel created to contain the housing will be granted to the chosen APPLICANT.

## Scope

The COUNTY, through this APPLICATION, is soliciting qualified developers to submit APPLICATIONs for developing and acquiring the SITE as described above. The COUNTY intends to enter into a Disposition and Development Agreement (DDA) with the successful APPLICANT.

The COUNTY has applied for and received State of Nevada American Recovery Plan Act (ARPA) funds to carry out the development of this project. In order to assist the APPLICANT achieve affordable (i.e. below market rate) rents, COUNTY may also make available up to \$15 million in COUNTY funds for this development. The COUNTY intends to enter into a funding agreement with the successful APPLICANT that will outline restrictions and requirements associated with all COUNTY-provided funding sources. In addition, the City of North Las Vegas has committed \$500,000 in HUD HOME funds for the project, if the

APPLICANT meets the eligibility guidelines and requirements for such funding and enters into a funding agreement with the City of North Las Vegas that will outline restrictions and requirements associated with all City-provided funds.

## Property Description and Development Considerations

The SITE is 4.92 acres and is owned by the COUNTY and located in the City of North Las Vegas. The current parcel number is #139-22-201-005; however, the property will be subdivided to separate the residential from the commercial portions of the project prior to commencement of construction. The chosen APPLICANT will be responsible for processing all entitlements, technical studies, improvement plans and permits necessary to support the creation of a commercial subdivision map and record of survey for two individual parcels; the County will work with the APPLICANT on this process. The adjacent land uses consist of commercial to the West, residential single-family development to the north and east, and commercial to the east. The South portion of the SITE will include the planned development of Clark County's Microbusiness Park – a commercial development which will include retail spaces as well as co-working and programming space to support small businesses.

The SITE's current zoning is Neighborhood Commercial (C-1), and the entire site will require an amendment to the land use and zoning classifications. All entitlements will occur following the award of the APPLICATION, however, based on preliminary analysis of viable future uses on the SITE, attached to this APPLICATION is a preliminary site plan. APPLICANT should review the site plan and architectural drawings provided by the COUNTY and attached to this APPLICATION; however, APPLICANT is not required to use those. APPLICANT should also review applicable City of North Las Vegas land use documents and regulations to understand the development standards for the SITE prior to preparing design concept narrative and basic concept drawings, or using the ones provided. The successful APPLICANT will need to work closely with COUNTY to ensure that the entitlement package is submitted as one package that includes both the residential and commercial portions of the SITE. Additionally, APPLICANT will need to work to ensure the land use/zone change, any other needed entitlements, the site plan, APPLICATION and project design are compatible with the surrounding community and meet or exceed City of North Las Vegas standards.

Entitlements will require an amendment to the land use plan as well as a zone change. APPLICANT should consider the following:

- Land Use will need to be changed to Mixed-Use Neighborhood, which will support the proposed concept and allow up to 18 units per acre.
- A Zone Change will be needed to "PUD/PID". Since this site is less than 10 acres, infill standards may be available and permit more flexibility if open spaced is planned carefully.
- The properties to the East are single story homes. Depending on product and layout, the plan should remain sensitive to the single-story homes along the eastern boundary of the parcel.

Project concepts are encouraged to exceed minimum standards where appropriate and are expected to display a high-quality design that complements and enhances the surrounding neighborhood. To the maximum extent feasible, the project should incorporate sustainability features including cutting-edge energy conservation, water smart landscaping, and renewable energy generation to offset project energy consumption.

SITE MAP



## Project Objectives and Requirements

It is the responsibility of APPLICANT to submit a development plan for the project that includes design and construction of the housing development described herein. APPLICATIONs must be able to maximize use of the SITE for, at minimum 60, and maximum 88, for-rent, affordable housing units. The APPLICANT shall provide necessary parking and amenities commensurate with the needs of the population and demonstrate that those living within the development have services available to them that complement their lives and that are accessible to them. The chosen APPLICANT will be responsible for assembling a development team (contractor, architect, and property manager), securing financing and undertaking the design, construction, marketing, rent-up, management and ownership of the completed development.

The commercial/office portion of the property will consist of approx. 1.43 acres. The finished pad of the commercial building is proposed at approx. 9,500 sf. All of which is subject to change as the SITE moves through the entitlement, technical studies, and plan review process. The residential developer will work with COUNTY to include the commercial/office portion of the property with their site plan in order to process entitlements, technical studies, civil improvement plans, utility plans, etc. in order to support the recordation of a commercial final map and record of survey. The residential developer will perform all offsites, utilities, onsite improvements, and infrastructure necessary to provide the COUNTY with a finished pad. COUNTY will design all architecture plans and obtain necessary building permits to support the construction of the commercial / office building and will ultimately own and construct that parcel and building; however, the COUNTY and residential developer will be a partner throughout the development stage in order to complete the overall project successfully. The COUNTY will reimburse the residential developer for any onsite and offsite improvements that are specifically necessary for the commercial/office building. The COUNTY will share in the costs of the SITE entitlements, civil improvements, technical studies, and offsite improvement plans that are necessary to support the recordation of the Commercial Subdivision Map and Record of Survey.

The design provided is an example of what the County is envisioning. APPLICANT should use their own design, provided it meets the requirements of this APPLICATION. If APPLICANT is interested in using the design provided, they should contact that Architect directly. The cost of any studies and/or design work associated with the housing portion of the project shall be borne by APPLICANT and should be included in APPLICANT's budget. Costs to obtain permits and comply with any conditions of development permits, including any required public improvements and extensions of utilities, for the housing portion of the project, shall be borne by APPLICANT and should be included in APPLICANT's budget. The selected APPLICANT will be responsible for the cost of consultants necessary for the submittal of any land use change, rezoning, mapping, or other necessary land use regulation revisions required to implement the housing portion of the proposed development.

Design of the project should address necessary parking requirements. APPLICANT's experience with similar types of projects and ability to finance the project will be critical in the evaluation of qualifications. The ability to complete the project in a timely manner and maximizing the SITE's development potential, using creative design concepts will also be important factors in determining the most qualified submittal. APPLICANT shall also have a plan to encourage diversity in hiring, specifically for contractors and subcontractors. Finally, the County is providing a mix of funding sources for this project, which are listed

below. APPLICANT must familiarize themselves with the requirements associated with each of these funding sources, including State of Nevada American Rescue Plan Act (ARPA) funds which must be obligated by December 31, 2024 and expended by December 31, 2026. APPLICANT must pay wages not less than those prevailing under federal law commonly known as The Davis-Bacon Act and provide any and all documentation and information necessary to COUNTY to comply with any state and/or federal reporting requirements for the ARPA funds. 40 U.S.C. Ch. 30.

Apart from the acquisition of the SITE for the Project, APPLICANT is subject to all federal, state, and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices. If APPLICANT violates any conflict-of-interest law, the violation shall render the APPLICANT's APPLICATION as non-responsive and removed from any future consideration or be grounds for immediate termination of the DDA.

- APPLICANT must provide a design that includes at minimum 60, but no more than 88, units of housing, with a minimum of 30 units at 60% AMI and the balance at 80% AMI. The design must provide necessary parking and amenities commensurate with the needs of residents and services to support their needs. The project should clearly meet its target objective of providing service enriched, quality rental housing and architectural character and landscaping must be inviting, non-obtrusive and harmonious with neighboring properties. To the maximum extent feasible, the project should incorporate sustainability features including cutting-edge energy conservation, water smart landscaping, and renewable energy generation to offset project energy consumption.
- Since APPLICANT or a member of APPLICANT's team will also be the owner and manager of the housing portion of the project, APPLICANT must have experience managing affordable housing. APPLICANTS must demonstrate the experience, resources, and expertise needed to design, develop, and manage a successful affordable housing project.
- All units qualifying as affordable housing will include rent restrictions for the duration of the Period of Affordability. For households at or below 60% AMI, the initial monthly rent will be determined using the rent limits for the Low-Income Housing Tax Credit Program (LIHTC; 26 U.S.C. 42). LIHTC rents are maximum rents, adjusted for tenant paid utilities, based on the unit size and targeted income class. If HUD or other affordable housing financing is used, alternative rent restrictions may be considered.

## Project Funding

In addition to the grant of the COUNTY-owned land at no cost, which will remain as a permanent development subsidy, the following funding sources will be made available to the selected APPLICANT. These funding sources will be provided to fund the development costs of the project, as well as to fill the funding gaps that the project will have due to the requirement that housing unit rents will be restricted at 60% and 80% AMI. APPLICANTS will be evaluated, in part, based on the quality of the development APPLICATION submitted in relation to the development cost and amount of subsidy needed. APPLICANT must also demonstrate that they can comply with all requirements and guidelines associated with each of the funding sources, compliance with the requirements of the funding sources, with the terms of this document, and with the Funding Agreement will constitute the guidelines. APPLICANT should secure

additional financing to complete the project as proposed, beyond the funding sources provided with this APPLICATION.

- State of Nevada Home Means Nevada Initiative (HMNI) Funds: \$11,000,000. These funds are American Rescue Plan Act (ARPA) funds and must comply with the U.S. Treasury [Final Rule](#)<sup>1</sup>, including applicable provisions of 2 C.F.R. s.200. Based on direction from the State of Nevada, APPLICANT must pay wages not less than those prevailing under federal law commonly known as The Davis-Bacon Act and provide any and all documentation and information necessary to COUNTY to comply with any state and/or federal reporting requirements for the ARPA funds. 40 U.S.C. Ch. 30.
- COUNTY Funds: Up to \$15,000,000. These funds must comply with all the requirements outlined in this APPLICATION, as well as those that will be outlined in a funding agreement that will be executed with the chosen APPLICANT.
- HUD HOME funds: The City of North Las Vegas will commit \$500,000 in City HOME funds to the project. The selected APPLICANT must work with the City to meet their requirements to receive those funds.
- The County does not expect APPLICANT to apply for Low-Income Housing Tax Credits.

## Developer Fee

The allowable developer fee for this project may not exceed 15% total project cost excluding the developer fee. In addition, and as a part of this APPLICATION, APPLICANT should provide proposed general contractor fee, both in dollar amount and percent of construction contract excluding the fee; costs for contractor general conditions, liability insurance and payment/performance bond or letter of credit, both in dollar amount; and proposed developer costs, including but not limited to overhead, salaries and benefits, mark-ups or administrative fees for third party contracts, and other costs.

## Disposition and Development Agreement

The successful APPLICANT will be required to enter into a disposition and development agreement with COUNTY as a condition of the grant of the land from the COUNTY to APPLICANT. The disposition and development agreement may consist of one or more documents to set forth the terms of construction and operation of the development and the transfer of the property to the developer in fee, as determined appropriate to the accepted APPLICATION following negotiations. APPLICANT's APPLICATION, this APPLICATION, or portions thereof, may be referenced and become a part of the final disposition and development agreement. Approval by the BCC is required and may be final or tentative. Through deed restrictions and covenants, the DDA will ensure long-term affordability in accordance with the terms of the accepted APPLICATION; will ensure construction and operation consistent with land use planning; and will include cost recovery for lack of performance by the developer, and any assignees, should it default during construction or operation of the development. Construction default may occur if the developer fails to complete the project within time limits prescribed by the COUNTY or any other project funder. The

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<sup>1</sup> As a part of the U.S. Treasury Guidance, APPLICANTS should be sure to review the [U.S. Treasury's Affordable Housing How-To Guide](#) for ARPA funds.



developer should expect to hold COUNTY and their employees and officials harmless to the maximum extent possible for any and all damages, of whatever nature, associated with the project. COUNTY shall require full and complete security for any and all potential liability associated with the project. Such security may include, but need not be limited to, reverters, reversions, pre-executed quit claims deeds, deeds of trust, indemnification, liquidated damages, promissory notes, performance deposits, performance bonds, rights of reentry and repossession, warranties, options, earnest monies, insurance, confessions of judgment, and personal guarantees. The disposition and development agreement shall be subject to review and approval of the Clark County District Attorney's Office. At the end of the Affordability Period as outlined in the deed restrictions and covenants as well as the Funding Agreement, the COUNTY has the right of first refusal.

## Funding Agreement

The developer will enter into a funding agreement with the COUNTY as a condition of award and in addition to, or in combination with, the DDA. Approval by the COUNTY may be final or tentative, but in any event shall be subject to funding. Construction default may occur if the developer fails to complete the project within time limits prescribed. The developer will hold the COUNTY and its employees and officials harmless to the maximum extent possible for any and all damages, of whatever nature, associated with the project. The agreement shall be subject to review and approval of the Clark County District Attorney's Office.

COUNTY financial assistance will be provided in the form of a grant to the APPLICANT. COUNTY will require the funding to be secured by an acceptable Deed of Trust at the time of project funding. Additionally, because of the large subsidy being provided by the COUNTY and absent other funding sources, the Deed of Trust will include a covenant requiring the land to be used for affordable housing for 99 years. Further, COUNTY will require a Completion Guaranty, a Performance and Payment Guaranty, and/or a Replacement Reserve Guaranty. Funding will be awarded in an amount appropriate to the scope of a proposed project and the needs and resources of the applicant. COUNTY reserves the right to adjust the amount of funds awarded to a project, and to negotiate modifications to the proposed work plan and budget prior to executing a funding agreement. COUNTY'S financial assistance will also include a subaward of \$11M in ARPA funds from the State of Nevada – the funding agreement will include all terms and requirements from the State of Nevada and the U.S. Treasury that are associated with those funds.

Deed restrictions must be placed on the project to ensure affordability regarding income and rent limitations. COUNTY reserves the right to fund those projects which reflect the highest and best use of COUNTY funds, and also to place conditions on the APPLICANT awarded. COUNTY cannot advance COUNTY funding; APPLICANT must incur costs and request reimbursement. COUNTY funds can only be used for eligible costs incurred after a funding agreement has been fully executed.

Additionally, the funding agreement will require the awarded APPLICANT to provide progress reports to COUNTY on a quarterly basis after the COUNTY funding agreement has been executed regardless of whether the project is requesting reimbursement. APPLICANT's financial system must be capable of generating regular financial status reports which indicate the dollar amount allocated for each activity, including any budget revisions, the amount obligated, and the amount expended for each activity for each

funding source. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. At the end of the fiscal year the APPLICANT must submit beneficiary data on all projects completed during the preceding year and a report on all contractor activity. In addition, pursuant to the State of Nevada's requirements for use of the ARPA funding, the funding agreement will include the requirement that the APPLICANT pay wages not less than those prevailing under federal law commonly known as The Davis-Bacon Act and provide any and all documentation and information necessary to COUNTY to comply with any state and/or federal reporting requirements for the ARPA funds during the construction of the project. 40 U.S.C. Ch. 30.

Awarded APPLICANT must provide to COUNTY a certified statement of Final Development Costs prepared by an independent third-party certified public accountant. The certification will include:

- A report of all expenditures, costs, and disposition of all development and all COUNTY funds.
- A summary report of all work completed by budget category.
- A certification that funds provided by the COUNTY were used in accordance with the funding agreement governing those funds, including but not limited to certification that all laborers and mechanics employed by APPLICANT, APPLICANT's contractors, and APPLICANT's subcontractors in the performance of such project are/were paid wages at rates not less than those prevailing under federal law for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Nevada in which the work is/was to be performed.
- The signature of the recipient's Executive Director (or equivalent) or designated representative certifying that the information provided on the Final Cost Certification is a true and accurate statement of Total Development Costs and expenditures of COUNTY funds for the development.
- Project photographs showing the work completed under the COUNTY funding agreement.

## Period of Affordability

The COUNTY will require 99 years as the period for which all of the housing units must remain in use for affordable housing. The period of affordability shall commence upon the issuance of a certificate of occupancy or its equivalent.

## Selection Process

The APPLICATIONS may be reviewed individually by staff members through an ad hoc committee to assist the Community Housing Administrator. The finalists may be requested to provide the COUNTY a presentation and/or an oral interview. COUNTY will select an APPLICATION for award based on the factors identified below. COUNTY may make awards based on objective and/or subjective evaluation criteria, and selection will be based on which APPLICATION the COUNTY deems best suited to fulfill the requirements of this solicitation. COUNTY also may choose not to make an award if it determines an APPLICATION does not fully meet the requirements of this solicitation. The Board of County Commissioners will make the final decision on the award. The grant of HOME funds from the City of North Las Vegas is subject to City Council approval, entering into a funding agreement with the City of North Las Vegas, and meeting the City's requirements and conditions of approval. Each APPLICANT will be notified, via email, of the results of the review.

COUNTY reserves the right to request additional information, after APPLICATION, as may be necessary to adequately assess each response.

## Evaluation Criteria

The following criteria will be used for scoring the responses to the APPLICATION and to determine a qualified APPLICANT.

- Multi-family housing development experience.
- Financial capacity.
- Quality of proposed development including construction materials and design elements.
- Feasibility of proposed budget, proforma, and financing.
- Affordable housing development and management experience, preference will be given to an organization whose mission includes the development and management of affordable housing.
- Construction timeline and ability of APPLICANT to meet expenditure deadlines and provide supporting documentation and information to comply with the reporting requirements for ARPA funds.
- Leverage and best use of COUNTY subsidy.
- Environmental Sustainability of project including low energy and water use, and optional provision of renewable energy.
- Organizational diversity, diversity of development and construction team, hiring plan and proposed affirmative marketing strategies.

## Submittal Requirements

- a. **Cover letter:** Submit a signed cover letter introducing the development team, highlighting the proposed project concept and identifying any concerns about meeting any of the requirements of this APPLICATION. In the letter specify the legal form of your organization (e.g. corporation, partnership, joint venture, other).
- b. **Development Team Qualifications and Relevant Experience.** Please include the following items to assess whether an Applicant meets the minimum qualifications outlined above:
  1. A list of all members of the development team including APPLICANT, architects, engineers, contractors, financial or equity partners, lenders, service providers, and any other known participating APPLICANT entities. If development team includes a partnership between two organizations, please also include a partnership or joint venture agreement. If APPLICANT is a non-profit whose mission includes the development and/or management of affordable housing, include documentation of the mission and legal organization;
  2. Relevant experience for each team member with a description of their previous projects and their roles in the referenced projects;
  3. Describe APPLICANT's experience in developing, owning and managing affordable housing;
  4. Provide a project list and include the following details for each:
    - The precise role that APPLICANT and principals of APPLICANT played in each project's development;
    - Project description including dates of commencement/completion, location, concept, other land uses, size, and cost;
    - Financial structure of the project, including amount and source of equity and debt financing;

- Architecture, landscape design, and photographs of the project;
  - Length of time to complete project; and
- c. **Description of the Project:** A narrative description of the proposal will include:
1. The layout, size, and information describing the proposed character and quality of the development; and
  2. Conceptual details of any public/community amenities, and/or public art.
- d. **Schedule of Performance:** A proposed schedule of performance indicating key milestones of development of the proposed project commencing with the execution of the DDA, including preparation of concept drawings and working drawings, the predevelopment, land use entitlements, financing, design, construction activities, and lease up. **The schedule must also include the date the project elements planned to be funded with the provided \$11M in ARPA funds will be completed; as those funds must be expended by December 31, 2026, at the latest. Please provide a narrative explaining what portion of the project APPLICANT will plan to fund through ARPA dollars, and how APPLICANT will ensure that those funds will be expended by the U.S. Treasury deadline; include a discussion of the APPLICANTS available capacity to ensure the deadline is met.**
- e. **Organizational Capacity:** Please list staff assigned to this project and outline their capacity. Please tell us other projects (in general terms, please don't provide project or client names) that each staff assigned to this project is also working on, and the portion of their time available for those projects as well as this one.
- f. **Site Plan and Architecturals:** All drawings are to be to scale, in sufficient detail, clear hard-line work with all dimensions, materials, and other notes clearly legible at 11x17-inch paper size. Any renderings submitted must be in color. Ground floor must show entries, windows, driveway entrances, urban open space areas, sidewalks and street trees. Include color elevations and a minimum of two cross sections through the most informative portions including all major elements and vertical dimensions. If APPLICANT will use drawings and site plan provided by the COUNTY, please submit a certification saying that.
- g. **Preliminary Budget and Proforma:** The proposal must include a detailed preliminary budget including a 20-year project proforma. APPLICANT's budget must show the associated sources and uses as a part of the budget. APPLICANTS should indicate in their budget the needed amount of subsidy from the COUNTY; however, APPLICATIONS will be scored on the most efficient use of COUNTY funds to accomplish the goals outlined in this APPLICATION. The APPLICANT must use the COUNTY's Financial Feasibility Spreadsheet (provided in ZoomGrants), filled out in its entirety.
- h. **Proposed Business Terms:** APPLICANT shall clearly specify the following key business terms in their proposal:
1. Proposed general contractor fee, both in dollar amount and percent of construction contract excluding the fee.
  2. Costs for contractor general conditions, liability insurance and payment/performance bond or letter of credit, both in dollar amount.
  3. Proposed developer fee, both the dollar amount and percent of total development costs excluding the fee (shall not exceed 15%).
  4. Other proposed Developer costs, including but not limited to overhead, salaries and benefits, mark-ups or administrative fees for third party contracts, and other costs.
- i. **Financial Capacity of APPLICANT:** Funding sources provided by COUNTY shall be paid on a

reimbursement basis. APPLICANT shall show a demonstrated ability to finance the project proposed on commercially reasonable terms from financial institutions, including reference letters from two third-party lenders or investors.

- j. **Audited Financial Statements:** APPLICANTS must submit three years' corporate audited financial statements and current year-to-date unaudited financials. In the event APPLICANT does not maintain audited financial statements, unaudited statements of financial condition will be accepted, if accompanied by the signed certification (provided in ZoomGrants) attesting that such unaudited financial statements reflect an accurate and complete statement of APPLICANT'S assets and liabilities, statements of operations, cash flow, income and expense for each year reported.
- k. **Business license:** APPLICANT must possess a valid State of Nevada and Clark County Business License, as well as a NV Secretary of State Verification of Good Standing (if APPLICANT is from another State, please provide the equivalent from your State). If APPLICANT does not have business licenses at time of submission, they may provide proof that they have applied or will apply prior to project closing.
- l. **Diversity and Fair Housing:** APPLICANT should provide:
  - 1. A summary of their organization's discrimination policies; diversity, equity, and inclusion strategy; as well as any specific policies or programming to promote diversity in the workplace and on the organization's governing board.
  - 2. Provide a copy of any written and enforceable policies.
  - 3. APPLICANT must create a plan, that they intend to carry out, to encourage diversity in hiring, specifically for contractor and subcontractors; alternatively APPLICANT may complete HUD's [form 2516](#).
  - 4. APPLICANT must fill out HUD's Affirmative Fair Housing Marketing Plan.
- m. **Workforce Continuity Plan:** Pursuant to ARPA requirements<sup>2</sup>, APPLICANT must provide a project workforce continuity plan, detailing: How the APPLICANT will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training; how the APPLICANT will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; how the APPLICANT will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30); whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; whether the project has completed a project labor agreement; and whether the project prioritizes local hires.

## Submittal Instructions

COUNTY is using ZoomGrants to collect APPLICATIONs. All APPLICATIONs are to be submitted via ZoomGrants no later than 5p.m. PST on May 5, 2023. You must log in to ZoomGrants, complete all the information requested, and upload each of the items requested above into the Documents section of ZoomGrants.

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<sup>2</sup> <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>

To access the APPLICATION, please use this link:

<https://www.zoomgrants.com/zgf/ClarkCountyMicrobusinessParkHousing>

### **ZoomGrants Instructions**

All responses submitted must be the original work product of APPLICANT. The copying, paraphrasing or otherwise use of a substantial portion of the work product of another APPLICANT is not permitted.

The ZoomGrants portal for this APPLICATION is divided into the Summary and Documents tabs. There is also a Library that includes downloadable documents (including this one) that should be reviewed in conjunction with this APPLICATION. This Library is viewable when working in any of the tabs.

For questions specifically on the functioning of the ZoomGrants APPLICATION email [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov). Please include in the subject line "Microbusiness ZoomGrants Assistance"

### **Library Contents**

Example Site Plan and Architectural Drawings

Geotechnical Report

Phase 1 Environmental Site Assessment

[U.S. Treasury Guidance and Final Rule](#)

[U.S. Treasury's Affordable Housing How-To Guide](#) for ARPA funds

[ARPA SLFRF Compliance and Reporting Guidance](#)

Copy of this document: Guidelines and Application Instructions, Development of Affordable Housing, Microbusiness Park Site

### **Summary**

This section asks for APPLICANT information. Identify the lead APPLICANT entity's name, street address, mailing address (if different), telephone number, and e-mail address. Specify the legal form of the organization (e.g., corporation, partnership, joint venture, other), and identify the principal point of contact for APPLICANT as well as any other persons with the authority to represent and make legally binding commitments for APPLICANT.

### **Documents**

The DOCUMENTS Section is where APPLICANTS upload the documents required or requested. If a downloadable template is available, it will appear as a hyperlink below the document title. Download, complete then upload under the same document title. Document titles without a downloadable template are for uploading documents requested in the APPLICATION. The list of items in the Documents section corresponds to the list of Submittal Requirements above.

### **Contact with COUNTY during process**

Communication between an APPLICANT and a member of the BCC or between an APPLICANT and a non-designated staff person regarding the selection of an APPLICANT is prohibited from the time the solicitation is advertised until the item is posted on an agenda identifying the selected APPLICANT. Questions pertaining to this solicitation shall be addressed to the Designated Contact specified herein.

Failure of an APPLICANT, or any of its representatives, to comply with this paragraph may result in their APPLICATION being rejected.

## Withdrawal of APPLICATION

APPLICANT may request withdrawal of APPLICATION at any time, provided the request for withdrawal is submitted to COUNTY in writing. After the withdrawal of an APPLICATION, an APPLICANT may resubmit prior to the closing date. No withdrawn APPLICATIONs may be resubmitted or revised after the closing date of the APPLICATION.

## Rejection of APPLICATION

COUNTY reserves the right to reject any or all APPLICATIONs made in response to the APPLICATION, to advertise for new requests for APPLICATIONs, and to accept any additional APPLICATIONs deemed to be in the best interests of COUNTY. Acceptance of any APPLICATION should not be construed as an agreement or entitlement nor shall it indicate any commitment on the part of COUNTY for any future action.

## APPLICATION Costs

There shall be no obligation for COUNTY to compensate APPLICANT for any costs of responding to this APPLICATION.

## Alternate APPLICATIONs

Alternate APPLICATIONs are defined as those that do not meet the minimum requirements of this solicitation. Alternate APPLICATIONs will not be considered.

## Revisions and Interpretations

If it becomes necessary to revise any part of the APPLICATION, a written revision will be requested by COUNTY. COUNTY is not bound by any specifications by COUNTY'S employees, unless such clarification or change is provided to APPLICANTS in a written revision from authorized COUNTY representatives.

## Public Process

It is the intent of COUNTY through this APPLICATION to provide the general public with full and complete notice of COUNTY'S intent to develop affordable for-sale housing. This entails soliciting and selecting a qualified developer/homebuilder to construct an affordable for-sale housing development. The public notice procedures were developed in consideration of Nevada State Law, including but not limited to those suggested by NRS 244.281 - and in consideration of HUD requirements to administer and enforce title VIII of the Civil Rights Act of 1968, as amended for the Fair Housing Amendments Act of 1988 (the Fair Housing Act) so as not to discriminate against affordable housing.

This APPLICATION is not a commitment or offer by COUNTY to select any specific APPLICANT, enter into a Development and Lease Agreement with any APPLICANT, or to pay any cost incurred in the preparation of a response to this APPLICATION. The APPLICATION and the selected APPLICANT'S response may, by reference, become a part of the final DDA between the selected APPLICANT and COUNTY resulting from this APPLICATION. COUNTY has the sole discretion and reserves the right to reject any and all responses received with respect to this APPLICATION and to cancel the APPLICATION at any time prior to entering

into a formal DDA. All responses will be made available for public review after the award of a DDA with the exception of applicant audited records that have been requested by APPLICANT and approved by COUNTY to be kept confidential pursuant to the Public Records Section of this document. APPLICATIONS deemed incomplete in COUNTY's sole discretion may be rejected for review.

The APPLICANT may take exception to or suggest deviations from any portion of this APPLICATION. Exceptions and deviations shall be noted in the appropriate section(s) of the APPLICATION and shall adequately and concisely describe its advantages and/or other reasons for which it is proposed. APPLICANTS are advised that any exceptions contained in the APPLICATION are by itself a sufficient basis for any decision by COUNTY not to select the APPLICATION.

COUNTY reserves the right to reasonably request additional information or clarification of information provided in the APPLICATION without changing the terms of the solicitation.

## Public Records

COUNTY is a public agency as defined by state law, and as such, it is subject to the Nevada Public Records Law (Chapter 239 of the Nevada Revised Statutes). Under that law, all of the COUNTY'S records are public records, unless otherwise declared by law to be confidential, and are subject to inspection and copying by any person. APPLICANT is advised that once an APPLICATION is received by the COUNTY, its contents will become a public record and nothing contained in the APPLICATION will be deemed to be confidential except proprietary information. APPLICANT shall not include any information in its APPLICATION that is proprietary in nature or that it would not want to be released to the public. APPLICATIONS must contain sufficient information to be evaluated. The funding agreement will be written without reference to any proprietary information. If APPLICANT feels that it cannot submit its APPLICATION without including proprietary information, it must adhere to the following procedure, or its APPLICATION may be deemed unresponsive and will not be recommended to the BCC for selection.

If APPLICANT needs to submit proprietary information, please send an email labeled "Proprietary Information" referencing the project's name to the COUNTY'S contact. This email must contain a letter from APPLICANT's legal counsel describing the proprietary information in the documents, representing in good faith that the information in each document meets the narrow definitions of proprietary information set forth in NRS 332.025, 332.061 and NRS Chapter 600A, and briefly stating the reasons why each document meets the said definitions.

Upon receipt of a APPLICATION accompanied by such a separate email, COUNTY will open the email to determine whether the procedure described above has been followed. Any information submitted pursuant to the above procedure will be used by COUNTY only for the purposes of evaluating APPLICATIONS and conducting negotiations. If a lawsuit or other court action is initiated to obtain proprietary information, an APPLICANT who submits the proprietary information according to the above procedure must have legal counsel intervene in the court action and defend the secrecy of the information. Failure to do so shall be deemed APPLICANT's consent to the disclosure of the information by the COUNTY, APPLICANT's waiver of claims for wrongful disclosure by COUNTY, and APPLICANT's covenant not to sue COUNTY for such a disclosure.

By submitting proprietary information, in consideration of the terms related hereto, the APPLICANT also agrees to fully indemnify COUNTY if COUNTY is assessed any fine, judgment, court cost or attorney's fees



as a result of a challenge to the designation of information as proprietary. In the event that COUNTY incurs any expenses in this regard, it shall have a right to charge said expenses made in good faith to APPLICANT. An itemized statement of expenses shall be prima facie evidence of the fact and extent of the liability of APPLICANT.

If COUNTY determines that a document designated by APPLICANT as "confidential" or "trade secret" is not entitled to protection from public disclosure, COUNTY will provide notice of that determination to the contact person designated by the APPLICANT in any reasonable manner that COUNTY can provide such notice, at least five business days prior to public disclosure of the document. If APPLICANT does not designate anyone to receive such notice, COUNTY will not have any obligation to provide any notice of a determination of non-confidentiality. If APPLICANT does not designate anyone to receive such notice or, if within five business days after the designated person receives such notice, APPLICANT does not initiate judicial proceeding to protect the confidentiality of the document, COUNTY will not have any obligation to withhold the document from public disclosure.

## Collusion and Advance Disclosures

Consistent with NRS 332.820, evidence of collusion among APPLICANTS and prospective APPLICANTS acting to restrain freedom of competition may void APPLICATIONS.

Advance disclosures of any information to any particular APPLICANT that gives that APPLICANT any advantage over any other interested APPLICANT, in advance of submission of the APPLICATION, whether in response to advertising or an informal APPLICATIONs, made or permitted by a member of the BCC or an employee or representative thereof, may operate to void all APPLICATIONs received in response to this solicitation. APPLICANT shall not offer any gratuities, favors, or anything of monetary value to any official or employee of COUNTY, the BCC or any official conducting the screening of solicitation responses, or any other organization that may have a clear interest in the outcome of the screening process for the purpose of influencing the outcome of the solicitation response selection process. APPLICANT shall not collude in any manner or engage in any practices with any other APPLICANT that may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction may cause the APPLICANT's APPLICATION to be rejected by COUNTY.

## Certifications

APPLICANT must agree to the following, and complete the associated certifications in ZoomGrants. If APPLICANT is unable to certify that all of the following statements are true, APPLICANT should upload an explanation in the Document Section of this APPLICATION:

### **Conflict of Interest**

APPLICANT and PRINCIPALS, by submitting this APPLICATION, understand and agree that COUNTY will consider that a conflict exists whenever any party to a transaction has a financial or family relationship or a professional or business affiliation with any other party to the transaction. The following list may not be all inclusive but is considered to be representative of some of the more typical conflicts of interest:

1. APPLICANT or principals of APPLICANT are related to any Clark County employee or employee's spouse or County elected official or spouse of any County elected official who is involved in the processing of, or decision making on, the subject APPLICATION request.

2. APPLICANT or principals of APPLICANT have any business relationship with any Clark County employee or employee's spouse, or County elected official or spouse of any County elected official, who is involved in the processing of, or decision making on, the subject proposal request.
3. APPLICANT is aware of any other circumstances that may be a conflict of interest through the acquisition of the property or other matters.

For the purposes of #1 through #3:

"Related" means a spouse or relative, i.e., parent, grandparent, brother, sister, brother-in-law, sister-in-law, child, grandchild, aunt, uncle, nephew, or niece.

"Business Relationship" means a direct interest with either a Clark County employee or their spouse, or an entity that the employee or their spouse has a substantial financial interest in.

"Principals" means owner, partners, joint venture, persons with controlling authority, officers, etc.

APPLICANT and PRINCIPALS certify, by submitting this APPLICATION and except as disclosed above, there is not now, nor will there be, a conflict of interest under circumstances described in statements 1 through 3 without the prior written consent of COUNTY.

Whereas, APPLICANT understands it is necessary that certain conditions be met as part of the APPLICATION requirements.

Therefore, APPLICANT certifies as follows:

1. APPLICANT is eligible for award under federal and/or local statute and program guidelines and agrees to comply with all applicable federal, state, and local regulations in the event that this APPLICATION is selected for funding.
2. APPLICANT certifies that all known and anticipated sources of government assistance associated with this APPLICATION have been fully disclosed herein.
3. APPLICANT is prepared and has the authority within its charter, by-laws, or through statutory regulations to enter into a contractual agreement with Clark County.
4. APPLICANT agrees and allows the release of any and all information submitted to Clark County in regard to the representations made within this APPLICATION unless deemed to be proprietary.
5. APPLICANT, being duly authorized, certifies that the foregoing information, to the best of his/her knowledge, is true, complete and accurately described the proposed project.

### **Debarment**

By submission of this APPLICATION, APPLICANT certifies that neither it, nor any of its principals, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any requests for APPLICATION, invitations to bid, contracts, or agreements by any federal, state, county, or other government department of agency.

### **Bankruptcies, Pending Litigation, or Unfavorable Judgements**

APPLICANT certifies that there have been no bankruptcies, pending litigation or unfavorable judgments in last 10 years of any principal of the APPLICANT's firm providing financial guarantees to construction lenders and/or investors, whether in the current organization or a prior organization where they served as a principal of APPLICANT must upload to this APPLICATION a complete description of any and all

bankruptcies, unfavorable judgments and/or pending lawsuits involving themselves or any entity in which they have been or are now involved over the last ten years.

**Financial Statements**

In the event APPLICANT does not maintain audited financial statements, APPLICANT certifies that any unaudited statement of financial condition of their entity submitted with this APPLICATION reflects an accurate and complete statement of APPLICANT's assets and liabilities, net worth, restricted and unrestricted cash, statements of operations, cash flow, income and expense for each year reported.