

HUD reports). A detailed explanation of these costs is provided in the OMB circulars that can be accessed at the White House Web site at: <http://www.whitehouse.gov/omb/circulars/index.html>.

Examples of Eligible Activities include, but are not limited to:

(a) Small business assistance center operated by the institution or renovation of the facility in which the center is located;

(b) New gymnasium solely for students, but that offers some physical education classes or other activities in the evening to the larger community;

(c) Rehabilitation of a student union building that would also serve as a community meeting facility, with the community helping to plan the renovations and also helping to operate additional activities;

(d) Equipping the university's computer lab where the larger community helped the institution identify the equipment needs and also help in implementing workshops, etc.;

(e) Development of a facility that is solely for the institution (e.g., a dormitory or administration building); and

(f) Long-term leases of property (i.e., at least five years in duration are considered an acceptable form of ownership under this program).

(D) Ineligible Activities

Activities ineligible for funding under this program include, but are not limited to the following:

(a) Renovation of a facility/center in which the facility/center is not used at least 51% of the time by the institution.

(b) Rental space to another entity that operates a small business assistance center;

(c) Institution proposes to build a new gymnasium, where the majority of the activities are for non-students, or the activities are primarily run by an outside entity.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, applicants must meet the following program requirements:

(1) All funds awarded under this program must be spent over a three-year (36 months) grant performance period.

(2) While community-wide use of a facility (that is purchased, leased, or built) is permissible under this program, the facility must be predominantly for the use of the institution (i.e., it must be used by the institution at least 51% of the time).

(3) Applicants that claim leveraging from any source, including their own

institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of commitment of leveraging from other federal (e.g., Bureau of Indian Affairs), state, Indian housing authorities, local, tribes, and/or other private sources (including the applicant's own resources). These documents must be dated no earlier than the date of this published NOFA and follow the outline provided for these programs in Section V, Factor 4 of this NOFA.

(4) If a TCU is a part or instrumentality of a tribe, the applicant must comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*). If the TCU is not a part or instrumentality of a tribe the applicant must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and Section 109 of Title One of the Housing and Community Development Act of 1974, as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6;

(5) Labor Standards. Institutions and their subgrantees, contractors and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603. However, in accordance with HCDA section 107(e)(2), the Secretary waives the provisions of HCDA section 110 with respect to the TCUP program for grants to a TCU that is part of a tribe, i.e., a TCU that is legally a department or other part of a tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If a TCU is not part of a tribe, the labor standards of HCDA section 110, as referenced in 24 CFR 570.603, apply to activities under the grant to the TCU.

V. Application Selection Process

Two types of reviews will be conducted:

(1) A threshold review to determine an applicant's eligibility; and

(2) A technical review for all applications that pass the threshold review to rate and rank the application based on the "Factors for Award" rating factors listed for each program in Section V(B) below.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

(A) Threshold Requirements for Funding Consideration

All applicants must be in compliance with the threshold requirements as defined in the General Section of this SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

(1) The applicant is eligible as referenced in Section III, "Program Description, Eligible Applicants; Eligible Activities in this NOFA."

(2) The maximum amount a TCUP applicant can request for award is \$400,000.

(3) Funds awarded under this program may not be used for public services, as defined in 24 CFR part 570, subpart C, § 570.201(e).

(4) Only one application is eligible for funding from an institution or campus. However, an individual campus that is one of several campuses of the same institution may apply separately from the other campus as long as the applicant's campus has a separate administrative and budget structure.

(5) Institutions that received grants in FY 2002 are not eligible to submit an application

(B) Factors for Award Used To Evaluate and Rate Applications.

The factors for evaluating, rating, and ranking an application and the maximum points for each factor are listed below. Applications must receive a minimum of 75 out of the total possible points to be considered for funding. The maximum number of points available under this program is 100. The RC/EZ/EC bonus points do not apply to this program as described in the General Section of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the proposal demonstrates the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kind of activities/projects for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience