CPC CLIMATE CAPITAL LLC
REQUEST FOR PROPOSALS OF INVESTMENT VEHICLES OR STRUCTURES FROM FINANCIAL INSTITUTIONS

RELEASE DATE: July 17, 2025

INITIAL PROPOSAL DUE DATE: August 18, 2025 (rolling submissions thereafter)

Contents

1. General Information

1.1 Opportunity and Objectives

In order to mobilize private capital and extend its impact, CPC Climate Capital ("CPC CC") is seeking proposals from qualified financial institutions for investment structures or vehicles designed to catalyze investment in decarbonization and resilience in multifamily housing. CPC CC seeks investment structures or vehicles that finance these decarbonization and resilience upgrades at a national scale and will prioritize investments in affordable, workforce, or mixed-income housing. These objectives will be referred to as the "CPC CC Objectives" for the purposes of this RFP.

Proposals received by the initial deadline will be prioritized for review and evaluation. This Request for Proposals ("RFP") will remain open on a rolling basis and proposals will be reviewed periodically until the solicitation is closed.

Proposals must be submitted electronically and will be evaluated as set forth in Section 3 below.

1.2 Background

CPC Climate Capital is a subsidiary of the Community Preservation Corporation ("CPC"). CPC is the largest Community Development Financial Institution (CDFI) in the nation solely focused on investing in multifamily housing and has a 17-year history as an industry leader in the financing of sustainable, energy efficient multifamily affordable and workforce housing. It provides innovative financing solutions for new construction and retrofits that support high-performance multifamily housing. CPC CC seeks to support increased lending for new construction and retrofits that support high-performance multifamily housing in communities nationwide. Its goal is to make housing more energy efficient, more resilient to natural hazard events and rising insurance costs, and healthier for residents

CPC Climate Capital is also a subrecipient of an award under the Environmental Protection Agency's (EPA) National Clean Investment Fund ("NCIF") grant competition of the Greenhouse Gas Reduction Fund ("GGRF"). CPC Climate Capital received a $2.4 billion subaward to support the transformation of the multifamily housing market.

The NCIF is a provision of the Inflation Reduction Act focused on ensuring the clean energy transition brings direct, tangible benefits to all Americans – with a focus on low-income and disadvantaged communities. It has three program objectives: 1) reduce greenhouse gas ("GHG") emissions and other forms of air pollutants, 2) bring direct benefits to American communities in the form of energy security, energy savings, cleaner air, and quality jobs, and 3) transform the capital markets so they can drive an equitable clean energy transition at scale.

The NCIF program delineates three distinct Priority Project Categories: (1) Distributed Energy Generation and Storage, (2) Net-Zero Emissions Buildings, and (3) Zero Emissions Transportation. CPC Climate Capital is focused on carrying out activities that qualify as Net-Zero Emissions Buildings, specifically those that serve multifamily housing. The program defines Net-Zero Emissions Buildings as projects, activities, and technologies that either (1) retrofit existing buildings, making a substantial contribution to those buildings becoming net-zero emitters and as part of a plan for achieving net-zero emissions over time, or (2) construct new net-zero emissions buildings in a Low-Income and Disadvantaged Community ("LIDAC").

CPC Climate Capital is a coalition partner of Climate United Fund ("CUF"), the non-profit awardee under NCIF. The Climate United Fund Coalition ("CUF Coalition") is collectively made up by three non-profit organizations, CUF, CPC CC, and Self-Help Climate Capital. To learn more about the CU Coalition and approach, please visit www.weareclimateunited.org.

The CUF Coalition outlined the following goals ("CUF Coalition Goals") with its $6.97B award:

- Climate and Air Pollution Benefits: the CUF Coalition is targeting GHG emissions reductions or avoidance of 11 million MT CO_2e in the first five years of investment.
- Equity and Community Benefits: The CUF Coalition will make at least 60% of its investments in LIDACs, 20% of its investments in rural communities, and 10% of its investments in Tribal communities.
- Capital Mobilization: The CUF Coalition will mobilize up to $21B of private capital.

1.3 Purpose

Under this RFP, CPC CC is seeking proposals from qualified partners for investment structures or vehicles that can be developed and used to facilitate investment in decarbonization and climate resilience in multifamily housing. CPC CC's participation in the proposed financial transaction structures or investment vehicles may include but are not limited to the following forms: (1) equity investments; (2) loan purchases; and (3) other forms of investments in financial intermediary investment vehicles. The proposal must include strong financial additionality, rigorous compliance and impact reporting frameworks, and demonstrate the ability to scale national decarbonization and resilience efforts.

1.4 Operating Assumptions

Recognizing the dynamic nature of the federal funding landscape, including the current freeze of CPC CC's award under NICF, we are soliciting proposals of investment vehicles or structures that would be viable under both of the following scenarios:

- Funding deployed is only from non-NCIF capital sources.
- Funding deployed represents a combination of NCIF funds and funding from other capital sources

Proposers should only provide a single proposal for an investment vehicle or structure that could be tailored to work under either scenario; however, CPC CC would expect that the scenario involving the deployment of NCIF funds will result in different investment terms and target transactions.

1.5 No Guarantee:

CPC CC is not committed to any course of action due to its issuance of this RFP and/or receipt of information from any Proposers in response to it. The issuance of this RFP does not imply that CPC CC is making an offer to conduct, expand, or terminate business with any Proposer. CPC CC reserves the right to accept a complete response, or portion thereof, to accept multiple responses, or to accept none of the responses. The preparation and submission of a response does not commit CPC CC to award the business to any Proposer even if all the requirements are met. All costs associated with preparing Proposer's proposal in response to this RFP and for providing any additional information requested by CPC CC to facilitate the evaluation process are the sole responsibility of Proposer and will not be reimbursed by CPC CC.

2. Eligible Proposals for Investments

2.1 Qualified Project Requirements

Under this RFP, CPC CC is evaluating and selecting investment vehicles through which qualified investment(s) can be made to meet the goals of CPC CC in carrying out the objectives described herein as well as its various obligations regarding its use of NCIF grant funds, if funds were to become available at a future date.

If NCIF funds were to be deployed into the structure, all proposed investment vehicles or structures must meet the following six criteria as well as be located within the United States. By meeting these requirements, CPC CC can ensure that the vehicle or structure itself is able to meet NCIF Qualified Project requirements.

1. The project, activity, or technology reduces or avoids GHG emissions, or assists communities in their efforts to deploy projects, activities, or technologies that reduce or avoid such emissions;
2. The project, activity, or technology reduces or avoids air pollution emissions, or assists communities in their efforts to deploy projects, activities, or technologies that reduce or avoid such emissions;
3. The project, activity, or technology delivers additional benefits in the categories of climate change; clean energy and energy efficiency; clean transportation; affordable and sustainable housing; training and workforce development; remediation and reduction of legacy pollution; and development of critical clean water infrastructure;
4. The project, activity, or technology may not have otherwise been financed;
5. The project, activity, or technology would mobilize private capital; and
6. The project, activity, or technology would support only commercial technologies.

Equity investments and loan purchases are considered acquisitions of intangible property under NCIF program requirements. Since CPC CC may elect to deploy NCIF funds into the potential investment structures or vehicles selected through this RFP, it is issuing this solicitation in adherence with the requirements set forth in 2 CFR 200.317 *et seq*; EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment; and all other applicable requirements.

2.2 Allowable Types of Financial Products and Investments under Investment Vehicle/Structure

CPC CC is providing an overview of the types of financial products or transaction types that are considered allowable types of financial assistance under NCIF below. Any investment vehicle or structure proposed must only propose the deployment of funds into these types of financial products or transaction types.

Financial Product or Transaction Type	Indicative Term Bands
Senior Debt Instruments	Senior debt instruments include loans, partially forgivable loans, forgivable loans, loans paired with interest rate buydowns, secured and unsecured loans, lines of credit, warehouse lending, and other debt instruments. Typically, senior debt loans should be amenable to standardization and securitization, and to otherwise facilitate recycling and allow balance sheet and off-balance sheet leverage.
Junior Debt Instruments	Junior debt instruments include subordinated debt and subordinated versions of senior debt instruments. Junior debt instruments can be partially or wholly payment-in-kind, can be non-amortizing, and can be prepayable. These instruments are intended to catalyze bank loans or other private sector senior debt in a project or business, while being higher risk than senior debt, but less risky than equity.
Credit Enhancements	Credit enhancements include instruments such as loan guarantees, loan guarantee funds (whether full or partial), loan loss reserves, and other credit enhancement instruments. The terms for these products are highly dependent on counterparties, CGC's internal risk assessment, and the underlying investment opportunity. Generally, these arrangements will entail a guarantor compensating a lender for financial losses under specific circumstances. The guarantor can use its balance sheet for the benefit of a lender without expending any capital until the guarantee is called. Terms depend on the applicable requirements but the guarantor is typically compensated for the risk they are taking; preference for catalyzing investments in the short-term and recycling funds back to support other initiatives once no longer required.
Equity Investments	Equity investments include equity project finance investments, private equity investments, and other equity instruments. Investment terms tailormade to the needs and financial position of a project or business. Typically, entailing participating preferred stock with identified path to exit, and can provide capital to high impact projects or businesses when collateral and other requirements of lenders are not present.
Loan Purchases	Loan purchasing programs that result in emissions reductions, support resiliency, drive investments in low-income and disadvantaged communities, and mobilize private capital.
Financial Intermediary Investment Vehicles	In lieu of directly offering financial products to projects, the financial products can provide capital reserves or make investments in financial intermediaries (such as lenders and investment vehicles) that will in-turn make follow-on investments into Projects the meet the CPC CC Objectives. Such

	investment opportunities will be evaluated on a case-by-case basis and pursuant to the criteria outlined in this RFP, including their ability to maximize' CPC CC's climate, equity, and capital mobilization objectives, and, as applicable the Qualified Project criteria.
Other Investment Types	Other investment types, including senior debt instruments, junior debt instruments, credit enhancements, hybrid investments (such as mezzanine debt (possibly with warrants), preferred equity, and other hybrid instruments), as well as other proposed financial products not captured by the categories detailed above, will be considered on a case-by-case basis and pursuant to the criteria outlined in this RFP, including their ability to maximize' CPC CC's climate, equity, and capital mobilization objectives, and, as applicable, the Qualified Project criteria.

2.3 Impact Objectives

Proposer must identify projected impact and targets related to the CPC CC Objectives feasible under current market conditions.

Despite the freeze on GGRF funding, CPC CC is continuing to drive impact consistent with the GGRF Program Objectives (the "GGRF Program Objectives") outlined below. Therefore, proposals must articulate how they align with the GGRF Program Objectives listed below and CPC CC Objectives.

GGRF Program Objectives: 1) reduce or avoid emissions of GHGs and other air pollutants; 2) deliver benefits of GHG- and air pollution-reducing projects to American communities, particularly LIDACs; and 3) mobilize financing and private capital to stimulate additional deployment of GHG- and air pollution-reducing projects.

2.4 Classifying Community Investments

The Proposer must confirm that the proposed vehicle or structure will be able to support documentation and tracking if funded investments serve certain target communities related to the CUF Coalition's stated goals in Section 1.2 (*Background*). Please see the NCIF definitions of the terms 'LIDAC,' 'Tribal,' and 'Rural' included in the *Appendix* for more information. The Proposer should also provide additional approaches to classifying investments as assisting affordable, workforce, or mixed-income housing.

3. RFP Guidelines

3.1 Evaluation Criteria

All submissions will first be evaluated for responsiveness. A responsive proposal will be one that conforms to the requirements of this RFP. Submissions deemed incomplete or that do not meet the requirements of the RFP may be deemed non-responsive and not be promoted to the technical evaluation phase nor considered for an award under this RFP.

All responsive submissions will be evaluated and awarded based on consideration of the criteria laid out below.

Strategy, Qualifications, and Experience	Proposer's strategy, qualifications, and experience, including their ability to execute on and manage the underlying investments and mitigate any execution risks.
Investment Terms and Financial Criteria	Proposed investment terms, and whether they align with CPC CC's investment criteria and financial metrics.
Legal and Operational Readiness	Proposer should outline the current status of the investment vehicle/structure and outline any steps (and associated timeframes) for the entity to be ready to receive equity contributions or other forms of investment and to deploy capital.
Investment Impact	Proposer's ability to deliver GHG and air pollution reductions, promote climate resilience, and promote affordable and sustainable housing along with other community benefits, as well as further CPC CC's capital mobilization and investment distribution goals. See Section 2.3 (Impact Objectives) and 2.4 (Classifying Community Investments) for additional information.
Portfolio Compatibility	Overall alignment of transactions or investments to be carried out under the proposed investment structure/vehicle with CPC CC's pipeline and strategic priorities/climate goals.
Compliance Readiness	Proposer's ability to manage federal compliance requirements, including under the NCIF program, and applicable domestic content and labor standards.

Strategy, Qualifications, and Experience (maximum 3 pages):

- In 100 words or less, detail the Proposer's investment thesis.
- Enumerate the team's experience and qualifications that demonstrate its ability to execute and manage the proposed investment.
- Provide bios for the Proposer's management team, which can be included as attachments to the proposal due to the page limit maximum noted for this component of the response. Links to public LinkedIn profiles

are acceptable in lieu of resumes/CVs but are not an adequate substitute for the detailed track record information requested above.

Investment Terms and Financial Criteria (maximum 2 pages):

- Provide proposed investment terms.
- Responses will be evaluated based on their ability to provide CPC CC with adequate returns and meet private capital mobilization targets.
- Alignment: Describe how the Proposer's organizational mission, strategic focus, and economic interests align with the proposed investment(s) and with CPC CC as a potential partner. Responses will be evaluated, in part, on the level of alignment, including how well the Proposer's goals, values, and business model complement CPC CC's climate-focused investment strategy and objectives.
- CPC CC would expect that Proposers would submit different investment terms and financial metrics for both scenarios defined in Section 1.4 (*Operating Assumptions*). Deployment of NCIF funds will result in different investment terms and target transactions**.**

Legal and Operational Readiness (maximum 1 page):

- Describe any steps and associated timeframes for the entity to be ready to launch the proposed investment vehicle and deploy funds into Qualified Projects.

- In particular, CPC CC will prioritize Proposers who include a discussion of what resources the Proposer has available to assist in the establishment of the structure, including financing the necessary legal and accounting costs to ensure the vehicle is operationally ready within a short timeframe of selection to be able to expedite and maximize impact.

Investment Impact (maximum 1 page):

- Detail the Proposer's ability to deliver impact in line with CPC CC's Program Objectives. Describe potential impact along the 5 dimensions of impact:
    - Environmental Benefits: Responses will be evaluated against their ability to deliver environmental benefits, including reductions in CO2e emissions and reductions in non-GHG air pollution and increased resilience to natural hazards.
    - Community Benefits: Responses will be evaluated against their ability to deliver community benefits, including the construction or preservation of affordable, workforce, or mixed-income housing and other community benefits
    - Capital Mobilization & Investment Distribution: Responses will be evaluated against their ability to facilitate private sector capital mobilization as well as to help CPC CC meet its commitment under the NCIF Program to invest 60% of GGRF funds in LIDACs.
    - Contribution, Additionality, and Market Transformation: will outcomes be better than what likely would have occurred otherwise?

Portfolio Compatibility (maximum 1 page)

- Provide additional detail on the proposed types of transactions or investments that the investment vehicle or structure would invest in. See Section 2.2 for allowable types of financial assistance under the NCIF program.

- Confirm that underlying transactions or investments of vehicle or structure would meet the requirements of a Qualified Project as outlined in Section 2.1.
- CPC CC anticipates that Proposers may submit different target transaction types or structures or different portfolio compositions for each of scenarios outlined in Section 1.4 (*Operating Assumptions*).

Compliance Readiness (maximum 1 page)

- Provide details on Proposer's data management and reporting capacity, including any existing systems used to report on organizational or transaction metrics, including environmental reporting. This information is necessary for CPC CC's evaluation as the Proposer would be responsible for providing information to CPC CC at certain intervals to ensure compliance with grant requirements if NCIF funds were deployed into the proposed structure or vehicle.
- Detail the Proposer's ability to meet federal compliance requirements, including, as applicable under Scenario B. Specifically, Proposer should discuss their ability to comply with the Build America, Buy America Act ("BABA") and Davis-Bacon and Related Acts ("DBRA") labor standards. In lieu of experience, a Proposer can also propose partners or other strategies for bringing on this capacity if NCIF funds were to become available. For further information regarding BABA, Davis-Bacon, and other applicable regulations, please see Section 5.

All responses must be presented economically and efficiently. Superfluous information and documentation may be cause for a reduction in scoring. CPC Climate Capital may request clarifications, conduct interviews or meetings with the proposed team as part of the selection process, or negotiate final terms. Awards may be partial, multiple, or conditional on additional due diligence.

3.2 Required Certifications (if applicable)

As detailed in 2 CFR Appendix-II-to-Part-200(I) (Aug. 9, 2024), "Contractors that apply or bid for an award exceeding $100,000 must file the required certification" under the Byrd Anti-Lobbying Amendment. For the purposes of this RFP, ***<u>all equity investments and loan purchasing programs</u>*** are categorized as procurement contracts. Therefore, any Proposer proposing an equity investment or loan purchasing program must sign and submit the Byrd Anti-Lobbying Certification that is provided in *Attachment A* in order to be considered for an investment under this RFP.

3.3 RFP Timeline and Questions

RFP Process and Schedule (Initial Round)	
Milestone	**Date***
Release of RFP	Thursday, July 17, 2025
Proposer Questions Due to CPC CC	Friday, August 1, 2025
CPC CC Answers Proposer Questions	Friday, August 8, 2025
Proposal Due Date (Initial Round)	Monday, August 18, 2025

CPC CC is requesting proposals to be submitted per the above timeline. However, the RFP will remain open and proposals will be reviewed periodically on a rolling basis until the solicitation is closed. Answers to questions received after August 1, 2025, will be reviewed and responded to, as appropriate. Proposals received by August 18, 2025, will be prioritized for review and evaluation.

*Timeline is an estimate and is subject to change by CPC CC without notice.

If you have any questions concerning this RFP, please email rfp@communityp.com. Only written questions submitted to CPC CC will be entertained. Questions received after August 1, 2025, may not be answered by August 8, 2025.

Proposers are prohibited from directly contacting any CPC or CPC CC employee about this RFP. Only written questions submitted to CPC CC at the above email address will be entertained. Failure to adhere to this requirement will be grounds for disqualifying your proposal. Proposers' questions submitted on August 1, 2025, will be aggregated and, if appropriate, responses in writing will be posted publicly on CPC's website by August 8, 2025. Information that would identify inquiring Proposers will be omitted to ensure fairness and protect the confidentiality and integrity of this solicitation. Each Proposer is responsible for requesting further explanation, by the date noted above, if they do not fully understand or believe the information contained herein could be interpreted in more than one way. CPC CC shall have no obligation to correct, nor bear any responsibility for errors (whether by commission or omission), ambiguity, or inconsistency in this RFP.

By submitting information, the Proposer represents that they have read and clearly understand this solicitation and are capable of meeting the required investment criteria.

3.4 RFP Responses

All proposals must be submitted electronically in PDF format to rfp@communityp.com. CPC CC is not responsible for electronic files that cannot be opened or corrupted files. If files cannot be opened, CPC CC reserves the right (but does not have the obligation) to contact the Proposer and take reasonable measures to receive an openable file. Submissions must not be password protected or have any type of restriction applied to the file or contents. By submitting information, the Proposer represents that they have read and clearly understand this RFP and are capable of implementing the proposed investment vehicle or structure.

3.5 Conflict of Interest

The Proposer shall disclose any actual or apparent conflict of interest that may exist between the Proposer, any employee or owner, or any party that the Proposer contemplates may work on the investment vehicle or structure with CPC CC if the Proposer is selected as well as any party having an interest in CPC CC.

To the extent that the proposed vehicle or structure contemplates transactions with CPC CC and its coalition partners, it will need to address any Conflicts of Interest consistent with CPC CC's Conflict of Interest Mitigation Plan under the NCIF if NCIF funds are deployed.

4. Additional Information

4.1 Confidentiality

The Proposer agrees to keep confidential all nonpublic information about CPC CC and its coalition partners and agrees that persons or entities with which the Proposer participates in responding to this RFP will be bound by the same confidentiality obligations. All proposals and other documentation submitted in response to this RFP will not be returned by CPC CC and will become property of CPC CC and may be subject to disclosure in accordance with applicable laws and regulations.

4.2 News Releases, Media Advisories and Media Interaction

Proposers shall not discuss the RFP with any member of the media or issue news releases or media advisories pertaining to this request or the work to which it relates without prior expressed approval from CPC CC.

4.3 Independent Investment Terms Determination

By submission of an RFP response, the Proposer certifies, and, in the case of a joint proposal, each party thereto certifies as to its own organization, that:

1. The investment terms information in the proposal have been arrived at independently, without consultation, collaboration, communication or agreement with any other Proposer, or with any competitor for the purposes of restricting competition; and
2. No attempt has been made, or will be made, by the Proposer to entice any other person or firm to submit, or not to submit, a proposal.

4.4 Organization

Indicate if your organization qualifies as a Disadvantaged Business Enterprise (DBE) (as defined in 40 CFR § 33.103).

Indicate if your organization qualifies as a Women's Business Enterprise (as defined in 13 C.F.R §§ 127.100) or a Minority-owned Business.

CPC CC encourages the participation of businesses owned by Minorities, Females, Veterans, and Persons with Disabilities in the implementation and execution of all projects, either on a direct basis or though sub-contracting efforts.

4.5 Award of Contracts/Rejection of Proposals

CPC CC reserves the right to accept or reject any and all proposals, to waive any irregularities in any proposal process, and to make an award of contract(s) or investment decision(s) in any manner in which CPC CC, acting in the sole and exclusive exercise of its discretion, deems to be in CPC CC's best interest. Proposers are solely responsible for any expenses incurred for said interviews. CPC CC will not reimburse any Proposer for any expenses due to requested interviews.

If a contract, financial assistance, or award is issued, it will be awarded to the Proposer(s) deemed the most qualified and responsive as determined at the sole discretion of CPC CC, based on its review of the Proposer's ability to successfully implement the proposed investment vehicle or structure. The Proposer(s) selected will be notified at the earliest possible date. Equity investments, loan purchases, and other acquisitions of intangible property will be awarded pursuant to 2 CFR pt.200.

4.6 Contractual Development

If a proposal is accepted, CPC CC intends to further explore entering into a contractual or other type of legal agreement with the selected Proposer(s). Additional diligence, contract discussion, and negotiation will follow the award selection. Proposers must be amenable to inclusion, in a contract or agreement, of any information provided whether herein or in response to this RFP or developed subsequently during the selection process. Any contract or agreement shall not be considered executed unless signed by the authorizing representative of CPC CC.

4.7 Compliance with Laws

The selected firm agrees to be bound by all applicable Federal, State and Local laws, regulations, and directives as they pertain to the performance of the contract.

5. Applicable Compliance Requirements

5.1 General Requirements

To be eligible under this RFP, the Proposer and any Program Beneficiaries must not be:

a. An entity owned by, controlled by, or subject to the direction of a government of a covered nation under 10 U.S.C. 4872(d);
b. An entity headquartered in a covered nation under U.S.C. 4872(d);
c. A subsidiary of an entity described in a or b; or
d. An entity included on the Office of Foreign Assets Control (OFAC) Specifically Designated Nationals and Blocked Persons list (SDN List) and all other sanctions lists administered by OFAC;

As of the date of this RPF, covered nations under 10 U.S.C 4872(d) are the Democratic People's Republic of Noth Korea, the People's Republic of China; the Russian Federation; and the Islamic Republic of Iran.

5.2 Overview of Key Regulatory Requirements Across Investment Types if NCIF Funds Invested

The section below provides an overview of the different requirements under the GGRF, separated by the type of investment. Further detail is provided in the 'Program Compliance Requirements' section of the Climate United Fund's FAQ here: https://weareclimateunited.org/faq as well as on the EPA's website.

Build America, Buy America ("BABA")—Applicable to All Investment Types under NCIF

The Build America, Buy America Act – Public Law 117-58 (BABA), requires the EPA to ensure that for any activity related to the construction, alteration, maintenance, or repair of infrastructure, "none of the funds made available for a Federal Financial Assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." (P.L.117-58, Secs 70911 70917). At this time, with a few possible exceptions, any investments that CPC CC makes directly or indirectly in a Qualified Project using its NCIF grant award will require that Qualified Project to comply with BABA. CPC CC will evaluate the applicability of BABA for all investment proposals under this RFP.

David-Bacon Act (42 USC §§ 3141-3144) and Related Acts ("DBRA") Requirements—

Applicable to All Investment Types under NCIF

As provided in Section 314 of the Clean Air Act (42 USC § 7614), DBRA requirements will apply to Qualified Projects that receive direct or indirect financial assistance from CPC CC's NCIF subgrant award.

Any construction work financed in whole or in part with an investment or contract made pursuant to this RFP must comply with the DBRA requirements. Accordingly, CPC CC is responsible for ensuring that any contracts or subcontracts made by Program Beneficiaries and/or assisted by Participant Support Costs comply with the procedures provided in 29 CFR 1.6(b) when soliciting bids and awarding contracts. Determinations regarding the applicability of the DBRA requirements will be made in accordance with applicable EPA and Department of Labor guidance. Under the NCIF terms and conditions, DBRA does not apply to purchase of intangible property where the construction has been previously completed or re-financing activity related to a previously completed construction project. Under the Greenhouse Gas Reduction Fund, the relevant construction type and prevailing wage classifications would be "Building" and "Residential." The Secretary of Labor's wage determinations are available at https://sam.gov/content/wage-determinations. CPC CC will evaluate the applicability of DBRA Labor Standards for all investment proposals under this RFP.

Other Federal and GGRF Program Requirements under NCIF

Notwithstanding the foregoing, CPC CC reserves the right to require additional terms and conditions in any investment agreement or contract under this RFP as needed to ensure compliance with applicable laws and the terms of CPC CC's subgrant award agreement under the GGRF Program.

Such requirements may include, among other things, any Inflation Reduction Act (IRA) requirements and guidance established by the United Sates Department of Treasury and/or the EPA for IRA funding, the National Environmental Policy Act, Executive Order 12898, the National Historic Preservation Act (NHPA) and the Archeological, Historic Preservation Act (AHPA), Protection of Wetlands, Executive Order 11990, Flood Plan Management Executive Order 11988, as amended and Executive Order 13690, Farmland Protection Policy Act, Coastal Zone Management Act, Coastal Barriers Resources Act, Wild and Scenic Rivers Act, Endangered Species

Act, Magnuson- Stevens Fisheries Conversation and Management Act, Clean Air Conformity Act, and Safe Drinking Water Act.

Suspension and Debarment—Applicable to All Investment Types under NCIF

Any entities that are excluded from participation in Federal nonprocurement programs under 2 CFR Part 180 (OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)) are ineligible for a financing agreement or contract award under this RFP at any tier. Contractors are required to include a similar term and condition in any subsequent lower tiered covered transaction.

5.3 Procurement Contract Provisions and Submission Requirements—Applicable to Equity Investments and Loan Purchasing Programs Only

Any acquisitions of intangible property pursuant to this RFP will be considered procurement contracts and at closing will incorporate the provisions specified in Appendix II to 2 CFR Part 200, as applicable. Acquisitions of intangible property include equity investments and loan purchases under this RFP**. Therefore, the requirements below only apply to Proposers submitting these types of investment vehicles or structures.**

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (Huawei and ZTE) (If applicable)

Contractor and any sub-contractor are each prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
    a. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
    b. Telecommunications or video surveillance services provided by such entities or using such equipment.
    c. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Disadvantaged Business Enterprises Compliance

Whenever procuring construction, equipment, services and supplies Contractor will (i) comply with 40 CFR Section 33.301, (ii) make the six good faith efforts (found at: 40 CFR Section 33.301 (a)-(f)), (iii) maintain and retain records documenting compliance with the six good faith efforts, and (iv) shall require its loan recipients, and prime contractors to comply with the above requirements. Ensure that by no later than September 30 of each year submit to CPC CC a completed "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) (which can be found at https://www.epa.gov/system/files/documents/2021-08/epa_form_5700_52a.pdf).

Consumer Protection. Contractor shall carry out the following consumer protection requirements to the extent that the Contractor directly interacts, transacts, or contracts with consumers in the provision of financial assistance to qualified projects:

1. comply with the Equal Credit Opportunity Act, the Truth in Lending Act, the Consumer Financial Protection Act, and other federal consumer protection laws that apply;
2. provide written disclosures to consumers containing information in clear and understandable language regarding purchasing, leasing, or financing as well as the costs associated with a consumer's transaction;
3. with regard to solar products or services, provide written disclosures on the impact of the solar project on the consumer's ability to sell or refinance their home and recording of any liens on the home; consumer rights; contact information for the solar project provider; and complaint procedures for the consumer if they have a problem with the solar project or sales process;
4. require that all in-person and telephone marketing that directly interacts, transacts, or contracts with consumers be conducted in a language in which the consumer subject to the marketing is able to understand and communicate; and
5. maintain a process for receiving, monitoring, and resolving consumer complaints, including ensuring that complaints are appropriately addressed and referring complaints, when necessary, to the appropriate government regulatory agency.

Appendix: Definitions

The definitions set forth below reflect those terms currently defined by EPA and/or CUF but may be subject to revision.

Low-Income and Disadvantages Communities (LIDAC):

Section 134(a)(3) of the Clean Air Act appropriates funds "for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities (LIDAC)." The NCIF terms and conditions require that a minimum of 40% of the award is used for providing financial assistance to LIDACs and, per its approved workplan, the CUF Coalition has committed that at least 60% of its investments will be in LIDACs. For the purposes of this RFP and in accordance with the NCIF Terms and Conditions, "LIDACs" means CEJST-Identified Disadvantaged Communities, EJScreen-Identified Disadvantaged Communities, Geographically Dispersed Low-Income Households, Properties Providing Affordable Housing, and Federally Recognized Tribal Entities.

- CEJST-Identified Disadvantaged Communities: All communities identified as disadvantaged through version 1.0 of the Climate and Economic Justice Screening Tool (CEJST), released on November 22, 2022, which includes census tracts that meet the thresholds for at least one of the tool's categories of burden and land within the boundaries of Federally Recognized Tribes.
- EJScreen-Identified Disadvantaged Communities: All communities within version 2.2 of EJScreen that fall within either (a) the limited supplemental set of census block groups that are at or above the 90th percentile for any of EJScreen's supplemental indexes when compared to the nation or state or (b) geographic areas within Tribal lands as included in EJScreen, which includes the following Tribal lands: Alaska Native Allotments, Alaska Native Villages, American Indian Reservations, American Indian Off-reservation Trust Lands, and Oklahoma Tribal Statistical Areas.
- Geographically Dispersed Low-Income Households: Low-income individuals and households living in Metropolitan Areas with incomes not more than 80% AMI or 200% FPL (whichever is higher), and low-income individuals and households living in Non-Metropolitan Areas with incomes not more than 80% AMI, 200% FPL, or 80% Statewide Non-Metropolitan Area AMI (whichever is highest). Federal Poverty Level (FPL) is defined using the latest publicly available figures from the U.S. Department of Health and Human Services. Area Median Income (AMI) is defined using the latest publicly available figures from the U.S. Department of Housing and Urban Development (HUD). Metropolitan Area and Non-Metropolitan Area are defined using the latest publicly available figures for county-level designations from the Office of Management and Budget. Statewide Non-Metropolitan Area AMI is defined using the latest publicly available figures from the U.S. Department of the Treasury's CDFI Fund, with an adjustment for household size using HUD's Family Size Adjustment factor.

- **Properties Providing Affordable Housing:** Properties providing affordable housing that fall within either of the following two categories:
    - Multifamily housing with rents not exceeding 30% of 80% AMI for at least half of residential units and with an active affordability covenant from one of the following housing assistance programs:
        - Low-Income Housing Tax Credit;
        - a housing assistance program administered by HUD, including Public Housing, Section 8 Project-Based Rental Assistance, Section 202 Housing for the Elderly, Section 811 Housing

for Disabled, Housing Trust Fund, Home Investment Partnership Program Affordable Rental and Homeowner Units, Permanent Supportive Housing, and other programs focused on ending homelessness that are funded under HUD's Continuum of Care Program;
    - a housing assistance program administered by USDA under Title V of the Housing Act of 1949, including under Sections 514 and 515;
    - a housing assistance program administered by a tribally designated housing entity, as defined in Section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 USC § 4103(22)); or
    - a housing assistance program administered by the Department of Hawaiian Homelands as defined in Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (24 CFR 1006.10); or
  - Naturally occurring (unsubsidized) affordable housing with rents not exceeding 30% of 80% AMI for at least half of residential units.

- **Federally Recognized Tribal Entities:** All Federally Recognized Tribal entities, which are considered disadvantaged regardless of whether a Federally Recognized Tribe has land, consistent with M-23-09 and CEJST. A "Federally Recognized Tribal Entity" means (i) any individual member of a Federally Recognized Tribe; (ii) any for-profit business that has at least 51 percent of its equity ownership (or the equivalent in limited liability companies) by members of Federally Recognized Tribes; (iii) any non-profit entity with at least 51 percent of its Board of Directors (i.e., Governing Board) comprised of members of Federally Recognized Tribes; or (iv) any Federally Recognized Tribal government entity. Any Federally Recognized Tribal Entity is included within the definition of Low-Income and Disadvantaged Communities, regardless of where that entity is located.

Rural Areas:

To meet the definition of being located in or benefiting a rural community, at least one of the following is required for a project:

- It benefits rural areas or towns outside of urban areas. Per the 2020 Census, an urban area is densely settled core of census blocks that encompasses at least 2,000 housing units or has a population of at least 5,000.
- It is located outside of a metro service area including all non-metro counties per the 2020 Office of Management and Budget (OMB).
- It is outside of a metro service area including all metro census tracts with Rural-Urban Commuting Area (RUCA) codes 4-10 per the USDA's 2010* RUCA dataset. Note: Dataset may be subject to update when 2020 RUCA codes are released.
- It is outside of a metro service area including large area Metro census tracts of at least 400 sq. miles in area with population density of 35 or less per sq. mile with Rural-Urban Commuting Area (RUCA) codes 2-3 per the USDA's 2010 RUCA dataset. Note: Dataset may be subject to update when 2020 RUCA codes are released.

Because these definitions are based on current federal datasets, whether a project qualifies as rural may be subject to update as new datasets are released. For a project to be reported as rural in our public reports, it must meet at least one of these criteria at the initial time that the project is financed.

Tribal:

Consulting with experts committed to serving indigenous communities including CUF's Indigenous Advisors and Directors Subcommittee, the CUF Coalition developed an expansive and inclusive definition of a Tribal project. These definitional elements include at least one of the following:

- A for-profit business that is at least 51% owned and controlled by any of the following, or a non-profit business that is 51% controlled by any of the following:
  - Members of a federally- or state- recognized tribal nation or a tribal government entity.
  - HHCA Beneficiary Association and Homestead Association as defined in 43 CFR Part 48.6 or enrolled members and/or lessees and successors as defined in the federal Hawaiian Homes Commission Act of 1920
  - Alaska Native Corporation as defined in 43 USC Section 1602
- A project located in a Native Lands Area (NLA) according to the new CRA guidance or located on Hawaiian Home Lands as designated under the federal Hawaiian Homes Commission Act of 1920.
- Individuals that are members of a state or federally recognized tribe, members of a HHCA Beneficiary Association as defined in 43 CFR Part 48.6, or shareholders of an Alaska Native Corporation" as defined in 43 USC Section 1602 or identify as Alaska Native, Native Hawaiian, or Native American through demographic selection.
- A project where at least 51% of the direct benefits are provided to individuals that are members of federally- or state- recognized tribal nation, members of a HHCA Beneficiary Association and Homestead Association as defined in 43 CFR Part 48.6, or shareholders of an Alaska Native Corporation" as defined in 43 USC Section 1602.

While CPC CC will prioritize projects that meet multiple criteria, for a project to be reported as a Tribal project on our public reports, it must meet at least one of these criteria at the initial time that the project is financed.

Attachment A- Byrd Anti-Lobbying Certification (for Equity Investments and Loan Purchasing Programs only)

BYRD ANTI-LOBBYING CERTIFICATION

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub- grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

   The responding organization listed below certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Vendor understands and agrees that the provisions of 31 U.S.C. Ch. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Solicitation Name: Request for Proposals of Investment Vehicles or Structures from Financial Institutions

Responding Organization Name:

Date:

Signature of Organization's Authorized Official:

Name and Title of Organization's Authorized Official: