



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



**FY21 Equitable Capital Access Fund
REQUEST FOR APPLICATIONS (RFA)**

Release Date of RFA: March 12, 2021
RFA ID #: DMPED – FY21-BLIQ
Submission Deadline: April 12, 2021 at 4:00pm EDT

All applications must be submitted electronically. Hand delivered or mailed applications will not be accepted. Incomplete applications or those submitted after the deadline will not be accepted.

Submission Details: Online submissions only. Please submit your complete application (including attachments) through the GiftsOnline portal on the website for the Office of the Deputy Mayor for Planning and Economic Development: <https://dmped.dc.gov/>.

Point of Contact: DMPED Grants Team Phone: (202) 727-6365; E-mail: dmped.grants@dc.gov

Availability: Download the application from the Office of the Deputy Mayor for Planning and Economic Development website: <https://dmped.dc.gov/>

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I. Overview

The Office of the Deputy Mayor for Planning and Economic Development (“**DMPED**”) is soliciting grant applications from qualified applicants for the Equitable Capital Access Fund Grant Program (the “**Program**”) pursuant to DC Official Code §2-1225.21.

The purpose of the Program is to fund the operation of a program which serves to increase access to liquidity for small businesses, in particular those majority-owned by persons who have experienced historic discrimination in accessing capital, and/or those located in Ward 5, Ward 7, or Ward 8, through administering a bond stop loss program, and providing educational programs which increase financial preparedness, fiscal health, and access to credit issuances for small businesses and the relocation of such a business to Ward 7 or Ward 8 if such a business does not already operate in Ward 7 or Ward 8. The Program will not fund debt or guaranties associated with any bond stop loss program, but instead will support the administration of such programming.

This Program is necessary as the District responds to COVID-19 and works toward an equitable economic recovery. Limited access to credit is a compounding effect, further entrenching the pervasive underlying issues that challenged, in particular, the owners of businesses that have experienced historic discrimination in access to capital to operate and scale successfully even before the crisis. The Program seeks to promote an equitable recovery by investing in businesses owners that historically have been and continue to be denied access to capital. The Program is intended to support entrepreneurs and small business owners in becoming investment ready and competitive for other private investment opportunities and District grant programs.

DMPED invites applications from qualified applicants with expertise in administering a bond issuance and bond stop loss program for qualified small businesses. Applications should show that the applicant can leverage private funding sources to further extend the ability to guarantee bond issuances. The successful applicant will also be able to demonstrate their ability to provide technical assistance to small businesses owned by District residents and District entrepreneurs, particularly those located in Ward 5, Ward 7, or Ward 8, on topics such as credit access and other needs as identified by the grantee.

DMPED intends to select the applicant that provides the best solution for the residents of the District of Columbia.

This RFA is not intended and shall not be construed to commit DMPED and/or the District to pay any costs incurred in connection with any proposal or to procure or contract with any organization. DMPED will only award funds to firms that do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship status or any other status protected by District and Federal laws.

II. Available Funding

Based on the Mayor's budget priorities, the resources available, and the goals of the Program, DMPED will make the final funding decision. DMPED will award one grant of up to \$500,000.00 to support the Program. There should be no expectation that funds will be available from the District in the future to replenish the Program or provide supplementary funding.

III. General Requirements

- Each application shall be prepared simply and economically, avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate, and reliable presentation.
- All proposals must be delivered via GiftsOnline on or before April 12, 2021, at 4:00 p.m. (EDT). Proposals received after the above date and time will not be considered.
- Requests for clarification of this RFA must be written and submitted to Sandra Villarreal, Grants Manager, via email at dmped.grants@dc.gov, **no later than 12:00 p.m. (EDT) on Friday, March 19, 2021**. A list of questions and answers will be posted on the DMPED website on Wednesday, March 24, 2021 by 12:00 p.m. (EDT). No communications of any kind will be binding against DMPED and/or the District, except for the formal written responses to any request for clarification.
- No application will be accepted from, nor any grant awarded to, any applicant that is in arrears upon any debt or in default of any obligation owed to the District. Additionally, no grant will be awarded to any applicant that has failed to satisfactorily perform pursuant to any prior agreement with the District.
- Each applicant must disclose the name, title, and department of any employee or officer who was an employee or officer of the District within the 12 months immediately prior to the application.
- Each applicant must provide a list of at least three references from community partners, government agencies, collaborators, and/or individuals with knowledge of, and experience with, the specific services offered to be provided in support of the Program.
- Each applicant must provide a list of all prime contractors and subcontractors with which their organization does, or will do, business related to the services offered to be provided in support of the Program.

IV. Applicant Qualifications

Eligible applicants include 501(c)(3) non-profit corporations, joint ventures, partnerships, cooperatives, and limited liability types of companies or corporations.

Commitment and Experience in Investing in Small Businesses in Communities that Have Experienced Historic Disinvestment

Applicants should have a significant history of investing in small businesses located in, and majority-owned by members of, communities that have experienced historic disinvestment,

preferably in the District of Columbia. Applicants should be able to show commitment and experience in community engagement and racial equity-informed decision-making for other funds they have administered. Applicant should also be in or willing to relocate to Ward 7 or Ward 8.

Applicants should also be able to demonstrate an understanding of other District grants and resources for small businesses, including the DMPED Great Streets Program and Neighborhood Prosperity Fund, as well as DHCD, DSLBD, DDS, and DISB programs.

Program Management Experience

Applicants should be able to demonstrate a strong record of success in previous underwriting and bond issuance activities, evidenced by a high rate of bond repayment and a low rate of defaults.

Capital Development

Applicants should demonstrate their capacity to raise resources from financial and other private and public entities. Applicants should be able to demonstrate that they can fund a bond stop loss program. This can be demonstrated through the documented commitments of investors or existing funds on hand to fund a stop loss program.

Organizational Capacity

Applicants must be ready to proceed as soon as practicable with implementation of the Program, with the first bond issuances reaching the targeted businesses within six months of grant award. Applicants should demonstrate that they have the staff and resources available to plan, market, develop, and administer the Program. Applicants should demonstrate overall administrative capacity, including financial stability, management capacity, staff qualifications, and ability to track and report results, and demonstrate a substantial record of providing technical assistance and liquidity to small businesses.

Governance

Applicants should demonstrate that their management teams, boards, or other governing bodies have the skills and experience related to bond underwriting and bond stop loss programs and small business development and possesses the program management, legal, business administration, and management skills required to oversee the Program.

V. Scope of Professional Services Required

A. Program Information

The Program will provide funds to support relocation assistance to a successful applicant and to support the applicant in identifying, securing, and leveraging private funds to operate a program which will provide bond underwriting services and manage a bond stop loss program. The successful applicant will provide a suitable final scope of work for approval by DMPED.

Eligible Activities

Grant funds can be used to support the activities outlined below:

- Provide bond underwriting and risk assessment for targeted small businesses majority-owned by District residents and District entrepreneurs, particularly those located in Ward 5, Ward 7, or Ward 8. District funds will not be used to fund the bond stop loss guarantee.

- Solicit potential investors to invest in the targeted small businesses through a bond issuance.
- Relocation expenses, office buildout, and any associated costs to relocate to Ward 7 or Ward 8.
- Provide technical assistance to targeted small businesses majority-owned by District residents and District entrepreneurs predominantly located in Ward 5, Ward 7, or Ward 8 on topics such as business planning, workforce development, communications, supply chain management, and other needs as identified by participants.

Program Management

Successful applicant will be responsible for managing the Program as follows:

- Developing the eligibility criteria, underwriting standards, Program evaluation, and community engagement strategy for the Program;
- Sourcing the businesses who will benefit from the Program through targeted communications and outreach; and
- Providing quarterly reports to the DMPED on progress towards meeting the Program evaluation metrics.

Targeted Small Businesses

DMPED anticipates that small businesses majority-owned by persons who have been historically denied access to capital would be eligible for the bond issuances provided by a successful applicant. All the examples below are contingent on the small business owner being a District resident, with a preference for small businesses located in or owned by residents of the neighborhoods described in this section above. For all of these examples, for-profit, non-profit, or social enterprises would all be acceptable business structures:

- An entrepreneur or current business seeks to improve their physical location and needs capital to fund such renovation (e.g.: owner to open a new small format grocery store);
- A small business seeking financing for infrastructure or other costs associated with operating year-round or more days/hours of the week; or
- A small business in need of working capital to finance inventory to offer a new product line or expand an existing product line.

B. Program Evaluation

DMPED will finalize Program evaluation metrics based on the final scope of work. Applicants should provide DMPED with their anticipated Program outcomes based on the following metrics:

- Number of businesses evaluated to determine their eligibility for a bond issuance, number of bond issuances, and number of targeted small businesses receiving technical assistance in the first year of the Program's operation;
- Number of Program-supported businesses that are District-resident owned businesses located in Ward 5, Ward 7, or Ward 8;
- Number of Program-supported businesses that are owned by residents of the neighborhoods described in the preceding bullet;
- Number of jobs created or retained by businesses supported by the Program; and
- Percentage of businesses supported by the Program with District residents constituting 50% or more of employees.

VI. Information Sessions

A schedule of live web information sessions hosted by DMPED will be posted on the DMPED website and is accessible via this link: <https://dmped.dc.gov>. Prospective applicants with questions regarding this Request for Applications (RFA) are encouraged to attend one of these sessions.

VII. Submission Guidelines

All applications must be submitted via the online application system. All attachments must be submitted in Adobe Acrobat PDF format. Any other formats will deem the submission incomplete.

All electronic applications must be submitted no later than April 12, 2021 at 4:00 p.m. EDT. All applications will be recorded upon receipt. Any applications received after the deadline will not be accepted. Unless requested by DMPED, any additions or deletions to an application will not be accepted after the specified deadline. DMPED is not responsible for unreadable, incomplete, and/or out-of-order submissions.

DMPED is not responsible for malfunctions of the online platform. DMPED advises prospective applicants not to upload any documents using Dropbox or similar applications due to access issues.

VIII. Application Review

A. Initial Screening

Prior to the formal review process, each application will receive an initial administrative screening to ensure that all required forms, signatures, and documents are present. An application will not be evaluated by the review panel if:

- 1) The application is received after the closing date and time set forth in this RFA;
- 2) The application package is not complete (see requirements in Section XIII);
- 3) The application narrative fails to address the Program priorities; and,
- 4) The application does not fall within the scope this RFA.

B. Independent Review Panel

This is a competitive grant. To ensure fair assessment of grant applications, DMPED will convene a diverse review panel to evaluate eligible applications and submit a recommendation for funding. The review panel will consist of neutral, qualified individuals selected for their knowledge of the District's community, their experiences in grant-making and program development, and their familiarity with funding priority areas set forth in this RFA. The panel members will review screened applications and submit scoring, ranking and comments to DMPED.

C. Final Review

Based on the independent review panel recommendations, the Mayor's budget priorities, the

resources available, and the goals of the program, DMPED will make the final funding decision. DMPED leadership will submit recommendations to the Deputy Mayor for Planning and Economic Development for final approval after taking into consideration the independent review panel's recommendations. **The final funding decision cannot be contested or appealed.**

IX. Scoring Criteria

Applications must provide sufficient information for DMPED to make a determination of merit of the applications.

Applications will be evaluated based on the criteria outlined below. Failure to demonstrate how the proposed services meet these criteria may reduce the application's score. Applications should include the elements for each section to be eligible for the maximum consideration. Applications that fail to include all the necessary elements may not be reviewed or considered and may be disqualified.

Expertise in Administering a Bond Issuance and Bond Stop Loss Program for Small Businesses (35%)

- Describe any bond underwriting services that applicant has provided, particularly for small businesses or businesses located in and majority-owned by members of communities that have experienced historic disinvestment.
- Describe any experience developing a pool of investors to invest in short term debt from small businesses that may have been seen as previously too risky for bond issuances

Commitment and Experience in Investing in Small Businesses in Communities that Have Experienced Historic Disinvestment (15%)

- Describe any investments and technical assistance programs that you have managed for small businesses located in and majority-owned by members of communities that have experienced historic disinvestment;
- Describe any experience conducting community engagement and applying a lens which takes into account historical discrimination in access to capital in investment decisions for funds invested into the communities described above. This should include the extent of the community engagement, number of residents reached, and process for creating accountability rather than one-time information gathering.
- Describe how this Program under your management will complement and not duplicate other District grants and resources for small businesses, including the DMPED Great Streets Program and Neighborhood Prosperity Fund, as well as DHCD, DSLBD, DDS, and DISB programs. Describe how you see these programs working together as a continuum of resources for businesses across different stages.

Program Management Experience (15%)

- Describe any capital investment projects that you have managed nationally or within the District of Columbia in the past three years. Include a summary of the type of project,

activities, geographic area served, total amount of funds leveraged and issued, average disbursement timeframe, and management team and human capital assigned to the issuance.

- Describe any experience in developing web-based, proprietary platforms for small business bond issuances and investor solicitation.
- Include resumes for organizational leadership and key staff expected to support the Program.

Capital Development (15%)

- Describe how you plan to raise resources from financial and other private and public entities, including whether you have on-hand private funds to invest in the program or the solid commitment of private funds with which to create the bond stop loss program.

Organizational Capacity and Governance (10%)

- Provide a narrative summary of the specialized experience and technical competence of the staff and any subgrantees or subcontractors to be assigned to the project with respect to Program management.
- Describe how your management team, Board, or other governing body has the skills and experience related to small business development and investor cultivation relevant to administer this Program.
- Address how you will manage to meet the goals articulated by DMPED, including a work plan and budget.
- Provide a narrative summary regarding the process for implementing the Program, including how you will build a revolving source of funds that is sustainable beyond the first year, how you will promote & source the businesses supported by the Program, and how you will identify the programming offered.
- Provide a narrative summary of the technological systems and resources that will be available and utilized for the application review process and funds disbursement.

Financial Viability (10%)

Provide a narrative and attach annual financial statements for the past three years and a quarterly report as of December 31, 2020 to document the applicant's current financial standing and track record of financial health.

X. Anticipated Announcement and Award Notification

Anticipated time for processing applications is 30 to 45 days after the date of application close.

DMPED will send a response letter to applicants, informing them of their status in the review process and successful applicants will be asked to provide the following supplemental documentation.

1. Proof of Insurance – See Section **XVI**.

2. Automated Clearing House (ACH) Form – The selected awardee will receive disbursements via an electronic transmission to the bank account designated for this grant. To establish this transfer, the selected awardee must fully complete and submit an ACH Form that includes the signature of an authorized representative from their financial institution.
3. EEO Policy Statement - The selected awardee is required to sign an Equal Employment Opportunity (EEO) Statement with the District’s Office of Human Rights.
4. Grant Agreement - The selected awardee is required to sign an agreement setting forth the terms and obligations that will serve as conditions for the selected awardee’s receipt of the applicable grant funds.
5. Ethics and Accountability Statement – The selected awardee is required to sign an affidavit which attests to an absence of any inappropriate contributions.

To remain eligible for this grant, all supplemental documentation must be submitted to DMPED within five (5) business days of the response letter. An applicant that cannot provide these materials **WITHIN 5 BUSINESS DAYS** will be deemed ineligible to receive grant funds.

XI. Terms and Conditions

Funding for this grant is contingent upon continued appropriations to DMPED. This RFA does not commit DMPED to make a grant award.

DMPED reserves the right to accept or deny any or all applications if it is determined to be in the best interest of DMPED to do so. DMPED shall notify the applicant if it rejects their application. DMPED reserves the right to suspend or terminate an RFA pursuant to its own grantmaking rules or any applicable federal regulation or requirement.

DMPED reserves the right to waive any irregularities or informalities, if such action is deemed to be in the best interest of the District.

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of this RFA, or to rescind this RFA. DMPED reserves the right to request additional information from any applicant.

DMPED shall not be liable for any costs incurred in the preparation of applications in response to this RFA. The applicant agrees that all costs incurred in developing the application for this grant are the applicant’s sole responsibility.

DMPED may conduct pre-award on-site visits to verify information submitted in the application and to determine if the applicant’s facilities are appropriate for the services intended.

DMPED may enter into negotiations with an applicant and adopt a firm funding amount or other

revision of the applicant’s proposal that may result from negotiations.

DMPED shall provide the citations to the statute and implementing regulations that authorize the grant or sub-grant; all applicable federal and District regulations and payment provisions identifying how the grantee will be paid for performing under the grant agreement; reporting requirements, including programmatic, financial, and any special reports required by DMPED; and compliance conditions that must be met by the grantee.

If there are any conflicts between the terms and conditions of this RFA and any applicable federal or local laws or regulations, or any ambiguity related thereto, then the provisions of the applicable laws or regulations shall control, and it shall be the responsibility of the applicant to ensure compliance.

DMPED reserves the right to withhold funds and/or withdraw a grant award to applicants who change vendors during the period of performance prior to submission and approval by DMPED.

XII. Point of Contact

DMPED Grants Team
Phone: (202) 727-6365
Email: dmped.grants@dc.gov

XIII. Checklist for Applications

Verify that the application form is prepared on 8 ½ by 11-inch page format, using 11 – or -12-point Arial, Calibri, or Times New Roman type.

- The application is submitted electronically to DMPED through GiftsOnline.
- The application includes the requested information below:
 - Cover page with the Contact Information for the Program applicant
 - Name of Organization
 - Key Contact
 - Mailing Address
 - Telephone
 - Email
 - Narrative response for the Program, including:
 - Applicant Introduction
 - Expertise in Administering a Bond Issuance and Bond Stop Loss Program for Small Businesses
 - Commitment and Experience in Investing in Small Businesses in Communities that Have Experienced Historic Disinvestment
 - Program Management Experience

- Capital Development
- Organizational Capacity and Governance
- Financial Viability
- List of all prime contractors and subcontractors that their organization does business with related to the service in this RFA

Each grant application must include each of the following required attachments where applicable, completed by the applicant, and that any grant application submitted without pertinent attachments will not be considered for the award:

- The following attachments.
 - Attachment A – Organizational documents (for example, Articles of Incorporation and Bylaws, as applicable)
 - Attachment B – Organizational chart
 - Attachment C – Board resumes, if applicable
 - Attachment D – Staff resumes
 - Attachment E – Tax-exempt status determination letter, as applicable
 - Attachment F – Certification by the District Department of Consumer and Regulatory Affairs (DCRA) to do business in the District of Columbia
 - Attachment G – Certificate of Clean Hands from the District Office of Tax and Revenue (current within the last six months)
 - Attachment H – Evidence of Good Standing from DCRA (current within the last six (6) months)
 - Attachment I – Audited Financial statements and reports for the last three (3) years
 - Attachment J – Copy of Basic Business License
 - Attachment K – Conflict of Interest Policy and Statements
 - Attachment L - Statement of Certification

- The following completed forms (A through E can be provided after the application as described in Section X)
 - Appendix A – Proof of Insurance
 - Appendix B – ACH Enrollment Form
 - Appendix C – EEO Policy Commitment Package
 - Appendix D – Grant Agreement
 - Appendix E - Ethics and Accountability Statement

XIV. Grant Disbursement

DMPED expects to award one grant for a maximum amount of \$500,000.00.

The period of performance under the grant agreement shall be one year from the execution of the grant agreement. The District’s period of agreement and financial obligation for the grant will be from the execution of the grant agreement until September 30, 2021.

Grant funding will be disbursed to the grantee based on award amount provided expenditures are allowable expenses and grantee adheres to the disbursement process.

Grantees must submit invoices electronically through the vendor portal: <https://vendorportal.dc.gov>. Grantees are required to register on the vendor portal prior to submitting an invoice.

XV. Taxability of Grant Funds

Receipt of grant funds may be considered taxable income to the grantee. Grantees should consult their tax advisor regarding tax income and tax liability concerns.

XVI. Insurance

A. GENERAL REQUIREMENTS.

Grantee shall procure and maintain, during the entire Grantee Performance Period under this grant, the types of insurance specified below. Grantee shall have its insurance broker or insurance company submit a Certificate of Insurance to DMPED Director of Contracts, Procurement and Grants giving evidence of the required coverage prior to commencing performance under this grant. In no event shall any work be performed until the required Certificates of Insurance signed by an authorized representative of the insurer(s) have been provided to, and accepted by, DMPED Director of Contracts, Procurement and Grants. All insurance shall be written with financially responsible companies authorized to do business in the District of Columbia or in the jurisdiction where the work is to be performed and have an A.M. Best Company rating of A-VIII or higher.

Grantee shall require all of its subgrantees involved in the provision of services under this Agreement to carry insurance applicable to their basic operations. Note that food delivery to seniors, disabled, and/or children will require sexual abuse/molestation coverage - \$1,000,000/\$2,000,000. Silent coverage and/or shared limits are not acceptable.

Grantee shall ensure that all policies provide that DMPED Director of Contracts, Procurement and Grants shall be given thirty (30) days prior written notice in the event the stated limit in the declarations page of the policy is reduced via endorsement or the policy is canceled prior to the expiration date shown on the certificate. Grantee shall provide DMPED Director of Contracts, Procurement and Grants with ten (10) days' prior written notice in the event of non-payment of premium.

All required policies shall contain a waiver of subrogation provision in favor of the Government of the District of Columbia.

The Government of the District of Columbia shall be included in all policies required hereunder to be maintained by the Grantee and its subgrantees (except for workers' compensation and professional liability insurance) as an additional insured for claims against The Government of the District of Columbia relating to this contract, with the understanding that any affirmative obligation imposed upon the insured Grantee or its subgrantees (including without limitation the liability to pay premiums) shall be the sole obligation of

the Grantee or its subgrantees, and not the additional insured. The additional insured status under the Grantee's and its subgrantees' Commercial General Liability insurance policies shall be effected using the ISO Additional Insured Endorsement form CG 20 10 11 85 (or CG 20 10 07 04 **and** CG 20 37 07 04) or such other endorsement or combination of endorsements providing coverage at least as broad and approved by The Government of the District of Columbia. All of the Grantee's and its subgrantees' liability policies (except for workers' compensation and professional liability insurance) shall be endorsed using ISO form CG 20 01 04 13 or its equivalent so as to indicate that such policies provide primary coverage (without any right of contribution by any other insurance, reinsurance or self-insurance, including any deductible or retention, maintained by an Additional Insured) for all claims against the additional insured arising out of the performance of this Grant Agreement by the Grantee or its subgrantees, or anyone for whom the Grantee or its subgrantees may be liable. These policies shall include a separation of insureds clause applicable to the additional insured.

If the Grantee and/or its subgrantees maintain broader coverage and/or higher limits than the minimums shown below, the District requires and shall be entitled to the broader coverage and/or the higher limits maintained by the Grantee and subgrantees.

1. Commercial General Liability Insurance ("CGL") - Grantee shall provide evidence satisfactory to DMPED with respect to the services performed that it carries a CGL policy, written on an occurrence (not claims-made) basis, on Insurance Services Office, Inc. ("ISO") form CG 00 01 04 13 (or another occurrence-based form with coverage at least as broad and approved by DMPED in writing), covering liability for all ongoing and completed operations of the Grantee, including ongoing and completed operations under all subcontracts, and covering claims for bodily injury, including without limitation sickness, disease or death of any persons, injury to or destruction of property, including loss of use resulting therefrom, personal and advertising injury, and including coverage for liability arising out of an Insured Contract (including the tort liability of another assumed in a contract) and acts of terrorism (whether caused by a foreign or domestic source). Such coverage shall have limits of liability of not less than \$1,000,000 each occurrence, a \$2,000,000 general aggregate (including a per location or per project aggregate limit endorsement, if applicable) limit, a \$1,000,000 personal and advertising injury limit, and a \$2,000,000 products-completed operations aggregate limit.
2. Automobile Liability Insurance - Grantee shall provide evidence satisfactory to DMPED of commercial (business) automobile liability insurance written on ISO form CA 00 01 10 13 (or another form with coverage at least as broad and approved by DMPED in writing) including coverage for all owned, hired, borrowed and non-owned vehicles and equipment used by the Grantee, with minimum per accident limits equal to the greater of (i) the limits set forth in the Grantee's commercial automobile liability policy or (ii) \$1,000,000 per occurrence combined single limit for bodily injury and property damage.
3. Workers' Compensation Insurance - Grantee shall provide evidence satisfactory to DMPED of Workers' Compensation insurance in accordance with the statutory mandates of the District of Columbia or the jurisdiction in which the contract is performed.

Employer's Liability Insurance - Grantee shall provide evidence satisfactory to DMPED of employer's liability insurance as follows: \$500,000 per accident for injury; \$500,000 per employee for disease; and \$500,000 for policy disease limit.

All insurance required by this paragraph 3 shall include a waiver of subrogation endorsement for the benefit of Government of the District of Columbia.

4. Cyber Liability Insurance - Grantee shall provide evidence satisfactory to the Contracting Officer of Cyber Liability Insurance, with limits not less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Grantee in this agreement and shall include, but not limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations. Limits may not be shared with other lines of coverage. Cyber Policy must be submitted to The Office of Risk Management (ORM) for review/approval.
5. Commercial Umbrella or Excess Liability - Grantee shall provide evidence satisfactory to DMPED of commercial umbrella or excess liability insurance with minimum limits equal to the greater of (i) the limits set forth in the Grantee's umbrella or excess liability policy or (ii) \$5,000,000 per occurrence and \$5,000,000 in the annual aggregate, following the form and in excess of all liability policies. **All** liability coverages must be scheduled under the umbrella and/or excess policy. The insurance required under this paragraph shall be written in a form that annually reinstates all required limits. Coverage shall be primary to any insurance, self-insurance or reinsurance maintained by the District and the "other insurance" provision must be amended in accordance with this requirement and principles of vertical exhaustion.

B. PRIMARY AND NONCONTRIBUTORY INSURANCE

The insurance required herein shall be primary to and will not seek contribution from any other insurance, reinsurance or self-insurance including any deductible or retention, maintained by the Government of the District of Columbia.

C. DURATION. Grantee shall carry all required insurance until all contract work is accepted by the District of Columbia and shall carry listed coverages for ten years for construction projects following final acceptance of the work performed under this contract and two years for non-construction related contracts.

D. LIABILITY. These are the required minimum insurance requirements established by the District of Columbia. However, the required minimum insurance requirements provided above will not in any way limit the Grantee's liability under this contract.

E. GRANTEE'S PROPERTY. Grantee and subgrantees are solely responsible for any loss or

damage to their personal property, including but not limited to tools and equipment, scaffolding and temporary structures, rented machinery, or owned and leased equipment. A waiver of subrogation shall apply in favor of the District of Columbia.

- F. MEASURE OF PAYMENT. District shall not make any separate measure or payment for the cost of insurance and bonds. Grantee shall include all of the costs of insurance and bonds in the contract price.
- G. NOTIFICATION. Grantee shall ensure that all policies provide that DMPED shall be given thirty (30) days prior written notice in the event of coverage and / or limit changes or if the policy is canceled prior to the expiration date shown on the certificate. The Grantee shall provide DMPED with ten (10) days prior written notice in the event of non-payment of premium. Grantee will also provide DMPED with an updated Certificate of Insurance should its insurance coverages renew during the contract.
- H. CERTIFICATES OF INSURANCE. Grantee shall submit certificates of insurance giving evidence of the required coverage as specified in this section prior to commencing work. Certificates of insurance must reference the corresponding contract number. Evidence of insurance shall be submitted to:

The Government of the District of Columbia

**And mailed to the attention of:
Office of the Deputy Mayor for Planning and Economic Development
Contracts, Procurement and Grants (Certificates of Insurance)
1015 Half Street, SE, 9th Floor, Washington, DC 20003
(202) 727-6365
Dmped.grants@dc.gov**

DMPED may request and Grantee shall promptly deliver updated certificates of insurance, endorsements indicating the required coverages, and/or certified copies of the insurance policies. If the insurance initially obtained by Grantee expires prior to completion of the contract, renewal certificates of insurance and additional insured and other endorsements shall be furnished to DMPED prior to the date of expiration of all such initial insurance. For all coverage required to be maintained after completion, an additional certificate of insurance evidencing such coverage shall be submitted to DMPED on an annual basis as the coverage is renewed (or replaced).

- I. DISCLOSURE OF INFORMATION. Grantee agrees that the District may disclose the name and contact information of its insurers to any third party which presents a claim against the District for any damages or claims resulting from or arising out of work performed by Grantee, its agents, employees, servants or subgrantees in the performance of this contract.
- J. CARRIER RATINGS. All Grantee's and its subgrantees' insurance required in connection with this grant shall be written by insurance companies with an A.M. Best Insurance Guide rating of at least A- VII (or the equivalent by any other rating agency) and licensed in the District.