



**RICE COUNTY HOUSING
& REDEVELOPMENT AUTHORITY**

320 N.W. 3rd Street, Suite 3 ~ Faribault MN 55021

REQUEST FOR PROPOSAL

Rice County HRA Section 8 Project Based Voucher

Release Date

December 11, 2020

Proposal Due Date

January 15, 2021

Rice County Housing and Redevelopment Authority

ATTN: Joy Watson, Director

320 3rd Street NW

Faribault, MN 55021

1. Introduction.

The Board of the Rice County Housing and Redevelopment Authority (RCHRA) is requesting proposals for the use of its Project-based Voucher Program to provide rent subsidy to units in housing development(s) for eligible families of very-low income or below. The RCHRA is anticipates making eight project-based vouchers available.

Vacancies in PBV units must be filled by eligible families currently on the HRA Section 8 waiting list; the HRA will generate referrals from its regular waiting list of Section 8 applicants.

2. RFP Process Timeline

RFP Issued:	December 11, 2020
Deadline for Submission of Questions:	December 21, 2020
Responses to Questions Due:	December 31, 2020
RFP Due:	January 15, 2021
Review of Proposals on or before:	January 29, 2021
Present Proposals to the RCHRA Board for Approval:	February 9, 2021

3. Instructions to Proposers

3.1 General Rules

This Request for Proposals ("RFP") is an invitation for Proposers to submit a proposal to the County. It is not to be construed as an official and customary request for bids, but as a means by which the RCHRA can facilitate the acquisition of information. Any proposal submitted as provided herein constitutes a suggestion to negotiate and NOT A BID.

3.2 Proposal Submission

Proposals can be submitted electronically or by mail. Proposals submitted by mail shall be postmarked no later than 4:30 p.m. on January 15, 2021, and marked "Rice County HRA Section 8 PBV Proposal". The submission must also be marked with the Proposer's name and contact information, and clearly addressed and marked. Electronic proposals must be submitted no later than 4:30 p.m. on January 15, 2021 and include "Rice County HRA Section 8 PBV Proposal" in the subject line. Proposals must be formatted in Microsoft Word.

The proposals should be mailed to: Rice County Housing and Redevelopment Authority
ATTN: Joy Watson, Director
320 3rd Street NW
Faribault, MN 55021

Proposals should be submitted electronically to: jwatson@co.rice.mn.us

Proposals will be treated as confidential during the RFP process in accordance with Minn. Stat. §13.591, subd. 3 (b), of the Minnesota Government Data Practices Act.

Failure to submit a proposal on time may be grounds for rejection of the proposal; however, the RCHRA reserves the right, in its sole and absolute discretion, to accept proposals after the time and date specified. The RCHRA is not responsible for delays caused by the U.S. Postal Service or any other carrier or delivery service.

3.3 Inquiries and Communication Restrictions

Proposers may not have communications, verbal or otherwise, concerning this RFP with any personnel or boards from RCHRA or relevant consultant(s), other than the persons listed in this section. This restriction may be suspended or removed by the authority and direction of the persons listed above. If any Proposer attempts or completes any unauthorized communication, RCHRA may, in its sole and absolute discretion, reject the Proposer's proposal.

Questions, requests for clarification, notices of discrepancies or omissions in the RFP or requests for information about this RFP or the process may be submitted by email to the designated RFP Administrator by 4:30 p.m., December 21, 2020 at:

Joy Watson, Director
E-mail: jwatson@co.rice.mn.us

The person submitting the request is responsible for its on-time delivery. Any question asked, the RCHRA's responses to all questions and requests for more information will be summarized in writing and forwarded to all known potential Proposers by mail or electronically by 4:30 p.m., December 31, 2020.

3.4 Addenda

The RCHRA reserves the right to modify the RFP at any time prior to the proposal due date. If the RFP is modified, addenda to the RFP will be provided to all Proposers known to have received a copy of the RFP. It is the responsibility of each prospective Proposer to assure receipt of all addenda.

The RCHRA will modify the RFP only by formal written addenda. Proposer's proposal should be based on the specifications herein and any formal written addenda from the RCHRA, not oral or other interpretations or clarifications, including those occurring at pre- Proposal meetings, site visits, etc.

3.5 RCHRA's Right to Withdraw, Cancel, Suspend and/or Modify RFP

The RCHRA reserves the right to withdraw, cancel, suspend, and/or modify this RFP for any reason and at any time with no liability to any prospective Proposer for any costs or expenses incurred in connection with the RFP or otherwise.

3.6 Proposer's Right to Withdraw or Modify Proposal

A proposal may be withdrawn on written request of the Proposer prior to the proposal due date. Prior to the proposal due date, changes may be made, provided the change is submitted in writing and signed by an officer or authorized representative of the Proposer. No modification, unless in writing, will be accepted.

3.7 Proposals Will Not Be Returned

Upon submission, proposals become the property of the RCHRA and will not be returned.

3.8 Public Disclosure of Proposal Documents

Under Minnesota law, proposals are private and nonpublic until the proposals are opened on the proposal due date. Once the proposals are opened, the name of the Proposer becomes public. All other data in the proposal is private or nonpublic data until completion of the evaluation process. The evaluation process is completed when the RCHRA enters into a contract with a Proposer. At that time, all remaining data submitted by all Proposers is public with the exception of data exempted under Minn. Stat. Section 13.37 of the Minnesota Government Data Practices Act. If the Proposer believes non-public data is included in its proposal, Proposer shall clearly identify the data and cite the Minnesota Government Data Practices Act exemption(s).

However, the Proposer agrees, as a condition of submitting a proposal, the RCHRA will not be liable or accountable for any loss or damage which may result from a breach of confidentiality, as may be related to the proposal. Pricing, fees, and costs are public data.

The Proposer agrees to indemnify and hold the RCHRA, its officials, agents, and employees harmless from all claims arising out of, resulting from, or in any manner attributable to any violation of any provision of the Minnesota Government Data Practices Act, including legal fees and disbursements paid or incurred to enforce this provision.

3.9 Proposer's Costs

The RCHRA shall not be responsible for any costs incurred by Proposer in connection with this RFP. Proposer shall bear all costs associated with proposal preparation, submission, and attendance at presentation interviews, or any other activity associated with this RFP or otherwise.

3.10 Collusion

If the RCHRA determines that collusion has occurred among Proposers, none of the Proposals of the participants in such collusion shall be considered. The RCHRA's determination shall be final.

3.11 Conflict of Interest

The Proposer affirms that, to the best of its knowledge, its proposal does not present a conflict of interest with any party or entity, which may be affected by the terms of a contract resulting from this RFP. The Proposer agrees that, should any conflict or potential conflict of interest become

known, it will immediately notify the RCHRA of the conflict or potential conflict, and will advise the RCHRA whether it will or will not resign from the other engagement or representation. Further, the RCHRA may make reasonable efforts to avoid, mitigate, or neutralize an organizational conflict of interest by a Proposer in all competitive procurements. To avoid an organizational conflict of interest by a Proposer, the RCHRA may utilize methods including disqualifying a Proposer from eligibility for a contract award or canceling the contract if the conflict is discovered after a contract has been issued. To mitigate or neutralize an organizational conflict of interest by a Proposer, the RCHRA may use methods such as revising the scope of work to be conducted, allowing Proposers to propose the exclusion of task areas that create a conflict, or providing information to all Proposers to assure that all facts are known to all Proposers. The RCHRA may, at its sole and absolute discretion, waive any conflict of interest.

4. Eligible and Ineligible Properties

The HRA cannot select units that do not meet basic program requirements. HUD development regulations specify ineligible units for the PBV Program. Applications for ineligible units will be disapproved and not ranked or selected.

4.1 The HRA may not attach or pay PBV assistance for certain units of housing.

The HRA may not attach or pay PBV assistance for units in the following types of housing:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care. However, the PHA may attach PBV assistance for a dwelling unit in an assisted living facility that provides home health care services such as nursing and therapy for residents of the housing;
- Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
- Manufactured homes; and
- Transitional Housing.

4.2 The HRA may not attach or pay PBV assistance for certain units of subsidized housing.

The HRA may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- Public housing;
- A unit subsidized by any other form of Section 8 assistance (tenant based or project based);
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments, however, assistance can be provided to a unit subsidized with Section 236 interest reductions payments;

- A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949;
- A project with a Section 202 loan;
- A Section 202 project for non-elderly persons with disabilities (Section 162 assistance);
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities;
- Section 101 rent supplement project;
- A unit subsidized with tenant-based assistance under the HOME program; or
- Any unit with any other duplicative Federal State, or local housing subsidy, as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment, a social security payment received by the family, or a federal, state, or local tax concession.

4.3 High Rise Elevator Project

An HRA may attach assistance under Part 983 to a high rise elevator project for families with children only if the HRA determines there is no practical alternative and HUD approves such finding. The HRA may make this initial determination for its project-based assistance, in whole or in part, and need not review each project on a case-by-case basis and HUD may approve on the same basis.

4.4 Assistance may not be attached to a unit that is occupied by an owner.

5. Requirements.

5.1 Eligible Projects

Eligible developments are new construction that create decent, safe and affordable units of housing for families of very-low income or below. The proposed project shall comply with HUD Regulation 24 CFP 983.

5.2 Financing

Financing must be obtained independently by the owner.

5.3 Final Approval and Contracting Requirements

All proposals must meet final approval before construction begins. In addition, the owner must also sign the Agreement to Enter into a Housing Assistance Payments Contract, prior to the start of rehabilitation. After such work is completed, owners must enter into a Housing Assistance Payments (HAP) Contract with HRA for a minimum term of one year or maximum term of ten years. For acquisition and rehabilitation projects, proposals should include detailed information related to tenant displacement and relocation assistance.

5.4 Equal Opportunity and Fair Housing

The PBV program requires compliance with all equal opportunity requirements under federal law and regulation, including the authorities cited at 24 CFR 5.105(a). The PHA must comply

with the PHA Plan civil rights and affirmatively furthering fair housing certification submitted by the PHA in accordance with 24 CFR 903.7(o). The PBV program will adhere to the PHA's Language Access Plan.

5.5 Subsidy Layering Review Requirements

For all approved proposals, the HRA may not provide PBV assistance or commit to provide assistance until a subsidy layering review is completed. The subsidy layering review is required by HUD and is intended to prevent excessive public assistance for the housing by reviewing all governmental housing assistance received on the particular project. Once the subsidy layering review is completed and approved by HUD, the owner must certify that no additional public assistance will be used in the project other than what was originally disclosed in the subsidy layering review process.

5.6 Other Federal Requirements

Where applicable, the following requirements must be met:

- Clean Air Act and Federal Water Pollution Control Act.
- Flood Disaster Protection Act of 1973.
- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations in 24 CFR part 135.
- Executive Order 11246, Equal Employment Opportunity (for construction contracts over \$10,000).
- Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprises.
- Executive Orders 12432, Minority Business Enterprises and Development, and 12138, Creating a National Women's Business Enterprise Policy.
- Payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act, to all laborers and mechanics employed in the construction or rehabilitation of the project under an Agreement covering nine (9) or more assisted units, and compliance with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other Federal laws and regulations pertaining to labor standards applicable to such an agreement.
- The provisions of part 24 of this title relating to the employment, engagement of services, awarding contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

5.7 Environmental Requirements

The responsible entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and HUD has given a release of funds, as defined in §983.3(b); and HUD has approved the request for release of funds.

6. Selection.

6.1 Proposal Evaluation and Recommendation for Selection

The RFP does not commit the RCHRA to award a contract. Submission of a proposal as provided herein shall neither obligate nor entitle a Proposer to enter into a contract with the RCHRA. The RCHRA, reserves the following rights, to be exercised in the RCHRA's sole and absolute discretion: 1) to determine whether any aspect of a proposal satisfactorily meets the criteria established in this RFP; 2) to seek clarification or additional information from any Proposer(s); 3) to negotiate, sequentially or simultaneously, pricing and/or terms with any Proposer(s) or contractor(s) that did not submit a proposal; 4) to reject any or all proposals with or without cause; 5) to waive any irregularities or informalities in a proposal; 6) to cancel and/or amend by addenda this RFP, in part or entirely; and 6) to award multiple contracts to Proposers and/or contractors that did not submit a proposal.

Evaluation of proposals by an evaluation panel, HRA staff, a technical advisory committee, or by another group, individual or entity is advisory only. Such evaluations are for the sole benefit of the RCHRA Board or its designee, and as such, they are not binding upon the RCHRA Board, nor may they be relied upon in any way by a Proposer. The RCHRA Board or its designee may consider or reject such evaluation(s) for any or all proposals.

6.2 Selection Criteria

Proposals for PBVs will be reviewed in accordance with the selection policy requirements as set forth in 24 CFR Section 983.51.

Each PBV proposal will be reviewed by HRA staff for compliance with HUD regulations and program criteria under 24 CFR Part 983- Section 8 Project-Based Voucher Program. The HRA staff will then make a recommendation to the RCHRA Board for approval to project base the Section 8 assistance in the development.

Contingent upon formal HRA Board and HUD approval, and compliance with all project-based regulations, the HRA will offer the owner or developer the opportunity for an Agreement to Enter into a Housing Assistance Contract and subsequently issue authorization to proceed with the rehabilitation project.

Evaluation of the Proposals shall be based on a 100 point scale and consider the following:

- A. Experience (20 points) – Owner experience and capability to construct housing as identified in the proposal.
- B. Neighborhood Amenities (20 points) – Availability of and proximity to features such as schools, transportation, community service, and employment.

- C. Housing Opportunities (20 points) – Extent to which the project furthers the HRA’s goal of providing an adequate supply of decent, safe, and affordable housing.
- D. Economic Opportunities (20 points) – Extent to which the project promotes economic opportunities.
- E. Services (20 points) – Extent to which services for special populations, such as people with disabilities or people who are experiencing homelessness, are provided on site or in the immediate area for occupants of the property.

6.3 Evaluation of Responsiveness

The RCHRA will consider all the material submitted by the Proposer to determine whether the Proposer’s offer is in compliance with the terms and conditions set forth in this RFP. Responses that do not comply with the provisions in this RFP may be considered nonresponsive and may be rejected.

7. Terms and Conditions

7.1 RCHRA may Terminate

The RCHRA Board, acting through the RCHRA staff, may, at its sole discretion, terminate this process at any time, or reject any and all proposals without penalty, prior to the execution of a contract acceptable to the committee. Final selection will be based on the proposal which best meets the requirements set forth in the RFP.

7.2 Irrevocable Offer

Any proposal may be withdrawn up until the date and time set above for the proposal due date. Any proposal not so withdrawn shall constitute an irrevocable offer, for a period of 90 days, to provide the RCHRA the services set forth in the attached specifications, or until one or more of the proposals have been approved by the committee, whichever occurs first.

7.3 Requirements of Agreements

Any agreement or contract resulting from the acceptance of a proposal should contain, at a minimum, all applicable provisions of the RFP. The RCHRA reserves the right to reject any agreement that does not conform to the RFP and any RCHRA requirements for agreements and contracts.

7.4 Compliance with Applicable Laws

The successful firm further may be required to provide certification of compliance with applicable statutory employment mandates, including but not limited to Minnesota and U.S. labor and nondiscrimination.