



REQUEST FOR PROPOSALS

ROLLING AWARDS OF PROJECT-BASED VOUCHERS RFP NO.: 2401

PROPOSALS DUE:

ROUND ONE – February 29, 2024

ROUND TWO – July 31, 2024

AT 5:00 P.M. PST

REQUEST FOR PROPOSALS

ROLLING AWARDS OF PROJECT-BASED VOUCHERS RELEASE DATE: January 30, 2024

AWARD DATE AND TIME:

Round One – March 12, 2024
Round Two – August 27, 2024

SOLICITATION NO. 2401

TABLE OF CONTENTS

REQUIRED SUBMISSIONS 3

EXHIBITS 3

INTRODUCTION 4

RFP INFORMATION AT A GLANCE 4

1. GENERAL TERMS AND CONDITIONS 5

2. HAYC’S RESERVATION OF RIGHTS 8

3. INSTRUCTIONS 9

4. DIVERSITY, EQUITY, AND INCLUSION GOALS..... 11

5. PROPOSAL EVALUATION 12

6. PROPOSAL FORMAT 15

7. CONTRACT INFORMATION..... 20

APPENDIX A: SCOPE OF WORK 21

REQUIRED SUBMISSIONS
(Must be completed and returned with proposal)

SUBMISSION TAB	FORM	DESCRIPTION
1	[none]	Description of proposed services
	Attachment A	Summary Page
2	[none]	Description of contractor experience
	Attachment B	Threshold Application
3	Attachment C	Profile of Firm
	Attachment D	Non-Collusive Affidavit
	Attachment E	Conflict of Interest Vendor Questionnaire and Verification
	Attachment F	Certification Regarding Debarment and Suspension (HUD 2992)
	Attachment G	Certifications and Representations of Offerors (Non-Construction Contract - HUD 5369-C)
	Attachment H	Equal Employment Opportunity Certification (HUD 92010)

EXHIBITS

(Informational only; Not to be returned to HAYC but should be reviewed by respondent)

EXHIBIT	
1	PBV AHAP Contract - New Construction or Rehab (HUD 52531A)
2	PBV HAP Contract - New Construction or Rehab (HUD Form 52530A) and Existing Housing (HUD Form 52530B)
3	HUD 5369-B: Instructions to Offerors (Non-Construction)
4	HUD 5370-C, Section II: General Conditions for Non-Construction Contracts
5	HAYC Procurement Policy
6	PBV Program Criteria
7	RFP Schedule
8	Income Limits
9	Voucher Payment Standards (effective 10/1/2023)

INTRODUCTION

Housing Authority of Yamhill County (HAYC) was established January 10, 1951, by resolution of the Yamhill County Board of Commissioners. For the past 58 years, HAYC has owned and operated affordable rental housing in the county. Over the decades, as programs and funding have changed (or been created), HAYC has evolved its portfolio to use current tools to serve the community and maintain a financially healthy organization. HAYC administers a Housing Choice Voucher program and other HUD voucher programs with 1,669 vouchers.

RFP INFORMATION AT A GLANCE

HAYC Contracting Officer	Vickie Ybarguen, Executive Director vickie@hayc.org
RFP Contract	Megan Ramos Director of Housing Services Housing Authority of Yamhill County Direct: 503-883-4335 megan@hayc.org
Pre-Proposal Conference	N/A
How to fully respond to this RFP by submitting a proposal	As instructed within Section 6 of the RFP document, Respondent must submit a complete response via email.
Proposal submittal deadline	An email containing a single .pdf document will all required forms must be submitted to HAYC no later than 5 p.m. PT on the due date. Email proposals to RFP Contact Megan Ramos at megan@hayc.org
Questions	Questions will be received in writing no later than 5:00 P.M. PT according to Exhibit 7: RFP Schedule. via email to megan@hayc.org . Responses to all questions will be posted as an addendum and posted to HAYC's website at https://www.hayc.org/

1. GENERAL TERMS AND CONDITIONS

1.1 Definitions. For purposes of this RFP, the following definitions apply:

1.1.1 “Developer” means the person or entity that is proposing to develop or is developing (i) a new, rental development or (ii) a rehabilitation of a rental property requiring rehabilitation, and who is qualified and interested in receiving PBVs for a percentage of the rental units, and who has or will acquire site control of the land on which the new rental housing will be built or the existing rental property will be rehabilitated.

1.1.2 “HAYC” means the Housing Authority of Yamhill County.

1.1.3 “HUD” means the United States Department of Housing and Urban Development.

1.1.4 “Owner” means the individual or entity in ownership of a development of existing multifamily, rental housing units or the land on which such a development will be developed.

1.1.5 “Preliminary Award Letter” means a letter from HAYC clearly stating any conditions and timeframes for execution of an Agreement to Enter into a HAP Contract (AHAP) or Housing Assistance Payment (HAP) Contract.

1.1.6 “Respondent” means a firm submitting a response to this RFP.

1.1.7 “RFP” means this Request for Proposal.

1.1.8 “Selected Contractor” means the firm selected by HAYC to provide the goods and/or services sought by this RFP.

1.2 Purchasing Contracting Officer. The Procurement Coordinator, identified below, is the sole point of contact regarding this RFP from the date of issuance until selection of the Selected Contractor.

Megan Ramos, Director of Housing Services
Housing Authority of Yamhill County
135 NE Dunn Place McMinnville, OR 97128
Direct: 503-883-4335
Email: megan@hayc.org

1.3 Questions, Clarifications, and Additional Information. From the issue date of this RFP until the announcement of the Selected Contractor, interested parties with questions or requiring additional information or clarification can only do so by contacting the RFP Contact. HAYC may disqualify firms if they contact any HAYC employee other than the RFP Contact regarding this RFP.

1.3.1 Questions, requests for clarifications, or requests for additional information must be in writing and received by RFP Contact no later than 5:00 p.m. according to Exhibit 7: Scheduled of Events. HAYC will not respond to verbal questions.

1.3.2 If the question or request pertains to a specific section of the RFP, the Respondent must reference the relevant section number(s).

1.3.3 If HAYC responds to the question or request, it will do so in writing on or before the proposal deadline. The response will be an addendum that will become part of the RFP and will be distributed to all firms that received this RFP.

1.3.4 The prospective firm must acknowledge receipt of all such addenda in its proposal.

1.3.5 HAYC assumes no responsibility for verbal representations made by its employees unless such representations are confirmed in writing via an addendum to this RFP.

1.4 Amendment and/or Withdrawal of Proposals. Respondents may amend or withdraw their proposals, by written request to the RFP Contact, at any time before the proposal deadline.

1.4.1 Respondent must sign and submit the amendment to HAYC, which must receive the amendment by the proposal deadline.

1.4.2 HAYC will not accept e-mailed or faxed amendments after the due date.

1.5 Right to Protest. Any actual or prospective Respondent that is aggrieved in connection with this RFP or a resulting contract may send a written protest to HAYC's Executive Director at 135 NE Dunn Place, McMinnville, OR 97218.

1.5.1 For protests against a solicitation, the Executive Director must receive the written protest at least one day before the due date for receipt of bids or proposals. HAYC will evaluate the Protest and will issue a written decision. HAYC may hold a conference to discuss the claim.

1.5.2 For protests against a written determination the written protest must be sent to the Executive Director within five days of such determination. HAYC will evaluate the Protest and issue a written decision. HAYC may hold a conference to discuss the claim.

1.5.3 A Contractor wanting to protest a matter related to the performance of a contract must submit its written protest to the Executive Director, who will evaluate the matter and issue a written decision. HAYC may hold a conference to discuss the claim.

1.5.4 The Executive Director has authority to settle and resolve the protest before commencing any legal action.

1.5.5 If the protest is not resolved by mutual agreement, the Executive Director will promptly issue a written decision stating the reasons for HAYC's actions and informing the aggrieved Respondent of its right to administrative review.

1.5.6 If a Respondent timely protests, HAYC will not award the contract unless it concludes, in writing, that it needs to protect its substantial interests by entering into the contract without delay.

1.5.7 The Executive Director's decision regarding the protest is final and conclusive unless fraudulent or unless an adversely-affected Respondent commences an action in court or appeals the decision to the HAYC Board of Commissioners.

1.5.8 In addition to any other relief, when a protest is sustained and the aggrieved Respondent should have been awarded the contract under the solicitation but was not, then the aggrieved Respondent will be entitled to certain costs, including bid preparation costs, but excluding attorney's fees.

1.6 Authority to Debar or Suspend from HAYC Purchasing. HAYC Executive Director or their designee may suspend, for cause, a Respondent from consideration for award of a contract. HAYC may do so after providing such Respondent with notice and a reasonable opportunity to respond. Such suspension cannot exceed three years. HAYC may likewise refer any matter to HUD where it believes there is probable cause for debarment. A suspension or debarment by HUD will result in a firm's immediate exclusion from participating in any HAYC or other government program. The authority to debar will be exercised in accordance with 24 C.F.R. Part 24. The suspension process will follow Paragraphs 1.5.1 through 1.5.3.

1.7 Failure to Submit Proposal. Recipients of this solicitation not responding with a proposal should not return this solicitation. Instead, they should advise the Contracting Officer by letter whether they want to receive future solicitations for similar requests. If a recipient does not submit an offer and does not notify the Contracting Officer that notice of future solicitations are desired, HAYC may remove the recipient's name from the applicable mailing list.

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2. HAYC'S RESERVATION OF RIGHTS

2.1 HAYC reserves the right to reject any proposal that does not meet this RFP's requirements, including incomplete proposals and/or proposals offering alternate or non-requested services, proposals deemed non-responsive, Respondents deemed not responsible, and conditional proposals.

2.2 HAYC, at its sole discretion, may award one or more contracts to perform the services or a portion of the services outlined in Appendix A (Scope of Work). HAYC reserves the right not to award a contract pursuant to this RFP and instead issue subsequent RFPs, as may be in HAYC's best interest.

2.3 HAYC reserves the right to terminate a contract awarded pursuant to this RFP at any time upon written notice to the Selected Contractor.

2.4 HAYC reserves the right to require additional information from any Respondent to assist in its evaluation. The Respondent must submit the requested information, in the form required by HAYC, within two days of written request, or HAYC will deem the proposal non-responsive.

2.5 If a Respondent requests to withdraw its proposal prior to the time set for opening of the proposals, then HAYC will not open or review it. If a Respondent requests to withdraw its proposal after HAYC has opened it, then HAYC will withdraw the proposal and remove it from consideration. All requests to withdraw proposals must be made in writing to HAYC.

2.6 HAYC reserves the right to negotiate any fees.

2.7 HAYC has no obligation to compensate any Respondent for any costs incurred in responding to this RFP.

2.8 HAYC reserves the right to contact individuals, entities, or organizations that have had a business relationship with a Respondent regardless of their inclusion in the reference section of the proposal. This includes any previous business conducted with HAYC.

2.9 HAYC will reject the proposal of any Respondent that is debarred by HUD and/or the State of Oregon from providing services to public housing authorities. HAYC reserves the right to reject the proposal of any Respondent that: has previously failed to perform a contract properly for any purchaser; failed to timely complete contracts of a similar nature; is found to not be in a position to perform the contract; or has neglected the payment of bills or otherwise disregarded obligations to HAYC, purchasers, sub-lenders, material providers, or employees.

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3. INSTRUCTIONS

3.1 Start Date: TBD

3.2 Allotted Time: All projects will enter into a HAP contract when the units are ready for occupancy. HAYC anticipates HAP contracts will have a cumulative minimum term of 20 or more years with an initial term of 20 years and an optional extension at the time of the HAP contract renewal for an additional term of up to 20 years.

3.3 The Selected Contractor must comply with all applicable federal, state, and local laws, rules, regulations, ordinances, and codes and obtain any licenses or permits required to provide the services sought by this RFP.

3.4 Term of Contract. HAYC seeks to issue a contract for a term of twenty years plus an up to twenty-year renewal for a total possible forty (40) year award, subject to approval by HAYC's Board of Commissioners. But HAYC does not guarantee a contract as the result of a successful RFP.

3.5 Pre-Proposal Conference. Please see the "RFP Information at a Glance" chart at the beginning of this RFP for more information.

3.6 Oregon Public Records Law. All proposals submitted to HAYC are subject to Oregon public records laws. Information in proposals and related submissions that might be deemed a trade secret or otherwise not subject to disclosure under Oregon public records laws must be clearly labeled as such by the Respondent. The Respondent must indicate in its proposal information not subject to disclosure, in response to a public records request. Failure to do so may subject the entire contents of a proposal to disclosure under Ohio public records laws.

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4. DIVERSITY, EQUITY, AND INCLUSION GOAL

4.1 Minority- and Women-Owned Business Participation. HAYC will require Respondents to seek COBID and non-COBID M/W/ESB professional firms to increase the participation level of minority-owned businesses in its construction project to meet M/W/ESB goals. HAYC also encourages the utilization of local labor and partnering with the community to help build healthy, affordable homes to improve economic and social vitality while increasing pathways out of poverty.

4.2 Respondents will be scored on their approach to M/W/ESB engagement and contracting. All Respondents will be required to identify ways and targets that they will use to contract with M/W/ESB/SDVBE COBID contractors/subcontractors in the construction and operation of the proposed Project.

4.3 Respondents will be scored on their approach to Affirmatively Furthering Fair Housing and identifying strategies to increase access to housing for Communities of Color. For this RFP, Communities of Color means identity-based communities that hold a primary racial identity that describes the racial characteristics of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. The community may or may not also be a geographic community. Given that race is a socially defined construct, the definitions of these communities are dynamic and evolve across time.

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5. PROPOSAL EVALUATION

HAYC will evaluate proposals received in response to this solicitation using the following evaluation process.

5.1 Initial Evaluation for Responsiveness. HAYC will first evaluate each proposal for responsiveness (e.g., meets the minimum of the published requirements). HAYC reserves the right to reject any proposals it deems not minimally responsive, including those responses that fail to demonstrate how Respondent will comply with HAYC’s Diversity, Equity and Inclusion Goals. Each proposal will be evaluated on the factors described in Section 5.3. HAYC intends to award a contract to the Respondent(s) with the highest- ranking scores and whose qualifications HAYC deems most advantageous.

5.2 Evaluation Committee. HAYC anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive proposals submitted in response to this RFP. No Respondent will be informed at any time during or after the RFP process as to the identity of any evaluation committee member. If a Respondent learns the identity of such person(s), they must not make any attempt to contact or discuss with such person anything related to this RFP. As detailed within Section 1 of this document, the Contracting Officer is the only person at HAYC whom the Respondent can contact regarding this RFP. Failure to abide by this requirement may cause HAYC to eliminate such Respondent from consideration for award. The Contracting Officer will not serve on the Evaluation Committee.

5.3 Evaluation Criteria. HAYC will award points for each evaluation criterion listed below, based upon the documentation that the Respondent submits in its proposal. HAYC will average the scores for each evaluation criterion, then combine the weighted average score to calculate an overall score.

Evaluation Criteria	Points
1. Development Site: The proposed development meets site selection criteria as described in this document. HAYC seeks developments in communities that advance local development goals and affordable housing plans. Site control in a form and for a duration that supports financial feasibility is required.	20
2. Owner, Developer, Manager Experience: The applicant has a demonstrated, successful track record of owning, developing and/or managing housing of a similar scale to the proposed project. HAYC seeks applications with development plans that include demonstrated Property Management ability with housing similar to the proposed application project.	20

For those projects including supportive services, please include information about services provided here as well – see proposal format for more details.	
3. Financial Feasibility: The project is financially feasible and viable as detailed in the submittal requirements tabs. If applicable, a construction timeline has been included. Emphasis will be given to projects that are ready to proceed as evidenced by committed funding sources.	30
4. Energy Efficiency: New Construction projects, or projects undergoing substantial rehabilitation will include Energy Efficient design and construction measures.	10
5. Diversity Equity and Inclusion HAYC will give maximum consideration to those Respondents who demonstrate, through their submittal, a commitment to HAYC’s Diversity, Equity and Inclusion goals defined in Section 4.	20
6. Income Requirement: Households to receive PBV Assistance will not have an annual income exceeding 30-50% AMI, with exclusions as detailed in Income Limits section of this RFP. Those submissions that wish to be awarded more vouchers than are in the project cap should explicitly define why the project cap does not apply. (For example, the site is fully elderly, or, supportive services will be made available to all families at the site, etc.)	N/A
7. Accessibility Requirements: New Construction projects or projects undergoing substantial rehabilitation will meet federal and state accessibility requirements, if applicable.	N/A
8. Broadband Requirements: New Construction projects, or projects undergoing substantial rehabilitation of more than four units will include Broadband infrastructure.	N/A
Total	

5.4 Evaluation Method

5.4.1 Evaluation Packet for Proposals. Internally, HAYC will prepare for each committee member an evaluation packet that will include the following:

- 5.4.1.1** Instructions to committee members;
- 5.4.1.2** Proposal tabulation form; and
- 5.4.1.3** Copy of all relevant RFP documents.

5.4.2 Potential “Competitive Range” or “Best and Final Negotiations”. HAYC reserves the right, as detailed within Paragraphs 7.2.N. through 7.2.R. of HUD Procurement Handbook 7460.8 REV 2, to conduct a “Best and Final” negotiation, which may include oral interviews with all Respondents deemed to be in the competitive range. Such interviews are at HAYC’s sole discretion.

5.4.3 Determination of Top-Ranked Respondent(s). The points awarded by the evaluation committee determine the final rankings. Contract negotiations may, at HAYC’s option, be conducted prior to or after the Board of Commissioner’s approval.

5.4.4 Notice of Evaluation Results. If an award is completed, all Respondents will receive by e-mail a Notice of Results of Evaluation. Such notice will inform all Respondents of:

- 5.4.4.1** Which Respondent received the award and the contract price and
- 5.4.4.2** Each Respondent’s right to a debriefing and to protest.

5.4.5 Restrictions. Those individuals with familial (including in-law) relationships, employment relationships (past or current), ownership interests, and/or contractual relationships with principals and/or employees of a Respondent will be excluded from participating in the evaluation committee.

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6. PROPOSAL FORMAT

6.1 Proposal Submittal. HAYC intends to select the successful Respondent pursuant to a “Best Value” basis, not a “Low Proposal” basis (“Best Value,” in that HAYC will, as detailed within Section 5, consider factors other than just cost in awarding a contract). To allow HAYC to properly evaluate all proposals, they must be formatted as follows:

6.1.1 Each category must be separated by numbered sections and labeled with the corresponding tab reference in the table below.

6.1.2 The proposal must be signed by an official authorized to bind the Respondent and must contain a statement that the proposal is firm for 120 days from the proposal deadline.

Section	Form/Subject	Description
1	Proposed Project	Respondent should include the following information: <ul style="list-style-type: none"> • Company introduction and background • Brief narrative describing project. • Respondent’s qualifications to provide the services. • Contact person for both the RFP process and contract, including: <ul style="list-style-type: none"> ○ Email Address ○ Phone Number ○ Mailing Address
1	Attachment A: Summary Page	Complete and include Attachment A: Summary Page.
1	Attachment B: Threshold Application	Complete and include Attachment B: Threshold Application.
1	Attachment C Profile of Firm	Complete and include Attachment B: Profile of Firm
2	Section 5.3 Evaluation Factor No. 1	Respondent should include information about the following: Development Site: The proposed development meets site selection criteria as described in this document. Include maps and narratives as necessary to demonstrate how criteria is met.

2	Section 5.3 Evaluation Factor No. 2	<p>Respondent should include information about the following:</p> <p>Owner, Developer, Manager Experience:</p> <p>The applicant has a demonstrated, successful track record of owning, developing and/or managing housing of a similar scale to the proposed project. HAYC seeks applications with development plans that include demonstrated Property Management ability with housing similar to the proposed application project.</p> <p><i>Supportive Housing Developments Only:</i> Proposed supportive housing developments must provide comprehensive services with the appropriate level of services for the target population.</p>
2	Section 5.3 Evaluation Factor No. 3	<p>Financial Feasibility – Proposal shall demonstrate financially feasible by providing the following.</p> <ul style="list-style-type: none"> a) Existing housing: please include a budget vs. actual including a breakout calculation of PBV rental revenues. b) New construction: Include a 20 year proforma illustrating proposed rents for PBV units. The proforma should include line item detail sufficient for a knowledgeable reviewer to evaluate the feasibility and completeness of the budget including, but not limited to: c) Estimated revenue; and d) Estimated expenses for all categories including maintenance, utilities, capital reserves, security, resident supportive services, (as applicable – temporary resident relocation) insurance, taxes, etc. e) summary of committed resources and/or plan to secure resources.
2	Section 5.3 Evaluation Factor No. 4	<p>Energy Efficiency – Proposal shall demonstrate how New Construction projects, or projects undergoing substantial rehabilitation will include Energy Efficient design and construction measures.</p>

2	Section 5.3 Evaluation Factor No. 4	Energy Efficiency – Proposal shall demonstrate how New Construction projects, or projects undergoing substantial rehabilitation will include Energy Efficient design and construction measures.
2	Section 5.3 Evaluation Factor No. 5	Diversity Equity and Inclusion – Proposal shall demonstrate its plan and commitment to achieving MWESB goals in contracting and operations. Proposal shall demonstrate plans and partnership to affirmatively further fair housing and increase access by Communities of Color.
2	Section 5.3 Evaluation Factor No. 6	Income Requirement – Proposal shall demonstrate that Households to receive PBV Assistance will not have an annual income exceeding 30% or 50% AMI as designated.
2	Section 5.3 Evaluation Factor No. 7	Accessibility Requirements – Proposal shall describe how New Construction projects or projects undergoing substantial rehabilitation will meet federal and state accessibility requirements, if applicable.
2	Section 5.3 Evaluation Factor No. 8	Broadband Requirement – Proposal shall demonstrate how New Construction projects, or projects undergoing substantial rehabilitation of four units or more will include Broadband infrastructure.
3	Attachment D: Non-Collusive Affidavit	Must be fully completed and submitted under this tab as a part of the proposal.
3	Attachment E: Conflict of Interest Questionnaire and Verification Form	Must be fully completed and submitted under this tab as a part of the proposal.
3	Attachment F: HUD-2992 Certification Regarding Debarment and Suspension	Must be fully completed and submitted under this tab as a part of the proposal.
3	Attachment G: HUD-5369-C Certifications and Representations of Offerors (Non- Construction)	Must be fully completed and submitted under this tab as a part of the proposal.

4	Construction Design	<p>a) <u>Existing Building/Ready for Occupancy</u>: The following photo requirements apply for each building in the development:</p> <ul style="list-style-type: none"> • Two exterior pictures showing the front and rear of each building • Typical unit interior for each bedroom size set forth in the application (include dimensions) • Common area photos including entrance and laundry areas <p>b) <u>New Construction and Rehabilitation</u>:</p> <ul style="list-style-type: none"> • Picture of existing site • Schematic or architectural drawings • Evidence of ownership or Site control. Provide evidence of current ownership, which should be signed and recorded. Alternatively, provide evidence of pending site control; i.e. option agreement, sales contract, etc.
5	Commitment Letters Will impact points issued in Section 5.3, Evaluation Factor No. 3:	Include commitment letters for all secured funding/provide detail on anticipated funding sources.
6	Development Schedule Will impact points issued in Section 5.3, Evaluation Factor No. 3:	Include a project timeline indicating major milestones including closings and when project units will be ready for occupancy.
7	Davis Bacon (if applicable)	Include a certification that the project is in compliance with Davis-Bacon Wage rates if nine (9) or more units are proposed for development.

6.2 Submission Conditions

6.2.1 Respondents must furnish all information needed to evaluate the proposal. HAYC may disqualify proposals that fail to meet mandatory requirements of the RFP. HAYC will not consider verbal information provided by the Respondent.

6.2.2 HAYC will only accept Proposals from Respondents sent and received via email to send a single Megan at megan@hayc.org prior to the due date and time. The Proposal should be in the form of a single .pdf file attached to the email.

6.2.3 The Exhibits included in this RFP is for the Respondent's benefit. Respondent need not submit it with the proposal.

6.3 HAYC will only accepted an emailed proposal.

6.4 It is the Respondent's responsibility to ensure HAYC receives the proposal prior to the deadline. HAYC will reject proposals it receives after the deadline as identified on the time stamp of the email sent by the Respondent. This is a mandatory rule that HAYC will not waive. **HAYC DOES NOT ACCEPT RESPONSIBILITY FOR LATE OR MIS-DELIVERED PROPOSALS.**

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7. CONTRACT INFORMATION

7.1 Contract Form. HAYC will not execute a contract on the Selected Contractor's form of contract. Instead, by submitting a proposal, the Selected Contractor agrees to execute a contract on HAYC's form of contract.

7.1.1 A sample contract containing HAYC's terms and conditions is attached as Exhibit 1 for review. **ANY EXCEPTIONS OR PROPOSED MODIFICATIONS TO THIS DOCUMENT SHOULD BE SUBMITTED WITH THE RESPONDENT'S PROPOSAL.**

7.1.2 HAYC has no legal right or ability to negotiate any clauses contained in any HUD forms required by this RFP.

7.2 Selected Contractor's Responsibility. Notwithstanding the right of the federal government and HAYC to review the Selected Contractor's efforts and progress and particularly with reference to the specifications and deliverable items, which may be provided for in the contract with HAYC, the Selected Contractor will be responsible for complying with the contract. Any reviews and approvals given by HAYC or the federal government do not relieve the Selected Contractor of this responsibility without HAYC's written approval.

7.3 Sample Contract. Respondents must review Exhibit 1 (Sample Contract) to understand HAYC's expectations for any contract it might execute as a result of this RFP.

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APPENDIX A: SCOPE OF WORK

SCOPE OF WORK

The Housing Authority of Yamhill County (HAYC) is requesting proposals to provide Project-Based Voucher (PBV) units in qualified rental housing, as this document defines it. HAYC is seeking to make affordable housing available through the Housing Choice Voucher Program (HCV) using Project-Based Voucher (PBV) assistance as established by the U.S. Department of Housing and Urban Development (HUD). The selected Owner or Developers (referred to throughout as Respondent) will contract directly with HAYC.

HAYC will make up to 100 PBV available to selected Respondent(s).

The purpose of the RFP is to select qualified rental housing. The selected rental housing will be eligible to receive Project-Based Voucher (PBV) Assistance³ for a term of twenty years plus an up to twenty-year renewal for a total possible forty (40) year award. HAYC anticipates engaging and making awards to multiple Owners or Developers of high quality, energy efficient rental housing including appropriate amenities and, where applicable, supportive services.

This is a rolling solicitation. Proposals are due by 5 PM. Local Time according to Exhibit 7: Schedule of Events.

BACKGROUND & GENERAL INFORMATION

HAYC's PBV Program is utilized as a strategic tool to promote location and mobility options by assisting with the placement of HCV-eligible families in well- resourced communities. Unlike a tenant -based voucher, which may transfer with the resident, a PBV during the contract term remains with the PBV rental project and is available only to households residing in a PBV assisted unit.

HAYC's PBV Program is being designed with the following key objectives in mind:

- a. Increasing housing options for low-income families in well-resourced communities throughout Yamhill County;
- b. Incentivizing developers to preserve or create affordable housing units that expand housing options for low-income families, and
- c. Further goals of the City of McMinnville, City of Newberg, Yamhill County to promote and expand affordable rental housing.

HAYC is soliciting qualified Respondents who are interested in designating some or all of the units in the project as PBV Assisted units; designated units should meet site selection criteria as detailed in this request.

To qualify, proposed PBV Units cannot be receiving prohibited subsidy types. See Exhibit 6: Selection Criteria for clarification.

Under this RFP, there will be two funding rounds as indicated on the Schedule of Events. Funding rounds will continue until HAYC discontinues this solicitation.

HAYC anticipates notifying Respondents whether their Project Proposal is selected based on the evaluation criteria contained in Section 4. See Exhibit 7: Schedule of Events listing notification dates for rounds.

Proposals selected will receive a Preliminary Award Letter addressed to the selected Respondent within 15 days of the HAYC Board of Commissioners meeting. Public notice of PBV Award shall be provided through the publication of a legal advertisement and posted on the HAYC website.

Respondents are responsible for reading this RFP in its entirety, including any updates and revisions that may be included in any addenda. By submitting a response to this solicitation, the Respondent acknowledges that it has read the entire document and is responding with full knowledge of all terms, conditions and requirements set forth herein. If Respondent is awarded a Preliminary Award Letter pursuant to this RFP, such award is subject to agreement of contractual terms by HAYC and Respondent and compliance with applicable timelines.

SELECTION CRITERIA

Respondents to this RFP that meet all threshold requirements will be selected competitively through this RFP, subject to approval by the HAYC Board of Commissioners. The process of selection of rental housing will be through a review of proposals to determine that threshold requirements have been met. Additionally, the evaluation team will perform a site visit. Recommendations will be made to the HAYC Board of Commissioners, and selections will be made by a majority vote of the HAYC Board of Commissioners.

DESCRIPTION OF THE PROJECT LOCATION

The proposed project units will be built or currently located in Yamhill County.

INCOME LIMITS AND INCOME MIXING

Submissions should detail proposed income eligibility limits for all requested PBV units, as well as for other non-PBV units. HAYC will consider income limit criteria a threshold factor. (HAYC vouchers can only

be offered to those participants with up to 50% Area Median Income (AMI) and HAYC's HCV goal is that 75% of the requested PBV award units are targeted up to 30% AMI participants and the remaining 25% of the admissions to the program target up to 50% AMI. See Exhibit 8: Income Limits for clarification.

HAYC seeks economic diversity in buildings and communities and prefers buildings that offer a mixed-income environment. To ensure units are provided in mixed-income communities for any development that contains twenty-five (25) or more units:

- a. No more than the greater of 25 units or 25% of units will be awarded PBV assistance, **unless** such assistance is provided to:
 - i. Elderly families, or
 - ii. Participants eligible for one or more supportive services
 - iii. Services must be made available to all families receiving PBV assistance,
 - iv. Replacement of subsidized housing, including repositioning of PHA owned public housing units, and
 - v. In addition to the above - If a project contains 25 or fewer units, every unit in the project may be awarded PBV assistance.

The above four (4) exceptions are fully excluded from the project cap.

- b. Finally, those proposed projects located in Yamhill County in a census tract with a poverty rate of 20% or less may have up to 40% of the development units awarded as PBV assistance.

FEDERAL RELOCATION ACT

Any person displaced due to the conversion of any housing unit to PBV must be provided relocation assistance at the levels described in, and in accordance with, the requirements of the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) ("URA"). The cost of the required relocation shall be the responsibility of the Respondent.

Respondents that anticipate or require relocation of existing tenants or businesses will be accepted only with a relocation plan (including a sufficient budget), and an explanation of efforts planned by the Respondent to mitigate the impact of the displacement that, in the opinion of HAYC, meets the requirements of the Uniform Relocation Act and any other applicable laws.

Respondent should identify the funding sources that will be used to finance anticipated relocation costs, separate and apart from HAYC. The budget for relocation and source of funds must be included as part of the relocation plan. HAYC will not allow displacement of tenants, if avoidable. Respondents must include all documentation required in the Relocation Plan at the time of application. HAYC will review the development budget to ensure that a sufficient allocation has been included for relocation expenditures.

FEDERAL AND STATE ACCESSIBILITY REQUIREMENTS - SECTION 504

a) **New Construction of Housing Facilities**

If a project has five or more units under one contract/deed, then five percent of the total units or at least one unit in a multifamily housing project, whichever is greater, must be accessible to persons with mobility impairments. Two percent of the units (but not less than one unit) must be accessible to persons with visual and/or hearing impairments. Note: These accessible units must comply with Universal Federal Accessibility Standards. See [24 CFR 8.22](#).

b) **Alterations of Existing Housing Facilities**

If a project contains 15 or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility, then five percent of the total units or one unit must be accessible to persons with mobility impairments and two percent of the units or one unit must be accessible to persons with visual or hearing impairments. See [24 CFR 8.23](#).

FAIR HOUSING DESIGN REQUIREMENTS

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at [24 CFR 100.205](#), as applicable.

ENERGY EFFICIENT REQUIREMENTS & BROADBAND REQUIREMENTS

a) **Energy efficiency**

In the case of new construction or substantial rehabilitation, buildings containing PBV units should meet energy efficient requirements. Respondents may utilize any one of several recognized green rating programs in the design and construction of their project, including but not limited to:

- i. Enterprise Green Communities;
- ii. National Green Building Standards;
- iii. LEED New Construction (for multifamily);
- iv. Earth Advantage.

Other local or regional energy efficiency standards may be permitted at HAYC's discretion and subject to HUD approval. Points for Energy Efficiency will be awarded in addition to the previously listed requirements.

b) **Broadband infrastructure**

Per 983.157, Any new construction or substantial rehabilitation of a building with more than 4 rental units must include installation of broadband infrastructure, (as this term is also defined in 24 CFR 5.100), except where the Owner determines and documents the determination that:

- i. The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;
- ii. The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or
- iii. The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

GENERAL SITE SELECTION STANDARDS

A Public Housing Agency may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an AHAP or a HAP contract for units on the site, unless the Agency has determined that:

- a. Project-based assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. This determination will be made in a manner consistent with the HAYC's Housing Choice Voucher Program Administrative Plan .

HAYC will consider factors from the Code of Federal Regulations 24 CFR 983.57. However, HAYC may grant exceptions to the 20 percent standard where HAYC determines that the PBV assistance will compliment other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;
- A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;
- A census tract where there has been an overall decline in the poverty rate within the past five years; or
- A census tract where there are meaningful opportunities for educational and economic advancement; or
- The site is determined to meet City or State declared requirements to further revitalization and/or deconcentration goals.

- b. The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d-2000d\(4\)](#)) and HUD's implementing regulations at [24 CFR part 1](#); Title VIII of the Civil Rights Act of 1968 ([42 U.S.C. 3601-3629](#)); and HUD's implementing regulations at [24 CFR parts 100 through 199](#); [Executive Order 11063](#) (27 FR 11527; 3 CFR, 1959-1963 Comp., p. 652) and HUD's implementing regulations at [24 CFR part 107](#). The site must meet the section 504 site selection requirements described in [24 CFR 8.4\(b\)\(5\)](#).
- c. The site meets the HQS site standards at [24 CFR 982.401](#).

SITE SELECTION STANDARDS

A site must meet the following site and neighborhood standards as described in 24 CFR 983.57d (for existing or rehabilitated housing) and 24 CFR 983.57e (for Newly Constructed PBV Housing). A site must meet the standards as described, or in collaboration with HAYC, request a regulatory waiver of the criteria from HUD.

While not intended to supersede the CFR as referenced above, the site must, in general:

- a. Be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.);
- b. Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- c. The site must not be located in an area of minority concentration, except as permitted under 24 CFR 983.57(e)(3), and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- d. Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents; and
- e. Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.

CONTRACTUAL REQUIREMENTS

AGREEMENT TO ENTER INTO A HOUSING ASSISTANCE PAYMENTS CONTRACT (AHAP)

New Construction projects and projects proposing rehabilitation will first enter into an AHAP Contract. The AHAP is the HUD-approved legal instrument through which the Owner agrees to develop the contract units to comply with the Housing Authority's criteria for decent, safe, and sanitary units, and HAYC agrees that, upon timely completion of such development in accordance with the terms of the AHAP, the Housing Authority will enter into the HAP contract with the Owner for the contract units.

HAYC will not enter into an AHAP if construction or rehabilitation has commenced after proposal submission but before execution of the AHAP. For the purpose of this determination, "construction" begins when excavation or site preparation (including clearing of the land) begins for the housing. "Rehabilitation" begins with the physical commencement of rehabilitation activity on the housing.

HAYC will not enter into an AHAP until both the subsidy layering and environmental reviews are completed, and the Housing Authority has received the environmental approval.⁹

Any required HAYC criteria for decent, safe, and sanitary housing that exceed HUD's Housing Quality Standards will be specified in the AHAP.

HOUSING ASSISTANCE PAYMENT CONTRACT (HAP)

All projects will enter into a HAP contract when the units are ready for occupancy. HAYC anticipates HAP contracts will have a cumulative minimum term of 20 or more years with an initial term of 20 years and an optional extension at the time of the HAP contract renewal for an additional term of up to 20 years.

ENVIRONMENTAL REVIEW

HAYC will not enter into an AHAP or HAP contract with an Owner, and the Housing Authority, the Owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until one of the following occurs:

- a. The responsible entity has completed the environmental review procedures required by [24 CFR part 58](#); the executed 7015.15 is submitted to the local Field Office; HUD has approved the environmental certification and HUD has given a release of funds.

For the purpose of environmental review, a "release of funds" means that HUD has approved the Housing Authority's Request for Release of Funds and Certification by issuing form [HUD-7015.16](#) that authorizes HAYC to execute an AHAP or, for existing housing, to directly enter into a HAP contract with an Owner of units selected under the PBV Program; or

- b. The responsible entity has determined that the project to be assisted is exempt under [24 CFR 58.34](#) or is categorically excluded and not subject to compliance with environmental laws under [24 CFR 58.35\(b\)](#); or
- c. HUD has performed an environmental review under [24 CFR part 50](#) and has notified HAYC in writing of environmental approval of the site.

HUD will not approve the release of funds for PBV assistance if HAYC, the Owner, or any other party commits funds (*i.e.*, enters an Agreement or HAP contract or otherwise incurs any costs or expenditures to be paid or reimbursed with such funds) before the Housing Authority submits and HUD approves its request for release of funds (where such submission is required).

HAYC will oblige the Owner to carry out mitigating measures required as a result of the environmental review.

REGULATORY COMPLIANCE

ELIGIBILITY TO PARTICIPATE IN FEDERAL PROGRAMS AND ACTIVITIES

The AHAP and HAP contracts shall include a certification by the Owner that the Owner and other project principals (including the officers and principal members, shareholders, investors, and other parties having a substantial interest in the project) are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

DISCLOSURE OF CONFLICT OF INTEREST

The Owner must disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

FEDERAL REQUIREMENTS

With the exception of regulatory waivers provided through HAYC's and the project developer's submission to HUD, projects must be selected developed, and operated in accordance with the following:

- a. [PBV Regulations found at 24 CFR part 983](#);
- b. [PIH Notice 2017-21 Implementation Guidance: Housing Opportunity Through Modernization Act of 2016 \(HOTMA\) – Housing Choice Voucher \(HCV\) and Project- Based Voucher \(PBV\) Provisions](#);
- c. [Subsidy Layering Reviews Administrative Guidance \(79 FR 57955; September 26, 2014\)](#);

- d. [Davis-Bacon Labor Requirements \(80 FR 12511; March 9, 2015\)](#); and
- e. [HAYC Administrative Plan](#).

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