

**Request for Proposals
DHC RFP NO. H680
PROJECT BASED VOUCHER'S
for the support of
The DHC Housing Choice Voucher Program
Spring 2020**

Issue Date: February 28, 2020
Pre-submission Conference: March 4, 2020 at 2:00 p.m.

Deadline for Questions: March 6, 2020, 4 p.m.
Submission Deadline: March 10, 2020, 04:30 PM-EST

PLEASE NOTE:

In order to ensure that all interested bidders/proposers receive all documentation, including riders and addendums, relevant to a bid/RFP/RFQ, the bidder/proposer must obtain a copy of the bid/proposal documents directly from the Detroit Housing Commission's Procurement Division or online from the MITN Purchasing Group at www.bidnetdirect.com/mitn/detroithousingcommission. DHC will not be responsible for any erroneous or incomplete documentation received from a third party. DHC reserves the right to reject bids/proposals that are submitted based upon incomplete or erroneous bid/proposal documents.

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HUD Form 2530

**HOUSING CHOICE VOUCHER PROGRAM
PROJECT BASED VOUCHERS AVAILABILITY
RFP NO. H680**

SECTION I - BACKGROUND

1.01 Detroit Housing Commission

The Detroit Housing Commission (DHC) is a Michigan public body corporate organized as a housing agency and operating under the Michigan Housing Facilities Act, MCL 125.653 et seq. Prior to August 2004, DHC was a department of the City of Detroit. Its mission is to provide quality affordable housing for low- to moderate-income families, and to make public housing in Detroit a “housing of choice.” DHC manages 17 sites of family and elderly public housing developments totaling approximately 4,300 units under an Annual Contributions Contract (ACC) with HUD.

Through the Assisted Housing Department, DHC also administers approximately 6,000 Housing Choice Vouchers under the Housing Choice Voucher Program (HCVP) (“Section 8”) in five counties in metropolitan Detroit.

A five-person Board of Commissioners, authorized by State law and appointed by the Mayor of the City of Detroit, is responsible for the development of housing policy and the authorization of expenditures. Operations and recommendations regarding planning strategies made to the Board of Commissioners and the Mayor are the responsibility of the Executive Director.

DHC is making available Project Based Vouchers (PBV’s) to support the preservation or creation of affordable housing opportunities for extremely low (at or below 30% of the Area Median Income AMI) and very-low (at or below 50% of the Area Median Income AMI) income families within the city of Detroit and the counties of Wayne, Oakland, Lapeer, Macomb and St. Clair. PBV’s may be awarded for new construction, adaptive re-use (converting an existing structure that was not previously used for housing into housing), preservation (includes existing HUD financing, existing MSHDA financing, or Year 15 LIHTC), acquisition/rehabilitation of a vacant/previous housing structure PBV’s may be awarded to multiple eligible proposers/applicants/sites. DHC is responsible for determining the amount of budget authority that is available for PBV’s and ensuring the amount of assistance attached to units is within the amounts available under its ACC with HUD for this program.

All questions regarding this Request for Proposal should be directed to:

Andrew R. Chambliss
Interim Procurement Manager
Detroit Housing Commission
1301 E. Jefferson Ave.
Detroit, MI 48207
313-877-8591
Fax No. 313-877-8087
ChamblissA@dhcmi.org

1.02 Goals and Objectives

DHC is issuing this Request for Proposal (“RFP”) for the purpose of inviting interested Owner/Developers (“Proposers”) to submit proposals to use Project Based Vouchers (“PBVs”) for their rental units to support the rehabilitation, development and/or preservation of affordable housing that substantially exceeds the HCVP Housing Quality Standards (HQS).

To be eligible for consideration, a development will be required to apply for a minimum of 8 units and a maximum of 15% of the total units in the development.

Eligible projects can include:

- New construction, adaptive re-use (converting an existing structure that was not previously used for housing into housing), preservation (includes existing HUD financing, existing MSHDA financing, or Year 15 LIHTC), acquisition/rehabilitation of a vacant/previous housing structure.
 - Projects that have submitted an application for funding, or that will submit for funding in 2020, but not yet received a commitment of MSHDA tax-exempt bond financing or a reservation of 4% or 9% LIHTC financing.
 - Projects cannot currently have a project-based voucher contract.
 - All applications for project-based vouchers must indicate a need for at least \$20,000 per unit in hard rehab or construction costs (including both building and site costs, but excluding allowable amounts for General Requirements, Builder Overhead, Builder Profit, contingencies, etc.). Projects seeking 4% credit to be used in conjunction with tax-exempt bond financing will only need to meet the minimum requirements found in Section 42 of the Internal Revenue Code.
 - Projects that have submitted within the last three years, or will submit in 2020, to any Municipal or Government funding application round.

If a project is successful in receiving a conditional award of DHC vouchers, projects will have up to 15 months to enter into an AHAP with DHC.

1.03 Intent of the Request for Proposals

DHC, by issuing this RFP, seeks Proposals from owners/developers who will commit units of rental housing to receive assistance through project based vouchers, as detailed more fully within **Section II** of this RFP (collectively, the “**Services**”). DHC intends to enter into one or more agreements (the “**Agreement(s)**”) with the selected Proposers (the “**Selected Proposer(s)**”) or the “**Developer and/ or Owner(s)**”) to provide the Services. The term (“**Term**”) of the awarded Agreement(s) shall be an initial term of not less than one (1) year and not more than twenty (20) years, with renewals not to exceed an additional twenty (20) years. At

no time may the HAP contract term be for more than forty (40) years.

The project-based subsidy will be attached to the units listed on the Contract and not to the individual tenant. The occupants selected to reside in the contracted units must meet all DHC PBV program eligibility requirements. DHC reserves the right to award all, none, or a portion of the vouchers applied for under Project Based Voucher (PBV) assistance.

SECTION II-SCOPE OF SERVICES

2.01 Statement of Work -Program Administration

The Project-Based Voucher (PBV) Program is administered through HUD regulations and the policies outlined in DHC's Administrative Plan. The submission requirements and evaluation criteria are based upon the HUD regulations and the requirements in DHC's Administrative Plan. The Code of Federal Regulations Title 24, Part 983, which outlines the primary governing regulations of the PBV program, is available for review online at www.gpoaccess.gov. The DHC's Administrative Plan is available for review at <http://dhcni.org>.

All interested Proposers are encouraged to become familiar with the HUD regulations and the Administrative Plan.

2.02 General

Under the agreement resulting from this Request for Proposals, the Proposer must perform the following Services:

- A. Commit new, rehabilitated or existing rental units to be part of this program, in which selected units will receive a HCVP Project Based Voucher for up to a twenty (20) year term, with renewals at both parties' option not to exceed twenty (20) years. At no time may the HAP contract term be for more than forty (40) years. Should a selected tenant leave the rental unit, the assistance will remain with the unit.

- B. The terms and condition of the program will be in compliance with the Sample Agreement and Contract found at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5

- 1. Letter of Commitment -

HUD-52521-B	Part 1 of the Agreement to Enter into a Housing (11/1989)
HUD-52521-D	Part II of the Agreement to Enter into a Housing Assistance Payments Contract (03/1995)
HUD-52523-A	Part I of the agreement to Enter into a Project Assistance Contract (07/1990)
HUD-52523-B	Part II of the Agreement of Enter into a Project Assistance Contract

	(07/1990)
HUD-52524-A	Part I Of the Project Assistance Contract (07/1990)
HUD-52524-B	Part II Of the Project Assistance Contract Sec. 202 (07/1990)
HUD-52530-A	PBV HAP Contract - New Construction Or Rehabilitation Part I, Part II (07/2019)
HUD-52530-B	PBV HAP Contract - Existing Housing Part I, Part II (07/2019)
HUD-52530-C	PBV Tenancy Addendum Section 8 Project-based Voucher Program (07/2019)
HUD-52531-A	PBV Agreement to Enter into Housing Assistance Payments Contract, Part I (07/2019)
HUD-52531-B	PBV Agreement to Enter into Housing Assistance Payments Contract, Part II (07/2019)

2. HUD forms:

2.03 Housing Type(s) Description of PBV Program

Under this PBV Program and as outlined in Section 1.02, DHC will provide assistance to selected rehabilitated and existing housing, new construction housing developments (as defined by HUD). HUD defines PBV housing developments as follows:

- A. Rehabilitated housing** is housing that exists on the proposal selection date, but whose designated PBV units do not substantially comply with the HQS on that date, and are developed, pursuant to an Agreement between DHC and the owner for use under the PBV program.
- B. Existing Homes** is housing that already exist and “substantially comply” with HQS on the proposal selection date and are developed prior to submission.
- C. New Construction** is housing that does not exist on the proposal selection date and is developed after the date of selection pursuant to an Agreement between DHC and the owner for use under the PBV program.

2.04 Housing Quality Standards (HQS)

HUD-established HQS specifications are described in the Code of Federal Regulations, Chapter 24, and Section 982.401. All PBV assisted units must meet HQS and other requirements before rental assistance can commence.

2.05 Cap on Number of PBV Units per Project

Assistance will be available by development for a minimum of 8 units and a maximum of 15% of the total units in the development.

Owner/Developer can submit multiple proposals for consideration under this RFP. Each application must be for a single project. A project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

2.06 Occupancy and Vacancy of PBV Units

Project-based units must be leased only to families eligible for HCVP assistance for the term of the HAP contract. For rehabilitation projects, designated PBV units that are occupied on the proposal selection date must be occupied by a family eligible for HCVP PBV assistance. If the family is not eligible, the unit cannot be selected for PBV assistance. Families receiving assistance through the HCV program or any subsidized program residing in a designated PBV unit at the proposal selection date would not be eligible for the HCVP PBV assistance.

PBV units that are vacant at the time of project selection or become vacant at any time during the term of the PBV HAP contract will be filled with eligible applicants from DHC’s Project Based voucher waiting list. The owner and tenant of a Project-Based unit must notify DHC immediately if a tenant will be moving from a PBV unit. The DHC will notify applicants from its Project Based voucher waiting list and refer interested individuals/families to the owner for selection once an applicant is approved by the owner, the owner will refer them back to DHC for final eligibility determination.

2.07 Ineligible Units

Certain special housing types are NOT eligible for project-based assistance. These include cooperative housing, owner-occupied units, shared housing, public housing, Section 202 housing, Section 236 housing and units occupied by families who are not eligible for participation in the PBV program. Please see 24 CFR 983.53 for a complete list of ineligible properties.

2.08 Rent Limits

The units that will be listed on the project-based contract will have rents limits. HUD regulations must be followed at the time that the rents are set for the initial rental and any subsequent rent increase that is requested by the Owner/Developer. The gross contract rent (including utility allowance) may not exceed 110% of Fair Market Rent (FMR) for both initial rent and annual adjustments and must be rent reasonable in relation to rents charged in the private market for comparable unassisted units. FMR are adjusted each October annually. Additionally, if the site has rent level restrictions (i.e. related federal programs, LIHTC, HOME, etc.) those rent levels will be considered.

Fair Market Rents at 110% (Including Utilities) Effective 2019				
Efficiency	One-Bedroom	Two Bedroom	Three-Bedroom	Four-Bedroom

\$683	\$828	\$1,063	\$1,387	\$1,508
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2.09 Project Eligibility

In order to be eligible under this RFP, all projects submitted must meet the conditions stated below:

Proposed project must be located within the city of Detroit or the counties of Wayne, Oakland, Lapeer, Macomb and St. Clair.

- a. New construction, adaptive re-use (converting an existing structure that was not previously used for housing into housing), preservation (includes existing HUD financing, existing MSHDA financing, or Year 15 LIHTC), acquisition/rehabilitation of a vacant/previous housing structure.
 - i. Projects that have submitted an application for funding, or that will submit for funding in 2020, but not yet received a commitment of MSHDA tax-exempt bond financing or a reservation of 4% or 9% LIHTC financing.
 - ii. Projects cannot currently have a project-based voucher contract.
 - iii. All applications for project-based vouchers must indicate a need for at least \$20,000 per unit in hard rehab or construction costs (including both building and site costs, but excluding allowable amounts for General Requirements, Builder Overhead, Builder Profit, contingencies, etc.). Projects seeking 4% credit to be used in conjunction with tax-exempt bond financing will only need to meet the minimum requirements found in Section 42 of the Internal Revenue Code.
 - iv. Projects that have submitted within the last three years, or will submit in 2020, to any Municipal or Government funding application round.

- b. Proposed project must be located in a census tract with a poverty rate of no more than 20%; 24 CFR 983.57 (1)(vi). *An exception to this requirement is possible if certain other conditions exist, i.e., there has been an overall decline in poverty rate over the past five years; the area is undergoing significant revitalization; new market rate units are being developed that would positively impact the poverty rate; and other conditions.*

- c. Poverty rate, minority concentration and other characteristics of the neighborhood and census tract where the project is/will be located may apply. See 24 CFR Section 983.57 (1) (vi) Site Selection Standards.

- d. Owner/Developer must have site control or evidence to indicate that the needed approval/documentation for site control is likely to be obtained and will not delay

the project.

- e. Owner/Developer must provide evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, or evidence to indicate that the needed rezoning is likely to be obtained and will not delay the project.

SECTION III- PROPOSAL REQUIREMENTS

3.01 Proposal Submission Requirements

A detailed proposal must be submitted together with all required forms. Proposers are urged to keep all proposals focused and as brief as possible while providing enough detail to enable an informed review of the products and services offered. All identified elements must be included for the proposal to be considered complete. Proposals must be submitted in tabbed 3-ring binder. Bidder must submit a total of seven (7) binders, one (1) labeled “Original” and the other six (6) labeled “Copy.”

Proposers must include a cover letter, signed by an authorized representative of the Proposers, as well as the information requested in **Sections 3.02 through 3.07**. Attachment III includes answers to Frequently Asked Questions about the required information to be submitted.

NOTE: Submission packages must be presented in the order listed below:

3.02 Plan of Action for the Accomplishment of Services- Project Approach

This section must include a narrative that describes the Proposer’s approach and plans for accomplishing the Scope of Services, including proposed methodologies and any other information that the Proposer determines is relevant. If portions of the Scope of Services will be performed by a subcontractor or allocated between members of a joint venture, the Proposer should describe its plans in this regard. If a topic in this RFP is not addressed in the Proposal, state that the Proposal does not contain a submission on this topic. This section must include the following:

Required Information:

1. Basic project information: Development Name, address, e-mail address and contacts.
2. Project description: housing type, total # of units, total # of PBV units, bedroom sizes, # of buildings, floor plan, green building initiatives

Broadband Access per federal regulations

3. Narrative regarding how the project meets funding priorities and is consistent with Consolidated Plan.
4. Listing of amenities and services.
5. Estimated date of completion or availability for occupancy.
6. Photos for each building or site.

7. Proposed contract rents for each unit type and utility responsibilities.
8. Rent comparability information.
9. Relocation information
10. Identity of the owner and other principal parties, certification and disclosure.
11. Operating proforma

LIHTC Self – Score (LIHTC only)

12. Disclosure of other government assistance for the proposed project (subsidy layering review)
13. Site selection standards (compliance with PBV goals, specifically deconcentrating poverty, reference 24 CFR 983.57)

Identify recent neighborhood economic investment within a one-mile radius of the development and provide evidence or narrative of committed economic investment in the next 2 years.

A narrative description that demonstrates how the project qualifies under the Neighborhood Investment Activity Area criteria.

Provide current walkability scoring

14. Accessibility documentation associated with units and community spaces
15. Evidence of ownership
16. Lead-based paint certification
17. Evidence of compliance with local permits and zoning requirements
18. Commitment to comply with labor standards, including Davis-Bacon
19. Section 3 employment and training opportunities plan
20. Management plan
21. Tenant selection plan
22. Social services plan* (as applicable)
23. Proposed contract term
24. Documentation that property meets local requirements

Attachment III includes answers to Frequently Asked Questions about the required information to be submitted.

3.03 Statement of Qualifications/Experience

DHC will evaluate the relevant previous experience and qualifications of the Owner in owning/developing affordable multifamily real estate. The proposed Owner (individual, corporation, or in the case of a limited partnership, the general partner(s) of the Ownership entity) must demonstrate prior ownership experience in affordable multi-family rental housing projects.

Describe 3 projects within the last 10 years that exhibit the Owner’s experience in affordable multi-family real estate, focusing on the experience most relevant to this RFP. For each project, provide the following information:

1. Project Name and location.
2. Brief description of the project (indicate if new construction or rehabilitation and

- indicate financing sources and amounts).
3. Owner Entity or Developer Team members.
 4. Dates during which services were performed.
 5. Describe the services performed and your firm's role.
 6. Brief description of community.
 7. Population type and income levels served.
 8. Type of local/state/federal funding or rental assistance (if applicable).
 9. Physical description (number of units, number of buildings/stories, square footage, site acreage).

A. Owner Background

Provide the following:

1. Identify the Respondent's ownership status as a for-profit or nonprofit Owner. Provide a complete disclosure of all entities and individuals comprising the Owner.
2. Provide complete organizational charts that clearly show all principals of the Owner. (Any change to the Respondent's Owner status after the submission of the Project Proposal is not permissible without DHC's express consent.)
3. Provide a summary list of the Owner's current portfolio of properties.
4. Indicate whether the Owner has ever experienced a foreclosure or bankruptcy.
5. If the Owner or Management Team has previous experience with the low-income housing tax credit program, or HUD or other federal or state programs, describe any unresolved audit findings.

B. Management Team

Respondent must demonstrate the experience and capabilities of the Management Team in managing affordable multifamily rental properties. Describe 3 projects within the last 5 years that exhibit the Management Team's experience in multi-family real estate, focusing on the experience most relevant to this RFP.

Submit a proposed management plan that will be evaluated on the basis of its completeness, sound policies and procedures, demonstration of coordination with the Service Provider and Owner, and demonstration that the housing units will be managed in accordance with professional standards and approaches.

Prevalent benchmarks to receive a passing evaluation are:

1. A complete disclosure of ownership status and organizational structure.
2. Owner has demonstrated at least three continuous years of prior ownership experience in at least three multifamily rental housing projects of similar size

- (number of dwelling units) to the proposed project.
3. Owner has not experienced a foreclosure or bankruptcy in the last three years.
 4. Owner or Management Team does not have any unresolved compliance agency audit findings.
 5. The proposed Management Team should demonstrate prior experience in the management of at least three affordable multi-family rental housing properties of similar size (number of dwelling units) and scope to the proposed project over the last five years.
 6. Have a complete management plan that demonstrates sound policies and procedures and demonstrates that the Existing Housing Units will be managed in accordance with professional standards and approaches recognized in the industry.

3.04 Site Requirements

Respondent must provide the following:

1. Evidence of site control including option agreements, sales contracts or proof of current ownership.
2. Documentation of zoning status.
3. Evidence of Site Plan Approval
4. Project location and proximity to of public transportation, amenities and opportunity criteria.
 - a. Amenities defined as: Full-Service Grocery, Pharmacy, General Practice Dr. Office/Clinic, Park, Public School, Senior Center within a mile radius
 - b. Opportunity criteria: DHC will review the Enterprise Opportunity 360 Report in the areas of education, health and well-being, economic security and accessibility to jobs, goods and services.
5. Neighborhood investment activity within a one-mile radiance – identify current economic investments and planned economic investment in the upcoming two years.
6. Current Walkability score: Projects will be evaluated based on being located with the required distance (1/3 mile) of the walkable Downtown(s)/Corridors(s) of a particular municipality.
7. A narrative description that demonstrates how the project qualifies under the Neighborhood Investment Activity Area criteria
8. Description of green building initiatives, Broadband access
9. Narrative on barrier free units and visitable units within the development
10. Provide the Census Tract information (i.e., location, poverty rate, etc.) for the

proposed site. This will allow DHC to determine if an address falls into a tract that has an average poverty level of 20 percent or less to determine if a unit qualifies for the PBV percentage limit (program cap) 10 percent increase or the income-mixing requirement (project cap) 40 percent increase.

Prevalent benchmarks to receive a passing evaluation are:

1. Evidence of site control (e.g., option agreements, sales contract, deed, etc.). Contracts must be executed prior to execution of this Agreement, including the legal description of the property and must provide legal control of the site to the proposed General Partner or proposed limited partnership. Site control must be in place through the term of the Agreement.
2. Documentation establishing that the property is appropriately zoned or in the process of being rezoned for the intended use (include expected timing of rezoning completion).

3.05 Financial Feasibility

DHC will conduct a financial review to ensure that all developments have appropriate financing. Respondent must provide the following:

1. A 15-year operating budget and pro forma for the operation of the units covered by the Project Proposal
2. Proof of funding sources (e.g. letters of interest or commitments) for all proposed funding sources.
3. Certification identifying whether the units are currently receiving rental assistance or operating subsidy from any source (local, state, or federal sources as well as other public or private sources including other project-based assistance, rent supplement and/or tenant-based voucher programs).

Prevalent benchmarks to receive a passing evaluation are:

1. A determination that the Project Based Voucher is needed and the Existing Housing Units would not be receiving more subsidy than is needed to ensure feasibility.
2. Confirmation that the costs funded do not exceed the maximum per unit limits.
3. The projected cash flows provide reasonable assumptions given current economic conditions.

Note: If sources and uses change prior to closing, DHC shall perform a final review. In the event financial feasibility analysis changes throughout the commitment and is not deemed satisfactory to DHC's underwriting requirements, DHC may cancel the commitment.

3.06 Compliance with Section 3 of the Housing & Urban Development Act of 1968

The purpose of Section 3 is to ensure that employment and other economic opportunities

generated by HUD assistance or HUD-assisted projects covered by Section 3, shall to the greatest extent feasible, be directed to low- and very-low income persons, particularly persons who are recipients of HUD assistance for housing.

Each Offeror must provide its implementation plan and supporting documentation demonstrating compliance on these matters in terms of its anticipated contract expenditures. "DHC's Section 3 Clause/Requirements" is included as Attachment I of this RFP.

Section 3 Preferences

Preference will be given to the Hiring and Training Method of Compliance and Subcontracting Method of Compliance in the order of preference as identified in Attachment I, i.e., a Category 1 Section 3 Business Concern will be given preference over a Category 2 Section 3 Business Concern, etc.

3.07 Other Applicable Federal Regulations

A. Additional Federal requirements also apply to PBV assistance, including, but not limited to:

1. Fair Housing: Non-discrimination and equal opportunity. See 24 CFR 5.105(a) and section 504 of the Rehabilitation Act. Selected projects are subject to Fair Housing reviews which may include review of marketing and outreach plans and reasonable accommodation policies.
2. Environmental Review. See 24 CFR 50, 58 and 24 CFR 983.58.
3. Eligibility Restrictions: Prohibition on use of debarred, suspended, or ineligible contractors. See CFR 5.105(c) and 24 CFR, part 24.

B. In addition to the above, the following applies for new construction or rehabilitated housing:

1. The project will be subject to a HUD subsidy layering review, in accordance with HUD subsidy layering regulations (24 CFR 4.13) to prevent excess subsidy.
2. **Labor Standards.** Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and other federal laws and regulations pertaining to labor standards applicable to an Agreement covering **nine (9) or more assisted units**.

C. In addition to the above, the following applies for Rehabilitated and Existing housing only:

1. **Uniform Relocation Act.** A displaced person 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 of

1970 (URA) (42U.S.C. 4201-4655) and implementing regulations at 49 CFR part 24.

2. DHC will not assist the owner by paying for relocation assistance. DHC will monitor the owner's compliance with all relocation requirements.

D. The following items apply to projects/sites that serve (will) Special Needs Populations: Supportive Services Plan

A detailed supportive plan will include such items as:

1. Anticipated Resident Needs and Program Goals;
2. Implementation and Monitoring Plan for Services,
3. Programs and Activities;
4. Staffing; Experience of the service provider
5. Budget and Source of Funds; and
6. Coordination with and Commitment of Community Resources. This list is provided as guidance and is not considered to be exhaustive.

3.08 Licenses/Forms

Submit the following forms/licenses:

1. State of Michigan Department of Licensing and Regulatory Affairs Good Standing Certificate
2. Real Estate Broker's/Associate Broker's Company License
3. Vendor Authorization Form
4. Non-Collusive and Non-Identity of Interest Affidavit
5. Resolution of Corporate Authority; Certification of Partnership Authority or Sole Proprietorship Authorization
6. Certificate of Non-Organizational Conflict of Interest
7. Sample Proof of Insurance and assurance that all required insurance and bonding requirements will be met.

8. HUD Forms 2530, 5369-C

3.09 Pre-Proposal Conference

On **Wednesday, March 4, 2020 @ 2:00 p.m.** a pre-proposal conference will be held with interested Firms to provide additional information and answer questions. All interested firms are encouraged to attend. The conference will be held in DHC's main conference room at 1301 E. Jefferson, Detroit, MI 48207. Please contact the Procurement Division at 313-877-8643 to confirm attendance and/or your need for additional information regarding the pre-proposal conference.

SECTION IV – EVALUATION

4.01 Review Team

The evaluation of proposals will be conducted by a Review Team. The Review Team will consist of three (3) to seven (7) representatives selected by DHC. The Review Team shall evaluate and score each responsive proposal using the method described in Section 4.02 Evaluation Criteria. The Review Team will rank firms and determine which are within the competitive range. Those Contractors determined to be in the competitive range may be asked to participate in an interview process. Best and final offers may be obtained. After consideration of the best and final offer, an award recommendation will be made and a final contract document will be executed subject to the DHC approval process.

4.02 Evaluation Criterion

Proposals will be evaluated by DHC against the criterion that follows:

1.	Plan of Actions to Accomplish Services – Section 3.02	0 -20 points
2.	Statement of Qualifications/Experience –Section 3.03	0 - 20 points
3.	Site Requirements- Design & Location –Section 3.04	0 - 35 points
4.	Financial Feasibility – Section 3.05	0 -20 points
5.	Section 3 Compliance -Section 3.06	<u>0 - 5 points</u>
TOTAL MAXIMUM POINTS POINTS		100
6.	Supportive Services Plan – Section 3.07 (applies only to special need sites/projects)	0 - 15 points

4.03 Process for Award

PBV Voucher Award

DHC shall open the proposals following the proposal deadline date. Without limitation and at its sole option, DHC reserves the right to accept or reject any or all proposals, to take exception to these RFP requirements, to negotiate with finalists, or to waive any informalities. Firms may be excluded from further consideration for failure to fully comply with the requirements of this RFP. Any firm may request to be excluded from further consideration during the proposal evaluation period. If the request for exclusion is accepted by DHC, that firm will not be reconsidered. DHC may decide to reject all proposals and/or to reissue this RFP with modifications.

DHC will not award contracts to vendors that are debarred, suspended or otherwise determined ineligible by HUD or other government agencies, or to vendors that DHC has determined to be non-responsible. Prior to contract award, DHC shall establish contractor responsibility by review of a proposed vendor's ability and competence to perform the contract successfully, and to ensure that they have a satisfactory record of performance and integrity. A determination of non-responsibility may be based on, without limitation, unsatisfactory performance on other contracts with DHC or another Housing Authority, or on other contracts of a similar nature.

DHC reserves the right to make an award based solely on the original proposals received or to negotiate further with vendors. The vendor selected for the award will be chosen on the basis of an assessment of the greatest benefit to the DHC, not necessarily on the order in which responses were received. DHC also reserves the right to negotiate and award any element of this RFP, make multiple awards, reject any or all proposals or waive any minor irregularities or technicalities in proposals received as the best interest of DHC may require.

The project applications scoring the highest points will be conditionally awarded project-based vouchers up to the amount requested on the proposal. After awarding the highest scoring application(s), DHC may conditionally award the next highest ranking applications with project-based vouchers up to the amount requested until all vouchers available for the program have been assigned. If DHC determines that an application is eligible for PBV funding but cannot be fully funded at the amount requested by the owner/developer, the owner will be given the opportunity to receive partial funding.

A. Pre-Award Conditions

Prior to project selection, DHC must conduct:

Site and Neighborhood Review. DHC will conduct an inspection of the proposed PBV site. Site selection standards include:

1. An assessment of the physical attributes and appropriateness of the site for the proposed units;
2. An assessment of whether the project is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities as stated in DHC's Administrative Plan. Owners/developers may be asked to submit additional information to help facilitate this site review (Most recent Market study material).

B. Post Award Conditions

For the selected project(s), the following items must be completed before DHC and the owner can execute an Agreement (AHAP) or Housing Assistance Payments (HAP) contract. The Developer/Owner will be responsible for all costs of Post Award activities.

1. **Environmental Review.** PBV activities are subject to HUD environmental regulations in 24 CFR parts 50 and 58. DHC must obtain documentation of environmental clearance from the Responsible Entity who conducted or approved the environmental review (see 24 CFR 983.58). Neither the Developer or any project participant may undertake an "choice limiting action" between the date of application and the date of the executed AHAP.
2. **Determination of initial contract rent.** DHC will determine the amount of initial rent to owner according to 24 CFR Section 983.303, paragraph (c). If the project is a DHC-affiliated property, the rent will be determined by an independent agency.
3. **Subsidy layering review.** New construction PBV projects or existing PBV projects in need of rehabilitation that utilize tax credits or other governmental housing assistance from federal, state or local agencies are subject to a subsidy layering review (see 24CFR 983.55) to prevent excessive public assistance for the project. Owners/developers will be required to submit a list of documents to DHC which will then be submitted to HUD for the review.
4. After the developer/owner's proposal is approved DHC will issue a **commitment letter**, which will be followed by the AHAP Contract, once all terms and conditions are met. The commitment letter will require completion of all post award requirements and execution of an AHAP contract within a 15-month period. After the 15-month period, the commitment will expire. DHC, at its discretion, may extend the commitment period. Once a commitment expires, the developer/owner must apply for PBVs from DHC by any then open available method, i.e., a current RFP for competitive award of PBVs or a current non-competitive PBV application.

SECTION V – PROCUREMENT PROCESS

5.01 Availability of RFP Package

The RFP package may be obtained in person from the Procurement Division of the DHC at 1301 E. Jefferson, Detroit, Michigan 48207 (313) 877-8643. RFP packages may be mailed via United States Postal Service Priority Mail upon request. RFP packages may be shipped by other means provided the requester is willing to bear the cost of postage. All RFP package shipments must be pre-paid. The DHC will not honor requests for COD shipments or facsimile transmission of the package.

5.02 Submission Place

Proposals shall be submitted to:

**Detroit Housing Commission
Procurement Division
1301 E. Jefferson
Detroit, Michigan 48207
(313) 877-8643**

5.03 Submission Method

One original and four copies of the proposal must be submitted in a sealed envelope. Any included third party reports (i.e. market studies, environmental reports, etc.) may be submitted on flash drives or CD-ROM disks. A flash drive or disk must be included with each copy of the submitted proposal.

5.04 Submission Date and Time

Proposals must be received by **4:30 p.m. on Tuesday, March 10, 2020.** **They will not be opened publicly.** It is the Firm's responsibility to ensure that its proposal is delivered at the proper time and place. Proposals which for any reason are not timely delivered will not be considered and will be returned unopened. Proposals sent by overnight delivery service will be considered timely filed if date stamped by at least one (1) day before the date set for receipt of proposals and time stamped at a time that they should have, pursuant to the express policy of the delivery service used, permitted delivery at the date, time and place set for receipt of proposals. The burden of proof to establish timely filing of a proposal by overnight delivery service shall be solely upon the entity or person submitting the proposal. Offers by telegram, facsimile or telephone are not acceptable.

DHC staff designated to receive proposals will determine when the deadline for receipt of proposals has expired. No responsibility will attach to an officer, employee or agent of DHC for not recognizing or receiving a proposal which is not properly marked, addressed or delivered to the submission place, in the submission method, **by the submission date and time.**

5.05 Questions and Interpretations

All inquiries to this RFP must be submitted in writing to the address noted in Section 5.02, Submission Place no later than five (5) business days prior to the submission date and time. Inquiries should make reference to specific chapter numbers of this RFP and, where appropriate, paragraph numbers. DHC may, at its option, elect to respond in writing to inquiries. Copies of any such written communication shall be made available to all prospective respondents. No interpretation shall be considered binding unless provided in writing by the DHC.

5.06 Withdrawal of Proposals

Proposals may be withdrawn by written, certified mail to DHC at the above listed address prior to the proposal deadline date. Negligence on the part of the vendor in preparing the proposal confers no right of withdrawal or modification of the proposal after the proposal deadline has elapsed.

5.07 Scope of Work Changes

All proposals should be firm and not subject to change by the vendor for a period of one hundred eighty (120) days from the proposal deadline date. Note, however, DHC reserves the option to negotiate contract terms and conditions in the 'best interest of DHC and to negotiate changes within the scope of work based on final negotiations with the selected vendor.

5.08 Mistakes in Proposals

If a mistake in a proposal is suspected or alleged, the proposal may be corrected or withdrawn during any negotiations that are held. If negotiations are not held, or if best and final offers have been received, the Firm may be permitted to correct a mistake in its proposal and the intended correct offer may be considered based on the conditions that follow:

The mistake and the intended correct offer are clearly evident on the face of the proposal.

The Firm submits written evidence which clearly and convincingly demonstrates both the existing offer and such correction would not be contrary to the fair and equal treatment of other Firms.

Mistakes discovered after award shall not be corrected unless the DHC Counsel makes a written determination that it would be disadvantageous to the DHC not to allow the mistake to be corrected. The approval or disapproval of requests of this nature shall be in writing by the DHC's Legal Counsel.

5.09 Execution of Proposals

The original proposal must contain a manual signature of an authorized representative of the Firm. The proposal must be typed or printed in ink. Use of erasable ink is not permitted. All corrections made on the proposal sheets must be initialed by the authorized representative. The

company name must appear on each sheet. The proposal must include all documents, materials and information required herein.

SECTION VI - CONTRACT PROVISIONS

6.01 Conflict of Interest

- a. The Firm warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest. Conflict of interest is defined as a situation in which the nature of work under this contract and the Firm's organizational, financial, contractual or other interests are such that:
1. Award of the contract may result in an unfair competitive advantage; or
 2. The Firm's objectivity in performing the contract work may be impaired. In the event the Firm has an organizational conflict of interest as defined herein, the Firm shall disclose such conflict of interest fully in the proposal submission.
- b. The Firm agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the Chief Procurement Officer which shall include a description of the action which the Firm has taken or intends to take to eliminate or neutralize the conflict. DHC may, however, terminate the contract if it is in its best interest.
- c. In the event the Firm was aware of an organizational conflict of interest before the award of this contract and intentionally did not disclose the conflict to the Chief Procurement Officer, DHC may terminate the contract for default.
- d. The provisions of this clause shall be included in all subcontracts and consulting agreements wherein the work to be performed is similar to the service provided by the Firm. The Firm shall include in such subcontracts and consulting agreements any necessary provisions to eliminate or neutralize conflicts of interest.
- e. No member of or delegate to the U.S. Congress or Resident Commissioner shall be allowed to any share or part of this contract or to any benefit to arise. This provision shall be construed to extend to this contract if made with a corporation for its general benefit.
- f. No member, officer, or employee of the DHC, no member of the governing body of the locality in which the project is situated, no member of the governing body in which the DHC was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, shall, during his or her tenure, or for one year thereafter, have any interest, direct or indirect, in this contract or the proceeds thereof.
- g. No member, officer or employee of the firm selected to perform the services

described above shall, during the term of their contract, or for one year thereafter, have any interest, direct or indirect, in any contract that they are responsible for procuring, managing or overseeing on in the proceeds of any such contract.

- h. DHC reserves total discretion to determine the proper treatment of any conflict of interest disclosed under this provision.

6.02 Cost of Proposal

Vendors are responsible for all their costs associated with the preparation of proposals, the demonstration and interview process and the contract negotiation process. All costs incurred, directly or indirectly, associated with the preparation of proposals shall be the sole responsibility of and shall be borne by the respondents.

6.03 Proposal Notification

After the award is made, a list of Firms submitting proposals will be posted for review by interested parties on the first floor of DHC's Central Office and will remain posted for a period of ten (10) days. The list will be furnished upon written request only and will not be provided by telephone. A self-addressed, stamped envelope must be included with the written request. Each unsuccessful vendor will be notified in writing promptly upon award. The notice shall identify the successful Firms.

6.04 Freedom of Information Act Requests

To ensure that a competitive process is maintained throughout the process of evaluating proposals, any Contractor who makes a request for a copy of the proposals of other Contractors before DHC awards the contract shall be deemed ineligible for further consideration for award under this RFP.

6.05 Form of Agreement

The acceptance of the proposed Firm's offer for the services specified herein will be made by issuance of a duly authorized contract prepared by DHC. Respondents are cautioned to make no assumptions or accept any representations by any employee, member, officer or representative of DHC concerning the award until the contract agreements/documents are executed.

6.06 Nonconformance to Conditions/Specifications/Scope of Services

Services will be inspected for compliance with specifications. Services not conforming to specifications may not be accepted at the Firm's expense. Services not provided in accordance with the Scope of Services may result in the Firm being found in default. In the event of default all procurement costs may be charged against the Firm. Any violations of these stipulations may result in the Firm's name being removed from DHC's proposal mailing list.

6.07 Assignment or Transfer

The successful Firm shall not assign or transfer any interest in the contract, in whole or part, without written approval of DHC. Claims for sums of money due, or to become due from DHC pursuant to the contract may be assigned to a bank, trust company or other financial institution. DHC is hereby expressly relieved and absolved of any and all liability in the event a purported assignment or subcontracting of the contract is attempted in the absence of the Firm obtaining DHC's prior written consent.

6.08 Availability of Records

The Comptroller General of the United States, the Department of Housing and Urban Development (HUD), DHC and any duly authorized representative of each, shall have full and free access to, and the right to audit and to make excerpts and transcripts from, any and all pertinent books, records, documents, invoices papers and the like, of the vendor, or in the possession of the Firm, which shall relate to, or concern the performance of the contract.

6.09 Taxes

The successful Firm is responsible for all state and federal payroll and/or social security taxes. The Firm shall hold DHC harmless in every respect against tax liability.

6.10 Advertising

In submitting a proposal, the Firm and their consultants agree not to use the results as a part of any commercial advertising.

6.11 Disputes

- a. **Issues Causing Protest.** Any Firm who disputes the reasonableness, necessity, or competitiveness, of the terms and conditions of this Solicitation or who has been adversely affected by a decision concerning a notice of intended or actual purchase award, may file a written notice of protest with the contact person listed in the solicitation.
- b. **Filing the Protest.** The Firm must first advise the contact person listed in the solicitation in writing within 48 hours after receipt of the bid solicitation or intended or actual notice of award of his intent to file a formal written notice with the contact person listed in the solicitation.
- c. **Content of Formal Written Notice.** The formal written notice should be printed, typewritten, or otherwise duplicated in legible form. The formal written notice of protest should contain the information that follows:
 - (1) The name and address of the Firm filing the protest and an explanation of how his

substantial interests have been affected by the bid solicitation or by DHC's notice of intended or actual award.

- (2) A statement of how and when the Firm filing the protest received notice of the bid solicitation or notice of intended or actual award.
 - (3) A statement of all issues of disputed material fact. If there are none, the protest must so indicate.
 - (4) A concise statement of the ultimate facts alleged, as well as the DHC's policies which entitle the Firm filing the protest to relief.
 - (5) A demand for relief the Firm deems themselves entitled.
 - (6) Any other information which the Firm contends is material.
- d. **Response to Protest.** Upon receipt of a timely filed Notice of Protest and meeting the above requirements, the solicitation process, or award process will be stopped until the protest is resolved. The Executive Director, with the Division Director's recommendation, if it is deemed necessary, may set forth in writing particular facts and circumstances which require continuance of the solicitation process on an emergency without the above mentioned delay in order to avoid immediate or serious danger to health, safety or welfare. This written determination will specifically detail the facts underlying the Executive Director's decision and will constitute final agency action.
- e. **Informal Resolution.** Upon receipt of the formal written notice of protest or intent to protest, the Review Team must attempt to resolve the protest on an informal basis. The Review Team will have seven (7) days after receipt of the formal written protest to resolve it through mutual agreement. If the protest is not resolved by mutual agreement within the required time, the formal written protest will be referred to the Executive Director.
- f. **Resolution.** The Executive Director may request such information pertaining to the matter as he/she deems appropriate. Within seven (7) days of the date that the formal written protest is referred to him/her, the Executive Director will notify the Firm making the protest his/her decision.

6.12 Federal, State and Local Reporting Compliance

The Firm shall provide such financial and programmatic information as required by DHC to comply with all Federal, State and local law reporting requirements.

6.13 Nondiscrimination

The Firm agrees that it will abide by City Ordinances and State Laws incorporated by reference

herein (Attachment II).

6.14 Section 3 Clause

Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate or cause to be incorporated a "Section 3 Clause" in all contracts for work in connection with a Section 3 covered development. The Section 3 Clause is located in Attachment I of this RFP.

All proposals must also include a Compliance Plan for Section 3 requirements. The Compliance Plan for Section 3 requirements is located in Attachment I.

6.15 Notices

All written notices required to be given by either party under the terms of the contract(s) resulting from the contract award shall be addressed to the Firm at their legal business residence as given in the contract. Written notices to the DHC shall be addressed as provided in the contract.

6.16 Termination for Convenience

Irrespective of any default hereunder the DHC may also at any time at its discretion *terminate* the contract in whole or in part. **DHC shall be liable only for payment for service rendered before the effective date of the termination.**

6.17 Laws

The contract shall be governed by the laws of the State of Michigan.

6.18 Contract Documents

Written contract documents will be prepared by the DHC. A copy of the standard Professional Services Contract document may be obtained by contacting the Procurement Division at 313-877-8643. Modifications may be adopted based on final negotiations and specific requirements of the contract under this particular RFP.

6.19 Travel

All travel and miscellaneous expenses will be borne by the Firm unless otherwise provided in the contract for services.

6.20 Contract Award

The Contract for services as requested in this RFP document may be subject to the approval of the DHC's Board of Commissioners and the Department of Housing and Urban Development.

VENDOR AUTHORIZATION FORM

ASSIGNMENTS: A vendor shall not assign any contract or any monies due therefrom without prior approval of the Detroit Housing Commission. Contact the Purchasing Agent for proper procedure.

Unsigned proposals cannot be considered

IF FURTHER DESCRIPTION OF THIS PROPOSAL, WE SUBMIT INFORMATION IDENTIFIED AS FOLLOWS:

SUBMITTING PROPOSAL UNDER THE NAME OF:

(Print Full Legal Name)

(Contract will be issued and payment will be made only in the name above)

ADDRESS:

_____ ZIP CODE _____

PAYMENT ADDRESS: (If different from above address)

_____ ZIP CODE _____

FEDERAL EMPLOYER IDENTIFICATION NUMBER:

**NON-COLLUSIVE/NON-IDENTITY OF
INTEREST AFFIDAVIT**

I, _____, being first duly sworn, disposes and says:

(1) That said named person is _____
(a partner or officer of the firm, of etc.)

the party making the foregoing proposal or bid; (2) that such proposal or bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham-bid or to refrain from bidding, and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person, to fix the bid price or affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Detroit Housing Commission or any person interested in the proposed contract; (3) that no identity of interest exists or will between Bidder and the Owner or architect, and (4) that all statements in said proposal or bid are true.

WARNING: U.S. Criminal Code, Section 1001, Title 8 U.S.C. provides as follows: in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick scheme or devise a material fact, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement of entry shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

An identity of interest will be construed to exist:

- (a) If there is any financial interest of the owner in the general contractor;
- (b) If any of the officers or directors of the owner is also an officer, director, or stockholder of the general contractor;
- (c) If any officer or director of the owner has any financial interest whatsoever in the general contractor;
- (d) If the Service Provider advances any funds to the owner, including providing a land option or any of the costs of obtaining a land option;
- (e) If the Service Provider provides and pays, on behalf of the owner, the cost of any architectural or engineering services other than those of the surveyor, general

SOLE PROPRIETOR AUTHORITY

I, _____, on behalf of _____
(Print Name) (Name of Company/Business)

DO HEREBY CERTIFY that I am authorized to execute and deliver, in the name and on behalf of the Company any agreement or other instrument or document in connection with any matter or transaction, the execution and delivery of any agreement, document or other instrument.

IN WITNESS THEREOF, I have set my hand this ____ day of _____, 20__.

Sole Proprietor

STATE OF _____

ss.

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 20____, by _____ to me to be the person described in and who executed the foregoing instrument and acknowledge that he/she executed the same as his/her free and voluntary act of deed.

Notary Public

My Commission Expires: _____

CERTIFICATE OF PARTNERSHIP AUTHORITY

I, _____, General Partner
in _____ a _____ Partnership (the "Partnership");

DO HEREBY CERTIFY that I am a General Partner in the Partnership formulated pursuant to a Partnership Agreement dated _____, and that the following is a true and correct excerpt from the minutes of the General Partnership held on _____ that the same is now in full force and effect; and

"That each General Partner is authorized to execute and deliver, in the name and on behalf of the Partnership any agreement or other instrument or document in connection with any matter or transaction that shall have been duly approved; the execution and delivery of any agreement, document or other instrument, or document in connection with any matter or transaction that shall have been duly approved; the execution and delivery of any agreement, document or other instrument by a general partner to be conclusive evidence of such approval".

I FURTHER CERTIFY that the following persons are General Partners:

I FURTHER CERTIFY that any of the aforementioned General Partners of the Partnership are authorized to execute or guarantee and commit the assets of the Partnership to the conditions, obligations, stipulations, and undertakings contained in the _____ (identify agreement by name, date and parties)

_____ and that all necessary approvals have been obtained in relationship thereto.

IN WITNESS THEREOF, I have set my hand this ____ day of _____, 20__ .

GENERAL PARTNER

STATE OF _____

ss.

COUNTY OF _____

The foregoing Certificate of Partnership Authority was acknowledged before me this ____ day of _____ (month) _____ (year), by _____ to me to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free and voluntary act of deed.

Notary Public

My Commission Expires: _____

RESOLUTION OF CORPORATE AUTHORITY

I, _____, Corporate Secretary of a _____ Corporation (the "Company") DO HEREBY CERTIFY that the following is a true and correct excerpt from the minutes of the meeting of the Board of Directors duly called and held on _____ and that the same is now in full force and effect:

“RESOLVED, that the Chairman, the President, each Vice-President, the Treasurer and the Secretary and each of them, hereby is authorized to execute and deliver, in the name and on behalf of the Company and under its corporate seal or otherwise, any agreement or other instrument or document in connection with any matter or transaction that shall have been duly approved; the execution and delivery of any agreement, document or other instrument, by any of such officers to be conclusive evidence of such approval.”

I FURTHER CERTIFY that _____ is Chairman of the Board, and _____ is President, is Vice-President(s) _____ Treasurer, is Secretary.

I FURTHER CERTIFY that any of the aforementioned officers of the Company are authorized to execute or guarantee and commit the Company to the conditions, obligation, stipulations and undertakings contained in the (identify agreement by name, date _____ and _____ parties)

_____ and that all necessary corporate approvals have been obtained in relationship thereto.

IN WITNESS THEREOF, I have set my hand this ____ day of _____, 20____.
Corporate Seal
(if any)

Corporate Secretary

STATE OF _____

ss.

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ to me to be the person described in and who executed the foregoing instrument and acknowledge that he/she executed the same as his/her free and voluntary act of deed.

Notary Public

My Commission Expires: _____

**DETROIT HOUSING COMMISSION
ECONOMIC OPPORTUNITIES FOR LOW AND
VERY LOW-INCOME PERSONS**

SECTION 3 CLAUSE/REQUIREMENTS

I. OVERVIEW

As an entity that receives funding from HUD, DHC is obligated to comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3) as implemented through 24 CFR Part 135. The purpose of Section 3 is to ensure employment and other economic opportunities generated by HUD assistance shall, to the greatest extent feasible, be directed to Low and Very-Low Income Persons, particularly those who are recipients of HUD housing assistance. The complete DHC Section 3 Policy may be obtained by contacting the Detroit Housing Commission's Procurement Department at 1301 E. Jefferson, Detroit, Michigan 48207, Telephone (313) 877-8643.

Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate, or cause to be incorporated, in all contracts for work in connection with a Section 3 covered project, the following clause (referred to as a Section 3 clause):

II. MANDATORY SECTION 3 CLAUSE FOR ALL CONTRACTS

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very-low income persons, particularly persons who are recipients of HUD assistance for housing.

B. The Parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediments that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to

compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (I) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

III. Implementation Plan for Compliance with Section 3 Requirements

Contractors shall demonstrate compliance with the "greatest extent feasible" requirement of Section 3 by selecting one of the following:

- ▶ Meeting the numerical goals set forth in this section for providing training or employment opportunities to residents of public housing or other low income persons (section 3 residents);
- ▶ Subcontracting work for the covered contract to a Section 3 Certified Business Concern(s);
- ▶ Provide other economic opportunities to low income persons;
- ▶ Contributing to DHC's Educational and Training Fund; or
- ▶ Becoming a Section 3 Certified Business Concern

Each proposal must provide an implementation plan in narrative form that identifies the chosen method of compliance and the supporting evidence for that compliance method as outlined below.

A. The Hiring and Training Method of Compliance

Every contractor and subcontractor, in order to comply with Section 3, must commit, in writing, to the following:

1. When additional personnel are needed to complete the contract work, 30% of all new hires will be Section 3 residents. If the contractor hires only one employee, that

employee will be a Section 3 resident.

2. Order of preference for Section 3 hires are as follows:
 - a. Residents of the housing development(s) for which the Sections 3 covered assistance is expended (category 1 residents);
 - b. Residents of other housing developments managed by DHC (category 2 residents);
 - c. Participants in HUD Youthbuild programs being carried out in the Detroit metropolitan area;
 - d. Other Section 3 residents.
3. The contractor shall maintain all records, reports and other documents to demonstrate compliance with the Section 3 requirements.
4. Implementation of Section 3 by the contractor may be accomplished using the following examples. The examples provided are not all inclusive. Additional examples of efforts to offer training and employment opportunities to Section 3 Residents may be found in the Appendix to 24 CFR part 135 Appendix 1.
 - a. Advertising any training and employment positions by distributing flyers which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process to every occupied dwelling unit in the housing development or developments where category 1 or category 2 persons reside.
 - b. Contacting agencies administering HUD Youthbuild programs, and requesting their assistance in recruiting HUD Youthbuild program participants for the contractor's training and employment positions.
 - c. Consulting with State and local agencies administering training programs funded through JTPA or JOBS, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 residents for the contractor's training and employment positions.
 - d. Advertising the positions to be filled through the local media, such as community televised networks, newspapers or general circulation, and radio advertising.

If this compliance method is chosen, offeror **must** provide its Section 3 Hiring and Training Implementation Plan and supporting documentation demonstrating compliance with the Section 3 requirements

B. The Subcontracting Method of Compliance

A Contractor for building trades work for maintenance, repair, modernization or development or for building trades work arising in connection with housing rehabilitation, housing construction and other public construction will subcontract at least 10% of the dollar value of the contract to

Section 3 Business Concerns. A Contractor may satisfy this goal through contracts awarded by its Subcontractors.

A Contractor for other types of work will subcontract at least 3% of the dollar value of the contract to Section 3 Business Concerns. A Contractor may satisfy this goal through contracts awarded by its Subcontractors

If this compliance method is chosen, each offeror **must** provide its Section 3 Subcontracting Implementation Plan and supporting documentation demonstrating compliance with the Section 3 requirements.

C. The Other Economic Opportunities Method of Compliance

Contractors and Subcontractors will undertake efforts to provide economic opportunities other than training, employment and contract awards to Section 3 residents

Other economic opportunities to train and employ Section 3 residents include, but need not be limited to, use of “upward mobility”, “bridge”, and hiring Section 3 residents in part-time positions.

A Contractor or Subcontractor may provide economic opportunities to establish, stabilize or expand Section 3 Business Concerns, including micro-enterprises. Such opportunities may include, but are not limited to, the formation of Section 3 joint ventures, financial support for affiliating with franchise development, use of labor only contracts for building trades, or purchase of supplies and materials from Category 1, 2 or 4 Section 3 Certified Business Concerns. Contractors and Subcontractors may utilize these methods directly or may provide financial incentives to non-Section 3 business concerns to provide economic opportunities to Section 3 residents.

If this compliance method is chosen, each offeror **must** provide its Section 3 “Other Economic Opportunities” Implementation Plan and supporting documentation demonstrating compliance with the Section 3 requirements.

D. The Education/Training Fund Method of Compliance

A Contractor may satisfy its Section 3 goal by contributing an amount equivalent to 2% of the dollar value of the contract to a DHC approved education and/or training fund that provides assistance to Section 3 residents.

If this compliance method is chosen, each offeror **must** provide its Education/Training Fund contribution commitment statement demonstrating compliance with the Section 3 requirements.

E. The Section 3 Certified Business Concern Method of Compliance

Contractors and Subcontractors may demonstrate compliance by becoming a certified Section 3

Business Concern. Section 3 Business concerns are defined as follows:

1. Category 1 Businesses – Section 3 Business Concerns that are 51% or more owned by residents of the DHC housing development(s) for which the contract is expended or whose full-time, permanent workforce includes 30% or these persons as employees.
2. Category 2 Businesses – Section 3 Business Concerns that are 51% or more owned by residents of other DHC housing developments or housing developments managed by DHC or whose full-time, permanent workforce includes 30% of these persons as employees.
3. Category 3 Businesses – HUD Youthbuild programs being carried out in the Detroit metropolitan area in which the contract is expended.
4. Category 4 Businesses – Section 3 Business Concerns that are 51% or more owned by Section 3 residents or whose full-time, permanent workforce includes no less than 30% Section 3 residents or that subcontract in excess of 25% of the total amount of subcontracts to Category 1 or Category 2 business concerns.

If this compliance method is chosen, a Contractor or Subcontractor seeking to become a Section 3 Certified Business concern shall submit such evidence, as may be reasonably required by DHC that the Contractor or Subcontractor qualifies as a Section 3 Business Concern in one of the 4 categories outlined above. Such evidence may include, but is not limited to, a DHC lease agreement; an affidavit certifying that 30% of the subject Contractor or Subcontractors employees are low-income as defined by federal guidelines; a list of employees and the household income of each employee, etc.

Also, a Section 3 Business Concern seeking a contract or subcontract shall submit such evidence, as may be reasonably required, sufficient to demonstrate to DHC that the Section 3 Business Concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract.

Attachment II

Non-Discrimination.

In accordance with the U.S. Constitution and all federal legislation and regulations governing fair employment practices and equal employment opportunity including, but not limited to Title VI (42 USC 2000d, et seq.) and Title VII (42 USC 2000e, et seq.) of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241) and the U.S. Department of Justice regulations (28 CFR Part 42, et seq.) and the U.S. Department of Labor regulations (29 CFR Part 1601, et seq.) issued pursuant to those Titles, Executive Order 11246 (September 24, 1965) as amended, the Michigan Constitution and all state laws and regulations governing fair employment practices and equal employment opportunity, including but not limited to the Michigan Civil Rights Act (P.A. 1976 No. 453) and the Michigan Handicappers Civil Rights Act (P.A. 1976 No. 220), the Contractor agrees that it shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status or handicap that is unrelated to the individual's ability to perform the duties of a particular assignment or position. The Contractor hereby recognizes the right of the United States and the State of Michigan to seek judicial enforcement of the foregoing covenant against discrimination, against itself or its subcontractors connected directly or indirectly with the performance of this Contract.

In addition, the Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation or national origin. Such action shall include, but not be limited to employment, upgrading, demotion, transfer, recruitment, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

**ATTACHMENT III
REQUIRED INFORMATION
FREQUENTLY ASKED QUESTIONS**

Q1-Item 3.02 Required Information No. 3 references a Consolidated Plan. Where can I get a copy of this plan?

A1- This references the Consolidated Plan for the municipality in which the proposed project is located. If the project is within the city of Detroit, The Detroit Consolidated Plan is accessible at www.detroitmi.gov If the project/development is outside the City of Detroit please submit the local municipality Consolidated Plan (highlighting the affordable housing initiatives).

Q2- Regarding Section 3.02 – Required Information No. 13: Can you please explain what should be submitted regarding site selection standards?

A2 - For that item you should identify and explain whether your selected site meets the standards located in 24 CFR 983.57. Those requirements concentrate on compliance with PBV goals, specifically the goal of deconcentrating poverty. Some factors include: minority concentration, deconcentration of poverty, is the site located in an Enterprise Zone; Is there significant revitalization occurring in the area; Have state, local or federal dollars in been awarded to the area, etc. Explain all positive impacts of the area including the Walkability score.

Q3- Regarding Section 3.02 – Required Information No. 22: Can you please explain what should be submitted regarding the Tenant Selection Plan?

A3 - The submitted Tenant Selection Plan must be in compliance with local jurisdiction as it relates to unit square footage -size associated with occupancy and parking. Many communities have ordinances that restrict the number of occupants based upon the size of the unit, the size and number of bedrooms and the relationships of the occupants (related or unrelated persons). There may also be limitations on parking and the size of the lot could enter into the equation when determining the number of occupants.

Q4-Item 3.02 #25 requests documentation that the property meets local requirements. Please clarify what the local requirements are.

A4- A statement you will meet all local, state and federal requirements during and after project development Please see site selection requirements 24 CFR 983.57. Project/Development must support Consolidated Plan initiatives.

Q5- Items 3.03 #4 & #5 request dates and descriptions of services performed. Please clarify what services this question is referring to

A5- Please provide a description of the service performed for the 3 projects that you are listing as your relevant experience. For instance, if you are providing the rehabilitation of a 6 story apartment building as a part of a LIHTC allocation as your relevant experience, that would be the description provided.

Q6- Items 3.07 A, B, & C outline applicable federal regulations, but don't specifically request any information. Do we need to provide any documentation for these items, or is the purpose of this section to just state the applicable federal regulations?

A6-We are not requesting any information in this section. We are advising all proposers that the selection of a developer and any eventual agreement would be subject to these regulations.

Q7- Please clarify the current process for evaluating proposals that have already received LIHTC and the development is currently ongoing?

A7- According to HUD regulations construction of the project and proposed project cannot begin until the AHAP (Agreement to Enter into a Housing Assistance Payment Contract) has been established. If development is currently ongoing, DHC would recommend you apply for PBV once the construction is completed as an Existing site. See 24 CFR 983.52, 24 CFR 983.53, 24 CFR 983.152 and 24 CFR 983.153 for additional guidance.

Q8- When does Uniform Relocation Assistance (“URA”) come into effect?

A8- At the time of your proposal. If units affected by PBV are occupied, at the time of proposal the URA restrictions are in place.

Q9- What is the affect to residents of Tenant based Vouchers (“TBVs”) in units scheduled for PBV allocation?

A9 - The TBVs supersede the PBVs. The residents may keep the TBVs and the unit should not be considered for PBV. The resident should be contacted regarding the pending activity. If the unit is included, URA will be enforced.

Certifications and Representations of Offerors

Non-Construction Contract

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

- (1) has, has not employed or retained any person or company to solicit or obtain this contract; and
- (2) has, has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

- (a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) is, is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) is, is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- | | |
|---|---|
| <input type="checkbox"/> Black Americans | <input type="checkbox"/> Asian Pacific Americans |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans |
| <input type="checkbox"/> Native Americans | <input type="checkbox"/> Hasidic Jewish Americans |

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);
(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

- (c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

- (a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in an unfair competitive advantage;
 - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
 - (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.
- (b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.
- (c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.
- (d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Signature & Date:

Typed or Printed Name:

Title:

Previous Participation Certification

OMB Approval No. 2502-0118
(Exp. 05/31/2019)

US Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

US Department of Agriculture
Farmers Home Administration

Part I to be completed by Principals of Multifamily Projects (See instructions)		For HUD HQ/FmHA use only	
Reason for submission:			
1. Agency name and City where the application is filed		2. Project Name, Project Number, City and Zip Code	
3. Loan or Contract amount \$	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)

7. List all proposed Principals and attach organization chart for all organizations

Name and address of Principals and Affiliates (Name: Last, First, Middle Initial) proposing to participate	8 Role of Each Principal in Project	9. SSN or IRS Employer Number

Certifications: The principal(s) listed above hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as principal(s) in the role(s) and project listed above. The principal(s) each certify that all the statements made on this form are true, complete and correct to the best of their knowledge and belief and are made in good faith, including any Exhibits attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. The principal(s) further certify that to the best of their knowledge and belief:

1. Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the principal(s) have participated or are now participating.
2. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
 - a. No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
 - b. The principals have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - c. There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the principals or their projects;
 - d. There has not been a suspension or termination of payments under any HUD assistance contract due to the principal's fault or negligence;
 - e. The principals have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - f. The principals have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
 - g. The principals have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
3. All the names of the principals who propose to participate in this project are listed above.
4. None of the principals is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
5. None of the principals is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
6. None of the principals have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any principals or affiliates have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any).
7. None of the principals is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which the principal(s) cannot certify have been deleted by striking through the words with a pen, and the relevant principal(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

Name of Principal	Signature of Principal	Certification Date(mm/dd/yyyy)	Area Code and Tel. No.
This form prepared by (print name)			Area Code and Tel. No.

Previous Participation Certification

OMB Approval No. 2502-0118
(Exp. 05/31/2019)

Schedule A: List of Previous Projects and Section 8 Contracts. Below is a complete list of the principals' previous participation projects and participation history in multifamily Housing programs of HUD/FmHA, State and local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, **"No previous participation, First Experience"**.

1. Principals Name (Last, First)	2. List of previous projects (Project name, project ID and, Govt. agency involved)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of loan (current, defaulted, assigned, foreclosed)	5. Was the Project ever in default during your participation Yes No If yes, explain		6. Last MOR rating and Physical Insp. Score and date

Part II- For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or refer to Headquarters after checking appropriate box.

Date (mm/dd/yyyy)	Tel No. and area code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval recommended. <input type="checkbox"/> B. Name match in system <input type="checkbox"/> C. Disclosure or Certification problem <input type="checkbox"/> D. Other (attach memorandum)	
Staff	Processing and Control		
Supervisor	Director of Housing/Director, Multifamily Division	Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record.

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530:

Form HUD-2530 must be completed and signed by all principals applying to participate in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures,

partnerships, corporations, trusts, non-profit organizations, any other public or private entity that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arm's length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is full disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed:

The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and

Handicapped).

- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certification: e.g., refinance, change in ownership, change in management agent, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include all project or contract

identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the appropriate role. The following are examples of possible roles that the principals may assume: Owner/Mortgagor, Managing Agent, Sponsor, Developer, General Contractor, Packager, Consultant, Nursing Home Administrator etc.

Block 9: Fill in the Social Security Number or IRS employer number of every principal listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/ FmHA, and State and local Housing Finance Agencies in which you have previously participated **must be listed**. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required.

Column 2. All previous projects must be listed or your certification cannot be processed. Include the name of all projects, project number, city where it is located and the governmental agency (HUD, USDA-FmHA or state or local housing finance agency) that was involved.

Column 3. List the role(s) as a principal, dates participated and if fee or identity of interest (IOI) with owners.

Column 4. Indicate the current status of the loan. Except for current loan, the date associated with the status is required. Loans under a workout arrangement are considered assigned. For all noncurrent loans, an explanation of the status is required.

Column 5. Explain any project defaults during your participation.

Column 6. Provide the latest Management Review (MOR) rating and Physical Inspection score.

Certification: After you have completed all other parts of

form HUD-2530, including schedule A, read the Certification carefully. In the box below the statement of the certification, fill in the names of all principals and affiliates as listed in block

7. Each principal should sign the certification with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File Form HUD-2530). Principal who is signing on behalf of the entity should attach signature authority document. Each principal who signs the form should fill in the date of the signature and

a telephone number. By providing a telephone number, HUD can reach you in the event of any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen to strike through those parts that differ with your record, and then sign and certify.

Attach a signed statement of explanation of the items you have struck out on the certification. Item 2e. relates to felony convictions within the past 10 years. If you are convicted of

a felony within the past 10 years, strike out 2e. and attach statement of explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting stand point of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations that will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval of participation in this HUD program.