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**HOUSING FIRST  
PERMANENT  
SUPPORTIVE  
HOUSING**

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**REQUEST FOR PROPOSALS**

April 27, 2016

**AUSTIN HOUSING FINANCE CORPORATION**



Optional Pre-Proposal Conference: **May 12, 2016, 10:00 a.m.**

1000 E. 11<sup>th</sup> Street, 4<sup>th</sup> Floor, Room 400-A, Austin, TX 78702

Proposals due **PRIOR TO 3:00 p.m. June 22, 2016**

1000 E. 11<sup>th</sup> Street, 2nd Floor, Suite 200, Austin, TX 78702

# *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

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0200	Prime Firm – Offer Sheet
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## **Part I. Overview — Initiative to End Chronic Homelessness & the Need for Permanent Supportive Housing (PSH)**

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### **Background: Homelessness in Austin and Increasing the Housing Supply to Reduce Homelessness**

Through the 2016 annual point-in-time count of the Austin/Travis County homeless population, it is preliminarily estimated that on any given night, 2,138 individuals are homeless. Of these, approximately 736 are considered chronically homeless. Coordinated Assessments of homeless individuals and families show that 913 households are currently experiencing chronic homelessness in the Austin area. As of January 4, 2016, the U.S. Department of Housing and Urban Development's (HUD) definition of a chronically homeless person is: "a homeless individual with a disability who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or in an institutional care facility if the individual has been living in the facility for fewer than 90 days and had been living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately before entering the institutional care facility. In order to meet the 'chronically homeless' definition, the individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months. Each period separating the occasions must include at least 7 nights of living in a situation other than a place not meant for human habitation, in an emergency shelter, or in a safe haven."

These individuals frequently have serious, persistent conditions such as addiction or alcoholism, mental illness, HIV/AIDS, physical disabilities, and other serious challenges to a successful life, and thus require a more substantial level of care in a supportive housing environment to return to housing stabilization. Permanent Supportive Housing is an evidence-based practice that has been proven to be the most successful intervention for chronically homeless persons. **HUD has independently verified that more than 80% of tenants in Permanent Supportive Housing remain stably housed for more than one year.** Criminal history is not a predictor of future housing success for homeless adults with behavioral health disorders, according to research from the Downtown Emergency Service Center, Seattle, Washington, 2009.

Although Permanent Supportive Housing (PSH) is a resource-intensive intervention, the high public costs of homelessness mean that it costs essentially the same amount of money to house someone in stable, supportive housing as it does for that person to remain homeless and stuck in the revolving door of high-cost crisis care, emergency housing, and often the local criminal justice system. Cost studies demonstrate that a community can either spend money paying for services often used by homeless persons or spend those dollars on a long-term solution that produces positive results for people and their communities.

### **Recent Actions Taken to Advance Permanent Supportive Housing**

As part of the Austin/Travis County Continuum of Care's commitment to ending chronic homelessness, the Austin City Council in 2010 endorsed a Permanent Supportive Housing (PSH) Strategy to aid in the creation of new Permanent Supportive Housing units throughout the City. On August 28, 2014, Austin

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City Council approved a resolution establishing Permanent Supportive Housing (PSH) as the primary intervention to end chronic homelessness and set a target of creating 400 additional PSH units, with a minimum of 200 dedicated to 'Housing First' PSH, over the next four years.

In September 2014, the City of Austin through its housing subsidiary, the Austin Housing Finance Corporation (AHFC), issued a Request for Proposals (RFP) for a qualified firm to develop a "Housing First" PSH development project. On December 11, 2014 an award was made to the successful respondent to construct 50 units of Housing First PSH.

### **Current Request for Proposals**

AHFC is now seeking proposals from qualified Respondent Teams for a second Housing First PSH development project. A Respondent Team may be led by a for-profit or non-profit developer who oversees the design and construction of the development to be operated under the Housing First PSH model. The successful Respondent Team will be headed by a developer who:

1. Possesses the experience and capacity to develop and successfully complete a PSH or similar housing development, and
2. Has the ability to provide services to the chronically homeless OR partners with a social service provider with experience providing services to chronically homeless individuals.

### **Permanent Supportive Housing Definition**

This solicitation defines a PSH unit as an affordable rental housing unit that is linked to a range of support services that enable tenants, specifically those who have been chronically homeless, to live independently and participate in community life. Permanent supportive housing units are:

- **Targeted**: Serves households earning under 30% of Area Median Income that have multiple barriers to housing stability;
- **Deeply affordable**: Rents are subsidized so that the tenant pays no more than 30% of household income towards rent, even where tenants have extremely limited or no income;
- **Lease-based**: Tenancy is based on a legally-enforceable lease or similar form of occupancy agreement, and there are no limits to a person's length of tenancy as long as they abide by the conditions of the lease or agreement. Leases *do not* include additional requirements for tenancy beyond the market standards. (i.e. drug testing, unannounced access to unit, service participation requirements, curfews, unreasonable restrictions on visitors, and excessive inspections are all *excluded*.)
- **Supported**: Offers flexible services that must be voluntary, easily accessible, functionally separate from housing, and team-based. The tenant has access to an array of harm reduction services, including, but not limited to, case management, medical, mental health, substance use treatment, employment and life skills counseling, eviction prevention programs including locating alternative affordable housing for tenants, social and recreational events, and tenant advocacy; however, a lease may not be terminated solely because a tenant chooses not to participate;
- **Managed**: Provides a working partnership that includes ongoing communication between service providers, property owners/managers, and subsidy programs; and

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- *Housing First*: All housing must meet the qualifications outlined by the Housing First Community Wide definition as outlined below.

### **Housing First Permanent Supportive Housing Community Wide Definition**

Housing First is an approach that centers on providing individuals experiencing homelessness with appropriate housing quickly, regardless of potential housing barriers, then providing supportive services as needed. What differentiates a Housing First approach from other strategies is that there is an immediate and primary focus on helping individuals and families access long-term, sustainable housing as quickly as possible. This approach has the benefit of not only being consistent with what most people experiencing homelessness want and prefer, but is also associated with consistently high outcomes across a variety of communities. Core Elements Include:

- *Admission/screening criteria*: Acceptance of applicants regardless of their sobriety, any past or current use of substances, any completion of rehabilitation or treatment, or participation in any other supportive services.
- *Rejection Practices*: Applicants are seldom rejected solely on the basis of poor credit or financial history, poor or absent rental history, criminal convictions, or any other behaviors that are generally held to indicate a lack of “housing readiness.”
- *Basic Needs*: Discretionary funds are available to support basic needs for both clients without income and clients who experience financial crises. Tenants are given reasonable flexibility in paying their tenant share of rent.
- *Supportive Services*: Emphasize engagement and problem-solving over therapeutic goals. Service plans are highly tenant-driven without standardized or predetermined goals, and client choice is key. Participation in services or program compliance (unrelated to lease terms) is not a condition of tenancy.
- *Substance Use*: Use of alcohol or drugs in and of itself (without other lease violations) is not considered a reason for eviction.
- *Tenant Selection*: Tenant selection process includes the prioritization of eligible tenants based on criteria such as duration/chronicity of homelessness, vulnerability, or high utilization of crisis services.
- *Case Management*: Case managers/service coordinators are trained in and actively employ evidence-based practices for client/tenant engagement, such as motivational interviewing and client-centered counseling. Typical case manager to client ratio is 1:10 to 1:15.
- *Harm Reduction*: Services are informed by a harm reduction philosophy that recognizes that drug and alcohol use and addiction may be a part of tenants’ lives; tenants are engaged in non-judgmental communication, and tenants are offered education regarding how to avoid risky behaviors and engage in safer practices.

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- *Accessibility:* Building and apartment unit may include special physical features that accommodate disabilities, reduce harm, and promote health among tenants.
- *Coordinated Assessment:* Community has a Coordinated Assessment Community Priority PSH list for matching people experiencing homelessness to the most appropriate housing and services; individuals experiencing chronic homelessness and high need families are matched to appropriate permanent supportive housing/Housing First opportunities.
- *Eviction Prevention:* Every effort is made to offer a transfer to a tenant from one housing situation to an alternative option if a tenancy is in jeopardy. Programs avoid eviction back into homelessness whenever possible.

This definition was created through a community-wide input process that included members across the Austin/Travis County homeless services continuum. For more information on that process visit: [www.austinecho.org/the-solution/housing-interventions/housing-first-community-wide-definition/](http://www.austinecho.org/the-solution/housing-interventions/housing-first-community-wide-definition/)

## **Part II. Developing Permanent Supportive Housing**

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The development of permanent supportive housing includes resources in the following three areas: capital, operating, and services. For the purposes of this RFP, they are defined below.

### ***Capital Resources***

**Austin Housing Finance Corporation (AHFC)** will provide funding support for capital investments in permanent supportive housing. While many developments funded through AHFC's Rental Housing Development Assistance program have included PSH units, this solicitation is to create a project that consists only of PSH units. Generally, AHFC expects to fund approximately \$80,000 per PSH unit.

*Leveraging of AHFC funds* is key to the ultimate success of PSH projects. AHFC's intention is to fund the *gap* between the cost of the entire project and funds provided from all other sources. AHFC has frequently supported projects that have successfully applied for and used the Low Income Housing Tax Credit (LIHTC) program administered by the Texas Department of Housing and Community Affairs (TDHCA). Additionally, utilization of conventional debt and equity financing, foundation grants, and other non-AHFC/County funds may be a source of leverage.

### ***Operating Resources (Rental Assistance)***

**The Housing Authority of the City of Austin (HACA) and the Housing Authority of Travis County (HATC)** will continue to provide Housing Choice Vouchers, VASH (Veterans Affairs Supportive Housing) Vouchers and other forms of rental assistance to qualified tenants through the Coordinated Assessment Community Priority PSH list. These vouchers will supply tenants working through the Coordinated Assessment Community Priority PSH list, with rental assistance to cover the monthly rents in PSH units.

HACA's Housing Choice Voucher program has a homeless local preference and will receive referrals through the ECHO Coordinated Assessment Community Priority PSH list. In addition, HACA provides vouchers to homeless veterans through the VASH program. Other operating and rental subsidies can be considered for households unable to secure vouchers through the Housing Authorities, such as through HUD Continuum of Care contracts, etc.

### ***Supportive Service Resources***

Supportive services are a critical component of permanent supportive housing, and will be contracted separately. Supportive Services could include housing stability case management, substance use rehabilitation services, behavioral health services, skilled nursing, bill payer program, etc. Additional levels of resident services include: access to education, computer lab, resident services coordinators, life skills classes, social and recreational activities, employment services, eviction prevention programs, etc. All supportive services provided to these PSH units must be funded through a separate funding source.

### Part III. General Eligibility Criteria and Funding Areas

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Funding is available to for-profit and non-profit developers/owners of Housing First Permanent Supportive Housing. Respondents must meet the minimum general eligibility criteria described below before submitting a proposal for consideration:

- The proposed project site must be located completely within the City of Austin – Full Purpose jurisdiction to qualify for City of Austin subsidies.  
<http://www.austintexas.gov/GIS/JurisdictionsWebMap/>
- Organizations must not discriminate on the basis of ethnicity, race, color, creed, religion, gender, national origin, age, disability, marital status, sexual orientation, gender identity, or Veteran’s discharge status.
- Respondents must agree to use Austin’s Ending Community Homelessness Coalition’s (ECHO) Coordinated Assessment Community Priority PSH list as the ***sole referral source*** for the PSH units. The Coordinated Assessment system is the central access and referral point for all homeless individuals seeking housing in Austin. This system will be used to prioritize the most vulnerable, chronically homeless individuals for placement into permanent supportive housing, and will identify the most appropriate housing options for each individual. The system will then be used to maintain a steady flow of referrals to all available housing options, provided the housing will accommodate the most vulnerable, chronically homeless. To ensure these individuals have appropriate access to the housing being developed specifically to meet their unique needs, a project may need to modify its resident screening criteria or use reasonable accommodation to admit tenants who otherwise would not qualify. By agreeing to use the Coordinated Assessment Community Priority PSH list as the sole referral source, Respondents agree to make reasonable accommodations to accept the referrals.
- Respondents must agree to operate projects under the “Housing First” model as described in Part II of this solicitation. The Owner, Property Manager, and Service Provider must agree to a long-term commitment to Housing First. If City of Austin Affordable Housing General Obligation Bond funds are used for the capital investment, a minimum 40-year restriction will be placed on the property limiting its use to the provision of housing for persons requiring Housing First PSH.
- Prospective tenants ***shall not be required*** to agree to participate in services prior to entering the housing nor can service participation be a requirement of tenancy. Tenants ***can be required*** to adhere to a standard market lease, and their tenancy must be supported by eviction prevention strategies, including the engagement of services as appropriate. Multiple organizations may apply as a collaborative or joint venture; however, a lead entity must be designated. For the purposes of this RFP, the lead entity must be the owner/developer of the project.

### Part IV. Eligibility Standards for Respondents – Capital Development

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The following are representative of the requirements to be considered a qualified Respondent:

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### **Legal Entity Structure**

There is no requirement of a specific corporate or partnership structure, except for eligibility to conduct business in the State of Texas.

### **Good Standing**

Respondent must affirm that there are no defaults or negative collection actions relating to any financial obligation, either to the City of Austin or to any other public agency or private lender. Any Respondent, Developer or General Contractor whose name appears on the federal, state, county, or city debarment list is not allowed to participate. No Respondent, Developer or Contractor with unresolved management, compliance, or default issues with the City of Austin or other public agency will be allowed to participate.

### **Experience**

Respondents must have a *documented capacity* to construct or rehabilitate, and operate multi-family housing that benefits low-income individuals. Respondents must accommodate persons in a manner consistent with Housing First principles, as well as the providers of Housing First Permanent Supportive Housing services. Respondents must provide a list containing the addresses of similar multifamily properties developed or rehabilitated, owned and/or managed by the Respondent or by a member of the Respondent Team during the past 10 years (Consideration Item 5). AHFC will perform background checks and seek references from other lenders, partners, or public agencies with which the Respondent has recently done business.

It is recommended that the Respondent or partner property management team or service provider have experience with permanent supportive housing, or providing housing to formerly homeless individuals. This includes property management, providing services or management of government-funded rental subsidies to formerly homeless persons. If the Respondent has little or no experience of this type with this population, another member of the Respondent Team, a lead service agency, or a joint venture must have such experience.

### **Financial Capacity**

Respondents will be asked to provide evidence of financial ability to complete the project. Respondents will be required to provide current financial statements and proof of sufficient reserves or a Line of Credit available, if necessary, to complete the project (see Consideration Item 2).

### ***Eligible Activities***

As noted above, the purpose of this RFP is to solicit proposals for projects that will both house and serve the specific needs of the chronically homeless. This RFP is to create a PSH-only property. The Austin City Council has set a community goal of the creation of at least 200 units of Housing First PSH units by 2018.

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Below is a list of activities that are eligible for AHFC funding:

- **Rehabilitation** of multifamily properties of 50 units or more.
- **New construction** of multifamily properties of 50 units or more.
- **Demolition as part of reconstruction.**
- **Acquisition of existing multifamily properties** of 50 units or more.
- **Acquisition of land for construction of a new multifamily property** of 50 units or more.
- **AHFC can hold title to the land and structure a ground lease with the Developer**, with the expectation that any cost savings would roll back into operations and maintenance of the development.

### ***Financial Evaluation and Underwriting***

The proposed development will go through an underwriting process to analyze financial and project completion risks in addition to evaluating the ongoing viability of the property.

### ***Loan Limits and Financing Terms***

**AHFC reserves the right to determine the amount of funding to be provided.**

#### **Loan Amount**

Respondents should make **a specific funding request** to AHFC (in Consideration Item 4). The request should represent the **gap between (a) the total project cost and (b) the Respondent's equity plus commercially available debt, grants, tax credits, and other capital contributions.**

#### **Interest Rate**

The rate of interest charged on the AHFC loan will be below current market rates. The rate of interest may be negotiated.

#### **Guaranty**

Developers will provide a Completion Guaranty until rehabilitation or construction is complete and all buildings in the development receive a certificate of occupancy.

#### **Affordability Covenants**

As a condition of funding, a Land Use Restriction Agreement (LURA) will be placed on the property specifying:

- How the property is to be used;
- The number of residential units which must be restricted to occupancy by low-income residents (the "restricted units");
- The limits on rents that can be charged to persons occupying restricted units; and
- The length of time the preceding restrictions will apply (the "Affordability Period");

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During the Affordability Period, AHFC will monitor each project for financial stability as well as compliance with AHFC's Minimum Property Standards and LURA. This will include:

- Regular review of financial statements;
- Periodic property inspections to ensure that Minimum Property Standards are maintained;
- Verifying lease-related documentation and actions to demonstrate, as applicable, compliance with Fair Housing requirements under local, state and federal rules in tenant selection/housing;
- Certifying/approving rent rates and utility allowances within limits set by local, state or federal agencies as applicable to each project.
- Monitoring of tenant incomes for compliance with the LURA.

### **Other Funding**

All funding from sources made available through AHFC, including non-federal funds, may carry the same federal income restrictions and federal rent limits as discussed above. The final determination of rent restrictions and income limits will be at the discretion of the AHFC.

### **Documentation of Agreement**

The parties will negotiate a **Loan Agreement** before a recommendation for an award is taken to the AHFC Board of Directors. Loan documents, if applicable, may include a Deed of Trust, Promissory Note, Subordination Agreement, LURA, Uniform Commercial Code (UCC) Financing Statement, and an Environmental Indemnity Agreement. Final loan documents will be executed at closing. To the greatest extent possible, closing on the Loan should be concurrent with closing any superior loans and any other sources of funds.

*[For the remainder of this Part IV, the Respondent selected for an award under this RFP shall be referred to as the "Developer."]*

## ***Development Requirements***

### **Minimum Number of Units**

Developments involving new construction or rehabilitation will include a minimum of 50 units. All of the units must meet the requirements of Housing First Permanent Supportive Housing as described in Part II of this RFP.

### **Unit Features**

All units must contain a separate bathroom and a separate food preparation area, each with its own sink and fixtures.

### **Affordability Period**

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The minimum Affordability Period shall be 40 years. The property will also be subject to external monitoring for fidelity with Housing First principles.

### **Site Control**

Site control is not required prior to proposal submission; however, Project Readiness will be evaluated in Consideration Item 4, including the extent to which a site has been identified, contracted, or is owned.

### **S.M.A.R.T. Housing™**

All new construction projects funded must be certified for the City of Austin's S.M.A.R.T Housing program. Projects certified for S.M.A.R.T. Housing are eligible to have certain development fees waived. Guidelines can be found at the following website:

<http://austintexas.gov/page/housing-application-center>

### **Code Compliance**

All properties must comply with local building code, health code, safety code, and Minimum Property Standards (MPS) as defined by the City's Code of Ordinances for residential structures. The City's Code of Ordinances can be found at the following link:

<https://austintexas.gov/department/planning/codes-and-regulations>

### **Accessibility**

HUD has established rules explaining Section 504 as it applies to housing. They are found in the Code of Federal Regulations at 24 CFR Part 8. Section 504 requires that 5% of all units (or at least one unit) must be accessible to persons with physical disabilities. An additional 2% of all units (at least one) must be accessible to persons with visual or hearing disabilities. **Prior to commencement of the project**, the architectural drawings must be reviewed by a third party consultant for compliance with these regulations at the Developer's expense. Upon completion, the property must be inspected by an accessibility expert, and must be deemed in compliance as one condition of retainage being released.

Covered multifamily dwellings, as defined at 24 CFR Sec 100.201, as well as common use facilities in developments with covered dwellings, must meet the design and construction requirements of CFR Sec 100.205, which implement the Fair Housing Act (42 U.S.C. Sec 3601-3619). Additionally, the project must comply with the Architectural Barriers Act of 1968 (42 U.S.C. Sec. 4151 et seq.), including use of telecommunications device of deaf persons (TDDs) or equally effective communication system.

Notwithstanding the general requirement that 5% of units be accessible and 2% of units be accessible to the visually and hearing impaired, AHFC may waive this requirement for rehabilitation projects where the cost of rehabilitation is less than 75% of replacement costs. However, if this requirement is

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waived, the work done with any grant dollars must be made accessible to persons with disabilities.  
Source:

<http://www.hud.gov/offices/fheo/disabilities/sect504faq.cfm>

Since the potential tenant population is expected to include a higher than typical number of disabled tenants, AHFC *recommends* that if newly constructed, *all units* be constructed so as to be *adaptable* to Uniform Federal Accessibility Standards (UFAS) and ADA standards as needed. This includes, but is not limited to, installing blocking for grab bars, installing removable cabinets so that countertops are accessible, and ensuring a proper turn radius in the restrooms and kitchens. **Current data indicates that approximately 10% of chronically homeless individuals will require accessible units.**

### **Environmental Review**

**If federal funds are to be used, AHFC will be required to conduct an Environmental Assessment (EA) on an identified site.** If an EA is necessary, the process can take 90 days or more to complete, and includes a period of public notice posting and a separate public comment period. The Environmental Assessment includes review of (but is not limited to) the following topics:

- Phase I Environmental Site Assessment report (must be less than one year old)
- Texas Historical Commission review (for existing structures more than 40 years old)
- Floodplain
- Wetlands
- Coastal zone
- Sole source aquifers
- Endangered species
- Noise pollution

Rehabilitation of any residential buildings built before 1978 must comply with **federal lead-based paint** requirements including lead testing in accordance with 24 CFR Part 92.355 and 24 CFR Part 35, subparts A,B,J,K,M, and R.

All properties must be free of **contaminants/hazardous substances** that pose dangers to users of the property or conflict with the intended purpose of the property as explained in 24 CFR 58.5(i)(2)(i). This includes, but is not limited to, toxic mold and asbestos. If there is a concern that a potential property contains toxic mold or asbestos, the Developer will be responsible for the testing and either implementation of an O&M plan (operations and maintenance plan) or completion of the abatement process by a certified asbestos contractor.

New construction is required to provide sufficient sound-proofing with a goal to maintain an **interior noise level below 45 decibels**, and the exterior noise level must be below 75 decibels.

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### **Development in the Floodplain or Floodway**

Development in the 100-year Floodplain is highly discouraged. However, mitigation measures to address floodplain issues will be required, and at a minimum, the owner will be required to carry flood insurance.

### **Temporary Relocation of Existing Residents**

If temporary relocation of existing residents is involved, the selected firm will be responsible for: 1) developing a relocation plan that is compliant with HUD Uniform Relocation Act requirements; and 2) bearing all costs associated with temporary relocation of residents. Proposals involving permanent displacement of residents will not be considered.

Details of the requirements for following the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) regulations are also available in HUD Handbook 1378 at the following web site:

<https://onecpd.info/resource/310/hud-handbook-1378-tenant-assistance-relocation-and-real-property-acquisition/>

### **Construction Cost Overruns**

Beyond the amount of contingency funds included in the development budget, Developers must demonstrate the ability to fund cost overruns either through personal assets, a letter of credit, or other means acceptable to AHFC.

### **Construction Draws and Inspections**

If AHFC funding is used for construction or rehabilitation, the Loan Agreement will specify the manner in which construction draws should be submitted for payment. Developers will certify that each draw request is for actual costs expended and must provide documentation to support such costs. AHFC will only pay for completed and documented work. AHFC staff will conduct an inspection to verify that the work covered by a draw request has been completed.

**AHFC will retain 10% of each construction draw for all costs until satisfactory completion of the development. Retainage** will be held until at least thirty (30) days after completion of construction; a final inspection is completed and clearance is issued by AHFC; labor standards final wage compliance report is completed, if applicable; and certificates of occupancy are received when necessary, or a certification of completion is received from the development architect for rehabilitation.

### **General Contractor's Warranty**

The General Contractor shall provide a standard warranty for work performed for new construction or rehabilitation of multi-family residences, as applicable.

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### **Bond Requirements**

After execution of this contract, Respondent will be required to submit a Letter from Respondent's Surety stating Respondent's ability to acquire bonding as required in the full amount of the contract either directly or through reinsurance and ensuring the commitment from its Surety to provide such bonding. Respondent shall provide the 100% performance and payment bonds at the time of the execution of the Agreement for construction phase services. All bonds required by the Contract Documents shall be obtained from solvent surety companies that are duly licensed by the State of Texas and authorized to issue bond policies for the limits and coverages required by the Contract Documents. The bonds shall be in a form acceptable to AHFC and shall be issued by a surety which complies with the requirements of Art. 7.19-1, Texas Insurance Code (1997).

### **Insurance Requirements**

Selected firm will be required to provide insurance meeting the requirements for each phase.

### **Prevailing Wage Compliance**

Minimum wage rates will be required on the construction portion of this project. Current Wage Rate Schedules will be provided by the AHFC prior to start of construction. Information pertaining to minimum wages and reporting is found in Section 00830, Wage Rates and Payroll Reporting, and Section 0830BC, Wage Rates Building Construction, and can be found on the following website: <https://www.austintexas.gov/page/bid-docs>.

## **Part V. Eligibility Standards for Respondents – Supportive Services**

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### ***Proposed Supportive Services Activities***

The following activities *are not* included in this contract, but a description of the proposed supportive services must be submitted as part of the application. The Respondent may subcontract these services or provide them directly and is not limited to these items specifically. If there is a need for other services not listed, the Respondent must provide justification for those services.

- Housing stability case management to keep individuals in housing
- Substance use rehabilitation services
- Behavioral health services
- Nursing and/or medical services to reduce inappropriate EMS and Emergency Department usage
- Bill payer program
- Other supportive services to assist clients to maintain housing, improve health and welfare, obtain employment, mainstream benefits, etc.
- Peer support specialist services
- Client Financial Assistance including rent, utilities, and other direct assistance to individuals to assist them to obtain or maintain permanent supportive housing.

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### ***Program Strategies and Target Populations***

The target population for this project is single adult men and women who are:

- Chronically homeless as established in the HEARTH Act, <https://www.onecpd.info/homelessness-assistance/hearth-act/>
- Referred to the housing unit through the ECHO Coordinated Assessment Priority PSH list.

#### **Successful service providers will:**

- Provide comprehensive supportive services to residents in Housing First PSH units, including, but not limited to, the activities listed in the Proposed Supportive Services Activities list (above).
- Provide case management staff ratios of 1:10 or 1:15. Supportive Services should be made available, but participation is not required for residents to remain in housing. Providers should demonstrate frequent, voluntary client contact.
- Support partnerships across public, private, and nonprofit entities to ensure a coordinated, collaborative strategy that prevents duplication of services and promotes continuity of care
- Use the definition of PSH and Housing First presented in Part I.
- Offer cost-effective solutions that result in the reduction of costs to public systems and leverage existing public and private resources and investments.
- Utilize the Homeless Management Information System and will maintain a high level of data quality in this system.
- Efficiently and successfully assist clients in obtaining public benefits such as SSI/SSDI, Veterans Administration, Medicaid, and Medical Assistance Program (MAP).

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## Part VI. EVALUATION CRITERIA

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The following is a description of items to receive consideration in the evaluation of proposals for developing Housing First Permanent Supportive Housing for AHFC. Following each description are the evaluation points associated with the item. TOTAL POSSIBLE POINTS EQUALS 100 (plus 15 points for interviews, if conducted). Wherever used, "prime firm" denotes a single firm or a joint venture responding as the prime firm (Developer). Wherever used, "page" refers to single-sided, single spaced, 10-point minimum font 8-1/2 x 11-inch pages. The prime firm shall perform the largest share of the assignment (on an estimated percentage of total agreement basis).

Limitations on the volume of requested information apply equally to single firms and joint ventures regardless of the number of firms partnering in the joint venture. Proposals with excess volume or which do not include information for the evaluation of all consideration items may not be thoroughly reviewed or may be rejected as non-responsive.

All prime firms and subconsultants must be registered to do business with the City prior to contract award. Prime firms are responsible for ensuring that their subconsultants are registered as vendors with the City of Austin. You may register through the City's on-line Vendor Registration system. Log on to the link below and follow the directions:

[https://www.austintexas.gov/financeonline/vendor\\_connection/index.cfm](https://www.austintexas.gov/financeonline/vendor_connection/index.cfm)

NOTE: When applicable, firms and individuals who are proposed as staff on this RFP must adhere to the requirements of Subchapter A of the Texas Professional Engineering Practice Act regarding the use of the term "engineer". The full text of the Texas Professional Engineering Act may be found at: <http://www.engineers.texas.gov>.

Consideration Item #	Title	Maximum Point Value
<b>1</b>	TURND IN ALL REQUIRED DOCUMENTS	N/A
<b>2</b>	FINANCIAL CAPACITY	N/A
<b>3</b>	TEAM'S STRUCTURE & PROJECT CONCEPT	<b>10</b>
<b>4</b>	PROJECT READINESS	<b>15</b>
<b>5</b>	EXPERIENCE OF PRIME FIRM (DEVELOPER) AND GENERAL CONTRACTOR	<b>35</b>
<b>6</b>	SERVICE PROVISION PLAN	<b>20</b>
<b>7</b>	PROPERTY MANAGEMENT PLAN	<b>20</b>
<b>8</b>	INTERVIEW	<b>15</b>

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**CONSIDERATION ITEM 1**

**TURNED IN ALL REQUIRED DOCUMENTS**

**0 points - Threshold Requirement**

Did respondent turn in the requested documents as required by this Consideration Item and the forms and submittal requirements for all other consideration items?

- No - Proposal **will not** be evaluated.
- Yes - Evaluation of the proposal will continue.

Respondent must attach the following to Consideration Item 1:

- **Section 0200 Prime Firm – Offer Sheet**
- **Section 0210 Non-Discrimination Certification**
- **Section 0220 Affidavit of Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying**
- **Section 0230 Affidavit of Availability**
- **Section 0240 Affidavit of Contract Execution**
- **Section 0250 Certificate of Non-Suspension or Debarment**
- **Letters from subconsultants confirming contact/commitment to the project.**
- **Sufficient documentation of Respondent's legal name and entity status signed by an authorized representative of the Respondent which clearly indicates not only the legal name and entity status, but also the capacity and authority of the person signing on behalf of Respondent. Accordingly, a partnership/joint venture must file its partnership/joint venture agreement, a corporation must file its articles and bylaws, a limited liability company must file its certificate of organization and article of organization and regulations, and a limited partnership must file not only limited partnership agreement and the certificate of limited partnership, but also the documentation for its general partner, and, as applicable, any Respondent must file a copy of any assumed name certificate, or such limited portion of such documents reasonably establishing signature authority.**

**NOTE:** These forms may be re-created by the Respondent as long as they contain the same requested information. Other forms and proposal documents required in the remaining Consideration Items should be attached to that respective Consideration Item.

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**CONSIDERATION ITEM 2**

**FINANCIAL CAPACITY**

**0 points – Threshold Requirement**

AHFC is interested in the Respondent's financial capacity to complete the proposed project.

- **Provide Audited Financial Statements for the most recent three (3) years, including all notes to the financial statements, OR business entity federal tax filings for the most recent three (3) years if Audited Financial Statements are unavailable.**

## *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

NOTE: Respondent's submitted financial records are **exempt from disclosure** under the Texas Public Information Act, Government Code Chapter 552.

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### **CONSIDERATION ITEM 3** **TEAM'S STRUCTURE & PROJECT CONCEPT** **10 Points Maximum**

AHFC is interested in the team's organizational structure on the proposed project and a description of the project.

- **Provide an organizational chart and brief narrative. The total number of pages should not exceed three (3) pages.** Explain the team's organizational structure. Indicate activities, responsibilities and key personnel on the organizational chart. Identify project leadership, reporting responsibilities, how prime firm will interface with AHFC's project manager, and how subconsultants will work within the team structure. Describe the roles of the key individuals proposed to work on this project and why this structure will create an innovative approach to Housing First Permanent Supportive Housing in Austin.
- **Describe the proposed project. In no more than two (2) pages,** explain what will make this project unique, as well as a summary of specifics, if known, such as:
  - a. Describe tenant screening criteria and how it will be implemented. Demonstrate fidelity to the Housing First concept regarding grounds for rejection of applicants and eviction of tenants (see pages 3 and 4 for Housing First definition). Describe how criminal history impacts eligibility for your program. Preference is provided to organizations that do not unreasonably restrict housing or services due to criminal status.
  - b. Include the type of structure, number and size of units in square feet.
  - c. Indicate the number of units that are or will be made accessible and adaptable for persons with mobility, sight or hearing disabilities.

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### **CONSIDERATION ITEM 4** **PROJECT READINESS** **15 Points Maximum**

To the extent this information is available:

## HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP

- **Provide a project description of no more than four (4) pages that addresses items “a.” through “h.” below.**
  - a. If the prime firm owns or is under contract to purchase the property, include evidence of site control such as a warranty deed or a current earnest money contract, if applicable.
  - b. Indicate if the property has the appropriate zoning to accommodate the development.
  - c. Indicate whether the property is occupied at the time this proposal is being submitted.
  - d. Indicate whether the project meets the requirements of the City’s Vertical Mixed-Use (VMU) Ordinance, or is in a Planned-Unit Development (PUD) or Transit Oriented Development (TOD), or is located less than .25 miles from a transit stop (not just a transit route).
  - e. Indicate whether the project will preserve existing affordable rental units.
  - f. If there are existing structures, provide documentation from the taxing authority or another third-party source indicating the year the structure was built.
  - g. Demonstrate the Project’s compatibility with the current Neighborhood Plan (if applicable).
  - h. Summarize the proposed key financials of the project, indicating the total project cost, the amount and intended use of AHFC funds being requested, and the amount(s) and provider(s) of other funding.

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### **CONSIDERATION ITEM 5**

#### **EXPERIENCE OF PRIME FIRM (DEVELOPER) AND GENERAL CONTRACTOR**

#### **35 Points Maximum**

AHFC is interested in the Prime Firm and General Contractor’s history and success with development of properties similar to the proposed project. In addition, AHFC may consider the history of the firm on previous AHFC or City projects in terms of complying with project schedules and budgets.

- **Provide a listing, with addresses, of multifamily properties developed or rehabilitated, owned or managed by the Prime Firm in the past ten (10) years. Narrative should not exceed two (2) pages per project listed. Additionally, Respondent may include photographs of finished developments. For each project:**
  - a. Include the type of development (new construction or rehabilitation), number and size of units in square feet.

## HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP

- b. Describe the tenant population, income levels, and services, if any, that are/were made available to residents.
- c. Summarize the key financials of the project, clearly indicating the total project cost, and the amount(s) and source(s) of other funding secured to finance the development.
  - **Attach the Prime Firm's proposed Project Manager's resume of no more than two (2) pages. Project Manager must be employed by the Prime Firm.**
  - **Provide a complete listing, with addresses, of proposed General Contractor's experience for three (3) successfully completed projects within the past five (5) years of comparable size, scope and complexity to the Work described.**
  - **Attach the proposed General Contractor's Project Manager's resume of no more than two (2) pages. General Contractor does not have to be employed by the Prime Firm.**
  - **Describe how the proposed project will serve clients using the Housing First model presented in Part I. Describe the property management strategy/strategies that will be implemented to serve persons with a criminal history. Also describe strategies to serve persons with behavioral health issues such as mental illness and substance use. Narrative should not exceed two (2) pages.**

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### **CONSIDERATION ITEM 6** **SERVICE PROVISION PLAN** **20 points maximum**

AHFC is interested in the Prime Firm's (Developer's) proposed Service Provision Plan that demonstrates experience with projects having similar programs, budgets, and/or clients as the project described in this solicitation. Supportive services are a central part of successful Housing First PSH developments. Identification of a **Potential** Service Provider is required for this application and a letter of interest or letter of intent to partner in this project is strongly encouraged, but not required. A letter of commitment from an identified Service Provider will be required upon contract execution. More points will be awarded to applicants who demonstrate a strong commitment to partner with one or more Service Providers who have experience serving PSH residents and/or chronically homeless individuals.

**Provide a narrative not to exceed ten (10) pages that addresses the following:**

➤ **Potential Service Provider**

1. State the name of the Potential Service Provider and the nature of the relationship between the Developer and the Potential Service Provider in regards to this application.
2. Describe the Potential Service Provider's experience managing relevant local, state, or federal contracts within the last five years
3. Describe Potential Service Provider's involvement in the Ending Community Homelessness Coalition (ECHO) and/or other local, regional or national community planning activities

## **HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP**

pertaining to PSH.

4. Service Provider will be required to use the local Homeless Management Information System (HMIS) to track and report client information. Describe any experience the Potential Service Provider has using HMIS or a comparable electronic database for collecting and reporting data.

### **➤ Target Population**

1. Provide a description of the target population that would be served in this project and any experience and success working with this population. If the target population(s) is different from your current service population, describe the modifications and new strategies you or your Potential Service Provider(s) will implement to serve the new target population(s).
2. Explain the Potential Service Provider's experience working with the target population and/or implementing relevant programs to promote housing stability and wellness.
3. Describe how the Potential Service Provider will ensure cultural and language differences will not be a barrier to services. Please refer to the National Culturally and Linguistically Appropriate Services (CLAS) Standards in Health and Health Care (<http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=2&lvlID=15>) with special attention to Standards #4, 5, 6 and 7.

### **➤ Program Structure and Strategies**

Under the Housing First model, an array of supportive services must be available to all clients, but active participation cannot be required for tenancy (i.e. made a condition of a lease). Supportive Services could include those listed in Part V of this solicitation, Proposed Supportive Services Activities. The Potential Service Provider could sub-contract for these services or provide all of them directly and is not limited to these items specifically.

1. Describe all planned supportive services for this project, who will provide them, and how they will be provided.
2. Describe any barriers and challenges the target population(s) may encounter accessing services and how these barriers and challenges will be mitigated.
3. Describe any known barriers and challenges the Potential Service Provider may encounter implementing the proposed strategy/strategies and how they will be overcome.
4. Describe how the Potential Service Provider will coordinate with other agencies serving the same individuals, in order to maximize client access to services and minimize duplication of efforts.
5. Considering that participation in supportive services cannot be required for tenancy, describe outreach strategies to engage clients to voluntarily participate.
6. Describe the relationship between property management and the Potential Service Provider. How will this relationship be structured and operate? How will this relationship address

## **HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP**

tenant-landlord disputes and potential or actual violations of the lease?

7. Describe any additional services which will be provided to the target population and how they will access those services initially and over time in order to maximize self-sufficiency. Services might include mainstream resources/public benefits, access to education, computer lab, resident services coordinators, life skills classes, social and recreational activities, employment services, eviction prevention programs etc.

### ➤ **Timeline and Other Factors**

1. Describe the proposed timeline for securing commitment of the Service Provider and for the Service Provider to begin services when the construction, development, rehabilitation and/or acquisition is completed.

### ➤ **Staffing Plan**

1. Describe the number of units proposed for the project and the estimated staff-to-client ratio.
2. Describe the overall staffing plan to accomplish activities including the number of staff proposed, general position descriptions, and the percentage of each position's time to be spent on the program.
3. Provide justification which indicates the staffing plan is appropriate for the proposed strategy/strategies.

If applicable, attach any letters of interest, letters of intent or memoranda of understanding (MOU).

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### **CONSIDERATION ITEM 7** **PROPERTY MANAGEMENT PLAN** **20 Points Maximum**

AHFC is interested in the Prime Firm's (Developer's) proposed Property Management Plan that demonstrates an understanding of and capability to effectively manage an income-restricted property under the Housing First model.

Provide a proposed Property Management Plan that describes eligibility screening criteria for residents using the Housing First model presented in Part I. Demonstrate fidelity to the Housing First concept regarding grounds for rejection of applicants and eviction of tenants. Describe how criminal history impacts eligibility for your project. Persons with criminal histories cannot be excluded from a Housing First property. Explain any restrictions on certain offenses or classes of offenses.

## *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

The proposed Property Management Plan should also describe:

- financial management and reporting,
- security and maintenance practices,
- staffing levels and hiring,
- how waiting lists are handled,
- how communication with residents and/or service providers regarding tenant-landlord issues will be conducted,
- ongoing tenant eligibility recertification
- property rules and appeals processes for eviction



### **CONSIDERATION ITEM 8**

#### **INTERVIEW (OPTIONAL)**

**15 Points Maximum**

AHFC may interview short-listed firms prior to making a recommendation to the AHFC Board. Staff intends to use the following guidelines for the interview process:

- The number of firms interviewed will depend on the closeness of the scores following evaluation of the written proposals.
- Staff will consider significant gaps in point separation between the top ranked firms in determining the number of firms to be interviewed.
- Only firms that are considered qualified to perform the work, on the basis of their written proposal, will be invited for interviews.
- No more than five firms will be interviewed.
- Staff may conduct interviews in other cases where staff believes it is in the best interest of the AHFC.
- AHFC reserves the right to determine whether an interview will be conducted for every solicitation/project.

## **PART VII. Proposal Submission Requirements**

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### ***Selection Process***

The selection process to be carried out as part of this Request for Proposals (RFP) includes the following steps:

Upon receipt of proposals, a preliminary cursory review will be conducted, screening proposals for minimum submittal requirements. Proposals that do not meet minimum requirements may be deemed non-responsive. Notices will be sent to non-responsive firms and their proposals will not be further reviewed.

An interdepartmental team (Selection Committee) will review and evaluate the remaining proposals. Upon completion of this evaluation, the Selection Committee will submit a recommendation for AHFC Board authorization to negotiate and execute a contract with the top-ranked firm.

If AHFC is unable to negotiate a satisfactory contract with the top-ranked firm within 45 calendar days, AHFC may formally end negotiations with that Respondent, and proceed to negotiate a satisfactory contract with the next Respondent in the order of the selection ranking, until a contract is reached or all negotiations end, provided that AHFC, in its complete discretion, may elect to extend the time for negotiations with any Respondent for an additional period of time.

AHFC reserves the right to request clarification or additional information from individual respondents and to request some or all respondents to make presentations to the AHFC, staff, community groups, or others.

### ***Solicitation Schedule/Key Dates***

The selection process to be carried out as part of this Request for Proposals (RFP) includes the following steps and tentative schedule:

- **Issuance and Advertisement of RFP: April 27, 2016**
- **Optional Pre-Proposal Conference: May 12, 2016, 10:00 a.m.**
- **Last day to submit questions to AHFC in writing: June 15, 2016, 5:00 p.m.**
- **Proposals due PRIOR TO 3:00 p.m. June 22, 2016**
- **AHFC Board Approval: August 4, 2016**

### ***Questions***

All requests for explanations or clarifications must be submitted in writing to AHFC to [john.hilbun@austintexas.gov](mailto:john.hilbun@austintexas.gov) no later than close of business five business days before the proposal due date. After the due date, AHFC will post a list of firms that submitted to the solicitation website:

[https://austintexas.gov/financeonline/vendor\\_connection/index.cfm](https://austintexas.gov/financeonline/vendor_connection/index.cfm)

## HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP

### **Proposal Submittal Requirements**

PROPOSALS ARE TO BE SUBMITTED TO AHFC IN A SEALED ENVELOPE OR CONTAINER MARKED WITH RESPONDENT'S NAME & ADDRESS, "AHFC Housing First PSH", DUE DATE AND TIME.

*Respondents must submit one (1) original signed copy and five (5) electronic copies on five separate flash drives.*

Proposals may be delivered in person, via postal mail or courier.

EMAIL, FACSIMILE, OR ELECTRONIC PROPOSALS WILL NOT BE ACCEPTED.

**ALL PROPOSALS SHALL BE SUBMITTED PRIOR TO  
3:00 PM (CST), June 22, 2016**

Proposals shall be submitted to:

Austin Housing Finance Corporation  
Attn: John Hilbun  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, TX 78702

Receptionist Phone (512) 974-3100

Only one Proposal will be allowed per development team. This restriction does not prohibit a sub-consultant from being on more than one proposal.

- Electronic copy should include a single PDF file with bookmarks for each section.
- AHFC encourages Respondents to print double-sided to conserve paper.
- Page Size – 8 ½ x 11; oversized or pullout pages must be folded to accommodate.
- All proposals must be signed by the organization's Board Chair / Executive Director / President or Designee. Unsigned proposals will not be accepted.
- Original Copy must contain original signatures.
- All statements requiring a notarized signature must be notarized.

### **Late Proposals**

Proposals must be received at AHFC prior to the due date and time. All proposals received after the due date and time are considered late and will be returned to the Respondent unopened. The time stamp clock on the receptionist's desk in the AHFC Office is the time of record and is verified with <http://time.gov>. It is the sole responsibility of the Respondent to ensure timely delivery of the proposal. AHFC will not be responsible for failure of service on the part of the U.S. Postal Office, courier companies, or any other form of delivery service chosen by the Respondent.

## *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

### **Addendum**

Receipt of an Addendum should be acknowledged by signing and returning the Addendum with the proposal. If Addenda are not acknowledged, the proposal may be considered non-responsive.

### **Replacement of Sub-consultants**

Sub-consultants may be replaced only with written authorization of AHFC. AHFC may conduct a competitive solicitation to select a replacement sub-consultant.

### **Modification of Offers**

Proposals may be modified in writing at any time prior to the Due Date.

### **Withdrawal of Offers**

Proposals may be withdrawn in writing, by email, or by facsimile (provided that the facsimile is signed by the Respondent) at any time prior to the Due Date. A Respondent may also withdraw a proposal in person, provided the withdrawal is made prior to the Due Date. A receipt of withdrawal must be signed by the Respondent. Withdrawn proposals may be resubmitted, with or without modifications, prior to the Due Date.

### **Rejection of Proposals**

AHFC reserves the right to reject any or all proposals received for this RFP and to waive any minor informality in any submittal or solicitation procedure.

- I. The following **will** be cause to reject a Proposal:
  - Proposal received from a Respondent who has been debarred or suspended by AHFC or City of Austin's Purchasing Officer.
  - Proposal received from a Respondent when Respondent or principals are currently debarred or suspended by Federal, State or City governmental agencies.
  
- II. The following **may** be cause to reject a Proposal:
  - Required forms not included with original signature and/or notarized.
  - Failure to provide a proposal to one or more of the Consideration Items.
  - Prime firm and/or subconsultants did not provide the number of examples required for an evaluation criteria item.
  - Exceeding the maximum number of pages allowed in any of the sections designated.
  - Including projects that have not been completed within the specified time period.
  - Combining forms.
  - Failure to acknowledge receipt of Addenda.

### **Costs of Preparing Proposal**

All costs directly or indirectly related to preparation of a Proposal to this solicitation or any oral presentation required to supplement and/or clarify a proposal, which may be required by AHFC, shall be the sole responsibility of the Respondent.

# HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP

## **Opening of Proposals and Release of Information**

All materials submitted to AHFC become public property and are subject to the Texas Public Information Act, Government Code Chapter 552, upon receipt. Proposals shall not be released until contract is executed. If Respondent does not desire proprietary information in the Proposal to be disclosed, each page must be identified and marked proprietary at time of submittal. AHFC will, to the extent allowed by law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General. Failure to identify proprietary information will result in all unmarked sections being deemed non-proprietary and available upon public request. Financial Statements are exempt from disclosure according to the Act.

## **Legal Status of Respondent**

Only individual firms or lawfully formed formal business organizations may apply, unless, if Respondent does not meet the foregoing criteria, Respondent states in writing to AHFC that, if awarded the contract, it will form a formal business organization in a timely manner so as not to delay the Project. Any associations will be disqualified (this does not preclude Respondents from having subcontractors/subconsultants). AHFC will contract only with individual firms or formal organizations such as a) joint ventures, b) limited liability corporations, c) partnerships, or d) corporations authorized to do business in the State of Texas.

## **Anti-Lobbying and Procurement**

For this solicitation, AHFC will abide by Article 6, Chapter 2-7, Austin City Code, which prohibits lobbying activities or representations by the Respondent between the date that the Request for Proposals (RFP) is issued and the date of contract execution. The text of the pertinent City Ordinance may be viewed at <http://www.cityofaustin.org/edims/document.cfm?id=161145>.

## **Authorized Contact Person**

The Authorized Contact Person listed below may be contacted for information regarding the Request for Proposals (RFP). If the Respondent contacts any other AHFC or City employee, including Council Members and members of Boards and Commissions, the Respondent may be disqualified and not be allowed to submit a proposal.

Persons desiring further Information or interpretation of the solicitation requirements shall make a written request for such information to an Authorized Contact Person no later than five (5) working days before proposal due date and time. Interpretation of Solicitation Documents will be made by Addendum **only** and a copy of each Addendum will be mailed or delivered to each person to whom a set of Solicitation Documents has been furnished.

<b>Contract Dev. Analyst:</b>	<b>John Hilbun</b>	<a href="mailto:john.hilbun@austintexas.gov">john.hilbun@austintexas.gov</a>	<b>512-974-1054</b>
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## **Restriction on Contacts**

- A. During a no-contact period, a respondent shall make a representation only through the authorized contact person named above.

## *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

- B. During the no-contact period, a respondent may not make a representation to an AHFC official or to a City employee other than to the authorized contact persons. This prohibition also applies to a vendor that makes a representation and then becomes a respondent.
- C. The prohibition of a representation during the no-contact period applies to a representation initiated by a respondent, and to a representation made in proposal to a communication initiated by an AHFC official or a City employee other than the authorized contact person.
- D. If the AHFC withdraws an RFP or rejects all bids with a stated intention to reissue the same or similar RFP for the same or similar project, the no-contact period shall expire after the ninetieth day after the date the RFP is withdrawn or all bids are rejected if the RFP has not been reissued during the ninety day period.
- E. The no-contact period shall expire when the first of the following occurs: contract is executed or solicitation is cancelled.
- F. The purchasing officer or the AHFC Treasurer may allow respondents to make representations to city employees or AHFC representatives in addition to the authorized contact person for a solicitation that the purchasing officer or the AHFC Treasurer finds must be conducted in an expedited manner; an expedited solicitation is one conducted for reasons of health or safety under the shortest schedule possible with no extensions. The purchasing officer's or AHFC Treasurer's finding and additional city employees or AHFC representatives who may be contacted must be included in the solicitation documents.
- G. Representations to an independent contractor hired by the AHFC to conduct or assist with a solicitation will be treated as representations to an AHFC employee.
- H. A current employee, director, officer, or member of a respondent, or a person related within the first degree of consanguinity or affinity to a current employee, director, officer or member of a respondent, is presumed to be an agent of the respondent for purposes of making a representation. This presumption is rebuttable by a preponderance of the evidence as determined by the purchasing officer or AHFC Treasurer.
- I. A respondent's representative is a person or entity acting on a respondent's behalf with the respondent's request and consent. For example, a respondent may email their membership list and ask members to contact council members on the respondent's behalf. The members are then acting per respondent's request and with their consent, and the members have become respondent representatives.

### **Permitted Representations**

- A. If AHFC seeks additional information from respondent, the respondent shall submit the representation in writing **only** to the authorized contact person. The authorized contact person will then distribute the written representation in accordance with the terms of the RFP. A Respondent cannot amend or add information to a proposal after the deadline.
- B. If Respondent wishes to send a complaint to the AHFC, the respondent shall submit the complaint in writing **only** to the authorized contact person. The authorized contact person will then distribute a complaint regarding the process to members of the AHFC board, to the AHFC Treasurer, and to all respondents on the RFP. However, AHFC Treasurer or purchasing officer shall not permit distribution of any complaint that promotes or disparages the qualifications of a respondent, or that amends or adds information to a proposal. A determination of what constitutes promoting or disparaging the qualifications of a respondent or constitutes amending or adding information is at the AHFC Treasurer or purchasing officer's sole discretion. Bid protests

## *HOUSING FIRST PERMANENT SUPPORTIVE HOUSING ---RFP*

are not subject to this subsection. Documents related to a bid protest may not be forwarded to the AHFC Board under this subsection.

- C. If a respondent submits a written inquiry regarding an RFP, the authorized contact person will provide a written answer and distribute both the inquiry and answer to all respondents on the RFP.
- D. If a respondent does not receive a proposal from the authorized contact person, the Respondent may contact the AHFC Treasurer or purchasing officer as appropriate.
- E. A respondent may ask a purely procedural question, for example a question regarding the time or location of an event, or where information may be obtained, of an AHFC or City employee other than the authorized contact person. This provision does not permit a respondent to make suggestions or complaints about the contract process that constitute a representation to an AHFC or City employee other than the authorized contact person. Notwithstanding this provision, a respondent may not ask a procedural question of a councilmember, a councilmember's aide, or of a City board member except in a meeting held under the Texas Government Code, Chapter 551 (*Open Meetings Act*).
- F. Article 6 of the City Code allows representations:
  - i. made at a meeting convened by the authorized contact person, including meetings to evaluate bids or negotiate a contract;
  - ii. required by Financial Services Department protest procedures for vendors;
  - iii. made at a Financial Services Department protest hearing;
  - iv. provided to the Small & Minority Business Resources Department in order to obtain compliance with Chapter 2-9A-D (the *Minority-Owned and Women-Owned Business Enterprise Procurement Program*);
  - v. made to the City Risk Management coordinator about insurance requirements for a bid;
  - vi. made in public at a meeting held under the Texas Open Meetings Act; or
  - vii. made from a bidder's attorney to an attorney in the Law Department in compliance with Texas Disciplinary Rules of Professional Conduct.
- G. Communication regarding the solicitation is permitted between or among City officials or City employees acting in their official capacity.
- H. A contribution or expenditure as defined in Chapter 2-2 (*Campaign Finance*) is not a representation.

**PRIME FIRM – OFFER SHEET**

Section 0200

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PROJECT Name     **Housing First Permanent Supportive Housing**    

Firm Name \_\_\_\_\_

Firm Address \_\_\_\_\_

Headquarter Address (if different) \_\_\_\_\_

Telephone Number \_\_\_\_\_

Contact Person \_\_\_\_\_

Address of Contact Person \_\_\_\_\_

Phone Number of Contact Person \_\_\_\_\_

Email Address of Contact Person \_\_\_\_\_

COA Vendor Registration Number \_\_\_\_\_

Year of Firm Founding \_\_\_\_\_

**The undersigned, by his/her signature, represents that he/she is submitting a binding offer and is authorized to bind the respondent to fully comply with the solicitation document contained herein. The Respondent, by submitting and signing below, acknowledges that he/she has received and read the entire document packet sections defined above including all documents incorporated by reference, and agrees to be bound by the terms therein.**

Signature of Authorized Representative \_\_\_\_\_

Printed Name of Authorized Representative \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

*If submitting as a joint venture, the following information is required for each joint venture firm.*

Firm Name \_\_\_\_\_

Participating Firm Percentage of Control \_\_\_\_\_

Number of Years in Business \_\_\_\_\_

Organization Type \_\_\_\_\_

Date of Organization \_\_\_\_\_

Date of Predecessor Organization \_\_\_\_\_

Describe the quantity and nature of any work, interest in work, partnership interest, land ownership or other interest in any project, property or business dealing within the proposed project area or past or current business relationship which may give rise to a potential conflict of interest for your firm or associated firms in the execution of this project.

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Signed by (Authorized Representative) \_\_\_\_\_

**Austin Housing Finance Corporation**

To: Austin Housing Finance Corporation ("OWNER")

I hereby certify that our firm conforms to the Code of the City of Austin Section 5-4-2 as reiterated below:

Chapter 5-4. Discrimination in Employment by City Contractors.

**Sec. 4-2 Discriminatory Employment Practices Prohibited. (B)** As an Equal Employment Opportunity (EEO) employer, the Contractor will conduct its personnel activities in accordance with established federal, state and local EEO laws and regulations and agrees:

- (1) Not to engage in any discriminatory employment practice defined in this chapter.
- (2) To take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without discrimination being practiced against them as defined in this chapter. Such affirmative action shall include, but not be limited to: all aspects of employment, including hiring, placement, upgrading, transfer, demotion, recruitment, recruitment advertising; selection for training and apprenticeship, rates of pay or other forms of compensation, and layoff or termination.
- (3) To post in conspicuous places, available to employees and applicants for employment, notices to be provided by OWNER setting forth the provisions of this chapter.
- (4) To state in all solicitations or advertisements for employees placed by or on behalf of Contractor, that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, national origin, sexual orientation, gender identity, disability, veteran status, sex or age.
- (5) To obtain a written statement from any labor union or labor organization furnishing labor or service to Contractors in which said union or organization has agreed not to engage in any discriminatory employment practices as defined in this chapter and to take affirmative action to implement policies and provisions of this chapter.
- (6) To cooperate fully with OWNER's Equal Employment/Fair Housing Office in connection with any investigation or conciliation effort of said Equal Employment/Fair Housing Office to ensure that the purpose of the provisions against discriminatory employment practices are being carried out.
- (7) To require compliance with provisions of this chapter by all subcontractors having fifteen or more employees who hold any subcontract providing for expenditure of \$2,000.00 or more in connection with any contract with OWNER subject to the terms of this chapter.

For the purposes of this Bid and any resulting Contract, Contractor adopts the provisions of the City's Minimum Standard Nondiscrimination Policy set forth below.

City of Austin

Minimum Standard Nondiscrimination in Employment Policy

As an Equal Employment Opportunity (EEO) employer, the Contractor will conduct its personnel activities in accordance with established federal, state and local EEO laws and regulations.

The Contractor will not discriminate against any applicant or employee based on race, creed, color, national origin, sex, age, religion, veteran status, gender identity, disability, or sexual orientation. This policy covers all aspects of employment, including hiring, placement, upgrading, transfer, demotion, recruitment, recruitment advertising, selection for training and apprenticeship, rates of pay or other forms of compensation, and layoff or termination.

Further, employees who experience discrimination, sexual harassment, or another form of harassment should immediately report it to their supervisor. If this is not a suitable avenue for addressing their complaint, employees are advised to contact another member of management or their human resources representative. No employee shall be discriminated against, harassed, intimidated, nor suffer any reprisal as a result of reporting a violation of this policy. Furthermore, any employee, supervisor, or manager who becomes aware of any such discrimination or harassment should immediately report it to executive management or the human resources office to ensure that such conduct does not continue.

Contractor agrees that to the extent of any inconsistency, omission, or conflict with its current non-discrimination employment policy, the Contractor has expressly adopted the provisions of the City's Minimum Non-Discrimination Policy contained in Section 5-4-2 of the City Code and set forth above, as the Contractor's Non-Discrimination Policy or as an amendment to such Policy and such provisions are intended to not only supplement the Contractor's policy, but will also supersede the Contractor's policy to the extent of any conflict.

UPON CONTRACT AWARD, THE CONTRACTOR SHALL PROVIDE A COPY TO THE CITY OF THE CONTRACTOR'S NON-DISCRIMINATION POLICY ON COMPANY LETTERHEAD, WHICH CONFORMS IN FORM, SCOPE, AND CONTENT TO THE CITY'S MINIMUM NON-DISCRIMINATION POLICY, AS SET FORTH HEREIN, OR THIS NONDISCRIMINATION POLICY, WHICH HAS BEEN ADOPTED BY THE CONTRACTOR FOR ALL PURPOSES (THE FORM OF WHICH HAS BEEN APPROVED BY THE CITY'S EQUAL EMPLOYMENT/FAIR HOUSING OFFICE), WILL BE CONSIDERED THE CONTRACTOR'S NON-DISCRIMINATION POLICY WITHOUT THE REQUIREMENT OF A SEPARATE SUBMITTAL. (<http://austintexas.gov/page/bid-docs>).

Sanctions:

Our firm understands that non-compliance with Chapter 5-4 may result in sanctions, including termination of the contract and suspension or debarment from participation in future City contracts until deemed compliant with the requirements of Chapter 5-4.

Term:

The Contractor agrees that this Section 00210 Non-Discrimination Certificate or the Contractor's separate conforming policy, which the Contractor has executed and filed with the Owner, will remain in force and effect for one year from the date of filing. The Contractor further agrees that, in consideration of the receipt of continued Contract payments, the Contractor's Non-Discrimination Policy will automatically renew from year-to-year for the term of the underlying Contract.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CONTRACTOR \_\_\_\_\_  
Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_

END

**AFFIDAVIT OF NON-COLLUSION, NON-CONFLICT OF INTEREST AND ANTI-  
LOBBYING**  
Section 0220

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State of Texas

County of Travis

**The undersigned "Affiant" is a duly authorized representative of the Responder for the purpose of making this Affidavit, and, after being first duly sworn, has deposed and stated and hereby deposes and states, to the best of his or her personal knowledge and belief as follows:**

The term "**Respondent**", as used herein, includes the individual or business entity submitting the response and for the purpose of this Affidavit includes the directors, officers, partners, managers, members, principals, owners, agents, representatives, employees, other parties in interest of the Respondent, and anyone or any entity acting for or on behalf of the Respondent, including a subconsultant in connection with this response.

The terms "**City**" and "**Owner**" are synonymous.

- 1. Anti-Collusion Statement.** The Respondent has not and will not in any way directly or indirectly:
  - a. colluded, conspired, or agreed with any other person, firm, corporation, respondent or potential respondent to the amount of this response or the terms or conditions of this response.
  - b. paid or agreed to pay any other person, firm, corporation, respondent or potential respondent any money or anything of value in return for assistance in procuring or attempting to procure a contract or in return for establishing the prices in the attached response or the response of any other respondent.
- 2. Preparation of Invitation for Response and Contract Documents.** The Respondent has not received any compensation or a promise of compensation for participating in the preparation or development of the underlying response or contract documents. In addition, the Respondent has not otherwise participated in the preparation or development of the underlying response or contract documents, except to the extent of any comments or questions and responses in the solicitation process, which are available to all respondents, so as to have an unfair advantage over other respondents, provided that the Respondent may have provided relevant product or process information to a consultant in the normal course of its business.
- 3. Participation in Decision Making Process.** The Respondent has not participated in the evaluation of responses or proposals or other decision making process for this solicitation, and, if Respondent is awarded a contract hereunder, no individual, agent, representative, consultant or subcontractor or consultant associated with Respondent, who may have been involved in the evaluation or other decision making process for this solicitation, will have any direct or indirect financial interest in the Contract, provided that the Respondent may have provided relevant product or process information to a contractor or another consultant in the normal course of its business.
- 4. Present Knowledge.** Respondent is not presently aware of any potential or actual conflicts of interest regarding this solicitation, which either enabled Respondent to obtain an advantage over other Respondents or would prevent Respondent from advancing the best interests of OWNER in the course of the performance of the Contract.

- 5. **City Code.** As provided in Sections 2-7-61 through 2-7-65 of the City Code, no individual with a substantial interest in Respondent is a City official or employee or is related to any City official or employee within the first or second degree of consanguinity or affinity.
- 6. **Chapter 176 Conflict of Interest Disclosure.** In accordance with Chapter 176 of the Texas Local Government Code, the Respondent:
  - a. does not have an employment or other business relationship with any local government officer of OWNER or a family member of that officer that results in the officer of family member receiving taxable income;
  - b. has not given a local government officer of OWNER one or more gifts, other than gifts of food lodging transportation or entertainment accepted as a guest, that have an aggregate value of more than \$250 in the twelve month period preceding the date the officer becomes aware of the execution of the Contract or that OWNER is considering doing business with the Respondent.

As required by Chapter 176, Respondent must have filed a Conflicts of Interest Questionnaire with the Purchasing Department no later than the seventh business day after the commencement of contract discussions or negotiations with the City or the submission of a Response, response to a request for proposals, or other writing related to a potential contract with OWNER. The questionnaire must be updated not later than the seventh day after the date of an event that would make a statement in the questionnaire inaccurate or incomplete. There are statutory penalties for failure to comply with Chapter 176.

- 7. **Anti-Lobbying Ordinance.** As set forth in Attachment 2 of the solicitation documents, between the date that the Invitation for Response was issued and the date of full execution of the Contract, Respondent has not made and will not make a representation to a member of the City Council, a member of a City Board, or any other official, employee or agent of the City, other than the authorized contact person for the solicitation, except as permitted by the Ordinance

If the Respondent cannot affirmatively swear and subscribe to the forgoing statements, the Respondent shall provide a detailed written explanation on separate pages to be annexed hereto.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Entity: \_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

**AFFIDAVIT OF AVAILABILITY**

**Section 0230**

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Entities submitting qualification statements, including prime firms and subconsultants, shall have adequate current staff (including professionals registered in applicable fields, other professionals, and technicians) to competently and efficiently perform the work. The prime firm and subconsultants must commit that staff proposed in this submittal will be available to perform the proposed work within the anticipated project schedule.

I hereby certify that our staff and the staff of our subconsultants proposed in this submittal are available to perform the proposed work in a competent and efficient manner. In the event an individual proposed in this submittal is not available, I understand that after contract award we will be required to submit a change request with an individual equally or more qualified, which is subject to review and approval by AHFC. In the event AHFC does not approve the change request, I understand our firm will no longer be awarded the contract.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Entity: \_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

**AFFIDAVIT OF CONTRACT EXECUTION**

Section 0240

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Entities submitting qualification statements shall be prepared to be responsive to AHFC staff following Board approval in providing documents required for contract execution, including but not limited to insurance, corporate resolution, hourly rate information and non-discrimination policy. The prime firm must commit to meeting schedules and deadlines set by AHFC staff in order to execute the contract in a timely manner. We anticipate contract execution on or before December 31, 2016.

I hereby certify that following Board approval, our firm will be responsive to AHFC staff in submitting the required documents by the deadlines set forth by AHFC staff. I understand that if we do not meet this requirement, contract negotiations will cease. I also understand if we do not submit this completed form with our Response, we may be deemed non-responsive.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Entity: \_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

# CERTIFICATE OF NON-SUSPENSION OR DEBARMENT

Section 0250

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AHFC is prohibited from contracting with or making prime or sub-awards to parties that are suspended or debarred or whose principals are suspended or debarred from Federal, State, or City of Austin Contracts. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000.00 and all non-procurement transactions. This certification is required for all bidders on all AHFC Contracts to be awarded with values equal to or in excess of \$25,000.00 and all non-procurement transactions.

The CONTRACTOR hereby certifies that its firm and its principals are not currently suspended or debarred from bidding on any Federal, State, or City of Austin Contracts.

PROJECT Name \_\_\_\_\_

PROJECT Address \_\_\_\_\_

CONTRACTOR'S Name \_\_\_\_\_

Signed by (Authorized Representative) \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_