

REQUEST FOR PROPOSAL

RFP # 16-07

The Harris County Housing Authority (“HCHA”) is soliciting proposals for the Project Based Voucher Program in accordance with the requirements and the terms and conditions specified herein.

Interested parties who wish to respond to this solicitation must submit the required documents in a sealed envelope to the below individual by the date and time specified in Attachment J to:

**Harris County Housing Authority
8933 Interchange
Houston, Texas 77054
Attn: Horace Allison, AIA
Chief Executive Officer**

The face of each sealed envelope must contain the above information, and once they are in the possession of HCHA, their contents will not be publicly opened or revealed until a contract has been awarded.

Interested parties should pay particular attention to Attachment J Procurement Schedule, which contain milestone dates. Late submissions for the Round specified in Attachment J will be handled in accordance with the provisions in Form HUD-5369-B Section 6 entitled: “Late Submissions, Modifications, and Withdrawal of Offers”.

Interested parties who have questions about this solicitation, or who need additional information should send an e-mail (**preferably**) to horace.allison@hchatexas.org with **“RFP # 16-07” Project Based Voucher Program** in the subject line by the due dates specified in Attachment J. Any changes to the requirements specified will be communicated to all interested parties via an addendum and shall be posted on the HCHA website (www.hchatexas.org).



A Fair Housing and Equal Employment Opportunity Agency.

1.0 **PROFILE OF THE HARRIS COUNTY HOUSING AUTHORITY**

1.1 The Harris County HCHA ("HCHA") is currently governed by the Housing Authorities Law, codified in the Texas Local Government Code. It is a unit of government and its functions are essential governmental functions. It operates and manages its housing developments to provide decent, safe, sanitary and affordable housing to low income families, the elderly, and the disabled, and implements various programs designed and funded by the U.S. Department of Housing and Urban Development ("HUD"). The HCHA is a Public Housing Agency. The property of the HCHA is used for essential public and governmental purposes. The HCHA and its property are exempt from all taxes, including sales tax on all its purchases of supplies and services. The HCHA enters into and executes contracts and other instruments that are necessary and convenient for the exercise of its powers. The HCHA maintains contractual arrangements with HUD to manage and operate its Affordable Housing Development Program and administers the Housing Choice Voucher (HCV or Section 8) Program. The HCHA programs are privately and federally funded. The HCHA revenue is received from federal funds, administrative fees, development grants and rental income. The HCHA, in partnership with the private sector, developed eight affordable housing developments. The HCHA currently employs 38 regular full time staff, owns and manages over 1,038 affordable housing units and administers rental assistance for 4,100 privately owned rental units through the Section 8 HCV programs.

2.0 **OVERVIEW**

- 2.1 HUD regulations allow communities, such as Harris County, that are participating in the Housing Choice Voucher Program to allocate up to 20% of their tenant-based vouchers for Project-Based Voucher (PBV) assistance. Under the PBV program, subject to Federal requirements and in accordance with locally developed guidelines, rental subsidies are attached to specific rental units. When the tenants of units assisted under the PBV program, move, the rental subsidies remain with the units while the PBV Housing Assistance Payments ("HAP") contract is in force.
- 2.2 The intent of this solicitation is to solicit proposals for eligible properties from eligible property owners for PBV assistance. Through this procurement, HCHA will make Housing Choice Voucher PBV rental assistance and Veterans Affairs Supportive Housing (VASH) PBV rental assistance for one on more newly constructed, rehabilitated or existing rental housing projects designed to serve the needs of homeless households, including individuals referred to HCHA by Harris County's Mental Health Jail Diversion Pilot Program. HCHA will enter into PBV HAP Contracts with selected property owners for designated rental units for an initial term of up to fifteen (15) years subject to funding availability. Rental assistance subsidies will be provided while eligible families occupy the rental housing units and the units meet other program standards. HCHA's published subsidy standards will determine the appropriate unit size for the family size and composition.
- 2.3 Property owners who are qualified and are interested in providing rental units under the PBV or PBV VASH Program as described herein are encouraged to submit a proposal to HCHA.
- 2.4 HCHA strongly encourages submission of the following type of proposal:

2.4.1 Permanent Supportive Housing (“PSH”)

2.4.1.1 HCHA is working in partnership with the City of Houston to increase the availability of PSH units and reduce homelessness in Harris County, Texas. This RFP fits into the Houston/Harris County Continuum of Care regional plan to end chronic and veteran homelessness by 2016. The targeted population for rental assistance will be homeless single adults, including chronically homeless and veterans. HCHA is also working in partnership with the Harris County’s Mental Health Jail Diversion Pilot Program, and offers a preference in its Administrative Plan for referrals from this Program.

2.4.1.2 Prospective tenants for PSH projects selected by HCHA to receive PBV assistance pursuant to this RFP will generally be drawn first from the City of Houston, Texas’ coordinated placement system and the Harris County’s Mental Health Jail Diversion Pilot Program; however, PBV proposers are able to propose alternative tenant selection methods. For VASH vouchers tenants will be referred directly from the Veterans Administration (VA) for placement in units.

2.4.1.3 HUD’s definition of a chronically homeless person is “an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years.” A disabling condition is defined as “a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.”

2.4.1.4 These citizens frequently confront serious, persistent issues such as substance abuse, addiction or alcoholism, mental illness, HIV/AIDS, and other serious challenges to a successful life. The purpose of PSH is to provide housing combined with intensive, all-inclusive services, either in-house or through third-party providers, that will help the residents remain housed. These services should include:

- Case Management
- Behavioral Health Care
- Medical Care
- Life Skills Training

2.5 HCHA’s PBV initiative is intended to support and expand PSH and other housing options for low-income families and to support or encourage the development of new housing units and/or the rehabilitation of existing housing in order to increase the supply of affordable accessible housing for this particular population.

2.6 HCHA may approve PBV assistance for PSH of more than twenty-five (25) percent of units where the PBV application demonstrates: 1) a project design that is sensitive and responsive to the unique needs of the PSH or VASH population as applicable; 2) a well-documented supportive services plan that incorporates comprehensive case management and related services provided on-site and at nearby accessible locations; 3) an operating budget with adequate resources identified and secured to address service, security and maintenance concerns; and 4) the active involvement of project sponsors and/or committed partners with a demonstrated track record of serving a similar target population at well-run residential locations of comparable or larger scale to that proposed for PBV or PBV VASH assistance.

2.7 See Attachment I for the Scope of the program.

3.0 **PROCUREMENT SCHEDULE**

3.1 This solicitation contains submittal dates which are listed in Attachment J.

4.0 **SUBMITTALS**

4.1 All responses must conform to the requirements specified herein, and HCHA is not responsible for any costs that may be incurred in the development and submittal of any responses to this formal solicitation.

4.1.1 HCHA is not responsible for any costs that may be incurred in the development and submittal of any responses to this solicitation, and will not accept responses that have been submitted by telegram, telephone, facsimile, or e-mail.

4.2 **ALL ITEMS IN 4.3 MUST BE DOWNLOADED ON A CD ROM, AND SUBMITTED WITH THE COMPLETED DOCUMENTS IN A SEALED ENVELOPE. THE CD ROM MUST BE LABELED "RFP # 16-07" PROJECT BASED VOUCHER PROGRAM, AND CONTAIN THE NAME OF THE FIRM SUBMITTING THE RESPONSE TO THIS SOLICITATION.**

4.2.1 **THE CONTENTS AND ACCURACY OF THE CD ROM SHOULD BE CHECKED BEFORE IT IS SUBMITTED TO HCHA.**

4.3 One (1) original proposal, and one (1) copy of the following documents must be executed and submitted by the specified due date herein:

4.3.1 Table of Contents listing the submittal contents. The critical elements of the proposal shall include the following minimum information:

- 4.3.1.1 Attachment A: Declaration
- 4.3.1.2 Attachment B: Non-Collusive Affidavit
- 4.3.1.3 Attachment C: M/WBE Participation (consisting of two pages)
- 4.3.1.4 Attachment D: Section 3 Requirements and Commitment
- 4.3.1.5 Attachment E: Conflict of Interest Questionnaire (CIQ)
- 4.3.1.6 Attachment F: Representations, Certifications, and Other

Statements of Bidders Public and Indian Housing Programs (Form HUD 5369-A)

- 4.3.1.7 Attachment G: General Conditions for Non Construction Contracts (Form HUD 5369-C)
 - 4.3.1.8 Appendix A: Application for PBV Assistance Form, and any additional materials as required by this Appendix
 - 4.3.1.9 Any supplementary facts or materials which may assist HCHA in evaluating a submitted proposal
 - 4.3.1.10 Each submittal shall contain an explicit statement of the legal entity with which HCHA will contract: name, address, phone number, and name of principal person assigned to negotiate on behalf of the firm. Furthermore, the firm shall identify principals of any participating professional firms which subcontracts or joint ventures with the firm, including names, addresses, position, and description of the extent of participation in the project. If the firm is a subsidiary, its relationship to its parent company(ies) shall be disclosed. The firm shall identify the organization and management approach to the project, as well as identify individuals who will be assigned key management positions. Resumes of these individuals shall be provided.
 - 4.3.1.11 Exhibit A Applicant's Unit Description Statement
- 4.4 Submittals that omit critical elements may be considered non-responsive by HCHA. Any handmade corrections made in the proposal must be initialed by the principal or authorized officer of the firm(s).
 - 4.5 The original proposal must bear the original signature of a principal or authorized officer of the firm.
 - 4.6 HCHA will not accept responses which do not comply with the submittal requirements specified herein. Responses received after the specified date and time will be considered non-responsive.
 - 4.7 Proposals received by each due date shall be evaluated within 90 days of the due date.

5.0 **PERIOD OF PERFORMANCE**

- 5.1 HCHA may enter into an initial Housing Assistance Payments (HAP) Contract for a maximum initial term of fifteen (15) years contingent upon annual appropriations. The initial term may be extended at HCHA's option up to the maximum term allowed by regulation.
- 5.2 Lease Term - The initial term of the tenant lease must be for at least one year, except that in the HUD-VASH Program the lease may be for less than twelve months if requested by the tenant (homeless veteran), case manager or other supportive service representative working on behalf of the tenant.

6.0 **EVALUATION CRITERIA**

- 6.1 A PBV Selection Panel will be appointed by HCHA's Chief Executive Officer to review, evaluate, rank and select the applications according to the criteria described

herein. In the event that HCHA-owned or controlled units are considered, the HCHA will forward the applications to HUD for review.

- 6.2 The Factors listed in Attachment K will be utilized to evaluate each application submitted. The assigning of points for each Factor will be based upon the documentation that the proposer submits.
- 6.3 If a proposal does not meet the requirements indicated herein or the requirements established in the site selection section of this solicitation, it will be designated non-responsive. Proposals will be rejected for the following reasons:
 - 6.3.1 If it requires the permanent displacement of tenants;
 - 6.3.2 If there is no site control; and,
 - 6.3.3 If the property has liens attached and these liens are a result of the current owner's negligence.
- 6.4 HCHA reserves the right to reject:
 - 6.4.1 Any or all proposals, to waive any informality, or to cancel this solicitation at any time for misinformation, errors, or omissions of any kind – when it is in the best interests of HCHA; and,
 - 6.4.2 Not consider any proposal which does not meet the requirements of this solicitation, including but not limited to; incomplete proposals and/or proposals offering alternate or non-requested services.
- 6.5 HCHA reserves the right to request oral presentations from selected firms, and to request additional information as may be required.
- 6.6 For each Round specified in Attachment J, submitted proposals that meet the requirements will be evaluated and ranked by HCHA. A HCHA ranking list will be prepared according to the points awarded to each proposal. At its discretion, HCHA may not select any of the submitted proposals, or it may select more than one of the submitted proposals.

7.0 **HUD RULES AND REGULATIONS**

- 7.1 In addition to the provisions outlined in this solicitation, properties selected for PBV must comply with all applicable requirements not otherwise waived under the HUD-VASH Program, set forth in the Code of Federal Regulations, 24CFR Part 983, and the Project-Based Voucher Program. Regardless of whether the provisions of this solicitation are silent on or differ from the requirements of applicable federal regulations, the applicable federal regulations shall prevail.
- 7.2 **SUMMARY OF OTHER IMPORTANT PROJECT-BASED ASSISTANCE PROGRAM REGULATIONS**

- 7.2.1 **PBV vouchers remain “mobile”**: After one-year, families have the option to leave the PBV unit and receive a tenant-based voucher. The HCHA will supply the owner with a referral for a new PBV tenant. Families who wish to relocate with continued assistance must inform the owner and HCHA in writing not less than 30 days prior to the date they plan to vacate the unit. HCHA will then place the family on a Mobile PBV Voucher Waiting list according to the date and time of receipt by the HCHA of written notification of the family’s 30-day notice of intent to vacate. The HCHA will issue the next available tenant based voucher to families on the Mobile PBV voucher waiting list before proceeding to its regular Section 8 waiting list. Families from the regular Section 8 waiting list who have been notified of an eligibility appointment for a tenant-based voucher will not be delayed from receiving their voucher.
- 7.2.2 **Inspections**: All contract units must comply with HQS at all times during the term of the HAP Contract. All units will be inspected for HQS compliance by HCHA prior to execution of the HAP and upon turnover of units. In addition, annual inspections will be conducted by HCHA which may be based on a random sampling of at least 20 % of the contract units as allowed under HUD regulations at 24 CFR 983.103. In the event that more than 20% of the sampled units fail the initial annual inspection, HCHA shall conduct inspections on 100% of the contract units. HCHA may conduct other inspections as needed to ensure that HQS violations have been corrected, in response to tenant or owner requests, for quality control purposes, or as determined necessary by HCHA to ensure compliance with the HAP Contract. Units owned by HCHA subsidiaries shall be inspected by an independent entity approved by HUD which shall furnish copies of each inspection report to HCHA and the HUD Field Office.
- 7.2.3 **Rent**: The voucher rent must be approved by HCHA and must conform to the requirements of 24 CFR 983 Subpart G.
- 7.2.4 **Rent Increases**: Rent Increases may be requested by the owner in writing to HCHA no later than sixty days prior to the HAP Contract anniversary date. There is a single anniversary date for the entire PBV project. HCHA shall review and re-determine rent based on the requirements of 24 CFR 983 Subpart G.
- 7.2.5 **Vacancy Payments**: HCHA may pay the owner vacancy payments for up to 60 days.
- 7.2.6 **High Rise Elevator**: If the project is a high-rise elevated building that will house families with children, HUD must approve the site, based on criteria that indicate that “there is no practical alternative” for family housing in the community.
- 7.2.7 **Davis-Bacon Wages**: If PBV assistance will be attached to nine (9) or more units in a project, the owner and the owner’s contractors and subcontractors must pay Davis-Bacon (D-B) wages to laborers and mechanics employed in

development of the housing and must conform to all applicable requirements as stated in 24 CFR 983.154. Information on D-B wage rates and related information is available online at <http://www.wdol.gov/>

- 7.2.8 **Annual Compliance Monitoring Fee:** For HCHA's services in monitoring the Compliance of the Owner in participating in the project based voucher program, HCHA may institute a cumulative compliance monitoring fee in an initial amount not to exceed \$200 per unit per annum adjusted annually by inflation, beginning on the placed-in-service date, such amount to be payable out of cash flow available for distribution. **Please include the fee in the pro forma as indicated in Attachment K.**

8.0 **APPLICATION COMPLIANCE**

- 8.1 Before selecting units, HCHA will determine if each application is responsive to, and in compliance with HCHA's written selection criteria and procedures, and conforms to all applicable HUD program regulations and requirements including, but not limited to the following:

8.1.1 The property:

- Is eligible housing as defined at 24 CFR 983.53 and 24 CFR 983.54;
- Complies with the cap on the number of PBV units per project/building (24 CFR 983.56);
- Meets the site selection standards (24 CFR 983.57);
- Owner understands and agrees to abide by all HCHA and HUD rules and regulations governing the PBV program; and
- Has/will have site control.

- 8.1.2 The site is consistent with the de-concentration goals already established in the HCHA's PHA plan and with civil rights laws and regulations, including HUD's rules on accessibility at 24 CFR 8.4 (b)(5);

- 8.1.3 The owner agrees to select tenants from the HCHA waiting list; and affirms that other project principles are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs.

- 8.1.4 Proposed initial gross rents will not exceed 110% of the applicable Fair Market Rent (including any applicable allowance for tenant-paid utilities for the size of the unit).

END OF SECTION

GENERAL TERMS AND CONDITIONS

9.0 AMENDMENTS

9.1 Any interpretation affecting this solicitation will be issued in the form of an amendment by HCHA prior to the specified due date on page 1. HCHA will not be bound by, or responsible for any other explanations or interpretations of this solicitation other than those given in writing as set forth herein. Oral instructions, interpretations, or representations will not be binding upon HCHA or representatives of HCHA. **All amendments shall be binding in the same way as if originally written in this solicitation.**

10.0 ASSIGNMENTS OR TRANSFER

10.1 The successful firm(s) will not assign or transfer any interest in the contract in whole or in part, without written approval of HCHA, and in conformance with applicable regulations and HAP Contract terms.

11.0 AVAILABILITY OF RECORDS

11.1 The U. S. Department of Housing and Urban Development, the Inspector General of the United States, the HCHA, and any duly authorized representatives of each shall have access to, and the right to examine any and all pertinent books, records, documents, invoices, papers, and the like of the firm(s) office, that relates to any work that is performed as a result of this solicitation.

12.0 BASIS OF PROPOSAL

12.1 Interested parties are responsible for ensuring they have all documents referenced and incorporated in this solicitation, and are familiar with the contents of those documents. Failure to do so shall be at the sole risk of the offeror and no relief shall be given for errors or omissions by the offeror.

13.0 CANCELLING THE SOLICITATION

13.1 HCHA may cancel this solicitation at any time, and when it is in its best interests to do so. (See Section 4.1.1)

14.0 FEDERAL REGULATIONS WITH REGARD TO NONDISCRIMINATION AND EQUAL OPPORTUNITY

14.1 The requirements of Title VIII of the Civil Rights Act of 1968 and Title VI of the Civil Rights Act of 1964, relating to prohibitions against discrimination in housing and the benefits of federally funded programs because of race, color, religion, sex or national origin must be met by the successful contractor(s).

14.2 The successful contractor(s) will:

14.2.1 Adhere to federal regulations prohibiting discrimination on the basis of age under the Age Discrimination Act of 1975, and prohibit discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

14.2.2 Meet the requirements of:

14.2.2.1 Section 3 of the Housing and Urban Development Act of 1968, relating to the training and employment of individuals, and contracting for business opportunities in metropolitan areas in which federally funded programs are being operated

14.2.2.2 Executive Orders (EO's):

- EO 11246 relating to equal employment opportunity in connection with federally funded programs
- EO's 11625, 12432, and 12138 relating to the use of minority and women's business enterprises in connection with federally funded programs

15.0 **INDEMNIFICATION AND HOLD HARMLESS**

15.1 **THE CONTRACTOR SHALL INDEMNIFY, DEFEND, AND HOLD HCHA AND THEIR OFFICERS, AGENTS AND EMPLOYEES (THE "INDEMNIFIED PERSONS") HARMLESS FROM ALL LIABILITY, LOSS OR DAMAGE, INCLUDING ATTORNEY FEES AND EXPENSES, RESULTING FROM ALL CLAIMS, DEMANDS, AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER ASSERTED BY ANY PERSON (INCLUDING, WITHOUT LIMITATION, THE INDEMNIFIED PERSONS' OR CONTRACTOR'S EMPLOYEES), FOR PERSONAL INJURY, DEATH, OR FOR LOSS OF OR DAMAGE TO ANY AND ALL PROPERTY IN ANY WAY ARISING OUT OF OR IN CONNECTION WITH CONTRACTOR'S PERFORMANCE HEREUNDER.**

15.2 **THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE AND LOSS SUSTAINED BY IT TO ITS TOOLS AND EQUIPMENT UTILIZED IN THE PERFORMANCE OF CONTRACTORS SERVICES HEREUNDER.**

15.3 **NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, THE CONTRACTOR'S INDEMNIFICATION OF THE INDEMNIFIED PERSONS IS LIMITED TO \$1,000,000 PER OCCURRENCE.**

15.4 **HCHA SHALL NOTIFY CONTRACTOR OF ANY CLAIM HCHA RECEIVES NOTICE OF ASSERTED AGAINST THE INDEMNIFIED**

PERSONS WITH RESPECT TO WHICH INDEMNIFIED PERSONS ARE INDEMNIFIED AGAINST LOSS BY CONTRACTORS HEREUNDER WITHIN FIFTEEN (15) DAYS OF THE HCHA'S AUTHORITY'S RECEIPT OF NOTICE OF SUCH CLAIM, AND SHALL PROMPTLY DELIVER TO CONTRACTOR THE ORIGINAL OR A TRUE COPY OF ANY SUMMONS OR OTHER PROCESS, PLEADING, OR NOTICE ISSUED OR SERVED IN ANY SUIT OR OTHER PROCEEDING TO ASSERT OR ENFORCE ANY SUCH CLAIM. IF HCHA OR ANY OF THE INDEMNIFIED PERSONS DO NOT PROVIDE THIS NOTICE WITHIN THE FIFTEEN (15) DAY PERIOD, IT DOES NOT WAIVE ANY RIGHT TO INDEMNIFICATION EXCEPT TO THE EXTENT THAT CONTRACTOR IS PREJUDICED, SUFFERS LOSS, OR INCURS EXPENSE BECAUSE OF THE DELAY.

- 15.5 FOLLOWING SUCH NOTIFICATION, AND EXCEPT AS OTHERWISE PROVIDED BELOW, CONTRACTOR SHALL DEFEND ANY SUCH SUIT AT ITS SOLE COST AND EXPENSE WITH ATTORNEYS OF ITS OWN SELECTION WHO ARE REASONABLY SATISFACTORY TO HCHA. CONTRACTOR SHALL CONTROL THE DEFENSE AND ANY NEGOTIATIONS TO SETTLE THE CLAIM, BUT THE INDEMNIFIED PERSONS SHALL HAVE THE RIGHT, IF THEY SEE FIT, TO PARTICIPATE IN SUCH DEFENSE AT THEIR OWN EXPENSE. CONTRACTOR SHALL HAVE THE POWER TO SETTLE THE CLAIM WITHOUT THE CONSENT OR AGREEMENT OF HCHA UNLESS THE SETTLEMENT WOULD:**
- 15.5.1 RESULT IN INJUNCTIVE RELIEF OR OTHER EQUITABLE REMEDIES OR OTHERWISE REQUIRE THE INDEMNIFIED PERSONS TO COMPLY WITH RESTRICTIONS OR LIMITATIONS THAT WOULD ADVERSELY AFFECT THE INDEMNIFIED PERSONS,**
 - 15.5.2 REQUIRE THE INDEMNIFIED PERSONS TO PAY AMOUNTS THAT CONTRACTOR DOES NOT FUND IN FULL,**
 - 15.5.3 NOT RESULT IN THE INDEMNIFIED PERSONS' FULL AND COMPLETE RELEASE FROM ALL LIABILITY TO THE CLAIMANTS OR OTHER PARTIES THAT ARE PARTIES TO OR ARE OTHERWISE BOUND BY THE SETTLEMENT; OR,**
 - 15.5.4 ESTABLISH A PRECEDENT(S) WHICH THE INDEMNIFIED PERSONS, IN THEIR SOLE DISCRETION INDIVIDUALLY OR IN THEIR COLLECTIVE DISCRETION AS A GROUP, DETERMINES IS NOT IN THE BEST INTEREST OF THE INDEMNIFIED PERSONS.**
- 15.6 IF CONTRACTOR NOTIFIES HCHA IN WRITING WITHIN TEN (10) DAYS AFTER RECEIPT OF HCHA'S WRITTEN NOTICE OF A CLAIM AND REQUEST FOR INDEMNIFICATION THAT IT ELECTS NOT TO**

DEFEND THE CLAIM, THEN HCHA OR ANY OF THE INDEMNIFIED PERSONS SHALL ASSUME AND CONTROL THE DEFENSE AND ALL DEFENSE EXPENSES SHALL CONSTITUTE AN INDEMNIFICATION LOSS.

16.0 INFORMALITIES

16.1 HCHA reserves the right to waive any informality, and make an award that is in the best interest of HCHA.

16.1.1 Minor informalities are matters of form rather than substance. They are insignificant mistakes that can be waived or corrected without prejudice to the other proposers and have little or no effect on price, quantity, quality, delivery, or contractual conditions. Examples include failure to: return the number of signed bids required by the bid package; sign the bid, provided that the unsigned bid is accompanied by other documents indicating the bidder's intent to be bound (e.g., a signed cover letter or a bid guarantee); complete one or more certifications; or acknowledge receipt of an amendment or addendum, provided that it is clear from the bid that the bidder received the amendment/addendum and intended to be bound by its terms, or the amendment/addendum had a negligible effect on price, quantity, quality, or delivery.

17.0 MINORITY WOMEN BUSINESS ENTERPRISE (M/WBE) PARTICIPATION

17.1 Refer to Attachment C

18.0 MISTAKES

18.1 General

18.1.1 While proposers/bidders will be bound by their submittals (the "firm bid rule"), circumstances may arise where correction or withdrawal of their bid or proposal is proper and may be permitted. Correction or withdrawal of a bid or proposal will be done in a manner that will protect and maintain the integrity and fairness of the competitive solicitation process.

18.2 Mistakes Discovered Before Solicitations Are Opened

18.9.1 Interested parties may withdraw or modify their submittals by written or facsimile notice prior to the opening of the solicitations. (See Attachment H Form HUD-5369-B item 6)

18.3 Review of Mistakes

18.3.1 After the solicitations are opened, HCHA will review all submittals to ensure there are no obvious mistakes, e.g., the sum of individual bid line items does not equal the total price. If a submittal appears to have a mistake, HCHA will notify the interested of any apparent mistake(s) in his/her submittal, and request verification of the total price as submitted.

18.4 Mistakes After Solicitations Are Opened

18.4.1 If this solicitation is soliciting bids, then in general, bidders will not be permitted to change a bid after bid opening. In rare cases, HCHA may permit the revision of a bid if the bidder is able to present clear and convincing evidence, acceptable to HCHA, of a mistake and the intended bid price. Allowing changes to bids without appropriate evidence may compromise the integrity of the public bid process and serve to undermine public confidence in the PHA's bidding process. Therefore, HCHA will request as much evidence as it deems necessary. Examples of evidence may include: original work papers, bids from suppliers and subcontractors used to develop the bid, bonding or insurance evidence supporting a different bid price, etc. Failure or refusal by a bidder to provide adequate evidence shall result in the original bid remaining unchanged. Consultation with HCHA's legal dept. will occur before authorization is given change a bid. If justified, a low bidder can be replaced with the next lowest bidder.

19.0 PERMITS

19.1 The successful contractor(s) shall obtain and pay (independent of HCHA), all permits, certificates, and licenses required and necessary for the performance of the work specified herein. Furthermore; they shall post all notices required by law, and shall comply with all laws, ordinances, and regulations which may affect their performance.

20.0 PROJECT MANAGER

20.1 HCHA will designate a Project Manager who will be the initial point-of-contact on all matters during the period of performance.

21.0 QUESTIONS

21.1 Interested parties should follow the instructions on page 1 should they have any questions about this solicitation.

22.0 REMOVAL OF EMPLOYEES

22.1 HCHA may request the successful contractor(s) to remove immediately from the contract/project, any employee found unfit to perform their duties due to one or more of the following reasons, which includes, but is not limited to:

22.1.1 Negligence, being disorderly, using abusive or offensive language, quarreling or fighting, stealing, vandalizing property; and,

22.1.2 Engaging in immoral or inappropriate behavior (e.g., being intoxicated, or under the influence of mind altering substances), or pursuing criminal activity (e.g., selling, consuming, possessing or being under the influence of illegal substances).

23.0 STANDARDS OF CONDUCT

23.1 During the period of performance, the employees of the awarded contractor(s) shall conduct themselves in a responsible and professional manner, and may be removed from the project if they display behavior which is unacceptable to HCHA.

24.0 SUBCONTRACTING

24.1 Any contract issued as a result of this solicitation will not be subcontracted unless it has been previously approved by HCHA in writing.

25.0 ATTACHMENTS

25.1 The following is considered part of this solicitation:

- 25.1.1 Attachment A: Declaration
- 25.1.2 Attachment B: Non-Collusive Affidavit
- 25.1.3 Attachment C: M/WBE Participation (consisting of two pages)
- 25.1.4 Attachment D: Section 3 Requirements and Commitment
- 25.1.5 Attachment E: Conflict of Interest Questionnaire (CIQ)
- 25.1.6 Attachment F: Representations, Certifications, and Other Statements of Bidders Public and Indian Housing Programs (Form HUD 5369-A)
- 25.1.7 Attachment G: General Conditions for Non-Construction Contracts (Form HUD 5369-C)
- 25.1.8 Attachment H: Instructions to Offerors Non-Construction (Form HUD 5369-B)
- 25.1.9 Attachment I: Scope of PBV
- 25.1.10 Attachment J: Procurement Schedule
- 25.1.11 Attachment K: Evaluation Factors
- 25.1.12 Attachment L: Fair Market Rents, Payment Standards and Income Limits for Houston, Texas PMSA
- 25.1.13 Attachment M: Allowance for Tenant Furnished Utilities and Other Services (consisting of four pages)
- 25.1.14 Appendix A: Application Form for HCHA PBV Assistance

ATTACHMENT A

DECLARATION

The undersigned declares the following:

- This response is being submitted in good faith, and without collusion or fraud
- The only person(s) interested in the aforementioned solicitation is listed below, and that this response is being submitted without connection or arrangement with any other person
- They have complied with the requirements of the aforementioned solicitation, have read all addenda (if any), and is satisfied that they fully understand the intent of the aforementioned solicitation, and the terms and conditions that will govern any award issued by HCHA as a result of this solicitation
- They agree to execute an agreement with HCHA based on the latter accepting the submittals required by the aforementioned solicitation

Persons Interested in this Response:

Name

Identity of Interest

1.

2.

3.

NAME OF CONTRACTOR/OFFEROR/FIRM/INDIVIDUAL/CORPORATION

SIGNATURE

TITLE

E-MAIL ADDRESS

PHONE NUMBER / FAX NUMBER

CITY, STATE

SUBMITTAL DATE

Note: This form must bear a manual signature.

ATTACHMENT B

NON-COLLUSIVE AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

_____, being first duly sworn, deposes and says that he is

(a partner or officer of the firm of, etc.)

the party making the foregoing proposal or bid, 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 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 HARRIS COUNTY HOUSING AUTHORITY

of any person interested in the proposed Contract; and that all statements in said proposal or bid are true.

Signature of Bidder, if Bidder is an Individual

Signature of Bidder, if Bidder is a Partnership

Signature of Officer, if Bidder is a Corporation

Subscribed and sworn to before me this _____ day of _____, 2016

Notary Public

My Commission expires _____

Note: This form must bear a manual signature.

ATTACHMENT C

M/WBE Participation

M/WBE PARTICIPATION: The Contractor agrees to make its best efforts to expend at least 30% of the total dollar amount of the Contract on minority business enterprises (MBE-an entity with at least 51% ownership interest by a minority in the business) or women business enterprises (WBE-an entity with at least 51% ownership interest by a woman in the business). Official recognized designations where a prerequisite meets the standards defined above will be considered including Historically Underutilized Business (HUB) designated by the State of Texas, or any other federal, state, or local designation used to promote disadvantaged, minority, and women owned business. If an official designation is not held, an entity may self certify to its M/WBE status. This requirement is for all construction, professional services, and supplies contracts.

M/WBE GOALS: For Contracts awarded to an MBE, the Contractor will make its best efforts to subcontract at least 15% of the total Contract dollar amount to WBE(s). For Contracts awarded to a WBE, the Contractor will make its best efforts to subcontract at least 15% of the total Contract dollar amount to MBE(s). For Contracts awarded to non-M/WBE, the Contractor will make its best efforts to subcontract at least 15% of the total Contract dollar amount to MBE(s) and at least 15% of the total Contract dollar amount to WBE(s).

USING BEST EFFORTS TO FULFILL M/WBE REQUIREMENT: Prior to award of Contract, the Contractor will submit documents in support of its best efforts to achieve the above stated M/WBE participation and M/WBE goals. Best efforts may be established by a showing that the Contractor has contacted and solicited bids/quotes from M/WBE or Texas HUB subcontractors which can be accessed from database located at <http://www.window.state.tx.us/procurement/cmb1/cmb1hub.html>, The Housing Authority may assist the Contractors in identifying M/WBEs. However, seeking the Housing Authority's assistance shall not be construed as the Contractor's sole effort. In the event that the Harris County Housing Authority has a reasonable belief that Contractor has not used its best efforts to meet the stated M/WBE goals, the Harris County Housing Authority reserves the right not to award the Contract to that Contractor.

CONTINUING TO FAIL USING BEST EFFORTS TO COMPLY WITH HARRIS COUNTY HOUSING AUTHORITY M/WBE GOALS DURING THE PROGRESS OF WORK MAY CONSTITUTE BREACH OF CONTRACT AND SUBJECT THE CONTRACT TO TERMINATION.

NOTIFICATION OF M/WBE PARTICIPATION: Contractor agrees to promptly complete and return all M/WBE Confirmation of Participation and M/WBE Confirmation of Payment forms utilized by Harris County Housing Authority to confirm M/WBE participation. Contractor agrees to submit proof of payment made to each M/WBE subcontractor by submitting copies of checks made payable to the respective M/WBE subcontractor signed by the Contractor.

NAME OF FIRM

SIGNATURE & DATE

PROPOSED M/WBE PARTICIPATION FORM

Please list below the name of all firmly committed contractors and subcontractors that will work on the project, their M/WBE status, official recognized/self-certified M/WBE designation, the dollar amount and the percent of the total contract amount that will be performed by the entity.

Name of (Sub)Contractor	MBE Status	MBE certifications	Dollar Amount	Percent of Contract Amount
<i>Total MBE Dollar Amount and Percentage</i>				
Name of (Sub) Contractor	WBE Status	WBE certifications	Dollar Amount	Percent of Contract Amount
<i>Total WBE Dollar Amount and Percentage</i>				

Use additional pages, if necessary.

Name of Firm

Signature and Date

PLACE HCHA LOGO/LETTERHEAD

**ATTACHMENT D
SECTION 3 REQUIREMENTS & COMMITMENT**

Company Name:	
Name of Contact Person for Section 3 Commitment:	
Title:	Contact Number:
Contact Person E-Mail:	
Solicitation Title:	HCHA Solicitation #: _____

A. Background

Section 3 of the Housing & Urban Development Act of 1968 (hereinafter "Section 3") requires the Harris County Housing Authority (HCHA), to the greatest extent feasible, provide employment opportunities to residents of HCHA and other low-income individuals, within Harris County. These employment opportunities are provided by contracts funded by HCHA, with the goal to utilize to promote economic self-sufficiency, among low-income populations.

B. Solicitation Requirements

Interested parties responding to a solicitation issued by HCHA are required to include in their submission, this Form (Section 3 Requirements & Commitment), which defines "best efforts" that will be taken to engage Section 3 Participants in employment and training opportunities. While low-income individuals who are not clients of HCHA are eligible candidates for Section 3 opportunities, HCHA expects priority consideration to be given to individuals who clients of HCHA's affordable housing programs (public housing & voucher-holders).

C. Section 3 Expectations

Below are examples of acceptable Section 3 opportunities that will comply with HCHA's Section 3 requirements:

I. Preferred Options (All responses to HCHA solicitations shall include at least one of these options)

- Hire low-income participates preferably clients of HCHA, and/or
- Provide paid job training/apprenticeship opportunities for low-income participates preferably clients of HCHA

II. Secondary Options (Should be considered when circumstances impact the availability of jobs/training)

- In the event employment and training opportunities are not available, a cash contribution shall be provided to HCHA Self-Sufficiency Funds for support viable workforce development programs.
- Subcontract at least 25 % of the contract amount to a Section 3 Business which is defined as 51% ownership held by a low-income individual(s), preferably a client of HCHA.
- Provide evidence that the company is a Section 3 Certified firm which demonstrated by the company's ownership (at least 51%) is owned by low-income individual(s), preferably a client of HCHA.

E. Section 3 Commitment

Identify what "best efforts" will be taken to comply with HCHA's Section 3 Requirements:
 (Must select at least one option to demonstrate "best efforts"):

PREFERRED OPTIONS	DESCRIPTION OF PRIMARY "BEST EFFORTS"
<input type="checkbox"/> OPTION 1 Hire Section 3 participants to fill employment opportunities listed in the solicitation	Title: _____ # of _____ Positions: _____ Pay _____ Duties: _____ Qualifications: _____ Title: _____ # of _____ Positions: _____ Pay _____ Duties: _____ - Qualifications: _____ -

<input type="checkbox"/> OPTION 2 Provide paid job training/ apprenticeship opportunities to train Section 3 participants	Title: _____ # of _____ Positions: _____ Pay _____ Duties: _____ - Qualifications: _____ - Title: _____ # of _____ Positions: _____ Pay _____ Duties: _____ - Qualifications: _____ -
---	--

SECONDARY OPTIONS	DESCRIPTION OF ALTERNATIVE "BEST EFFORTS"
-------------------	---

<input type="checkbox"/> OPTION 3 Due to unavailability of jobs/training opportunities, a cash contribution will be provided to a Self-Sufficiency Fund to support economic self-sufficiency opportunities	<p>Explain why job/training opportunities are not available: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Contracts awarded up to \$100,000 shall contribute up to 5% of the total while contracts exceeding \$100,000 shall contribute up to 3% of the total. Indicate how much will be contributed:</p> <p><input type="checkbox"/> I pledge ____% to comply with the guideline of 5% of the contract amount valued up to \$100,000.</p> <p><input type="checkbox"/> I pledge ____% to comply with guidelines of 3% of the contract amount of \$100,000+</p> <p>Indicate how contribution pledge(s) will be fulfilled, during the contract period:</p> <p><input type="checkbox"/> Monthly Payments</p> <p><input type="checkbox"/> Quarterly Payments</p>
<input type="checkbox"/> OPTION 4 Subcontract at least 25 % of the contract to a Section 3 Business (51% ownership held by a low-income individual(s), preferably a HCHA client).	<p>Provide the name of Section 3 company(ies) awarded subcontracts (25%)</p> <p>Company Name _____ Contract Amount \$ _____</p> <p>Company Name _____ Contract Amount \$ _____</p> <p>Company Name _____ Contract Amount \$ _____</p>
<input type="checkbox"/> OPTION 5 Demonstrate that the company's ownership (at least 51%) is owned by low-income individual(s), preferably a HCHA client.	<p>The majority of the company (at least 51%) is owned a low-income individual:</p> <p>Owner's Name: _____ % of Ownership: _____</p> <p>Owner's Name: _____ % of Ownership: _____</p>

I understand federal regulations governing HCHA's Section 3 requirements and commit to honoring the obligations listed in this Section 3 Plan, upon the execution of a contract with the HCHA.

Signature of Owner or Authorized Representative

Date

**HARRIS COUNTY HOUSING AUTHORITY
SECTION 3 COMPLIANCE REPORT**

The below information shall be furnished by contractors and/or subcontractors to report completion of tasks that fulfilled Section 3 commitments to hire and/or train low-income individuals, preferably clients of HCHA. This report shall be submitted with payment invoice(s) to HCHA.

Submission Date:	Reporting Period:
_____ Primary Contractor	_____ Subcontractor
Company Name:	
Person completing invoice	
Project Name:	RFP #:
Amount of Contract	Amount of Current Invoice:

Hiring Commitment	# Hired this Report Period	YTD Hired during Contract	List Individuals Employed		
			Name	Title	Gross Salary Paid
# Participants Hired					

Training Commitment	# Trained this Report Period	YTD Trained during Contract	List Individuals Employed		
			Name	Training Title	Stipend Amount Paid
# Of Participants Engaged In Training/ Apprenticeship					

Contribution Commitment	Amount Pledged	Amount Paid	Pledge Balance
Amount contributed to Self-Sufficiency Fund	\$ _____	\$ _____	\$ _____

Section 3 Business Concerns	Company Name	Contract Amount Provided
Indicate how at least 25% was subcontracted to Section 3 business(es)		\$ _____
		\$ _____
		\$ _____

Print Name of Person Completing Report

Title

Signature of Person Completing Report

Date

Appendix A - Application for Project Based Voucher Assistance

Harris County Housing Authority (HCHA) requires that a separate proposal be submitted for each project for which Project Based Voucher (PBV) assistance is requested. As noted in the body of the RFP, this procurement is limited to one on more newly constructed, rehabilitated or existing rental housing projects designed to serve the needs of homeless households, including referrals from the Harris County's Mental Health Jail Diversion Pilot Program. A completed Application for Project Based Voucher Assistance must be included in each proposal. Proposers must follow these instructions:

- Proposal submission instructions are provided in part "4.0 Submittals" of HCHA's Request for Proposals. As noted therein, in addition to a CD ROM, one (1) original and four (4) copies of the proposal must be submitted by the specified due date. The hard copy materials must include a table of contents and be organized into three ring binders that are divided by labeled tabs to clearly note the contents of each section.
- There are twenty (20) numbered sections of the Application for PBV Assistance. Proposers must respond to all sections except:
 - ✓ Section 11 – Applies only to Existing and Substantial Rehabilitation Projects
 - ✓ Section 12 – Applies only to New Construction Projects
 - ✓ Section 18 – Applies only to New Construction and Substantial Rehabilitation Projects
 - ✓ Section 19 – Applies only to Existing Projects
- Use the fillable fields in the application form to provide information wherever possible. If additional information is required, include it in the proposal submission in a separate, labeled tab. For example, Section 5 of the application form requires submission of a Tenant Selection Plan and Lease. This information should be included in a tab labeled "Section 5 Tenant Selection Plan and Lease".

Harris County Housing Authority - Application for Project Based Voucher Assistance

1. Owner Information

Date of Submission: _____

Owner Name: _____

Corporate Status (e.g.501(c)3, Corporation, LP, LLC, Sole Proprietor, Other): _____

Address: _____

Contact Person: _____

Phone Number: _____

Email Address: _____

2. General Project Information

Proposed PBV Project Name: _____

Total Units Proposed for PBV Assistance: _____ # Currently Occupied: _____

Legal Name of Project Owner: _____

Proposed PBV Project Address: _____

Management Company/Agent for Proposed PBV Project: _____

Project Type (Existing, New Construction or Rehabilitation): _____

Number of Buildings in Project: _____ Total Acreage of Project Site: _____

3. Summary of Project Units

Complete the bedroom distribution chart below for the overall project and for the requested PBV contract units.

	OBR	IBR	2BR	3BR	4BR	5BR	Total
All Units in Project							
Total Proposed PBV Contract Units							
# of Proposed PBV Units that are ADA handicapped accessible							
# of Proposed PBV Units that are equipped for sensory impaired							

4. Resident Population

Who is the intended target population for the proposed PBV units? Check All That Apply:

- Single Persons Families Elderly (over 62 years) Disabled
- "Qualifying" family or person requiring participation in a program of supportive services
- Homeless At risk of homelessness
- Transition Age Youth Aging Out of Foster Care (TAY)
- Other (please define) _____

5. Tenant Selection Plan and Lease

Attach a copy of the proposed tenant selection plan to occupy PBV units and the lease to be entered into between owner and tenant. Note that HCHA will utilize its PBV wait list to refer applicants to project owners. HCHA will determine eligibility and occupancy standards for the program, and then refer eligible applicants to the owner for screening. The lease must include the required PBV Tenancy Addendum, the provisions of which shall take precedence over any other lease terms. The tenant selection plan must include a statement that applicants for the PBV units will be selected in accordance with all applicable HUD requirements and regulations. If participation in a supportive services program is required, incorporate detailed information on the requirements and how the program will be monitored.

At a minimum, the plan must address the following:

- Screening policies and criteria to be used. If credit checks are used, describe acceptability criteria. Screening for credit and other factors must be consistent with the screening criteria used for non-assisted tenants
- Security deposit policies
- Procedures for accepting applications and selecting from the waiting list
- Unit transfer policies
- Compliance with Section 504 of the Rehabilitation Act of 1973, Fair Housing Act and relevant civil rights laws & statutes

6. Requested Contract Term

The initial HAP contract term can be for a maximum term of 15 years. Indicate the length of initial HAP contract term requested by owner: _____

7. Other Project Based Assistance

Are the proposed PBV units assisted through the Low Income Housing Tax Credit program? Yes No

Do any units within the proposed PBV project have another form of rental or other government assistance*? Yes No

**Refer to 24 CFR 983.54 for further information.*

If Yes, describe type of assistance and units that are impacted. _____

8. Affordability Restrictions

Is there a housing affordability restriction in the deed or other document? Yes No

If Yes, describe the housing program requiring the restriction and the date of expiration. _____

If Yes, describe type of assistance and units that are impacted. _____

9. Amenities

Unit Amenities

Check off any amenities that will be provided. Add others below if not included on this list.

- Features adapted/adaptable for persons with disabilities
- Air conditioning
- Off street parking
- Laundry facilities
- Porches, decks, personal backyard
- Children's play areas
- Recreational facilities
- Common area function room(s)
- Other _____

Community Amenities

Distance To:	Less than .5 Mile	Approx. 1 Mile	More Than 1 Mile
Shopping, groceries, pharmacy, other everyday type of needs			
Employment Opportunities (i.e. organizations with 25 or more employees)			
Public Transportation			
Medical facilities			
Public Schools			
Parks, civic facilities			

10. Deconcentration of Poverty and Expanding Housing and Economic Opportunities

Census Tract of Proposed PBV Project: _____ Poverty Rate*: _____

*Census tracts and poverty rates can be found by entering complete address and zip code at the following website: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Applicants for PBV assistance must demonstrate that the proposed PBV project is consistent with HUD's statutory goal of "deconcentrating poverty and expanding housing and economic opportunities", regardless of the project's poverty rate as defined by the most recent census data. Provide a brief, separate response to each of the criteria listed below. If necessary, attach additional documentation.

HUD Designated Zone - Whether the census tract in which the proposed project will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

Public Housing Demolition - Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.

Significant Revitalization - Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization.

Public Investment - Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement.

New Market Rate Units - Whether new market-rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market-rate units will positively impact the poverty rate in the area.

Decline in Poverty Rate - If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate.

Education and Economic Opportunities - Whether there are meaningful opportunities for educational and economic advancements in the census tract where the proposed PBV development will be located.

11. Site and Neighborhood Standards: Existing and Rehabilitated Housing Projects

Only proposals for PBV assistance in Existing or Rehabilitated projects must complete this section. Applicants must provide a brief narrative indicating how the proposed project conforms to the required site and neighborhood standards for these housing types. For each of the four criteria listed below, provide a brief narrative. Attach any additional materials as needed.

(1)The site must be adequate in size, exposure and contour to accommodate the number and type of units proposed, and is there adequate utilities and available streets to service the site.

(2)The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(3)The site must be accessible to social, recreational, educational, commercial and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents; and,

(4)The site must be located such that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower income workers is not excessive.

12. Site and Neighborhood Standards: New Construction Projects

Only proposals for PBV assistance in New Construction projects must complete this section. Applicants must provide a brief narrative indicating how the proposed project conforms to the required site and neighborhood standards for these housing types. For each of the seven criteria listed below, provide a brief narrative. Attach any additional materials as needed.

(1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site;

(2) The site must not be located in an area of minority concentration, except as permitted under paragraph (3) below, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area._____

(3) A project may be located in an area of minority concentration only if:

(i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration; or

(ii) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.

(iii) As used in paragraph 3)(i) above, "sufficient" does not require that there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the City's population.

(iv) Units may be considered "comparable opportunities," as used in paragraph 3)(i) above, if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.

(v) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

(A) A significant number of assisted housing units are available outside areas of minority concentration.

(B) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.

(C) There are racially integrated neighborhoods in the locality.

(D) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.

(E) Minority families have benefited from local activities (e.g. , acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.

(F) A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.

(G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

(vi) Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area"). An "overriding housing need," however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

(4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(5) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

(7) Except for new construction housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

14. Experience Owning Rental Housing (check if any apply):

- a. 10 years or more of experience owning affordable rental housing
 1-9 years of experience owning affordable rental housing
 10 years or more of experience owning other rental housing
 1 to 9 years of experience owning other rental housing
- b. Describe below your experience, including the number of years of experience in owning rental housing, the amount of that time devoted to affordable rental housing, if applicable; the number of units (specify separately number of affordable and other rental units); if the portfolio includes subsidized properties, the address(es) and funding source(s), and if assistance has ever been terminated. If assistance has been terminated, please identify the program(s) and state why. Attach any additional materials as needed.
-

15. Experience Managing and Maintaining Rental Housing (check if any apply):

- a. 10 years or more of experience managing and maintaining affordable rental housing
 1 to 9 years of experience managing and maintaining affordable rental housing
 10 years or more of experience managing and maintaining other rental housing
 1 to 9 years of experience managing and maintaining other rental housing
- b. Describe below owner's experience as a property manager or the experience of owner's designated property manager, including the number of years of experience in managing and maintaining rental housing, number and type of units under management, the amount of that time devoted to affordable rental housing. Attach any additional materials as needed.
-

16. Public Purpose (check if any apply):

- 75% or more units in building would be restricted to low- or very-low income occupancy
 50% to 74% of units in building would be restricted to low- or very-low income occupancy
 Units meet other City-identified priority needs such as supportive housing

Identify below what other City-identified priority would be met through the project-basing of units. Attach any additional materials as needed.

17. Applicant's Plans for Management and Maintenance of Units:

a. Is there a written plan for management and maintenance of the proposed PBV units?

Yes No

If "Yes," please include the management and maintenance plan as an attachment to this application. If "No," please provide a description of how units will be managed and maintained, both on an on-going and long-term basis, focusing on property management, preventive maintenance, routine maintenance, emergency repairs, security, and health and safety-related areas. Describe the personnel/positions to be assigned to management and maintenance of the proposed project, hours of operation, location of management/maintenance offices and other pertinent information.

b. If applicable, describe any supportive services that will be provided to tenants. Complete the chart below and include as an attachment letters of commitment from service providers.

POPULATION	TYPE OF SERVICE	SERVICE PROVIDER

18. Additional Information for New Construction and Substantial Rehabilitation Projects

This section applies only to proposed new construction or substantial rehabilitation projects.

a. **Construction Schedule:** Complete the following schedule.

Finance Closing _____

Construction Start Date _____

Construction Completion Date _____

Occupancy Date _____

b. **Zoning and Other Approvals:** Have all zoning and other required approvals including historic and environmental review as appropriate been received? Yes No

If No, provide a description of current status of required approvals including an estimate of when all required approvals will be secured . _____

c. **Site Control:** Does Owner have site control over the proposed site? Yes No

Provide a brief description of the nature of the owner's site control. Attach documentation where needed, i.e. a copy of site control contract, etc. _____

d. Include the following attachments with the application:

- Description of project work plans such as site/unit plans and elevations
- Statement of Sources and Uses for Funds to develop the project
- Operating pro forma
- Documentation regarding compliance with Davis – Bacon Wage rates if nine (9) or more units are proposed for project based assistance.

19. Additional Information for Existing Projects

Existing projects must complete the Exhibit C “Applicant’s Unit Description Statement” and include as an attachment.

20. Certifications

Provide the required information on a separate sheet of paper and attach to this application:

1. The identity of the owner and other project principals and the names of officers and principal members, shareholders, investors, and other parties having a substantial interest in the project;
2. A certification stating that the above-mentioned parties are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs;
3. A disclosure of any possible conflict of interest by any of these parties that would be a violation of the PBV Housing Assistance Payments (HAP) contract.

I, _____, attest and certify that all of the information herein contained is true and accurate to the best of my knowledge. I understand that by submitting this application for project-based assistance application there is no commitment from the Harris County Housing Authority that my proposal will be accepted. I understand that in-place existing tenants must be certified as eligible to receive project-based assistance, and if they are not eligible, I may not displace them in order to qualify their unit for PBV. I understand and agree to abide by all applicable federal Section 8 requirements found at 24 CFR Part 983 and HCHA’s PBV requirements found in its Administrative Plan.

Signature of Owner

Title

Date

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

Attachment F

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

**Representations, Certifications,
and Other Statements of Bidders**
Public and Indian Housing Programs

Representations, Certifications, and Other Statements of Bidders

Public and Indian Housing Programs

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1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

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

(1) Is the person in the bidder'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's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder'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 deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[] [Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" [] is, [] is not included with the bid.

2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

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

(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.

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

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

3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities;" and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
(b) Impair the bidder's objectivity in performing the contract work.
- In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

(1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,

(2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

6. Minimum Bid Acceptance Period

- (a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.
- (b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.
- (c) The PHA/IHA requires a minimum acceptance period of [Contracting Officer insert time period] calendar days.
- (d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.
- (e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.
- (f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

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

The bidder 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 business enterprise. "Women-owned business enterprise," as used in this provision, means a 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 business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled 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 |

8. Indian-Owned Economic Enterprise and Indian Organization Representation (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

The bidder represents and certifies that it:

- (a) is, is not an Indian-owned economic enterprise. "Economic enterprise," as used in this provision, means any commercial, industrial, or business activity established or organized for the purpose of profit, which is at least 51 percent Indian owned. "Indian," as used in this provision, means any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.
- (b) is, is not an Indian organization. "Indian organization," as used in this provision, means the governing body of any Indian tribe or entity established or recognized by such governing body. Indian "tribe" means any Indian tribe, band, group, pueblo, or

community including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

9. Certification of Eligibility Under the Davis-Bacon Act (applicable to construction contracts exceeding \$2,000)

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

10. Certification of Nonsegregated Facilities (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

- (1) Obtain identical certifications from the proposed subcontractors;
- (2) Retain the certifications in its files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

Note: The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

11. Clean Air and Water Certification (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract [] is, [] is not listed on the Environmental Protection Agency List of Violating Facilities:

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

12. Previous Participation Certificate (applicable to construction and equipment contracts exceeding \$50,000)

(a) The bidder shall complete and submit with his/her bid the Form HUD-2530, "Previous Participation Certificate." If the successful bidder does not submit the certificate with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the certificate by that date may render the bid nonresponsive. No contract award will be made without a properly executed certificate.

(b) A fully executed "Previous Participation Certificate" [] is, [] is not included with the bid.

13. Bidder's Signature

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

(Signature and Date)

(Typed or Printed Name)

(Title)

(Company Name)

(Company Address)

Attachment G
**Certifications and
Representations
of Offerors
Non-Construction Contract**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No: 2577-0180 (exp. 7/30/96)

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

(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/offers shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offers 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/offers 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/offers 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/offers 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/offers, directly or indirectly, to any other bidder/offers 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/offers 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/offers'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/offers's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offers'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:

Instructions to Offerors Non-Construction

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing



- 03291 -

1. Preparation of Offers

(a) Offerors are expected to examine the statement of work, the proposed contract terms and conditions, and all instructions. Failure to do so will be at the offeror's risk.

(b) Each offeror shall furnish the information required by the solicitation. The offeror shall sign the offer and print or type its name on the cover sheet and each continuation sheet on which it makes an entry. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the HA.

(c) Offers for services other than those specified will not be considered.

- (2) Have a satisfactory performance record;
- (3) Have a satisfactory record of integrity and business ethics;
- (4) Have a satisfactory record of compliance with public policy (e.g., Equal Employment Opportunity); and
- (5) Not have been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the Department of Housing and Urban Development or any other agency of the U.S. Government. Current lists of ineligible contractors are available for inspection at the HA/HUD.

(b) Before an offer is considered for award, the offeror may be requested by the HA to submit a statement or other documentation regarding any of the foregoing requirements. Failure by the offeror to provide such additional information may render the offeror ineligible for award.

2. Submission of Offers

(a) Offers and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the solicitation, and (2) showing the time specified for receipt, the solicitation number, and the name and address of the offeror.

(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by written or telegraphic notice.

(c) Facsimile offers, modifications or withdrawals will not be considered unless authorized by the solicitation.

6. Late Submissions, Modifications, and Withdrawal of Offers

(a) Any offer received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it -

- (1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);
- (2) Was sent by mail, or if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the HA/ HUD that the late receipt was due solely to mishandling by the HA/ HUD after receipt at the HA;
- (3) Was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays; or
- (4) Is the only offer received.

(b) Any modification of an offer, except a modification resulting from the HA's request for "best and final" offer (if this solicitation is a request for proposals), is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.

(c) A modification resulting from the HA's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the HA after receipt at the HA.

(d) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the offer, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the HA is the time/date stamp of HA on the offer wrapper or other documentary evidence of receipt maintained by the HA.

3. Amendments to Solicitations

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Offerors shall acknowledge receipt of any amendments to this solicitation by

- (1) signing and returning the amendment;
- (2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer,
- (3) letter or telegram, or
- (4) facsimile, if facsimile offers are authorized in the solicitation. The HA/ HUD must receive the acknowledgment by the time specified for receipt of offers.

4. Explanation to Prospective Offerors

Any prospective offeror desiring an explanation or interpretation of the solicitation, statement of work, etc., must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

5. Responsibility of Prospective Contractor

(a) The HA shall award a contract only to a responsible prospective contractor who is able to perform successfully under the terms and conditions of the proposed contract. To be determined responsible, a prospective contractor must -

- (1) Have adequate financial resources to perform the contract, or the ability to obtain them;

(f) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(g) Notwithstanding paragraph (a) of this provision, a late modification of an otherwise successful offer that makes its terms more favorable to the HA will be considered at any time it is received and may be accepted.

(h) If this solicitation is a request for proposals, proposals may be withdrawn by written notice, or if authorized by this solicitation, by telegram (including mailgram) or facsimile machine transmission received at any time before award. Proposals may be withdrawn in person by a offeror or its authorized representative if the identity of the person requesting withdrawal is established and the person signs a receipt for the offer before award. If this solicitation is an invitation for bids, bids may be withdrawn at any time prior to bid opening.

7. Contract Award

(a) The HA will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the HA, cost or price and other factors, specified elsewhere in this solicitation, considered.

(b) The HA may

- (1) reject any or all offers if such action is in the HA's interest,
- (2) accept other than the lowest offer,
- (3) waive informalities and minor irregularities in offers received, and (4) award more than one contract for all or part of the requirements stated.

(c) If this solicitation is a request for proposals, the HA may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint.

(d) A written award or acceptance of offer mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall result in a binding contract without further action by either party. If this solicitation is a request for proposals, before the offer's specified expiration time, the HA may accept an offer, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations conducted after receipt of an offer do not constitute a rejection or counteroffer by the HA.

(e) Neither financial data submitted with an offer, nor representations concerning facilities or financing, will form a part of the resulting contract.

8. Service of Protest

Any protest against the award of a contract pursuant to this solicitation shall be served on the HA by obtaining written and dated acknowledgment of receipt from the HA at the address shown on the cover of this solicitation. The determination of the HA with regard to such protest or to proceed to award notwithstanding such protest shall be final unless appealed by the protestor.

9. Offer Submission

Offers shall be submitted as follows and shall be enclosed in a sealed envelope and addressed to the office specified in the solicitation. The proposal shall show the hour and date specified in the solicitation for receipt, the solicitation number, and the name and address of the offeror, on the face of the envelope.

It is very important that the offer be properly identified on the face of the envelope as set forth above in order to insure that the date and time of receipt is stamped on the face of the offer envelope. Receiving procedures are: date and time stamp those envelopes identified as proposals and deliver them immediately to the appropriate contracting official, and only date stamp those envelopes which do not contain identification of the contents and deliver them to the appropriate procuring activity only through the routine mail delivery procedure.

[Describe bid or proposal preparation instructions here:]

ATTACHMENT I

SCOPE OF PBV

A. HUD – VASH

- A.1 The 2008 Appropriations Act authorized the HUD-VASH Program, a new Housing Choice Voucher initiative that combines HUD HCV rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) at its medical centers and in the community. Ongoing VA case management, health and other supportive services are available to homeless veterans at the VA Medical Center.
- A.2 Veterans Administration Medical Centers and Community Based Outpatient Clinics are encouraged to submit a proposal under this solicitation for units owned by and/or located on the grounds of the VAMC or CBOC.
- A.3 All PBV VASH proposals must receive final approval from HUD. HUD stipulates that requests will not be considered unless the Veteran's Affairs Medical Center (VAMC) or Community-Based Outpatient Clinic (CBOC) is in support of this project. The VAMC or CBOC must be in agreement with the PHA prior to the submission of the PBV proposal to HUD for review. When submitting these requests, they must be signed by the PHA's Executive Director (or equivalent official) and the VAMC's or Veterans Integrated Service Network's (VISN) Director and the VA Network Homeless Coordinator. The VA officials may include letters of support in lieu of signing the proposal cover letter.
- A.4 Final decisions regarding approval of VASH PBV proposals will be made by HUD Headquarters and the HUD-VASH Program leadership at the VA Central Office.

B. ELIGIBILITY CRITERIA

- B.1 Under PBV regulations, Project-Based Vouchers can be attached to HCHA-owned units, including units owned by any HCHA subsidiaries; however, all proposals submitted for HCHA-owned units must be approved by HUD, or an independent entity approved by HUD.
- B.2 HCHA will only evaluate proposals if the proposed housing units are eligible for PBV assistance. Certain types of housing units and/or developments are not eligible for PBV assistance including:
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
 - Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care. However, HCHA may approve assistance for a dwelling unit in an assisted living facility that

provides home health care service such as nursing and therapy for residents of the housing;

- Units owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution;
- Manufactured homes;
- Shared Housing, cooperative housing, transitional housing;
- Owner-occupied housing units; and
- Units occupied by an ineligible family at the time of proposal submission or prior to execution of the HAP Contract.

B.3 High rise elevator projects for families with children will only be considered based upon HUD approval of the site. There must be no practical alternative for family housing in the community in order for this type of housing to be approved.

B.4 There is a prohibition of assistance for units in subsidized housing in accordance with HUD regulations including, but are not limited to:

- Public housing units;
- Units subsidized with any other form of Section 8 assistance;
- Units subsidized with any governmental subsidy that covers all or part of the operating costs of the housing;
- Units subsidized with rental assistance under Section 236, Section 521 or Section 101;
- Units subsidized with Section 202 including supportive housing for the elderly;
- Units subsidized under Section 811;
- Units subsidized with any form of tenant-based rental assistance as defined at 24CFR 982.1(b)(2) (e.g., tenant-based rental assistance under the HOME Program); and,
- Units with any other duplicative federal, state or local housing subsidy as determined by HUD or HCHA.

B.5 In addition to the aforementioned provisions in Section A relative to proposals that request more than twenty five percent of units in the project for project-based vouchers, the following provisions apply.

B.6 The number of PBV assisted units in the project cannot generally exceed twenty-five percent (25%) of the total number of dwelling units in the project, except as provided by regulation. Notwithstanding this provision, exceptions to the 25% cap include units in a project that are specifically made available for “qualifying families” that are elderly or disabled, or that are receiving specific supportive services.

B.7 The types of services that the HCHA will deem eligible to qualify a project to meet HUD’s definition of families receiving supportive services include, but are not limited to:

- Household Training (e.g.: homemaking, parenting skills, money management);
- Job Training (preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS “Contract of Family Participation);
- Self Sufficiency Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency);
- Remedial Education (education for the completion of Secondary or post-secondary education); and
- Substance Abuse Treatment (counseling and treatment for substance abuse).

B.8 It is not necessary that the services be provided at or by the project, if they are approved services. Units where the family is receiving qualified supportive services are exempt from the 25% cap. HCHA will require owners of such projects to submit an Annual Progress Report to ensure compliance with the supportive service exemption on the number of units per building (24 CFR 983.56 (b)(ii)(C)). Failure to submit Annual Progress Reports may result in abatement of the HAP payment.

C. SITE AND NEIGHBORHOOD STANDARDS

C.1 HCHA may only select sites that meet the site and neighborhood standards established under PBV regulations. HCHA will not evaluate proposals that fail to provide documentation or otherwise do not meet the site and neighborhood selection standards defined herein. Sites selected for PBV assistance must:

- Be consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities;
- Be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of civil rights laws and regulations, including HUD’s rules on accessibility and all laws and regulations listed at 24 CFR 983.57; and
- Meet Housing Quality Standards (HQS) site standards.

C.2 In determining whether a proposed PBV site (whether for existing housing, new construction or rehabilitation) qualifies to be selected, HCHA will consider the following:

- Whether the site is in an Enterprise Zone, Economic Community or Renewal Community (EZ/EC/RC);
- Whether the concentration of assisted units will or has decreased as a result of public housing demolition;
- Whether the census tract is undergoing significant revitalization;
- Whether government funding has been invested in the area;
- Whether new market rate units are being developed in the area which are likely to positively impact the poverty rate in the area; and

- If the poverty rate in the area is greater than 20%, whether in the past five years there has been an overall decline in the poverty rate, and whether there are meaningful opportunities for educational and economic advancement in the area.

C.3 Existing and rehabilitated housing site and neighborhood standards – A site for existing or rehabilitated PBV housing must meet the following site and neighborhood standards:

- (1) The site must be adequate in size, exposure and contour to accommodate the number and type of units proposed, and is there adequate utilities and available streets to service the site;
- (2) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- (3) The site must be accessible to social, recreational, educational, commercial and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents; and
- (4) The site must be located such that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower income workers is not excessive.

C.4 New construction site and neighborhood standards - A site for newly constructed PBV housing must meet the following site and neighborhood standards:

- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site;
- (2) The site must not be located in an area of minority concentration, except as permitted under paragraph (3) below, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area;
- (3) A project may be located in an area of minority concentration only if:
 - (i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration; or
 - (ii) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.
 - (iii) As used in paragraph (3)(i) above, “sufficient” does not require that there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a

reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the City's population.

- (iv) Units may be considered "comparable opportunities," as used in paragraph (3)(i) above, if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.
- (v) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:
 - (A) A significant number of assisted housing units are available outside areas of minority concentration.
 - (B) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
 - (C) There are racially integrated neighborhoods in the locality.
 - (D) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.
 - (E) Minority families have benefited from local activities (*e.g.* acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
 - (F) A significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs.
 - (G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.
- (vi) Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing

area”). An “overriding housing need,” however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

- (4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (5) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
- (6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (7) Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

D. NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION UNITS

- D.1 When newly constructed housing sites or units proposed for rehabilitation are selected for PBV assistance, the owner must agree to develop the contract units to comply with HQS. HCHA is particularly interested in units that meet or exceed established energy efficiency or LEED standards and will award additional points to projects that show innovations in this particular area. With respect to PSH and VASH projects, HCHA is also interested in ensuring that the project design is responsive to the unique needs of the target population.
- D.2 The owner and the owner’s contractors and subcontractors must comply with all applicable state and federal labor relations laws and regulations, federal equal employment opportunity requirements and HUD’s implementing regulations.
- D.3 For projects of four or more units, HCHA will determine whether any work items necessary to meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act of 1988 will be completed.
- D.4 **Units for which new construction has started, but has not been completed are not eligible for consideration under this solicitation.**

- D.5 Activities under the PBV program are subject to HUD environmental regulations and may be subject to review under the National Environmental Policy Act by local authorities.
- D.6 All proposed properties must meet eligibility requirements under 983.51, 983.53, 983.54 (Owner Selection, Eligible and ineligible Properties and HCHA-owned units), and 983.57 (Site Selection Standards).

AGREEMENT TO ENTER INTO A HOUSING ASSISTANCE PAYMENTS CONTRACT

- E.1 All selected proposals for new construction or substantial rehabilitation require the owner/project sponsor to enter into an Agreement to Enter into a Housing Assistance Payments (“AHAP”) contract with HCHA prior to any construction. An AHAP contract cannot be executed until the following actions are completed and approved by HUD, where applicable:
- In accordance with 24 CFR 4.13, a subsidy layering review (“SLR”) has been performed for any project that has any other government assistance from federal, state or local agencies, including tax concessions and tax credits. The SLR must be performed by HUD, or an agency designated by HUD.
 - An environmental review (ER) performed by the “responsible entity” (RE) designated by the city/town or state, or, a certification by the RE that a review is not required. Note that existing housing is also subject to the environmental review requirement.
- E.2 Before an Agreement is executed for new construction or substantial rehabilitation units, the owner must submit the design architect’s certification that the proposed new construction reflected in the working drawings and specifications comply with housing quality standards, local codes and ordinances, and zoning requirements.
- E.3 Before executing an Agreement with any selected owner, HCHA will:
- Establish rents in accordance with §983.301. For any HCHA- owned unit, an independent entity will determine a recommendation for initial rents which will then be submitted to the HUD field office for final approval.
 - Obtain SLR contract rent reviews from HUD or a HUD designated agency, if applicable.
 - Obtain environmental clearance in accordance with §983.58.
 - Submit a certification to the HUD field office stating that the unit or units were selected in accordance with the HCHA’s approved unit selection policy.

E. HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT EXECUTION

- F.1 HCHA may enter into an initial HAP Contract for a maximum initial term of fifteen (15) years contingent upon annual appropriations. The initial term may be extended at HCHA's option to up to the maximum term allowed by regulation. The HCHA will pay the difference between the tenant rent (30% of adjusted income) and the approved rent for the unit directly to the owner on a monthly basis. The Section 8 project based contract rent must be consistent with HUD regulations found at 24CFR 983, subpart G, Rent to Owner, and shall be approved by the HCHA.
- F.2 The owner is responsible for screening and selection of the family referred by HCHA from HCHA's waiting list to occupy the owner's unit based on their tenancy histories.
- F.3 The owner shall enter into a lease with the tenant, which must include the HUD PBV Tenancy Addendum. The terms of the HUD-required PBV Tenancy Addendum shall prevail over all other provisions of the lease. The initial term of the lease must be for one year, except for the VASH program as noted below. During the course of the tenant's lease, the owner may not terminate the lease without good cause. "Good cause" does not include a business or economic reason or desire to use the unit for an individual, family or non-residential rental purpose. Upon expiration of the lease the owner may: renew the lease; refuse to renew the lease for good cause; refuse to renew the lease without good cause, in which case the PHA will provide the family with a tenant-based voucher, and the unit will be removed from the PBV HAP Contract.
- F.4 The amount of the rent to owner is determined in accordance with HUD regulations.
- F.5 Current Fair Market Rents and Utility Allowances for determining maximum rents are included in Attachments L and M.
- F.6 The total rent to the owner for PBV assisted units consists of the tenant rent (the portion of the rent to owner paid by the family) and the rental assistance paid by HCHA in accordance with the contract with the owner. HCHA determines the tenant rent in accordance with HUD requirements.

FAMILY ELIGIBILITY AND SELECTION

- G.1 HCHA will follow its Administrative Plan language regarding family eligibility and selection. Prospective tenants for PSH projects selected by HCHA pursuant to this solicitation will generally be drawn first from the City of Houston's database of chronically homeless individuals who have been added to HCHA's waiting list. Notwithstanding the above, proposers are able to propose alternative tenant selection methods.
- G.2 In general, HCHA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. Except for units which are occupied

by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PBV site, HCHA will notify the next families on the appropriate HCHA PBV waiting list which may be an approved site-based waiting list. HCHA's letter to the applicants will also state that if the applicant is interested in residing in the vacant PBV unit that the applicant will not lose his/her place on the HCHA's Section 8 waiting list until that person has been leased in the PBV unit.

- G.3 All applicants indicating interest in the PBV units will be selected from the appropriate PBV waiting list in chronological order and prescreened for Section 8 eligibility. If the HCHA referrals do not provide the owner with a suitable tenant for the unit within 30 days, the owner may refer a Section 8 eligible individual or family from the owner's waiting list to the PBV waiting list. The referred family must meet the HCHA's waiting list priority criteria.
- G.4 For VASH PBV, applicants referred by the VA indicating interest in the PBV units will be prescreened by the HCHA for Section 8 eligibility and referred to the owner in chronological order.
- G.5 For rehabilitation or existing projects, eligible in-place families will be given an absolute preference on the appropriate PBV waiting list for units that become available. In-place families must be eligible on the proposal's selection date, and determined eligible by HCHA, and referred to the owner by HCHA.
- G.6 The initial term of the tenant lease must be for at least one year, except that in the HUD-VASH Program the lease may be for less than twelve months if requested by the tenant (homeless veteran), case manager or other supportive service representative working on behalf of the tenant.

ATTACHMENT J
PROCUREMENT SCHEDULE

EVENT	DATE
Date RFP advertised	July 10, 2016
Deadline for the receipt of questions	5 P.M. CDT August 3, 2016
Deadline HCHA will post answers to questions	5 P.M. CDT August 5, 2016
Deadline for the receipt of sealed responses Harris County Housing Authority 8933 Interchange Houston, Texas 77054 Attn: Horace Allison, AIA Chief Executive Officer	4 P.M. CDT August 12, 2016

ATTACHMENT K

EVALUATION CRITERIA

FACTOR	MAX POINTS
A. Supportive Services Plan and Capacity (Evaluated for PSH, VASH and non-elderly/disabled projects for which more than 25% of units are proposed for PBV assistance)	20 points
B. Financial Feasibility (Evaluated for all projects)	20 points
C. Previous Experience of Applicant in Development and Property Management of Projects of Similar Scale for Similar Target Population (Evaluated for all projects)	20 points
D. Project Design (Evaluated for all projects)	20 points
E. Development Serves the Homeless or Chronic Homeless Community (Evaluated for all projects)	20 points
TOTAL MAXIMUM POINTS:	100 points (Minimum points required for voucher award: 60)

A. SUPPORTIVE SERVICES PLAN AND CAPACITY

A high scoring Supportive Services Plan must demonstrate that the proposer:

- Has planned and documented a high quality supportive services program that is results/outcome oriented and responsive to projected needs of the resident population. It should include narrative and a matrix that lists the types of supportive services, the eligible target population for each type of service, the number of persons to be served for each type of service, where the service will be provided, who will provide each services, the amount budgeted for each service, and the projected outcomes of each service;
- Has identified and secured the resources, partnerships and staffing needed to effectively execute the plan. This must include specific funding amounts by service type and provider including information on the duration of the funding. General or conditional support letters are not adequate; and,
- Has assembled and obtained firm commitments from a team with documented track record(s) of effectively providing such services in residential locations to comparable populations. This must be demonstrated by providing reference projects of similar scale and scope.

With respect to PSH and VASH programs, the Supportive Services Plan must include:

- A comprehensive case management component with reasonable staff to case manager ratios identified; and,
- A discussion of issues and proposed strategies to address the specific supportive service needs related to housing of chronically homeless households.

MAXIMUM POINTS	20 points
B. FINANCIAL FEASIBILITY	
Points will be assigned based on the extent to which the proposal <u>demonstrates</u> that:	
<ul style="list-style-type: none"> • A comprehensive and realistic construction and permanent financing budget has been prepared; and, • Construction and permanent funding is firmly committed including documentation from all funding sources. 	
<p>HCHA will assign points by reviewing the construction and permanent financing committed at the time of application – or deemed by HCHA to be highly likely to be committed within a reasonable period of time after proposal submission - and specifics on the plan to secure remaining funding. HCHA may defer final approval of a proposal pending receipt of financing commitments from the City of Houston or other funding sources from which the developer has requested funding.</p>	
<p>All projects must provide a 10-15 year operating proforma with line item detail sufficient for a knowledgeable reviewer to evaluate the feasibility and completeness of the budget. The operating proforma must include line item detail including, but not limited to:</p>	
<ul style="list-style-type: none"> • Estimated revenue by all sources; and, • Estimated expenses for all categories including maintenance, utilities, capital reserves, security, resident supportive services, insurance, taxes, etc. • Footnotes or other narrative must be presented where necessary to clarify assumptions about sources and uses. HCHA will review budgets to assess whether realistic and appropriate assumptions have been made regarding the cost and level of on-site staffing, security and other costs. • The amount of the compliance monitoring fee. 	
MAXIMUM POINTS	20 points

C. PREVIOUS EXPERIENCE OF APPLICANT IN DEVELOPMENT AND PROPERTY MANAGEMENT

A high scoring proposal must demonstrate that the applicant has either directly or through its team assembled all of the personnel, skills and other resources needed to complete the development project described in the proposal. This can be evidenced by reference projects of similar scale, budget and complexity.

A high scoring proposal must also demonstrate that the applicant has a track record of successfully leasing up and managing projects of similar scale, complexity and resident populations, and has developed a responsive and comprehensive management plan:

- Information on the portfolio currently managed by the property management team must be presented including number of units, population housed, and location. For PSH and VASH proposals, experience managing properties of comparable scale that house chronically homeless of other PSH populations must be identified.
- The management/maintenance plan presented in the proposal should not be a boilerplate example. A high scoring proposal will include a management plan that reflects the specific considerations of the site and the resident population including site/occupancy rules where applicable.
- Include a detailed management and maintenance staffing plan that provides sufficient information for HCHA reviewers to determine the level of staffing that will be present on-site during business and non-business hours, the approach to off-hours emergencies and other relevant property management information.

MAXIMUM POINTS

20 points

D. PROJECT DESIGN

A high scoring proposal will demonstrate that the project incorporates good design, especially utilizing “green,” environmentally sustainable building principles. Good design also incorporates site, unit and common area features and amenities that are responsive to the needs of the resident population. In evaluating this rating factor, HCHA will consider information presented in the proposal including:

- The extent to which the project design incorporates “best practices” for the resident population. For example, projects that house chronically homeless must incorporate a range of design considerations related to safety, durability, the need to encourage socialization, the need for on-site services.
- LEED or other similar designations that provide evidence of environmentally sustainable design.
- Other energy efficiency features and improvements.
- Treatment of common areas and building grounds.
- Availability of other on-site amenities.

MAXIMUM POINTS

20 points

E. DEVELOPMENT SERVES HOMELESS OR CHRONIC HOMELESS COMMUNITY	
Development serves Chronic Homeless: 20 points	
Development serves Homeless: 10 points	
Does not serve Homeless or Chronic Homeless: 0 points	
MAXIMUM POINTS	20 points

Housing Choice Voucher Program

- [HCV Program](#)
- [Find Housing](#)
- [Services](#)
- [Voucher Holders](#)
- [Property Owners](#)
- [Porting to HCHA](#)
- [HQS Inspections](#)
- [Homeownership](#)
- [Documents and Forms](#)
- [Report Violations](#)
- [FAQs](#)

About the Program

HCHA's Housing Choice Voucher (HCV) Program allows low-income families to rent quality housing in the private market via federal funds provided by the U.S. Department of Housing and Urban Development (HUD). Through the HCV Program, HCHA pays a portion of eligible families' rent each month. These payments are made directly to the property owner/manager. Participating families can use their vouchers to rent a house or apartment from private property owners throughout Harris County. This program helps families realize their potential and cultivate their personal, economic and social skills to support the transition from subsidized to non-subsidized housing.

HCHA's Service Area

HCHA serves areas outside of the city of Houston, but within the limits of Harris County. Zip codes served by HCHA are listed below, and participants may also view our [service map](#).

ZIP codes listed in blue below have been identified as areas that contain some excellent schools and have rental rates above the county average. HCHA will subsidize units for residents choosing to live in these areas at 110% of its normal payment standard. To find school boundary and zoning information, visit www.greatschools.org.

- | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 77005 | 77040 | 77064 | 77082 | 77095 | 77375 | 77447 | 77536 |
| 77014 | 77041 | 77065 | 77083 | 77336 | 77377 | 77449 | 77546 |

77015	77044	77066	77084	77338	77379	77450	77547
77016	77047	77067	77086	77339	77388	77484	77562
77029	77049	77068	77088	77345	77389	77493	77571
77032	77050	77069	77089	77346	77396	77494	77586
77037	77053	77070	77090	77357	77401	77507	77587
77038	77058	77073	77093	77365	77429	77530	77598
77039	77060	77078	77094	77373	77433	77532	

2016 Payment Standards (Effective 4/1/16) ---

100% FMR Payment Standards

0 Bedroom	\$734
1 Bedroom	\$830
2 Bedroom	\$1018
3 Bedroom	\$1386
4 Bedroom	\$1772
5 Bedroom	\$2038
6 Bedroom	\$2304

110% FMR Payment Standards (blue ZIP codes above)

0 Bedroom	\$807
1 Bedroom	\$913
2 Bedroom	\$1120
3 Bedroom	\$1525
4 Bedroom	\$1949
5 Bedroom	\$2242
6 Bedroom	\$2534

Eligibility ---

Applicants to the HCV Program must meet a number of requirements detailed in HCHA's HCV Program Administrative Plan including:

- Qualifying for one of HCHA's local preferences or being active on HCHA's Waiting List
- Meeting income limits specified by HUD
- Passing a criminal background check

To qualify for the program, applicants must have an income at or below 50% of the area median income (AMI) based on their family size as shown below.

Household Size	1	2	3	4	5	6	7	8
50% AMI	\$24,250	\$27,700	\$31,150	\$34,600	\$37,400	\$40,150	\$42,950	\$45,700

Waiting List ---

Harris County Housing Authority opened its waiting list for the HCV Program in 2008. Individuals that completed the required application and submitted

the required documents were placed on the waiting list. As vouchers become available, families on the waiting list are contacted to verify their eligibility and continued interest in the program. When the waiting list opens again, HCHA will notify the community through a county-wide campaign.

If you did not register for the waiting list in 2008, you are not eligible for the HCV Program unless you qualify for one for three local preferences. However, you may qualify for other HCHA housing options. For more information about those options, please visit the [Find Housing](#) page.

If you did register for the waiting list, you will receive a letter asking you to verify your eligibility and continued interest in the program. These program interest letters are sent out as vouchers become available. For more information, visit the [Frequently Asked Questions](#) page.

Allowances for Tenant-Furnished Utilities and Other Services

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp. 04/30/2018)

See Public Reporting Statement and Instructions on back

Locality		Unit Type					Date (mm/dd/yyyy)
Harris County Housing Authority		Apartment with 5 or more units					4/1/2016
Utility or Service		Monthly Dollar Allowances					
		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR
Heating	a. Natural Gas	1	2	2	3	4	4
	b. Bottle Gas						
	c. Oil / Electric	4	5	9	9	10	11
	d. Coal / Other						
Cooking	a. Natural Gas	3	4	5	5	6	6
	b. Bottle Gas						
	c. Oil / Electric	4	4	5	6	6	7
	d. Coal / Other						
Other Electric		14	12	13	14	16	17
Air Conditioning		13	16	19	21	25	28
Water Heating	a. Natural Gas	4	6	6	9	11	12
	b. Bottle Gas						
	c. Oil / Electric	11	14	15	20	24	26
	d. Coal / Other						
Water		23	40	57	69	93	117
Sewer							
Trash Collection							
Range/Microwave		8	7	7	7	8	8
Refrigerator		3	3	3	3	3	3
Other -- specify							

Actual Family Allowances To be used by the family to compute allowance. Complete below for the actual unit rented.	Utility or Service	per month cost
	Heating	\$
Name of Family	Cooking	
	Other Electric	
Address of Unit	Air Conditioning	
	Water Heating	
Number of Bedrooms	Water	
	Sewer	
	Trash Collection	
	Range/Microwave	
	Refrigerator	
	Other	
	Total	\$

Public reporting burden for this collection of information is estimated to average 1.5 hours 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 conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number. \$VXXUDQFHV_RI_FRQILGHQWL.DOLWY_DUH_QRW_SURYLGHG_XQGHU_WKLV_FROOHFWLRQ__

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of family name and address is mandatory. The information is used to establish a utility allowance schedule for all utilities and other services used to determine the family's monthly housing assistance payment and family share. HUD will use this information to ensure that the costs are reasonable. HUD may disclose this 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 permitted or required by law. Failure to provide any of the information may result in delay or rejection of Housing Assistance Payment contract.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to establish a utility allowance schedule for all utilities and other services used to determine the family's monthly housing assistance payment and rental payment. HUD will use this information to ensure that the costs are reasonable.

Instructions for Form HUD-52667, Allowances For Tenant Furnished Utilities and Other Services

Form HUD-52667 shall be completed by a HA for each different type of unit as explained below. Each form shall be reproduced by the HA and given to families with their Certificate or Voucher or subsequently in connection with any revisions. The form will provide the family, while shopping for a unit, with the amount of the allowances for various types of units for rent. With these allowances the family can compare gross rents and fair market rents. Form HUD-52667 shall also be used by the HA to record the actual allowance for each family.

Level of Allowance: Utilities and other services are included in gross rent, and when they are not furnished by the owner, an allowance must be provided to the family. Allowances must be adequate for all utilities and services not provided by the owner that were included in the fair market rent. The utility allowance schedule is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the HA must use normal patterns of consumption for the community as a whole and current utility rates. Allowances must not be based on energy consumption or costs above average or below average income families. The objective shall be to establish allowances based on actual rates and average consumption estimates and should allow the majority of participating families an allowance that is adequate to cover expected average utility costs and other services over a 12-month period.

Determining Allowances:

- a. In general, HAs shall use to the extent possible local sources of information on the cost of utilities and services. The following local sources should be contacted:
 - (1) Electric utility suppliers.
 - (2) Natural gas utility suppliers.
 - (3) Water and sewer suppliers.
 - (4) Fuel oil and bottle gas suppliers.
 - (5) Public service commissions.
 - (6) Real estate and property management firms.
 - (7) State and local agencies.
 - (8) Appliance sales or leasing firms.

b. Recently adopted utility allowance schedules from neighboring HAs with essentially the same type of housing stock should also be examined. In most cases fuel or utilities rates normally will not vary appreciably in neighboring communities and where data is not available in small communities' allowances for larger nearby communities may be used. Where local sources are inadequate, the HA may consult the national average consumption data provided in Table 1 and make appropriate adjustments to reflect local conditions.

c. The HA must establish separate heating and cooling allowances for the various types of existing housing in the locality with the same number of bedrooms. Depending on local housing stock, utility allowances must be established for the following unit types: detached houses, duplexes, row or townhouses, garden and high rise apartments and manufactured homes. In addition to establishing different heating and cooling allowances for various types of structures, attention should be given to different allowances for water depending on whether families will have responsibilities for lawn care.

d. The data to be solicited from the local sources shown above should be as close as possible in form and detail to the format of form HUD-52667. If possible, all consumption data should be obtained for each unit size and type. If data is available only for an average unit size (2.5 bedrooms), multiply the utilities costs for the average unit by the following factors:

Size of Unit	Factor
0-BR	0.5
1-BR	0.7
2-BR	0.9
3-BR	1.1
4-BR	1.4
5-BR	1.6

Example: Natural gas heating cost for average sized unit is \$18.00 per month. The allowance for a 4-bedroom unit will be $1.4 \times \$18.00 = \25.00 (rounded to nearest dollar).

Air Conditioning: Allowances for air conditioning must be established only for communities where the majority of units in the market provide centrally air conditioned units or appropriate wiring for tenant installed A/C units.

Ranges and Refrigerators: Allowances for ranges and refrigerators must be based on the lesser of the cost of leasing or installment purchasing of suitable equipment.

Utility Rate Schedules: The cost of gas and electricity varies according to amounts consumed as shown on the appropriate rate schedules. It is not possible to compute exactly the cost of electricity for any given function without knowing the total electrical usage for a unit. However, because neither the HA or the families know beforehand just what will be the combination of utilities for any unit rented, it will be necessary to approximate the allowances for each function (e.g., heating cooking, etc.) as follows:

For electricity the rates used for lighting, refrigeration and appliances (Table 1, Item I), should be from the top of the rate schedule or the higher unit costs. Allowances for electric cooking, water heating and space heating should be computed from the middle or lower steps in the rate schedules.

Similarly, allowances for gas used for water heating and cooking should be computed using rates from the top of the rate schedule and for heating from the lower steps.

Supporting Documentation: The HA shall maintain with the form HUD-52667 copies of all supporting documentation used in determining the allowances and any revisions. For instance, letters from local utility companies shall be attached plus any worksheets used by the HA in computing allowances. The material should contain, if possible, the quantities of the utilities that are the basis of the dollar allowances (e.g., kilowatt hours per unit). A copy of the utility allowance schedule must be sent to the HUD Field Office.

Table 1

Average Allowances For Tenant Purchased Utilities

Note: The consumption amounts listed below are inexact averages and must be used with caution when establishing allowances for actual projects.

	<u>Monthly Consumption</u>	
	<u>Units</u>	<u>2 1/2-BR (a)</u>
I. Electricity		
a. Lighting and Refrigeration	KWH	250-400 (b)
b. Cooking	KWH	110
c. Domestic Hot Water	KWH	340 (c)
d. Space Heating	KWH	680 (d)
e. Air Conditioning	KWH	180 (e)
II. Natural Gas And Bottle Gas		
a. Cooking	Therms	8
b. Domestic Hot Water	Therms	21 (c)
c. Space Heating	Therms	48 (d)
III. Fuel Oil		
a. Domestic Hot Water	Gals	17 (c)
b. Space Heating	Gals	40 (d)
IV. Water		
a. Domestic Use	Gals	8,000
b. Lawn	Gals	2,000

- (a) Estimated average consumption for a hypothetical 2 1/2 bedroom dwelling unit. All consumptions listed must be adjusted for the size of the dwelling unit. Factors shown under Determining Allowances, subparagraph d, may be used for making the adjustment.
- (b) Consumptions will vary considerably depending on electrical appliances used. Upper limits should be sufficient to provide 85 kilowatt hours for a clothes dryer and 50 kilowatt hours for a frost free refrigerator.
- (c) The temperature of local water supply varies by geographic area and will have considerable impact on energy used to heat domestic water. This estimate is for North Central geographic areas where the average city water temperature is approximately 50° F.
- (d) Consumptions are for housing insulated for the heating system installed. Normally a building designed for electric space heating is better insulated than one designed for gas or oil space heating equipment. Climatic conditions assumed to be 4,000 heating degree days and 0° F outside design temperature. Consumption must be adjusted for the normal heating degree days and the outside design temperature in the given geographic area.
- (e) Consumption estimated for 1,000 degree days cooling. Actual consumption will depend on many variables.

Note: The consumption amounts listed above are inexact averages and must be used with caution when establishing allowances for actual projects.