



PUBLIC NOTICE

REQUEST FOR PROPOSALS For DEVELOPMENT CONSULTING SERVICES

The Housing Authority of the City of Lakeland, Florida (LHA) acting for itself, instrumentalities and/or affiliates is requesting proposals from qualified professionals for an indefinite delivery, indefinite quantity ("IDIQ") of various **Development Consulting Services**. Proposals from respondents may contemplate providing these services to LHA as individuals, firms, or teams. The awarded continuing contracts will be for a base period of two (2) years with an option to extend for up to an additional three (3)-year period. The services will be contracted as individual task orders issued against the main contract and will include specific scopes of work. Individual task orders must be awarded within the IDIQ contract term. If the duration of a task order extends beyond the term of the IDIQ contract, the terms and conditions of the IDIQ contract will continue in effect through completion of the task order.

Successful respondent must demonstrate the ability and experience to work with staff to implement large and small scale, comprehensive, mixed-finance, mixed-income, and mixed-use revitalization plans that includes both residential and non-residential uses including commercial/retail, offices, community facilities, condominiums/townhomes/single-family houses for sale communities. Additionally, respondents should list any development consulting services that have been provided in the past to clients as it relates to the closeout and the possible re-syndication of tax credit properties. Finally, proposals should demonstrate extensive development experience in the fields of master planning and urban redevelopment through various housing programs offered by the U.S. Department of Housing and Urban Development Program (HUD), Florida Housing Finance Corporation (FHFC), and Federal Housing Administration (FHA). Examples of programs that LHA, its instrumentalities and/or affiliates have used and/or are currently investigating to develop affordable housing include but are not limited to the following:

- Housing Opportunities for People Everywhere (HOPE VI)

- Rental Assistance Demonstration (RAD) Program
- Choice Neighborhood Initiative
- Low Income Housing Tax Credits (LIHTCs)
- Community Development Block Grant Program (CDBG)
- FHA LIHTC Section 221(d)4 and Section 220 programs

Although the above referenced programs are currently being used or have historically been used by LHA, it's instrumentalities, and/or affiliates to develop affordable housing, respondents awarded IDIQ contracts via this RFP will not be limited to only investigating the use of these potential funding sources.

Note that task orders issued via this RFP shall be specific to any property owned and controlled by LHA, its affiliates, instrumentalities or partnerships. Furthermore, it may also include any new endeavor or partnership with the City of Lakeland, another entity, or agency.

It is also the intent of LHA, it's instrumentalities, and/or affiliates that the Property Manager of any future and present redeveloped property or properties will be self-performed by West Lake Management, LLC from the beginning of the process.

The complete Request for Proposals (RFP) may be obtained by emailing a request to Procurement@LakelandHousing.org Responses must be submitted by 2:00 p.m., Eastern Time, on Monday, September 30, 2019.

Minority Business Enterprises, Woman Business Enterprises, Small Disadvantaged Business Enterprises, and Section 3 business concerns are encouraged to respond to this RFP.

LAKELAND HOUSING AUTHORITY

DEVELOPMENT CONSULTING SERVICES REQUEST FOR PROPOSALS

1. ADMINISTRATIVE BACKGROUND

The LHA is a public body corporate and politic established in 1939 under the U.S. Housing Act of 1937 and Chapter 421, Florida Statutes. The LHA and its affiliate provide low-income housing assistance mainly to the residents of Lakeland, Florida. A seven-member Board of Commissioners appointed by the Mayor of the City of Lakeland governs it. The LHA and its affiliates currently owns and, with the assistance of *West Lake Management, LLC*, manages federally assisted housing rental properties that include a mix of public housing; tax credit; public housing/tax credit (mixed finance); and Section 8 Project based/tax credit affordable rental units, all of which are located in Polk County, Florida, most of which are located within the city of Lakeland. A majority of the LHA's revenue is received through the U.S. Department of Housing and Urban Development (HUD) and U.S. Department of Labor (DOL).

The mission of the LHA is to provide quality, affordable housing and self-sufficiency opportunities in an effective and professional manner.

2. SCOPE OF SERVICES

This Request for Proposals (RFP) is seeking for qualified professionals to provide an indefinite delivery, indefinite quantity ("IDIQ") of various **Development Consulting Services**. Proposals from respondents may contemplate providing these services to LHA as individuals, firms, or teams. Specifically, LHA intends to establish a pool of two (2) or more qualified professionals as **Development Consultants** to serve in a full-service capacity for the purposes of advising LHA, it's instrumentalities, and/or affiliates, as-needed, on all development matters and programs of work involving public and/or affordable housing assets that will be disposed of or redeveloped as part of its Five (5) Year Agency and/or Strategic Plan. Development Consultant(s) selected for the IDIQ pool will report to and be a direct advisor to the Executive Director and/or his designee. The initial statement of work will involve reviewing LHA's housing portfolio, 5-Year Agency, and Strategic Plan to determine which types of initiatives should be implemented to further LHA's mission. Development Consultant(s) will also work closing with LHA's third-party financial advisors to ensure that short- and long-term development plans are feasible as it relates to its sources of revenue and existing financial obligations. Development Consultant(s) may also be requested to provide staff augmentation services, as necessary, to ensure that development initiatives are completed timely.

The response should include evidence of the respondent's qualifications and previous experience relative to the provision of such services. Respondents shall certify their ability to start work immediately and should provide a staffing plan that describes the existing time commitments of the staff proposed to be assigned to the project and whether any of the staff will be locally based. The response should include a Project Team Organization Chart and resumes of key personnel who will constitute the lead consultant under this RFP. Respondents are required to indicate the estimated percentage of time to be devoted to this project for each identified individual and the staff member's role in the respondent's organization.

The selected Development Consultant(s) will be responsible for providing certain financial and development advisory services with respect to the acquisition, financing, construction, and/or rehabilitation of selected LHA or LPHC-owned property(ies) while working with the LHA to prepare a final master plan for the redevelopment of LHA or LPHC-owned sites and surrounding neighborhoods in consultation with and subject to the approval of LHA, community residents, and other key stakeholders. The selected Development Consultant(s) will also be required to work cooperatively with the LHA towards implementation of the revitalization effort, as outlined in the approved Master Plan, and in accordance with the schedule as approved by LHA. The services will be contracted as individual task orders issued against the main contract and will include specific scopes of work.

The LHA or its affiliates will serve as the developer for all and any new development. However, Development Consultant(s) may be issued task orders to provide development consulting services for its projects that have co-developers. Note that LHA, its instrumentalities, and/or affiliates intend to submit financing applications for the U.S. Department of Housing and Urban Development's (HUD) Choice Neighborhood Initiative (CNI) Program and with Florida Housing Finance Corporation (FHFC) for low-income housing tax credits. The selected Development Consultant(s) are expected to take the lead in preparing the financing applications for the LHA, as well as, to work closely with the City of Lakeland and other key stakeholders. As it relates to projects where LHA has a codeveloper, the Development Consultant(s) may assist LHA and its development partner with the applications.

THE DEVELOPMENT CONSULTANT'S ROLE

The selected Development Consultant(s) may provide staff augmentation services to LHA, its instrumentalities, and/or affiliates successful respondents may be issued task orders to provide the following services:

- Assisting LHA with developing a concept plan that provides and outlines an exit strategy for the successful completion of the closeout of a low-income housing tax credit project at an existing HOPE VI site.

- Providing certain financial and development advisory services in relation to the acquisition, financing, construction and/or rehabilitation of LHA or LPHC-owned property(ies).
- Assisting LHA with developing and maintaining a working partnership with the residents and other stakeholders to promote the community vision and comprehensive master plan.
- Assisting LHA with developing and maintaining linkages between the new development and the surrounding neighborhood.
- Preparation of a Development Strategy or Master Plan that shall include:
 - (1) a time table with milestones for completion
 - (2) a study sufficient to identify the need to build additional housing units, and if so, determining the: type (elderly, assisted living, mixed income, etc.) and number of housing units, location of the required housing units, and the proposed construction schedule for the housing units
 - (3) a list of all known available funding sources for each proposed action including traditional and alternative financing options
 - (4) a management plan
 - (5) considerations and certifications as may be required to obtain city, state, federal, or HUD approvals necessary to initiate any proposed projects
 - (6) a plan and recommendation for public relations that is designed to assure resident, community, and local government support for any development, as well as, to make provisions for communication with the local HUD office and other key affordable housing program administrators
 - (7) a review of local housing inventory to determine and make recommendations for any potential acquisitions of existing single family or multi-family housing within the respective development areas.
- Collaborating with an architect on understanding and conducting environmental and geotechnical testing and an analysis of the condition of existing utilities at the sites at each phase of development.
- Collaborating with an architect on a plan that includes street layout and common area facilities based on the Master Plan.

- Collaborating with the LHA to develop detailed development and operating budgets. The selected Development Consultant will be required to expand and update the budgets throughout the development process.
- Collaborating with the LHA to develop a construction strategy and development implementation schedule.
- Collaborating with the LHA to design and construct all necessary and appropriate infrastructure and site improvements.
- Providing genuine training and employment opportunities to Section 3 individuals.
- Developing a plan for participation by D/M/WBE and Section 3 business concerns throughout the development.
- Overseeing development of a market study for each phase of development as required.
- Providing regular monthly reports to the LHA on the progress of the development efforts including work-completed, associated costs, schedule and budgetary requirements.
- Collaborating with the LHA and its legal team to create an ownership structure for the development which shall include an affiliate of the LHA as a general partner.
- Overseeing the procurement of the construction contractor.
- Obtaining or assisting with obtaining financing through the use of Low-Income Housing Tax Credits (LIHTC), State Housing Initiatives Partnership (SHIP) funds, State Apartment Incentive Loan (SAIL) funds, Community Development Block Grant (CDBG) funds, Choice Neighborhood Initiatives (CNI), and other public or private funding opportunities to develop the property.
- Assisting the LHA with the submittal of an application for a CNI Planning Grant.
- Assisting the LHA in obtaining all required building permits and zoning approvals.
- Assisting the management (West Lake Management) company in developing marketing and lease-up plan.

- Overseeing and otherwise assisting with asset management functions as required through lease-up and conversion to permanent financing.

The respondent should indicate its approach to the division of work and responsibility between it and the LHA. In its response, each respondent must demonstrate the following:

- a. Experience in the development/revitalization of neighborhoods;
- b. Experience with Florida Housing Finance Corporation (FHFC) funding applications;
- c. Experience in the development, construction, and operation of a housing development as well as with Preservation and Redevelopment as it is defined by FHFC;
- d. Expertise in housing developments that incorporates low income housing tax credit and affordable housing financing including project-based vouchers;
- e. Expertise in regulatory compliance issues;
- f. Expertise in Section 3, WBE, Small Disadvantaged Business, and MBE compliance;
- g. Expertise with municipal and county government authorities which regulate the permits and utilities necessary for the development

The response shall include a description of the Offeror's knowledge of real estate financing and mixed finance development methods and sources including identification of all successful financing secured from competitive application processes for residential development projects over the past five years-- particularly within the state of Florida, if any.

The response should provide five (5) corporate references for development projects during the last five years that include: one (1) community partner reference, one (1) housing authority references (at least one (1) located in the state of Florida), two (2) tax credit investor references, and one (1) housing finance agency reference. The Respondent should use the *References* spreadsheet attached to this RFP to submit of this information.

3. SITE VISIT

As LHA anticipates that the first Development Consultant task orders issued will be for one of its existing HOPE VI sites, a site visit is scheduled for Thursday, September 19, 2019 at 10:00 a.m. EST. Although this site visit is not mandatory, all

interested parties are encouraged to attend. Please notify LHA of your intent to attend the site visit by 4:00 p.m. on Wednesday, September 18, 2019 by emailing Lori Halula-Eyer at leyer@lakelandhousing.org.

In order to ensure that all parties have the same information, no questions will be addressed during the site visit. All questions relevant to this procurement may be sent to the following email address, Procurement@LakelandHousing.org or leyer@lakelandhousing.org. up to 9:00 a.m. EST on Friday, September 20, 2019. Receipt of request will be acknowledged. Prior to 5:00 p.m., EST, on Monday, September 23, 2019, the responses to the submitted questions will be sent by email to all potential respondents who received this RFP directly from the LHA. It is the potential respondent's responsibility to check his/her email for any additional information concerning this solicitation.

4. SUBMISSION REQUIREMENTS

Each respondent must develop its submission to meet the specific requirements of item 2. **Scope of Services** of this RFP. Each response must be in the format described in item 8. **Submittal Format** of this RFP. The **Development Consultant RFP Checklist** (Exhibit A) attached to this RFP is a mandatory submission requirement.

Submittals that do not include all requested information may be deemed unresponsive and may be disqualified.

5. COMMUNICATION

In order to maintain a fair and impartial competitive process, the LHA shall avoid private communication concerning this procurement with prospective offerors during the entire procurement process. Please respect this policy and do not attempt to query LHA personnel regarding this RFP.

Ex parte communication regarding this solicitation is prohibited between a potential or current respondent and any LHA or *Lakeland-Polk Housing Corporation* ("LPHC") Board of Commissioners member, LHA or West Lake Management staff, or any other person serving as an evaluator during this procurement process. Respondents contacting any LHA or LPHC Board of Commissioners member, LHA or West Lake Management employee, or proposal evaluator regarding this solicitation risk elimination of their proposals from consideration. Correspondence with the LHA's Capital Fund and Procurement Manager, does not constitute *ex parte* communication. Oral instructions or information concerning the specifications of this project provided by any LHA or LPHC Board of Commissioners member, other LHA or West Lake Management employee, or agent to a prospective offeror shall not bind the LHA or West Lake Management.

6. MODIFICATION OF SOLICITATION

The LHA reserves the right to modify this RFP as deemed necessary by the LHA. Any such modification or amendment will be sent by email on or before **5:00 p.m., EST, on September 23, 2019** to all potential offerors who received this RFP directly from the LHA.

The LHA also reserves the right: to increase or delete any scheduled items; to award portions of this RFP; to waive informalities and technicalities; to make no award; to terminate this RFP solicitation at any time; and to make awards consistent with LHA's policies and the laws governing the U.S. Department of Housing and Urban Development (HUD) and/or State of Florida programs.

The Respondent shall acknowledge (in Exhibit A) its response to this RFP receipt of any amendment(s) or modifications. The Respondent's failure to acknowledge an amendment or modification may result in rejection of the offer.

7. SUBMITTALS ARE PUBLIC RECORD

After the award of an agreement resulting from this RFP, all information submitted by the offerors shall be public record and subject to disclosure pursuant to the Florida Public Records law. An offeror shall not copyright or cause to be copyrighted any portion of any said document submitted to the LHA as a result of this RFP.

8. SUBMITTAL FORMAT

Submittal Format: Submittals should be provided in the following format securely bound:

Letter of Transmittal:

Include a letter of transmittal on the Offeror's stationary bearing the signature of an authorized representative of the offeror and the name(s) of the individual(s) authorized to negotiate services and costs with the LHA. The letter should state the Offeror's understanding of the work to be done, the commitment to perform the work expeditiously, a brief statement indicating why the Offeror believes itself to be best qualified to perform the engagement, and a statement that the response is firm and irrevocable for, at least, ninety (90) days. The letter shall contain a statement of the veracity of the offeror's submittal and it shall be notarized.

Tab 1—Previous Affordable Housing Development Experience:

Demonstrate the Offeror's experience in developing, providing staff augmentation and/or consulting services related to development/revitalization of neighborhood projects similar in scope and complexity as described in *item 2. Scope of Services* of this RFP within the last five years by providing information on residential development projects in which the Offeror has participated. Focus on the four (4)

most recent projects, particularly affordable housing partnerships with public housing authorities within the State of Florida for which the Offeror was procured for the development project. The information should list the: project name; location; project size; project completion date or current status; funding sources/financing structure and amounts; ownership type; public programs utilized; income level served (very low, low, moderate, market rate and/or mixed); type of development (high, mid or low-rise, walk-ups, townhouses, etc.); extent of community and/or resident participation; and total development cost. Include a contact name at each housing authority or other owner/entity and the contact's phone number and e-mail address. Also indicate the size of its firm. The firm size should be stated in the average volume of work per year for the last five (5) years. The size categories are *Small Firm* (up to \$10 million per year), *Medium Firm* (\$10-20 million per year), and *Large Firm* (\$20 million-plus per year). *(Note In its sole discretion, LHA reserves the right to group and then evaluate the submitted responses by the three sizes of firms listed above. For example, the response of a Medium-size firm may be grouped into the Medium-sized category. In that case, the Medium-size firm will only have its response evaluated along with the responses of other Medium-sized firms.)*

Tab 2—Financing Experience:

Describe new and innovative financing techniques for raising capital that the Offeror has employed on previous projects during the last five years—especially in the state of Florida—from sources such as Low Income Housing Tax Credits (LIHTC), State Housing Initiatives Partnership (SHIP) funds, State Apartment Incentive Loan (SAIL) funds, Community Development Block Grant (CDBG) funds, Choice Neighborhood Initiatives (CNI), and other public or private funding opportunities to develop the property. Describe the Offeror's experience with applying for a CNI Planning Grant. Describe the Offeror's experience in obtaining funding from FHFC especially with FHFC's "Preservation and Redevelopment" concepts. Demonstrate that the Offeror possesses an understanding of state and local requirements and procedures that will enable necessary equity to be raised and the effort to be efficiently completed. Describe how each project was kept within budget and on schedule. Describe any impediments that occurred, and they were handled.

Tab 3—Green Building Experience:

Provide information on all *green* building development projects in which the Offeror has participated in the last five years. An important goal of the LHA is to develop an environmentally responsible development that can serve as a model for residential construction in Polk County and the State of Florida. LHA intends to implement financially feasible, technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management/recycling, and the quality of the indoor environment. The LHA will require that such strategies be fully explored in the development of the site.

Tab 4--Staff Experience and Organization:

Provide an organization chart that provides a detailed description of the organization structure and staffing. Provide a staffing plan for this project that specifies staff's roles, existing time commitments, and previous development

experience. Indicate whether any of the staff will be locally based. Identify the individual that will serve as the project manager and who will direct and coordinate the project to completion. Provide resumes of all key personnel that will be assigned to work with the LHA. Indicate the estimated percentage of time to be devoted to this project for each identified individual and their role in the respondent's organization.

Tab 5—Capacity:

The Offeror shall certify that if selected as the Development Consultant that it and all its team members are available to start immediately. Please provide a realistic timeline identifying when significant project benchmarks will be attained. The Offeror should describe any existing time constraints of the proposed team members or their proposed staff which would impair the Offeror's ability to proceed expeditiously.

Tab 6—General Information:

Discuss the Offeror's experience with developing and maintaining linkages with the residents, the surrounding neighborhoods, and other stakeholders to promote the community vision and the comprehensive master plan. Discuss the Offeror's methodology used to develop: a master plan; detailed development and operating budgets; construction and development implementation schedule; the procurement of a construction contractor; a market study for each phase of the development. Discuss the Offeror's methodology to assist the management company in developing a marketing and lease-up plan and to assist with asset management functions through lease-up and conversion to permanent financing. Describe the Offeror's expertise in regulatory compliance issues and other aspects when dealing with municipal and county government and agencies.

Complete and submit the attached *Proposer/Development Consultant Profile Form* (Exhibit D).

Tab 7—Utilization of Small Disadvantaged Businesses (SDB), Minority Business Enterprises (MBE), Women Business Enterprises (WBE) and Section 3 Business

Based on the requirements set forth in this RFP, describe the Offeror's approach and process to promote SDB, MBE, WBE, and Section 3 business concerns' participation in the development effort. Also, describe some of the Offeror's successful past efforts to provide genuine training and employment to Section 3 individuals.

Tab 8--Submission of Required Documents

Insurance:

The Offeror must provide proof of the following minimum insurance coverages or include a plan to acquire such coverages prior to the execution of a contract with the LHA. Please note any additional premiums required for these coverages will be at the expense of the Offeror.

- Professional Liability insurance in the amount of \$1,000,000 per occurrence for the Development Consultant and any other professionals used by the Development Consultant with respect to negligent acts or errors and

omissions in connection with professional services to be provided for the development project.

- General Liability insurance and Automotive Liability insurance in the amount of \$1,000,000 per occurrence. (Note: Prior to entering an agreement with the LHA, the successful Offeror will be required to have the Lakeland Housing Authority, the Lakeland-Polk Housing Corporation, Polk County Housing Developers, Inc. and West Lake Management named as an “additional insured” on each policy.)
- Workers’ compensation coverage of, at least, the State of Florida minimum for all staff who will be employed on the project.
(Note: The successful Offeror shall maintain each of the above insurances in force during the term of the contract.)

Other Documents:

Complete and provide the following documents which are attached to this RFP:

- HUD Form 5369-C
- HUD Form 50070
- Section 3 Business Form
- Non-Collusion Certification
- Public Entity Crime Statement

Tab 9—References:

For projects within the last five years, provide the name, email address, and telephone number of: two (2) community partner references, one (1) housing authority reference (at least, one (1) located in the state of Florida), two (2) tax credit investor references, and one (1) housing finance agency reference. References must verify Development Consultant’s representations. Please use the **References** form (Exhibit E) to provide the information. Note: The LHA reserves the right to check other reference sources as well.

Tab 10 – Fee Schedule:

- Provide a detailed fee schedule which includes information on: hourly rates, travel costs, per diem, fees, and other miscellaneous cost factors. *(Note: All pricing and proposed services are subject to later negotiation.)*

Submittals that do not include all required information requested above may be deemed unresponsive and may be disqualified.

9. SUBMITTAL DUE DATE

An original—designated as the “original” and signed in blue ink--and four (4) copies of the submittal are to be delivered to the LHA on or before **2:00 P.M., Eastern Time, on September 30, 2019**. No submittal to this RFP will be accepted after this specified time.

10. SUBMISSION OF OFFERS

- a. All submittals transmitted by mail or hand-delivered shall be in sealed packages and addressed to:

**Lori Halula-Eyer
Re: Development Consulting Services RFP
430 Hartsell Avenue
Lakeland, Florida 33815**

Submittals transmitted by facsimile or electronic mail will not be accepted.

- b. All submittals and accompanying material will become the property of the LHA and will not be returned to the offeror.

11. CLARIFICATION OF RESPONSES

The LHA reserves the right to obtain clarification of any point in an offeror's submittal or to obtain additional information necessary to properly evaluate a particular submittal. Failure of an offeror to respond to such a request for additional information or clarification could result in rejection of that offeror's response.

12. SCORING/AWARD EVALUATION CRITERIA

An evaluation committee shall evaluate and score each submittal using the method described in this RFP. The evaluation committee shall evaluate each submittal for factors such as: the ability of professional personnel; past performance; recent, current, and projected workload of the firm; and other factors that address the anticipated needs and requirements of the LHA. The LHA may conduct discussions with and may require public presentations by firms regarding their qualifications, approaches to various types of projects, and their ability to furnish the required services. A contract will be awarded to the respondent(s) whose submittal best meets the above qualifications as well as the needs and requirements of the LHA. The LHA reserves the right to reject any or all submittals or to award one or more contracts or no contract.

- a. The evaluation criteria to be used in reviewing submittals and their respective weights are as follows:
- Letter of Transmittal-- Failure to submit this document could render the Offeror's submittal as *non-responsive*, and therefore, it may not receive consideration.
 - Offeror's experience as described in the response to this RFP and evidence of ability to perform the work— *up to 30 points*

- Experience and qualifications of key staff, location of staff, including the firm’s capacity as it relates to size and available resources to complete the development --*up to 25 points*
- Offeror’s current and anticipated workload along with firm’s approach and ability to meet the LHA’s deadlines— *up to 10 points*
- Evidence of the Offeror’s past performance on similar projects and substantial success of completed mixed finance/mixed income developments and references— *up to 20 points*

Evidence of the Offeror’s demonstrated knowledge and familiarity of applicable governmental regulations and codes as required by the U.S. Department of Housing and Urban Development, State of Florida, County of Polk, City of Lakeland, and any other agencies having authority— *up to 5 points*

- Ability of the Offeror to successfully meet the requirements of 24 CFR 135 pertaining to Economic Opportunities for Section 3 Residents and Section 3 Business Concerns. Status of the Offeror as a SDB, MBE, WBE or Section 3 Business Concern or a statement of a Section 3 Plan with respect to this development project— *up to 5 points*
- *Fee Schedule* as requested in “Tab 10”.
- *Submission of Required Documents* as requested in “Tab 9” —failure to provide these documents may render the response to this RFP as *non-responsive* and, therefore, may cause the submitted response to be rejected.

Total Possible Points— 100 Points

- b. The LHA reserves the right to waive any minor irregularities or technicalities in the submittals received.

13. SMALL DISADVANTAGED BUSINESSES, MINORITY BUSINESS ENTERPRISES, WOMAN BUSINESS ENTERPRISES, AND SECTION 3 QUALIFIED BUSINESSES

The LHA strongly encourages the participation of Small Disadvantaged Businesses, Minority-owned businesses, Women-owned businesses (please see item 2 of HUD Form 5369-C—Exhibit G), and Section 3 business concerns, and/or Section 3-qualified businesses (please see the Section 3 Clause—Exhibit I—and the Section 3 Business Form Exhibit J) in this and all the LHA projects, programs, and services.

14. NEGOTIATIONS AND AWARD

Negotiations may be conducted with respondents determined to have a reasonable chance of being selected for award, based on evaluation of qualifications, and other factors considered to be most advantageous to the LHA. Such respondents shall be accorded fair and equal treatment with respect to any opportunity for negotiations and revisions of submittals—to assure full understanding of and conformance to the services requested by the LHA. No respondent shall be assisted in bringing its submittal up to the level of another in order to be considered for award. The LHA reserves the right to request additional information concerning any/all submittals submitted. A common deadline shall be established for the receipt of submittal revisions based on negotiations.

15. DISPUTES

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder or the interpretation of the provisions of the RFP, the decision of the LHA shall be final and binding upon all parties.

16. ASSIGNMENT

Neither the resultant contract nor any of the requirements, rights, or privileges demanded by it may be sold, assigned, contracted, or transferred by the successful offeror(s) without the express written consent of the LHA.

17. MANDATORY CONTRACT PROVISIONS AND CLAUSES

At a minimum, each contract awarded under this RFP will require compliance with the following HUD forms: *5369-B, 5369-C, 51915, and Table 5.1*—copies are attached to this RFP--as well as applicable portions of *LHA's Section 3 and Minority and Woman Business Enterprise Policy* which can be accessed at: <http://lakelandhousing.org/wp-content/uploads/MWBE-Section-3-Policy-corrected-022113.pdf>.

SPECIAL CONDITIONS

By submitting a response to this RFP, the Offeror acknowledges and agrees that it is familiar with, or will become familiar with, the following documents and regulations as required (documents are not provided herein by the LHA):

1. 4 CFR Part 8—Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development
2. Section 504 of the Rehabilitation Act, as amended, and the rules and regulations there- under
3. 24 CFR Part 135, employment opportunities for Section 3 business concerns and low-income persons
4. The HUD Procurement Handbook (7460.8)
5. 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
6. Florida Housing Finance Corporation requirements
7. Federal Home Loan Bank and Affordable Housing (FHFC) Program guidelines
8. 24 CFR 968 (Public Housing Modernization regulations)
9. 24 CFR 941 (Mixed-finance development regulations)
10. The HUD Mixed-Finance Guidebook, December 12, 1998
11. The Quality Housing and Work Responsibility Act of 1998
12. Low Income Housing Tax Credit program (IRS)
13. State of Florida low income housing assistance programs for rental and home ownership units
14. U.S. Department of Housing and Urban Development Choice Neighborhood Initiative

ATTACHED FORMS

**Non-Collusion Certification
re: Development Consulting Services**

The undersigned states that he/she is fully authorized by the entity indicated below to certify that:

- That this proposal or bid is made without collusion or fraud with any other person, firm, or corporation making a proposal or bid for the same purpose.
- That no officer or employee or person whose salary is paid, in whole or in part, from the Housing Authority of the City of Lakeland is, shall be, or will become interested, directly or indirectly, surety or otherwise: in this proposal or bid; in the performance of the contract; in the supplies, materials, equipment, and services or labor to which they relate; or in any portion of the profits thereof.

By signing this form, the undersigned affirms that said proposal or bid is, in all respects, fair and without collusion or fraud.

Name of Entity: _____

Authorized Signature/Date: _____

Printed Name of Signer: _____

Title of Signer: _____

Corporate Seal, *if appropriate*

Note: Failure to complete this statement as presented may result in the bid or proposal being rejected.

PUBLIC ENTITY CRIMES STATEMENT

By signing this form, the *Respondent* certifies that it is not currently debarred, suspended, or excluded from or for participation in Federal assistance programs in accordance with: Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35; HUD regulations, 24 CFR 24; or by other federal agencies.

The *Respondent* also certifies that it is in compliance with Section 287.133, Florida Statutes, as it relates to Public Entity crimes. More specifically, the *Respondent* certifies that it acknowledges, and it is in compliance with the following:

A person or an affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section [287.017](#), F.S. for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

Name of Entity: _____

Authorized Signature/Date: _____

Printed Name of Signer: _____

Title of Signer: _____

Corporate Seal, *if appropriate*

Note: Failure to complete this statement as presented may result in the bid or proposal being rejected.

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date

X

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. 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.

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;

- (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.

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.

(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:]

Certifications and Representations of Offerors Non-Construction Contract

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

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/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/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

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

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

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

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

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

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

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

(Check the block applicable to you)

- Black Americans Asian Pacific Americans
- Hispanic Americans Asian Indian Americans
- Native Americans Hasidic Jewish Americans

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

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

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

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

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

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

4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

- (i) Award of the contract may result in an unfair competitive advantage;
- (ii) The Contractor's objectivity in performing the contract work may be impaired; or
- (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

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

6. Conflict of Interest

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

7. Offeror's Signature

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

Signature & Date:

Typed or Printed Name:

Title:

**ACKNOWLEDGEMENT OF RECEIPT
OF
AMENDMENT OF SOLICITATION**

- 1 **AMENDMENT NUMBER:** _____
- 2 **ISSUED BY:** The Housing Authority of the City Lakeland (the "Authority")
- 3 **DATE AMENDMENT OF RFP ISSUED:** _____
for DEVELOPMENT CONSULTANT
- 4 **BRIEF DESCRIPTION OF AMENDMENT:**
(attach copy(s) of Amendment(s) as issued by the Authority)

5 THE ABOVE SOLICITATION IS AMENDED AS SET FORTH IN THE ATTACHED AMENDMENT(S) AS ISSUED BY THE AUTHORITY. PROPOSERS/ DEVELOPER PARTNER MUST ACKNOWLEDGE RECEIPT OF THIS/THESE AMENDMENT(S) PRIOR TO THE HOUR AND DATE SPECIFIED FOR RECEIPT OF PROPOSALS, BY SIGNING THIS FORM BELOW.

EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE SOLICITATION REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

ACKNOWLEDGMENT OF RECEIPT:

Name

Title

Signature

Date