



JHC-2023-4

**Request for Proposals for Assistance
Under the Section 8 Project-Based Voucher Program for (1)
Substantial Rehabilitation, (2) New Construction, or
(3) Existing Residential Housing Units for Low-Income
Households in the City of Jackson, MI**

Issue Date: September 22, 2023

Due Date: October 20, 2023

Jackson Housing Commission
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Part I. Solicitation Information

Description of Services

The Jackson Housing Commission (JHC) is a municipal housing authority that, in conjunction with its affiliated entities (“Affiliates”), owns, operates, develops, and manages affordable housing units and programs for low-income families and individuals in the City of Jackson, Michigan.

JHC is issuing this Request for Applications (“RFP”) to seek and accept proposals from property owner(s) and/or developer(s) to provide assistance under the Section 8 Project-Based Voucher (“PBV”) program.

A. Important Due Dates/ Locations/ Time

Schedule	
Event	Date/Location
RFP Publication	September 22, 2023
RFP Published Locations	1. Housing Agency Marketplace- ha.internationalprocurement.com 2. JacksonHousing-MI.org 3. Jackson Citizen Patriot
Pre-Proposal Conference	Tues., October 3, 2023, at 2:00 PM, EST – via Zoom https://us02web.zoom.us/j/83133451821?pwd=NUhtTW42WHRqUDdwVU1zdnJ5LzNqUT09
Questions Deadline	October 6, 2023, at 12:00 PM, EST (noon) – through Housing Agency Marketplace – ha.internationalprocurement.com
Proposal Submittal Deadline	October 20, 2023, at 2:00 PM, EST – through Housing Agency Marketplace – ha.internationalprocurement.com

If your company is not a member of the Housing Agency Marketplace, you can sign up to gain access to solicitations from one Agency only without paying a fee. Sign up as a vendor and select Jackson Housing Commission as your Agency.

All questions concerning this RFP must be submitted in writing no later than ~~October 10~~, 2023, at 12:00 p.m. EST. All questions must be submitted through the Housing Agency Marketplace- ha.internationalprocurement.com.

Once the question period has ended, all responses to questions will be posted as an addendum on Housing Agency Marketplace - ha.internationalprocurement.com. All Addenda must be acknowledged with a signature and timely submitted as part of this

solicitation. Proposals may be rejected if the addendum acknowledgment is not timely submitted as stated.

B. Preparation of Submission:

Electronic Submission: Submit electronically via PDF file containing the entire bid. Table of contents indexed and text recognition (OCR) active with the entire file searchable and indexed. The proposal should be uploaded to the Housing Agency Marketplace - ha.internationalprocurement.com.

The Cover of the Proposal should have the following information:

Company Name

Company Address

RFP/ Solicitation Number and Name

Date and time Proposals are due

Caution: Late Proposal submission will be handled in accordance with the provisions contained in HUD Form HUD 5369-B Titled “LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF OFFERS”.

Part II. Reservation of Rights

1. The JHC reserves the right to reject any or all bids/proposals to waive informalities in the bidding/proposal process and to terminate the bidding process at any time if deemed to be in the best interest of the JHC.
2. The JHC reserves the right to cancel this RFP and/or issue no awards in response to it.
3. The JHC reserves the right to award no contracts, one contract, or multiple contracts to allocate PBVs as deemed to be in the best interest of JHC.
4. The JHC reserves the right to terminate any contract awarded pursuant to this bid/RFP process, at any time for the convenience of the JHC upon five (5) days written notice to the successful bidder/responder.
5. The JHC reserves the right to determine the days, hours, and locations that the successful bidder/ responder shall provide the services detailed by this bid/RFP process.
6. The JHC reserves the right to hold all bids/proposals without award and not permit withdrawal of said bids/proposals for a period of sixty (60) days from the bid/ proposal opening date.
7. The JHC reserves the right to award all or none of the project-based vouchers applied for or referenced in this RFP to an applicant or multiple applicants.
8. The JHC reserves the right to issue multiple contracts as a result of this offering.
9. The JHC reserves the right to reject any bid or proposal that it deems to be non-responsive or the bid/proposal from any bidder/response deemed to be non-responsive.
10. The JHC shall not be under any obligation to compensate any bidder/responder for any cost incurred in responding to this bid/RFP document.

The award, to be clear, shall be for PBVs, and as such the vouchers will be tied to the property and specifically with the legal entity that controls the property.

Part III. Overview

I. Overview

The Jackson Housing Commission (JHC) is a Michigan public body corporate, that, in conjunction with its affiliated entities (“Affiliates”), owns, operates, develops, and manages affordable housing units and programs for low-income families and individuals in the City of Jackson, Michigan.

JHC is issuing this Request for Applications or Proposals (“RFP”) to seek and accept proposals from property owner(s) and/or developer(s) to provide assistance under the Section 8 Project-Based Voucher (“PBV”) program.

As background, with limited exceptions, JHC is permitted to use up to 20% of Section 8 Housing Choice Vouchers allocated to it under an Annual Contributions Contract (“ACC”) with the United States Department of Housing and Urban Development (“HUD”) for project-based voucher assistance.

Subject to applicable PBV requirements, JHC estimates for purposes of this RFP that it will be able to allocate and provide up to twenty-five (25) total project-based vouchers to property owners and developers for families and individuals that will be housed under the PBV program to support the preservation of affordable housing opportunities in the City of Jackson (Area of Operation). An award of PBVs pursuant to this RFP may be made through none, one, or multiple awards.

On a per-project basis, up to the greater of (1) 25 units or (2) twenty-five percent (25%) of a project’s units may be project-based. This cap will not apply, however, if the PBV units over the 25 unit or 25% cap are leased only to elderly families, families eligible to receive supportive services, or if the units otherwise qualify for an exception to the per-project cap as permitted by HUD and to the extent also permitted by JHC’s Administrative Plan.

PBVs are a component of JHC’s Housing Choice Voucher Program. JHC will attach project-based voucher assistance to specific housing units in the property if the owner agrees to set aside a portion of the units and otherwise comply with all applicable PBV requirements. All units must meet HUD’s Housing Quality Standards (“HQS”) and all rent must be considered reasonable by JHC.

II. Types of Projects Eligible for PBV Under This RFP

JHC is willing to accept and consider RFPs that are within its Area of Operation and that are seeking PBVs for the following types of projects:

- Substantial rehabilitation of residential housing units
- New construction of residential housing units
- Existing rental housing of residential housing units

Part IV. Definitions and Conditions

For purposes of this RFP, the term substantial rehabilitation is housing that already exists on the proposal selection date but does not qualify as existing housing and will be rehabilitated pursuant to an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract between the JHC and owner, for use under the PBV program. The intent is to rehabilitate existing property(s) within the Area of Operation.

For purposes of this RFP, the term new construction is housing that does not exist on the proposal selection date and will be constructed pursuant to an AHAP between the JHC and owner, for use under the PBV program.

For purposes of this RFP, the term existing residential housing has the definition set forth in 24 C.F.R. 983.3 and means housing units that already exist on the proposal selection date and substantially complies with the HQS on that date (The units must fully comply with the HQS before execution of the Housing Assistance Payments contract (“HAP”). Units for which rehabilitation or new construction began after the owner’s proposal submission but prior to the execution of an AHAP do not subsequently qualify as existing housing. Units that were newly constructed or rehabilitated in violation of PBV program requirements also do not qualify as existing housing.

Applicants should be aware of the following conditions:

1. All required land use approvals must be obtained. Any award of vouchers is contingent upon receiving all required land use approvals.
2. The Project must meet all applicable requirements of the HUD Project-Based Voucher program regulations (24 CFR 983). The Code of Federal Regulations Title 24, Part 983, which outlines the primary governing regulations of the PBV program, is available for review online at www.gpoaccess.gov.
3. New construction and substantial rehabilitation projects will be subject to a HUD subsidy layering review, in accordance with HUD subsidy layering regulations (24 CFR 983.55) to prevent excess subsidy. Successful applicants will be required to submit a list of documents to JHC which will then be submitted to HUD for review. The subsidy layering review will need to be completed before JHC can enter an AHAP with the project owner. As set forth in 24 C.F.R. 983.55, the subsidy layering requirements are not applicable to existing housing.
4. The housing project must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable, and accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8. Selected projects may also be subject to Fair Housing reviews which may include review of marketing and outreach plans and reasonable accommodation policies.
5. The proposed housing project site must comply with HUD-required site and neighborhood

standards requirements as set forth in the Admin Plan and HUD regulations at 24 C.F.R. 983.57(d) (for existing and rehabilitated housing) and 24 C.F.R. 983.57(e) (for new construction housing). JHC may not enter into an AHAP for new construction or substantial rehabilitation housing or a HAP contract for existing housing until it has determined that the site complies with the HUD-required site and neighborhood standards.

6. An Environmental Review and/or Assessment under 24 CFR Part 58 will be required. All costs associated with the Environmental Review will be borne by the applicant. The applicant will be responsible for providing JHC with all available, relevant information necessary for the responsible entity to perform any required Environmental Review. JHC will require the owner to carry out any mitigating measures required by the responsible entity (or HUD, if applicable) because of the Environmental Review. In the case of new construction or substantial rehabilitation projects, the Environmental Review will need to be completed before JHC may enter an AHAP with the project owner, and the PHC, the owner, or their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property until the Environmental Review is completed. In the case of existing housing projects, the Environmental Review will need to be completed before JHC can enter into a HAP contract with the project owner, and, to the extent applicable to existing housing projects, the PHA, the owner, or their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property until the Environmental Review is completed.
7. Certain other Federal requirements also apply to the receipt of project-based voucher rental assistance, including, but not limited to eligibility restrictions (prohibition on use of debarred, suspended, or ineligible contractors - see CFR 5.105(c) and 24 CFR, part 24), labor standards (see regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and other federal laws and regulations pertaining to labor standards applicable to an AHAP covering nine or more assisted units), and the Uniform Relocation Act (a displaced person must be provided relocation assistance at the levels described in and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and implementing regulations at 49 CFR part 24).
8. Due to the above conditions and requirements, applicants should be aware of the significant lead time necessary to secure all required approvals prior to the commencement of construction.
9. Before JHC can select a specific unit to which assistance is to be attached, JHC must determine whether the unit is occupied and, if occupied, whether the unit's occupants are eligible for assistance. JHC may not select or enter an AHAP or HAP contract for a unit occupied by a family ineligible for participation in the PBV program. See 24 C.F.R. 983.53(c).
10. In the case of existing housing projects, execution of a HAP contract is contingent upon completion of the above requirements and compliance with all applicable PBV requirements. In the case of new construction or substantial rehabilitation projects, the execution of an AHAP is contingent upon the completion of all the above requirements and compliance with all applicable PBV requirements. The AHAP must be signed before construction of the proposed development or rehabilitation begins. JHC may not enter into

an AHAP if construction or rehabilitation has commenced after proposal submission. Construction begins when excavation or site preparation, including clearing of the land, begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity. Upon final inspection of the work, submission of all required certifications, and compliance with all applicable requirements, the applicant and JHC will execute a HAP contract.

11. In the case of a new construction or substantial rehabilitation project, applicants should note that upon execution of the AHAP, the applicant will be required to comply with all Federal requirements imposed by the AHAP and the PBV program, including the use of the Federal Davis-Bacon construction wage guidelines for AHAPs that cover the development of nine or more contract units (whether or not completed in stages), participation of Section 3 and minority-owned and women-owned business enterprise businesses, and the need to obtain National Environmental Policy Act environmental clearance. A copy of the AHAP can be found at HUD.Gov and includes forms 52531A and 52531B.
12. Project owners will be responsible for ensuring all conditions of occupancy and tenant leases for the PBV units comply with JHC's Admin Plan and the applicable PBV requirements, including but not limited to the use of HUD's required Tenancy Addendum Section 8 Project-Based Voucher Program to be attached to the lease (Form HUD 52530.c), or such successor form as required by HUD. All tenant leases will be subject to review by JHC. The PBV is required to meet program standards throughout the term of the contract.
13. Any award is contingent upon receipt of adequate funding, necessary approvals by HUD, and compliance with all applicable PBV requirements.

Part V. General Eligibility for Applicants

The following applicants are eligible to submit a proposal under this RFP, subject to applicable law and the other limitations (exceptions) set forth herein:

Developers or owners proposing the use of PBVs at sites that qualify as (1) substantial rehabilitation of housing that will be for low or moderate-income and/or homeless families, veterans, and individuals in the Area of Operation, (2) new construction of housing that will be for low or moderate income and/or homeless families, veterans, and individuals in the Area of Operation; and (3) existing residential housing in rental units that will be for low or moderate income and/or homeless families, veterans, and individuals in the Area of Operation. JHC and/or JHC-affiliated entities may be eligible to submit the application(s) under this RFP for projects in which JHC and/or JHC-affiliated entities hold an interest; however, the selection of any projects that qualify as "PHA-owned" will be subject to all applicable independent entity requirements set forth in 24 C.F.R. 983.51, HUD Notice PIH 2017-21, and the Admin Plan.

For your information, the following housing types are not eligible for PBV awards under this RFP:

1. Shared housing units;
2. Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
3. Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (however, PBV assistance may be provided in assisted living facilities);
4. Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students;
5. Manufactured homes;
6. Cooperative housing;
7. Transitional Housing;
8. High-rise elevator project for families with children;
9. Units occupied by an owner of the housing; or
10. Units occupied by a family are ineligible for participation in the PBV program.

In addition, PBV assistance will not be provided to:

1. A public housing unit;
2. A unit subsidized with any other form of Section 8 assistance;
3. A unit subsidized with any governmental rent subsidy;
4. A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
5. A unit subsidized with Section 236 rental assistance payments (12 U.S.C. 1715z-1) (except that JHC may attach assistance to a unit subsidized with Section 236 interest reduction payments);
6. A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 1490a (a Rural Housing Service Program); however, JHC may attach assistance for a unit subsidized with Section 515 interest reduction payments (42 U.S.C. 1485);
7. Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note);

8. Section 811 project-based supportive housing for persons with disabilities (42 U.S.C. 8013);
9. Section 202 supportive housing for the elderly (12 U.S.C. 1701q);
10. A Section 101 rent supplement project (12 U.S.C. 1701s);
11. A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b) (2)) (e.g., a unit subsidized with tenant-based rental assistance under the JHC program, 42 U.S.C. 12701 et seq.); or
12. A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by JHC in accordance with HUD requirements. For this purpose, "housing subsidy" does not include the housing component of a welfare payment; a social security payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

A. Threshold Eligibility Requirements for Properties and Applicants Receiving Project-Based Vouchers from JHC

Other eligibility requirements that apply to applications in response to this RFP include the following:

1. The property must be located in the Area of Operation, as clarified, and defined above;
2. The applicant must prove ownership of the site or control of the proposed site by proof of a fee or leasehold interest in the site, or if the applicant does not already have a fee or leasehold interest in the site, the applicant must prove ownership of the site or control of the proposed site by purchase contract or purchase option, where such control extends through the proposed date for acquiring title to the site or other evidence to indicate that the needed approval/documentation for site control is likely to be obtained and will not delay the project;
3. The applicant must be incorporated, formed, or organized in the State of Michigan or otherwise, eligible to do business in the State of Michigan;
4. The applicant must have policies and procedures including admission policies, rules for resident behavior, procedures for involuntary discharge, and a complaint procedure;
5. The applicant must be annually audited by a certified public accounting firm and the results must be provided to the local governments. The latest audit must be part of the applicant's proposal submission;
6. The applicant must have in place the following insurance which shall be written by

companies authorized to do business in the State of Michigan and acceptable to the JHC:

- a. Comprehensive general liability insurance at limits not less than One Million Dollars (\$1,000,000.00) combined single limits;
 - b. Commercial general liability insurance including contractual liability coverages in the amount not less than One Million Dollars (\$1,000,000.00) combined single limits;
 - c. JHC should be named as an Additional Insured.
 - d. Provide that the insurance must not be canceled, or its coverage reduced, without at least 30 days prior notice to JHC.
7. The applicant must comply with all the laws and regulations of the applicable jurisdiction where the project is located, meaning the City of Jackson for projects inside the city limits, including but not limited to laws involving the use, maintenance, and operation of structures, including building permits, zoning, code enforcement, and rental certificates of compliance;
 8. The applicant must not be involved in any current litigation or contractual dispute with JHC, or the City of Jackson;
 9. The applicant must designate a point of contact for JHC staff;
 10. The applicant must disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations;
 11. The applicant must provide to JHC, HUD, or its agents reports, financial and other information as requested that may be needed to ensure compliance with local, state, and federal laws and regulations; and
 12. In the case of a new construction or substantial rehabilitation project, applicants must be able to enter an AHAP and start the project for which PBVs have been requested within a 6-month period after the announcement of the award of PBVs or JHC reserves the right to withdraw the award. In the case of existing housing projects, applicants must be able to enter into a HAP contract within a 3-month period after the announcement of the award of PBVs or JHC reserves the right to withdraw the award.

Part VI. Specific Requirements

1. **Resident Choice and Continued Assistance.** Applicants who will occupy PBV units must be selected by JHC from the JHC waiting list. Applicants will be selected from the waiting list in accordance with the policies in the Admin Plan. When a family or individual moves out of a unit with PBV assistance, it must be replaced by a program-qualified family/individual who is referred from JHC's waiting list. This will ensure that the specified

number of subsidies continue to be used at the development throughout the term of JHC's contract with the owner.

2. **HAP Contract.** In the case of existing housing projects, a HUD form HAP contract (HUD Form 52530-B) will evidence of JHC's selection of the project for PBV assistance. In the case of new construction or substantial rehabilitation projects, a HUD form AHAP (HUD Form 52531-A and HUD Form 52531-B) will evidence JHC's selection of the project for PBV assistance and agreement to enter a HAP contract upon completion of the project and compliance with all applicable PBV requirements. Upon completion of construction and issuance of an occupancy permit, and provided that all other requirements under the PBV program and this RFP have been met, JHC will enter into a HAP contract (HUD Form 52530-A) with the owner for the site selected and approved for PBV assistance. JHC will then begin to make housing assistance payments to the owner in accordance with the HAP contract for those contract units leased and occupied by eligible families during the HAP contract term.
3. **Contract Term and Extension.** JHC has the discretion to set the initial HAP contract term for any period up to a maximum of twenty (20) years, subject to the availability of adequate annual appropriations. The initial contract may be extended for a period of up to twenty years if the JHC considers such extension appropriate to achieve long-term affordability or to expand housing opportunities. At JHC's option, the initial contract may bind the owner to accept extensions offered by JHC.
4. **HQS and Inspections.** Each unit identified to receive project-based voucher assistance must pass a Housing Quality Standards ("HQS") inspection and fully comply with HQS requirements before a HAP contract may be signed. Initial HQS inspection will be conducted at 100% of the residential units and prior to resident occupancy. Project-based voucher contracts are subject to the same annual/biennial inspection requirements as other housing choice vouchers. JHC will inspect on a biennial basis a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. If more than 20 percent of the sample of inspected contract units in a building fail the initial biennial inspection, JHC will reinspect 100 percent of the contract units in the building. In addition, JHC may inspect contract units outside of the biennial schedule at JHC's discretion and as needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract.
5. **Rent.** JHC's contract with the owner sets the rent for each unit with PBV assistance. The amount of the rent may not exceed the lower of the applicable maximum level, as explained below, or the "reasonable" rent in light of the rents charged for comparable unassisted units in the area. The applicable maximum is the maximum voucher payment standard which is 110 percent of the HUD-determined fair market rent ("FMR"). Up to this maximum, the rent for a unit is allowed as long as the rent is reasonable. An independent reasonable rent study in accordance with HUD requirements will be prepared to determine the initial contract rent.

The total rent to the owner for PBV-assisted units consists of the tenant rent (the portion of the rent to the owner paid by the family) and the rental assistance paid by JHC in accordance with the HAP contract. JHC subsidy standards determine the appropriate unit size for the family and composition. All rents will be set in accordance with applicable PBV requirements.

6. **Rent Increases.** Rent increase requests during the term of the contract may be approved by JHC so long as the increased rents do not exceed the above rent limits, are reasonable, and comply with applicable PBV requirements, JHC's Administrative Plan, and the HAP contract. HUD's annual adjustment factors do not apply.
7. **Individual or Family Share of the Rent.** Individuals or families with PBVs will pay a tenant share of rent that is established in accordance with the applicable PBV requirements and JHC's Section 8 Administrative Plan (this generally means that tenants will pay 30 percent of their adjusted income for rent and utilities, with some exceptions).
8. **Waiting List.** JHC will maintain a separate waiting list for each project that receives PBV assistance. To fill vacant project-based units, owners must accept voucher holders referred by JHC and follow JHC procedures before entering into tenant leases. Owners are responsible for selecting tenants for units assisted with PBVs from among the persons or families referred by JHC from its waiting list. An owner may refer persons or families that apply directly to the development to JHC to be placed on the waiting list. No person or family is required to accept PBV assistance; persons or families that reject an offer of PBV assistance or are rejected by the owner and are on the tenant-based voucher waiting list will retain their place on that list in accordance with JHC's Administrative Plan.
9. **Protection of In-Place Families.** The term "in-place family" means an eligible family residing in a proposed contract unit on the proposal selection date. In order to minimize displacement of in-place families, if a unit to be placed under contract that is either an existing unit or one requiring rehabilitation is occupied by an eligible family on the proposal selection date, the in-place family will be placed on JHC's waiting list (if the family is not already on the list) and, once its continued eligibility is determined, given an absolute selection preference and referred to the project owner for an appropriately sized PBV unit in the project. (However, the PHA may deny assistance for the grounds specified in 24 CFR 982.552 and 982.553.) Admission of such families is not subject to income-targeting under 24 CFR 982.201(b)(2)(i) and as detailed in item 10 below, and such families must be referred to the owner from JHC's waiting list. JHC shall give such families priority for admission to the PBV program. This protection does not apply to families that are not eligible to participate in the program on the proposal selection date. As noted elsewhere in this RFP, JHC may not select or enter an AHAP or HAP contract for a unit occupied by a family ineligible for participation in the PBV program. See 24 C.F.R. 983.53(c) and 24 C.F.R. 983.251(b).

10. **Targeting.** The income of persons or families selected for PBV units is considered in determining whether JHC has complied with the requirement that at least 75 percent of new admissions to the voucher program each year must have incomes at or below 30 percent of the area median income. This requirement is implemented by JHC on a program-wide basis and not on a property-specific basis and will be considered when JHC refers families to project owners from its waiting list.
11. **Feasibility.** Proposed projects must be new construction, substantial rehabilitation, or existing housing and must be financially feasible and operationally viable, as demonstrated via submission of a 20-year operating proforma and, in the case of new construction or substantial rehabilitation, development budgets.
12. **Location and Design.** JHC will provide PBV assistance with the goal of expanding housing and economic opportunities to the maximum extent feasible. Proposed developments located near social, recreational, educational, commercial, and health facilities and other municipal facilities and services, either on-site or off-site, are most desirable. JHC will not provide PBV assistance to units designed for families with children in high-rise elevator projects.

It is JHC's goal to select sites for PBV assistance that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal, JHC will limit approval of sites for PBV assistance in census tracts that have poverty concentrations of 20 percent or more, as determined in the most recent American Community Survey Five-Year estimates. However, JHC will grant exceptions to the 20 percent standard where JHC determines that the project-based assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

- A census tract in which the proposed development will be located in a HUD- HUD-designated enterprise Zone, Economic Community, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased because of public housing demolition and HOPE VI redevelopment;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization because of state, local, or federal dollars invested in the area;
- A census tract where new market-rate units are being developed and where such market rate units will positively impact the poverty rate in the area;
- A census tract where there has been an overall decline in the poverty rate within the past five years; or
- A census tract where there are meaningful opportunities for educational and economic advancement.

13. **Supportive Services.** The project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit, although the family must be eligible to receive the supportive services. It is not necessary that the services be provided at or by the project but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. JHC or a project owner may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered. Supportive Services that may be provided:

- Quarterly financial planning courses (i.e., Homebuyer education, credit counseling, investing advice, retirement plans, etc.) Courses must be offered through an on-site instructor (a CD-ROM or online course is not acceptable).
- Annual Income Tax preparation-offered by income tax prep service
- FSS Participation
- Annual Health fair
- Quarterly health or nutritional courses
- Weekly exercise classes
- Organized youth programs or other recreational activities such as games, movies, or crafts offered by the development
- Twice monthly arts, crafts, and other recreational activities such as Book Clubs and creative writing classes
- Twice monthly on-site social events (i.e., potluck dinners, game nights, sing-alongs, movie nights, birthday parties, etc.)

NOTE: Clinical Services, except for drug and alcohol treatment, cannot be used to meet the minimum required services for Excepted Units.

NOTE: Up to the greater of (1) 25 units or (2) twenty-five percent (25%) of a project's units may be project-based. This cap will not apply if the PBV units over the (25%) cap are leased to families receiving supportive services. Supportive services include the services listed above. The project owner will be responsible for regularly monitoring the supportive services requirements for the selected units and must submit, at least annually, a report listing the families, the types of services provided and accessed, and the frequency of that access. If the family becomes ineligible for the supportive service during their tenancy (for reasons other than successfully completing the supportive service objective), the unit will no longer be considered an excepted unit. If the family is ineligible for all supportive services that are made available at the project, JHC may do any of the following: (i) reduce the number of excepted units; (ii) substitute the excepted unit for a non-excepted unit (if possible); or (iii) temporarily remove the unit from the PBV HAP contract and provide the family with tenant-based assistance.

Part VII. Application Instructions

Application packets are available from JHC as follows: Request for Proposal will be available online at 2:00 P.M. EST beginning September 22, 2023; refer to JHC-2023-4 Request for Proposal. This solicitation is only available electronically. To view the solicitation, please visit Housing Agency Marketplace-ha.internationalprocurement.com. and click on the "E-Procurement" link. You will have the opportunity to register and view the solicitation. There is no fee associated with the use of this system. Vendors who download this solicitation via the Housing Agency Marketplace will automatically receive notification of amendments.

A pre-proposal teleconference will be held via Zoom on October 3, 2023, at 2:00 P.M. EST.

The closing date and time for receipt of proposals is October 20, 2023, at 2:00 P.M. EST. All proposals shall be submitted via the Housing Agency Marketplace at <https://ha.internationalprocurement.com>.

No written or in-person proposals will be accepted.

Responses will not be read aloud. Late responses and applications received after the deadline will not be accepted. Fax responses will not be accepted or considered. Please note that all applications will be retained by JHC for audit purposes. JHC reserves the right to reject any and/or all applications or to waive any formality in the applications. All material submitted in the application becomes the property of JHC and will not be returned.

Only applications submitted in response to this RFP will be considered. Submitted applications must respond to all requirements as outlined in this RFP; incomplete applications will not be reviewed or considered for award.

No application shall be withdrawn for a minimum period of 90 days following the application deadline without the consent of JHC.

Minority-owned and women-owned business enterprise businesses are encouraged to respond to this solicitation.

Part VIII. Submission Requirements

The omission of any of the following information, documents, or certifications will render the application non-responsive. All applications shall contain the following:

Tab 1 Threshold Application Requirements:

1. Letter of Interest with Application Form. Applicant's submittals shall be accompanied by a Letter of Interest on the Applicant's letterhead. The letter should state the Applicant's understanding of the engagement, the commitment to perform the work, if any, expeditiously, a brief statement indicating why the Applicant believes itself to be best qualified to perform as provided in this RFP, and a statement that the response is firm and

irrevocable for 90 days. In addition, the applicant must submit an Application Form, completed, in the form attached hereto.

2. Proven Property Ownership or Control of Property Proposed for Project-Based Assistance. Applicant must have site control or evidence to indicate that the needed approval/documentation for site control is likely to be obtained and will not delay the project.
3. Compliance with Fair Housing and Civil Rights Laws. (Use the enclosed form --- Certification of Previous Compliance with Fair Housing and Civil Rights Laws.)

All applicants and their employees must comply with all Fair Housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a).

The applicant will not be eligible for consideration if the applicant—

- Has been charged with a systemic violation of the Fair Housing Act by HUD alleging ongoing discrimination;
- Is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
- Has received a letter of noncompliance findings under Title VI, Section 504, or Section 109

JHC will not rate or rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of JHC before the application deadline stated in this RFP. JHC's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be made in JHC's sole discretion and based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

4. Certification that the applicant has not been deemed ineligible for participation in Federal and HUD programs. (Use enclosed form --- Certification of Eligibility for Participation in Federal and HUD Programs.)

The applicant will not be eligible for consideration if the applicant:

- Has had its participation in Federal programs limited;
- Has been debarred from participation in Federal programs;
- Has been charged with fraud or abuse of a Section 8 program;

- Is a defendant in a fraud or abuse lawsuit filed by the Department of Justice, HUD, or JHC alleging fraud or abuse; or
- Has received a letter from the Department of Justice, HUD or JHC alleging fraud or abuse.

JHC will not rate or rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of JHC before the application deadline stated in this RFP. JHC's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be made in JHC's sole discretion and based upon whether appropriate actions have been taken to address allegations of fraud or abuse in the policies or practices involved in the charge, lawsuit, or letter of findings.

Tab 2 Property Requirements:

1. The application for project-based assistance must provide a schedule of buildings indicating that the units proposed for participation in the project-based program are either (a) equal to or less than the greater of 25 units or 25 percent of the units in any one building, (b) excepted units in a multifamily building because they are specifically made available for elderly families or families eligible to receive supportive services (also known as qualifying families), (c) the unit(s) are in a single-family dwelling, defined as 1–4 family dwellings per building, or (d) the proposed project otherwise qualifies for an exception to the per project cap (Use enclosed form --- Application Form and Schedule of Buildings Proposed for Assistance) (24 CFR 983.56 FR Notice 1/18/17)
2. The applicant must submit development and operating proformas evidencing the financial feasibility and operation viability of the proposed new construction, substantial rehabilitation development, or existing residential housing. If substantial rehabilitation or new construction, the applicant should also include a detailed plan for all construction and permanent financing, which identifies the committed financing and anticipated remaining funding sources, including the status and commitment timeline for each source. If existing residential housing, the applicant must submit any loan or financing in place on the project and financial information to establish the viability of the project. Applicant must submit proformas in the attached HUD TDC Calculator (Form HUD 50156).
3. The applicant must provide evidence that the proposed or existing development is permitted by applicable zoning ordinances, or evidence to indicate that any rezoning or relief required would likely occur and not delay the development.

4. A letter signed by the applicant must be submitted that assistance will not be attached to a unit that is occupied by the applicant.
5. If applicable, construction or rehabilitation for the proposed project must not have started at time of selection for PBV (and cannot start until all post-award conditions are met and an AHAP is signed). Note: units and projects for which construction or substantial rehabilitation begins before: (1) executing the AHAP and (2) receiving subsidy layering approval are not eligible for Project-Based Voucher assistance. See 24 CFR 983.52(d), 24 CFR 983.152(d).
6. If New Construction or Substantial Rehabilitation: Proposed Development Methods and Strategy: Provide a narrative description of the applicant's methods and strategy to develop this new construction or substantial rehabilitation project. Illustrate this approach with descriptions of at least three such developments in which the proposer participated, including one well established development and one recently completed development.

Tab 3 Management Capability:

The Applicant shall submit the following information regarding its qualifications:

1. Organizational Structure and Staffing. Provide a detailed description of the organizational structure and staffing of the applicant and the project. List the members of the applicant's team; indicate their areas of specialization and specific contribution to the team. Provide a brief description of previous collaboration among the members of the applicant's team. Additionally, for each discipline represented on the applicant's team, indicate if familiarity with federal, state, or local rules, practices or conditions is important to the effective accomplishment of the development and, if so, indicate the extent of and basis for the team's familiarity.
2. Profile of Principals and Key Staff. Provide profiles of the principals and key staff to be involved in the development effort. This information should specify their roles, their existing time commitments, their previous similar development experience, and whether the staff will be locally based. Identify the individual who will serve as the project manager and who will direct and coordinate the development project to completion.
3. Termination. Indicate whether the applicant or any applicant team member has been terminated from a contract, and if so, describe the circumstances and outcome.
4. Litigation. Indicate whether the applicant or any applicant team member has ever sued or been sued by a public agency, and if so, describe the circumstances and outcome.

5. Previous Housing Development Experience. Provide information on all residential (rental or homeownership) development projects in which the applicant has participated. This information should list the location, size, ownership type, public programs utilized, income levels served (very low, moderate, market rate, or mixed), type of development (high, mid, or low-rise, walk-ups, townhouses, etc.), extent of community and/or resident participation, extent and nature of resident services programs, and development cost.
6. Capacity. Applicant shall certify that the applicant and all team members are available to start immediately. The applicant should describe any existing time commitments of the proposed team members or their proposed staff that would impair the applicant's ability to proceed expeditiously.
7. References. Provide the name, mailing address and telephone number of two community partner references, two housing authority references (if the developer has housing authority experience and if not, provide 2 others), two tax credit investor references, and at least one housing finance agency reference.
8. Utilization of Minority and Women Business Enterprises. Describe the applicant's approach and process to promote minority-owned, women-owned business enterprise and Section 3 business participation in the development effort. The applicant must comply with the requirements set forth in Attachment B. The requirements set forth in Attachment B must be addressed in the applicant's response to this procurement.
9. Understanding Local Requirements. Demonstrate that the applicant possesses an understanding of local requirements and procedures that will enable the effort to be efficiently completed.
10. Financial Responsibility. Provide current financial statements consisting of an audit of the applicant prepared by a Certified Public Accountant.

Applicants may submit as much information as necessary to prove the above. The rating of the applicant and the applicant's company and staff, for technical merit or threshold compliance will include any agents, consultants, and members of boards of directors.

The proof submitted may take a variety of forms including experience statements, resumes of staff in key management positions, operating and maintenance procedures, staffing patterns, etc.

Please remember that only those applicants determined by JHC to have management capability will be selected for participation.

Tab 4

Other Submission Requirements:

In addition to the above, the applicant must submit the following certifications:

- a. Non-Collusive Affidavit and Certificate of Non-Organizational Conflict of Interest (enclosed)
- b. Certification of Applicant Regarding Debarment, Suspension, and Other Responsibility Matters (enclosed)
- c. Certification Regarding Lobbying (enclosed)

Part IX. Scoring Criteria for Construction of Units

1. **Rating Panels.** To review and rate applications, JHC will establish a rating panel or contract with an independent third party (or HUD) to conduct the scoring. This panel may include persons not currently employed by JHC.
2. **Threshold Requirements.** JHC or the independent third-party evaluator will review each application to determine whether it meets all the threshold requirements. If the application does not meet the threshold requirements, it will not be rated or ranked.
3. **Rating.** JHC or the independent third-party evaluator will evaluate and rate all applications for assistance that meet the threshold requirements according to the rating factors below. The rating of the applications for technical merit or threshold compliance will include any owners, employees, agents, consultants, and members of boards of directors.
4. **Ranking.** JHC or the independent third-party evaluator will rank all applicants who meet the threshold requirements by assigning points to each of the rating criteria requirements. Ranking will be given with those applicants by points assigned.
5. **Negotiations.** Negotiations shall be conducted with applicants who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the factors as specified in the RFP. Such applicants shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to and advise applicants of the deficiencies in both the technical and price aspects of their proposals to assure full understanding of and conformance to the solicitation requirements. No applicant shall be provided information about any other applicant's proposal, and no applicant shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations.
6. **Award.** After evaluation of proposal revisions, if any, the contract shall be awarded to the responsible firm(s) whose qualification, price and other factors considered,

are the most advantageous to JHC. Within ten (10) business days of JHC making the selection, JHC will notify the selected applicant in writing of the applicant's selection for the PBV program under this RFP. JHC will also notify in writing all applicants who submitted applications that were not selected and advise such owners of the name of the selected owner.

- 7. **Right to Award No or Multiple Contracts.** JHC reserves the right to award no contracts or multiple contracts under this procurement as deemed to be in the best interest of JHC.
- 8. **Factors For Award Used to Evaluate and Rate Applications.** The points awarded for the base rating factors total [100).

Criteria	Points
Property Requirements	
1. Extent to which proposed development or existing development will further JHC goal of deconcentrating poverty and expanding housing and economic opportunities in the Area of Operation	[20]
2. Extent to which services will be provided on site or in the immediate area, including social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services	[20]
3. The application for project-based assistance must provide a schedule of buildings indicating that the units proposed for participation in the project-based program are either (a) equal to or less than the greater of 25 units or 25 percent of the units in any one building, (b) excepted units in a multifamily building because they are specifically made available for elderly families or families eligible to receive supportive services (also known as qualifying families), (c) the unit(s) are in a single-family dwelling, defined as 1–4 family dwellings per building, or (d) the proposed project will be for families and will provide resident services for all residents. In the case of rehabilitated and newly constructed housing as set forth in the Admin Plan, projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities, or families needing other services, JHC will rate partially assisted projects on the percentage of units assisted. Projects with the lowest percentage of assisted units will receive the highest score.	[20]
Management and Financial Capability	
1. The applicant has adequate experience and capability to build new construction or substantially rehabilitated housing and meet the requirements of this RFP, or the applicant's existing housing meets the requirements of this RFP. If new construction or substantial rehab, please provide project description including the financing, start and completion date, timing, partners and any obstacles	[20]

faced with solution. Also if construction is required indicate if the closing will occur within the next 3-6 months.	
2. Proposed building(s) must be financially feasible and operationally viable, as demonstrated by submission of development and operating proformas	[20]

Part X. Application Forms Enclosed

1. Application Form and Schedule of Buildings Proposed for Assistance;
2. Certification of Previous Compliance with Fair Housing and Civil Rights Laws;
3. Certification of Eligibility for Participation in Federal and JHC Programs;
4. Non-Collusive Affidavit and Certificate of Non-Organizational Conflict of Interest;
5. Certification of Applicant Regarding Debarment, Suspension, and Other Responsibility Matters; and
6. Certification Regarding Lobbying.
7. HUD Form 50156 (See separate Excel spreadsheet)

APPLICATION FORM AND SCHEDULE OF BUILDINGS PROPOSED FOR ASSISTANCE

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

1. OWNERSHIP

A. Property Owner: _____

Entity Type: _____

Mailing Address: _____

Telephone: _____

B. Site Control

(Please check the appropriate response and attach one of the following documents as evidence of site control).

_____ Deed _____ Contract of Sale _____ Option to Purchase

_____ Pre-Lease Agreement _____ Long-term Lease Agreement

Property Address: _____

C. Does the proposed new construction or substantial rehabilitation comply with local zoning and building codes?

Yes _____ No _____ If no, please explain:

2. BUILDING CHARACTERISTICS

If the submission includes more than one building, complete this section for each.

Type of Building: _____

Number of Stories: _____

Available Parking: _____ Off-Street _____ On-Street _____

Total number of units: _____

Units Proposed by Applicant to Receive Project Based Assistance:

1-Bedroom _____

2-Bedroom _____

3-Bedroom _____

4-Bedroom _____

Other (describe) _____

Amenities and Services:

Total Number of Units in Building to Receive Project Based Assistance: _____

If no, are the Units:

(a) Excepted units in a multifamily building because they are specifically made available for elderly or disabled families or families receiving supportive services (also known as qualifying families)? _____ If yes, please explain the type of excepted unit and how many such excepted units? _____

(b) Located in a single-family dwelling (defined as 1–4 family dwellings per building)? _____

3. GENERAL LIVING QUALITY

Please provide detailed information about proximity to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services, either on site or off-site, including those that may be geared toward elderly or family residents.

[Remainder of page intentionally left blank.]

CERTIFICATION OF PREVIOUS COMPLIANCE WITH FAIR HOUSING AND CIVIL RIGHTS LAWS ASSISTANCE

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

This is to certify that the above-named property owner, its directors, and employees are in full compliance with all Fair Housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a).

The above-named property owner, its directors, and employees also understand that they will not be eligible for consideration as an applicant for assistance for existing units under the PBV program if any one of the following is true —

- Has been charged with a systemic violation of the Fair Housing Act by HUD alleging ongoing discrimination;
- Is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
- Has received a letter of noncompliance findings under Title VI, Section 504, or Section 109.

Additionally, the above-named property owner, its directors, and employees also understand that JHC will not rate and rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of JHC before the application deadline stated in the Request for Applications or Qualifications for Assistance Under the Section 8 Project-Based Voucher Program for Substantial Rehabilitation or New Construction Housing Units. JHC's decision regarding whether a charge, lawsuit, or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT.

Signature

Name of Owner or Authorized Agent

Date

CERTIFICATION OF ELIGIBILITY FOR PARTICIPATION IN FEDERAL AND JHC PROGRAMS

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

This is to certify that the above-named property owner, its directors, and employees have not had participation in Federal programs limited; have not been debarred from participation in Federal programs; have not been charged with fraud or abuse of a Section 8 program; is not a defendant in a fraud or abuse lawsuit filed by the Department of Justice, HUD or the JHC alleging fraud or abuse; or have not received a letter from the Department of Justice, HUD or the JHC alleging fraud or abuse in any Federally-funded program, and that the occurrence of such would render the property owner, its directors, and employees ineligible for consideration as an applicant for assistance for existing units under the PBV program.

Additionally, it is understood that the JHC will not rate and rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the JHC before the application deadline stated in the Request for Applications or Qualifications for Assistance Under the Section 8 Project-Based Voucher Program for Substantial Rehabilitation or New Construction Housing Units. The JHC's decision regarding whether a charge, lawsuit, or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of fraud or abuse in the policies or practices involved in the charge, lawsuit, or letter of findings.

Definition of Fraud and/or Program Abuse

"Fraud" and "abuse" mean a single act or pattern of actions made with the intent to deceive or mislead, constituting a false statement, omission, or concealment of a substantive fact. Fraud and abuse result in the payment of housing choice voucher program funds in violation of program requirements.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT.

Signature

Name of Owner or Authorized Agent

Date

NON-COLLUSIVE AFFIDAVIT

State of: _____) s.s.

County of: _____)

_____ being first duly sworn, deposes and says:

That he/she is _____ the party making the foregoing bid or proposal, that such bid or proposal is genuine and not collusive or sham; that said vendor has not colluded, conspired, connived, or agreed, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the proposal price or affiant of any other vendor, or to fix any overhead, profit or cost element of said proposal price, or of that of any other vendor, or to secure any advantage against the Housing Authority of the County of El Paso or any person interested in the proposed contract; and that all statements in said proposal or proposal are true.

Signature of:

Applicant, if the vendor is an individual

Partner, if the vendor is a Partnership

Officer, if the vendor is a Corporation

Subscribed and sworn to before me this _____ day of _____

MY COMMISSION EXPIRES _____, 20__

CERTIFICATE OF NON-ORGANIZATIONAL CONFLICT OF INTEREST

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

The applicant 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 applicant's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the applicant; or,
- (b) Impair the applicant'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.

Signature

Name of Owner or Authorized Agent

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS**

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

1. The applicant certifies that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with the commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
2. Where the applicant is unable to certify any of the statements in this certification, he or she shall attach an explanation to this application.

As the authorized certifying official, I hereby certify that the above-specified certifications are true.

Signature

Name of Owner or Authorized Agent

Date

CERTIFICATION REGARDING LOBBYING

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

The applicant and its principals certify that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, or any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than 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 in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclosure accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

Signature

Name of Owner or Authorized Agent

Date