

# GLENS FALLS HOUSING AUTHORITY

## GLENS FALLS HOUSING AUTHORITY: REQUEST FOR PROPOSALS (RFP) TO SELECT A DEVELOPMENT PARTNER

The Glens Falls Housing Authority (GFHA) is seeking proposals from qualified responsible parties to serve as Development Partner on a future Multi-Family Housing Development Project(s), in partnership with GFHA. Future Multi-Family Housing Development Project(s) will be determined in collaboration between GFHA and the selected Development Partner but will likely include the financial restructuring and rehabilitation of existing GFHA public housing facilities in Warren and Washington Counties, and possibly a RAD Conversion. One project requires substantial rehabilitation or possible replacement.

Each party that submits a response to this RFP is referred to herein as a “Respondent.” A Respondent who is conditionally designated through this RFP process is referred to herein as a “Designated Development Partner.”

GFHA reserves the right to cancel this RFP or to reject, in whole or in part, any or all Proposals received in response to this RFP, upon its determination that such cancellations or rejections are in the best interest of GFHA.

GFHA is an Equal Opportunity Employer and does not discriminate based on race, color, national origin, sex, religion, age, disability, or familial status in employment or the provision of services. GFHA solicits and encourages the participation of Minority and Women Owned Businesses.

A restricted period under this RFP is currently in effect and will remain in effect until a Designated Development Partner is selected, or the RFP is canceled. Responders may not make any uninvited contact with GFHA Board of Commissioners, employees or residents. All communications with GFHA shall be in writing to the designated contact, with an exception should a Responder be invited to interview with GFHA.

All expenses incurred by Responders in the preparation and submission of Proposals in response to this RFP are the sole responsibility of the Responders.

RFP ISSUED Date: **September 26, 2018**

PROPOSAL DUE DATE & TIME: **On or before 4:00 PM EST on October 25, 2018**

Designated Contact for the Request for Proposals:

- Robert J. Landry, Executive Director, Glens Falls Housing Authority  
Mailing Address: 23 Jay Street – Stichman Towers, Glens Falls, New York 12801  
Email: [robertjlandry@glensfallshousingauthority.org](mailto:robertjlandry@glensfallshousingauthority.org)

For more information on the Glens Falls Housing Authority visit [www.glensfallshousingauthority.com](http://www.glensfallshousingauthority.com)

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## INTRODUCTION

This RFP has been issued by the Glens Falls Housing Authority (GFHA) to improve and possibly expand affordable housing options for families, senior citizens and persons with special needs in Warren and Washington Counties, NY. GFHA is developing a plan to rehabilitate and restructure its portfolio, and possibly demolish and replace one existing multi-family public housing development under its control and management. To implement and complete this plan, GFHA anticipates a multi-phase, multi-source financing, and possibly a RAD Conversion. As part of the plan, GFHA seeks a Development Partner with demonstrated and successful experience in mixed-finance rehabilitation and restructuring of affordable multi-family housing. GFHA will enter into negotiations with the highest ranked Respondent, which is expected to result in the execution of an agreement(s) between GFHA, or its affiliate, and the selected Development Partner.

GFHA was organized under the laws of the State of New York in 1966 to provide safe, affordable and quality housing for senior citizens, low-income families and persons with disabilities, at rents which persons of low-income can afford in areas where there exists a shortage. GFHA is a public corporation, legally separate, fiscally independent, and governed by a Board of Commissioners. GFHA has entered into annual contributions contracts with the U.S. Department of Housing and Urban Development (HUD) to be the Administrator of a Public Housing Program.

GFHA has 306 housing units of Low Income Public Housing under management. GFHA also manages 703 HUD Section 8 Housing Choice Vouchers (HCV), 64 VASH Vouchers and 44 Shelter Plus Care vouchers.

GFHA operates the following:

- **Stichman Towers**, Glens Falls, NY, Warren County: 81 one-bedroom age restricted, independent senior apartments completed in 1971;
- **Cronin High Rise**, Glens Falls, NY, Warren County: 100 one-bedroom age restricted, independent senior apartments completed in 1981;
- **Earl Towers**, Village of Hudson Falls, Washington County: 75 one-bedroom age restricted, independent senior apartments completed in 1984;
- **Larose Garden Apartments**, Glens Falls, Warren County: 50 one, two and three-bedroom apartments – family housing, with rental subsidy available for qualified individuals and families completed in 1967; and
- Federally funded Housing Choice Voucher rental subsidy and First Time Homeowners programs. These programs assist low-income individuals and families with rental assistance and first-time homeownership throughout Warren County, the Village of Hudson Falls (Washington County) and the Village of South Glens Falls (Saratoga County). Currently, 633 families and/or individuals are served by these programs.

GFHA intends to serve as Co-Developer for all projects. All activities, endeavors, initiatives, and actions undertaken because of an award of this RFP are hereinafter understood and incorporated by reference, to be in partnership with the GFHA, it's entities, instrumentalities and/or affiliates, and is subject to

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GFHA final prior approval. If a contract is awarded, it will be awarded to the responsible Responder whose qualifications, fees, terms/conditions and other factors are deemed most advantageous to the GFHA. Additional requirements or restrictions imposed by lender, investor, HUD, NYS HCR and other governmental entities will also be considered in rendering a decision.

## RFP TIMELINE

The following table lists important dates under the RFP process:

- |   |   |
|---|---|
| 1. RFP Release Date:                          | <b>September 26, 2018</b>                         |
| 2. Site Tour (Optional):                      | <b>October 10, 2018</b>                           |
| 3. Deadline for submission of Questions:      | <b>October 15, 2018</b>                           |
| 4. Deadline for GFHA to Respond to Questions: | <b>October 18, 2018</b>                           |
| 5. Submission of Proposals:                   | <b>October 25, 2018 (on or before 4:00pm EST)</b> |
| 6. Interviews (if necessary):                 | <b>November 7 &amp; 8, 2018</b>                   |
| 7. Anticipated Decision Date:                 | <b>November 20, 2018</b>                          |

## DEVELOPMENT OBJECTIVES

GFHA is in the early stages of planning several projects to upgrade its existing portfolio with moderate rehabilitation to extend useful life by 50-years or more and undertake a substantial redevelopment of one existing facility. The substantial redevelopment project may require the development of a new project on a nearby site to accommodate the relocation of a fully occupied 50-unit family project to permit demolition and replacement housing at the current site.

The moderate rehabilitation projects will be with tenants-in-place and include unit upgrades (kitchens and baths), site improvements, common area improvements, possible replacement of windows and other energy efficiency upgrades to improve heating, ventilation, and reduction of electricity and water use, improvement and possible replacement of mechanical and building systems and security systems.

Each project will require seeking outside sources of capital using mixed finance methods and securing the required United States Department of Housing and Urban Development (“HUD”) approvals. Financing is likely to include federal Low-Income Housing Tax Credits, and/or tax-exempt bonds in conjunction with Low-Income Housing Tax Credits and may involve a RAD Conversion.

The control, operations and management of all existing GFHA facilities shall remain under the control and management of GFHA or its affiliate during and after all development activities.

NOTE: We include the option of a site tour as part of the RFP process, but taking the tour is not a requirement for a Respondent. Nor is the Respondent expected to provide GFHA with a proposed scope of work for the properties, as that work will be done in the future together with GFHA once a Development Partner is selected. The site tour option is simply provided for those

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responders who want to be more familiar with the portfolio of properties we operate. More information about the site tour is provided in the section below on RFP Inquiries and Site Tour.

## REQUIRED PROPOSAL CONTENTS & SUBMISSION INSTRUCTIONS

### REQUIRED PROPOSAL CONTENTS

NOTE: Please provide responses that are in conformance with these instructions. We are looking for responses that are clear and comprehensive but also brief and to the point.

- 1. Qualifications, Experience and Capacity of the Respondent Team:** In a narrative, describe similar successful multi-family affordable housing projects developed with complex financing structures that resulted in positive outcomes for the residents and local community or neighborhood. Include information about the partnership and development team members, the financing including any government issued tax credits, private activity bonds or loans, investors, rent structure and rental assistance if applicable, development schedule, supportive services if any, design considerations including energy efficiency plans, community outreach and participation efforts, M/WBE participation, achievement of HUD Section 3 participation goals if applicable and any other relevant information. Include at least one demolition/replacement project and at least one tenant-in-place moderate rehabilitation project with a brief description of the rehab scope of work.

Describe any previous collaboration on other similar projects with Public Housing Authorities that were successfully completed by any one or all members of the Respondent Team. If the Respondent has never collaborated with a Public Housing Authority, then describe at least one collaboration with a development partner, either a nonprofit or for-profit entity. Describe any previous collaboration projects with a Public Housing Authority that were planned but did not proceed to completion and explain the reasons the project did not proceed.

All entities that comprise the Respondent Team are to be identified, indicating their specialization(s) and specific contributions to the team. Please include the following:

- a. A team leader and main contact person for the RFP should be clearly identified including all contact information.
- b. Provide resumes or detailed biographies of all team members with a description of the responsibilities they will be required to perform.
- c. Identify team members who are NYS Certified Minority or Women Business Enterprises.
- d. Submit information indicating where, and to what extent M/WBE Participation will be used.
- e. If Respondent has external members on their team, and a preference or prerequisite they be designated as part of the development team, such as engineers, architects or design professionals, legal counsel, investors or others, they should be identified, and their relevant experience and credentials provided. It should be noted if their participation is a preference or a prerequisite.

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- f. If helpful, submit an organization chart showing all the individuals that will be assigned to work under this project.
- g. Provide a 2017 financial statement for the Respondent entity or the principals of the Respondent, or for the Respondent's most recent fiscal year, prepared by a Certified Public Accountant. If the Respondent consists of multiple entities, then provide one recent financial statement for each entity, or the principals of each entity. This financial statement should demonstrate the financial capacity of the Respondent for executing all applicable project guarantees for a typical tax credit or tax-exempt bond financed project. Financial statements may be submitted in a separate, sealed envelope (one copy only) marked "Financial Statements - Confidential."
- h. Respondents must submit at least three references including contact information, relevant to the scope of work anticipated in this RFP.

Note: Successful experience in the development of similar projects to the one proposed for this RFP, together with the financial capacity to complete projects under this RFP will be favored. Experience in housing development efforts with resident and community participation will be favored.

2. **Role of Development Partner/Proposed Ownership & Fee Structure:** The respondent shall provide a narrative describing the proposed structure and relationship between the Respondent and GFHA with respect to ownership and development activities, including project planning, design, financing and construction activities related to the implementation of the plan and delivery of the new or rehabilitated housing units to a new ownership entity in which GFHA and Respondent entity would share in the ownership interest, or alternatively, the Respondent might propose to provide development services in a turnkey arrangement.

Include in the narrative the proposed development fees and any other applicable fees the Respondent would expect to earn as part of any one transaction. Fees should be expressed as percentages of appropriate cost basis.

If Respondent has external members on their team, and a preference or prerequisite they be designated as part of the development team, such as engineers, architects or design professionals, legal counsel, or others, then report the fees to be charged by such team members as a percentage of appropriate cost basis.

The response should include a statement of the proposed terms and price to be paid to GFHA for a membership interest in the owner of the facility, unless a turnkey arrangement is proposed.

3. **Community Participation and Engagement:** Respondent should describe in detail how it would share information and inform about the project(s) throughout the planning and development process with GFHA residents and the community in general and receive and process community input.

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4. **Section 3 Participation Pursuant to Section 3 of the HUD Act of 1968:** If additional job training, employment, and other economic opportunities are generated by this initiative, then to the greatest extent feasible, these opportunities must be directed to low-income and very low-income persons. In addition to employment and training opportunities, Section 3 also seeks to benefit businesses owned by public housing residents and other low-income persons. The GFHA has a strong commitment to the Section 3 program policy. Respondents should describe how the project will accommodate HUD "Section 3" program requirements for the employment of and the utilization of businesses owned and operated by low-income persons.
  
5. **Required Certifications and Affidavits:**
  - a. Complete and submit the attached Disclosure of Lobbying Activities form for the Respondent entity or if applicable the principals of the Respondent entity.
  - b. Complete and submit the attached Certification of Payments to Influence Federal Transactions form for the Respondent entity or if applicable the principals of the Respondent entity.
  - c. Complete and submit the attached Non-Collusive Affidavit form for the Respondent entity or if applicable the principals of the Respondent entity.
  - d. On Respondent's letterhead, provide a letter signed by Respondent accepting and agreeing with the attached M/WBE Policy Statement and M/WBE Business Enterprise Participation Goals.

### SUBMISSION INSTRUCTIONS

Proposals in response to this RFP must be received by the Designated Contact at the office of the **Glens Falls Housing Authority, Stichman Towers, 23 Jay Street, Glens Falls, New York 12801**, no later than the due date/time of **4:00 p.m., October 25, 2018**. Late submissions will not be accepted. GFHA reserves the right to extend the date and time for Proposal submission at its discretion.

Responders must provide **one original and three print copies**, and **one digital copy on a flash drive**, of all required information in a submission marked "Glens Falls Housing Authority RFP".

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## SELECTION CRITERIA

All Proposals received will be date and time stamped and checked for completeness. Complete Proposals received by or before the deadline will be reviewed and scored in accordance with the weighted criteria provided below. GFHA shall establish a review committee to evaluate Proposals. When evaluating Proposals, the following selection criteria will be considered with the accompanying weightings used to calculate an overall Proposal score.

CRITERIA	BRIEF DESCRIPTION	WEIGHT
Respondent Experience & Qualifications	Previous experience developing multi-family affordable housing with demonstrated financial capacity. Previous experience involving layered financing including, but not limited to, Low-Income Housing Tax Credits. Experience with RAD conversions. Experience collaborating with Public Housing Authorities or other organizations.	40%
Proposed Role of Development Partner	The proposed structure and relationship between the Respondent and GFHA with respect to ownership and development activities, including project planning, design, financing, construction activities and other, plus the sharing of developer fees.	30%
Community Participation	Plan for community participation and engagement for this RFP and success of previous plans for past completed projects.	10%
Section 3 Participation	Plan for how the project will accommodate HUD Section 3 program requirements.	10%
M/WBE Participation	Past experience achieving M/WBE participation goals.	10%

## DUE DILIGENCE

GFHA will reject the proposal of any respondent who is debarred, suspended, or issued a Limited Denial of Participation by the U.S. Department of Housing and Urban Development and/or NYS Homes and Community Renewal (NYS Division of Housing and Community Renewal) from providing services to housing companies, and reserves the right to reject the proposal of any respondent who has previously failed to properly perform any contract for GFHA.

The determination of the criteria and review process as well as any selection decision shall be at the sole and absolute discretion of GFHA.

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## RFP INQUIRIES & SITE TOUR

This RFP will be broadly distributed to all interested parties. It will be posted on the GFHA website - [www.glensfallshousingauthority.com](http://www.glensfallshousingauthority.com). A notice will be posted in the Glens Falls Post Star and Chronicle newspapers. The RFP will be distributed to various public housing and affordable housing trade organizations, and it will be released to affordable housing developers in the Capital Region and to all persons and entities that inquire and request a copy of the RFP.

Questions and inquiries regarding this RFP may only be submitted in writing to the email address provided for the Designated Contact. All inquiries must be received no later than **October 15, 2018**. Answers will be provided as written addenda to this RFP and will be posted on the GFHA website, and available on file for inspection in the GFHA office. GFHA will endeavor to provide copies of all addenda to all potential Respondents to whom this RFP was emailed, but it will be the responsibility of each Respondent to check the GFHA website or make inquiry as to the existence and content of addenda, as the same shall become part of this RFP and all Respondents will be bound thereby, whether the addenda are received by the Respondent.

**Site tours** are not required but are an option available to interested parties who want to be more familiar with the properties prior to responding to this RFP.

Site tours of the GFHA properties will be held for all interested parties starting at **10:00 AM on October 10, 2018**. Please arrive promptly at the GFHA main office for the start of the tour – **Stichman Towers, 23 Jay Street, Glens Falls, NY 12801**.

## APPENDIX

The following forms, certifications and affidavits are attached.

- Disclosure of Lobbying Activities
- Certification of Payments to Influence Federal Transactions
- Non-Collusive Affidavit
- City of Glens Falls Housing Authority M/WBE Policy Statement



## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 4c	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

# Certification of Payments to Influence Federal Transactions

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

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to 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 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 an 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 sub recipients shall certify and disclose 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.

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 (mm/dd/yyyy)

NON-COLLUSIVE AFFIDAVITNon-Collusive Bidding Certification:

By submission of this bid proposal, the Bidder certifies that:

(a.) this bid or proposal has been independently arrived at without collusion with any other Bidder or with any competitor or potential competitor, (b.) this bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids or proposals for this project, to any other Bidder, competitor or potential competitor, (c.) no attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a bid or proposal, (d.) the person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the Bidder as well as to the person signing in its behalf, (e.) that attached hereto (if corporate Bidder) is a certified copy of resolution authorizing the execution of this certificate by the signatory of this bid or proposal on behalf of the corporate Bidder.

Resolved that \_\_\_\_\_ be authorized to sign and  
NAME of CORPORATION

submit this bid or proposal of this corporation for the following project:

\_\_\_\_\_  
DESCRIBE PROJECT

and to include in such bid or proposal the certificates as to non-collusion required by Section One Hundred Three-D of the General Municipal Law as the act and deed of such corporation and for any inaccuracies or misstatements, in such certificates this corporate Bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by \_\_\_\_\_

corporation at a meeting of its Board of Directors held on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_\_.

SEAL OF CORPORATION  
Secretary

# **City of Glens Falls Housing Authority**

## **M/WBE POLICY STATEMENT**

**It is the policy of the City of Glens Falls Housing Authority (GFHA) that Minority/Women Business Enterprises shall have the maximum opportunity to participate in the performance of contracts and purchases of supplies and/or services in federally funded assisted programs funded in whole or part by the Department of Housing and Urban Development (HUD).**

**A Minority/Women Business Enterprise (M/WBE) is defined as one which is at least 51% owned, controlled and actively operated by one or more persons who are classified as part of a racial or minority group or is a woman or group of women. These groups or individuals include, but are not limited to, persons who are citizens or lawful permanent residents of the United States and are Black, Hispanic, Asian Pacific or Native American.**

**To ensure that the M/WBE's are afforded the maximum opportunity to participate in Public Housing Programs funded by HUD, the GFHA has developed a M/WBE Program which establishes the objectives, assigns staff responsible for implementing the M/WBE Program and provides for maintenance of records and reports as required.**

## **APPENDIX I - Bid Specification**

### **Minority/Women Business Enterprise Participation**

#### **GOAL FOR M/WBE PROGRAM**

**It is the policy of the Federal Government that woman and minority business enterprises shall have the maximum feasible opportunity to participate in the performance of contracts performed under the Federal Public Housing Modernization Program.**

**The Contactor fully agrees to use best efforts to carry out this policy through award of contracts and sub-contracts to woman or minority business enterprises to the fullest extent, consistent with efficient performance of this contract. As used in this contract, the term "minority/women business" means a business at least 51% of which is owned and controlled by women or minority group members; or in the case of publicly-owned businesses, at least 51% of the stock of which is owned and controlled by women or minority group members. For this definition, minority group members are one or more socially or economically disadvantaged persons. Such persons included, but is not limited to: African Americans, Blacks, Puerto Ricans and Spanish speaking Americans, American Indians, Eskimos and Aleuts. The Minority ownership must exercise actual day-to-day management.**

**Each Contractor must fully comply with the requirements, terms and conditions of the U.S. HUD Minority/Women Business Enterprise requirements and the statement of HUD policy of April 14, 1981, including the goals established for woman/minority business participation during the performance of the contract. The Contractor commits himself / herself to the performance of positive efforts to achieve the goals for woman/minority participation contained therein and submitting a properly signed bid.**

**The Contractor will appoint a company executive to assume the responsibility for the implementation of such requirements, terms and conditions.**

**The prime Contractor agrees that he will make good faith efforts to subcontract at least 20% of the total value of this contract to minority/women**

**business(s) . For the purpose of this program , the term “ sub-contract” includes all agreements for construction , modification and service work and supplies contracted for by the prime Contractor in the prosecution of the work under this contract Although it is not made a requirement herein for HUD approval of a contract that a contractor in fact meet or exceed these goals in its contracting , the Contractor shall be required to objectively demonstrate to the grantee prior to contract approval and also during contract performance that he has exerted positive efforts to meet these goals . Notwithstanding the fact that a Contactor may have the capability to complete the total project with his own workforce and without the use of sub-contractors, each contractor will still be required to take positive efforts to sub-contract to woman or minority firms a share of the work consistent with the goals. These requirements are also applicable to bidders who are themselves women/minority owned enterprises.**

### **AGE STUDIES, SURVEYS and REPORTS**

- (1) The Contractor shall cooperate with the grantee in studies and surveys of the Contractor’s minority/women business procedures and practices.**
- (2) The Contractor shall maintain records showing (a) awards to minority/women businesses; and (b) specific efforts to identify and award subcontracts to minority/women businesses.**
- (3) The Contractor shall submit periodic reports of sub-contracting to known minority/women businesses in such form and manner and at such time (not more often than quarterly) as the grantee may prescribe.**

### **SPECIFIC GOOD FAITH EFFORTS**

**The Contractor shall be deemed to be in compliance with the requirements, terms and conditions of the HUD Minority/Women Business Enterprise Policy and Program and constitutes a commitment that he will make every good faith effort to meet such goals. No Contractor shall be found to be in non-compliance solely on account of the Contractor’s failure to meet these goals. However, he/she shall be given the opportunity to objectively demonstrate to the grantee that he has instituted all the specific affirmative action steps specified in the HUD M/WBE Policy and Program and made every effort to make these steps work toward the attainment of his designated goals of allowing woman/minority business enterprises maximum feasible opportunity to participate in sub-contracting and sub-agreements under this HUD funded project.**

## **CONTRACTOR NON-COMPLIANCE**

**Contractors who fail to achieve their commitments to the goals for minority/women business participation must have engaged in affirmative participation, which is supported by documentation at least as extensive as the following:**

- (1) Documentation of efforts to extend opportunities to M/WBE's such as advertisement in woman/minority trade association newsletters and woman/minority owned media, no less than fifteen (15) days before the M/WBE responses are due for specific sub-contacting that would be anticipated to result at least in a degree of M/WBE participation equal to the percentage goal for M/WBE utilization specified for the contract.**
- (2) Documentation showing that the work to be sub-contracted was segmented to the extent consistent with the size and capability of minority and women owned firms in order to provide reasonable sub-contracting opportunities.**
- (3) Copies of solicitation letters inviting quotes or proposals from minority and women business enterprises, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes, or proposals are solicited from minority/women firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portion of the work for which quotes, or proposals are desired are not acceptable, as such letters generally do not bring responses. Such letters will be sent in a timely manner to allow minority/women firms sufficient opportunity to develop quotes or proposals for the work described. In general, such solicitation letter should be postmarked no later than fifteen days before the M/WBE responses are due.**
- (4) Documentation of good faith negotiations with these M/WBE's from whom responses were received to reach a mutually acceptable price. Where the M/WBE participation was unsuccessful due to failure to agree on a price, the bidder must document that the sub-contractor selected for the work segment was the owner of the M/WBE and that the work segment so contracted was the same work segment under negotiations with the M/WBE and not a reduced portion thereof.**

**The forgoing documentation should not be provided on or as an addition to Form attached hereto.**