



## **REQUEST FOR PROPOSALS**

### **ROLLING AWARD OF PROJECT BASED VOUCHERS IN SUPPORT OF BUCKEYE-WOODHILL CHOICE NEIGHBORHOODS IMPLEMENTATION GRANT**

**SOLICITATION NO.: 40-320-22**

PROPOSALS DUE:  
FRIDAY, MARCH 31, 2023  
AT 10:00 A.M. ET

JEFFERY K. PATTERSON  
CHIEF EXECUTIVE OFFICER

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**REQUIRED SUBMISSIONS**

(Must be completed and returned with proposal)

<b>SUBMISSION TAB</b>	<b>FORM</b>	<b>DESCRIPTION</b>
1	[none]	Description of proposed services
2	[none]	Description of contractor experience
3	PD-1	Contractor Information
	PD-2	Non-Collusive Affidavit
	PD-3	Conflict of Interest Vendor Questionnaire and Verification
	HUD 2992	Certification Regarding Debarment and Suspension
	HUD 5369-C	Certifications and Representations of Offerors (Non-Construction Contract)
	HUD 50070	Certification for a Drug-Free Workplace
	HUD 92010	Equal Employment Opportunity Certification
	IRS W-9	Request for Taxpayer Identification Number and Certification
	DEI-1	ACE Program Acknowledgement
	DEI-2	MBE/WBE/ACE Subcontracting Plan
DEI-3	ACE Worker Participation Plan	
4	[none]	Proof of: workers' compensation coverage and employer's, general, and auto liability insurance
	[none]	City of Cleveland certificate of registration
5	[none]	Schedule of Fees ( <i>Vendor's form; No CMHA form provided</i> )
6	[none]	Commitment Letters
7	[none]	Legal Factors

**EXHIBITS**

(Informational only; Not to be returned to CMHA but should be reviewed by respondent)

<b>EXHIBIT</b>	
1	PBV HAP Contract – New Construction or Rehab (HUD Form 52530A) and Existing Housing (HUD Form 52530B)
2	HUD 5369-B: Instructions to Offerors (Non-Construction)
3	HUD 5370-C, Section II: General Conditions for Non-Construction Contracts
4	Conflict of Interest Policy and Procedures
5	Sample of Insurance Certificates and Policy Endorsements
6	Housing Choice Voucher Program Payment Standards for Fiscal Year 2022 (Effective 3/16/2022) ( <a href="https://www.cmha.net/hcvp/rentdetermination">https://www.cmha.net/hcvp/rentdetermination</a> )

**INTRODUCTION**

The Cuyahoga Metropolitan Housing Authority (hereinafter, "CMHA" or "the Authority") was created by the Ohio State Board of Housing in May 1933. CMHA's jurisdiction includes all of Cuyahoga County, with the exception of Chagrin Falls Township. The administrative office is located at 8120 Kinsman Road, in Cleveland, Ohio. There are approximately 38 site offices.

CMHA is a body corporate and politic organized under Chapter 3735 of the Ohio Revised Code, and is federally subsidized, by the U.S. Department of Housing and Urban Development (HUD), to provide decent, safe, sanitary and affordable housing to low and moderate income families. It is regulated by the Housing Act of 1937 as amended, regulations promulgated pursuant thereto, as well as Chapter 3735 of the Ohio Revised Code.

**RFP INFORMATION AT A GLANCE**

CMHA Contracting Officer	Patrick Gilbert, Procurement Coordinator <a href="mailto:gilbertp@cmha.net">gilbertp@cmha.net</a>
Pre-Proposal Conference	N/A
How to fully respond to this RFP by submitting a proposal	As instructed within Section 6 of the RFP document, Respondent must submit one hard copy original proposal and a copy on a thumb/USB drive.
Proposal submittal return and deadline	Hard copy proposals with USB version must be submitted to, and date-stamped by, CMHA no later than <b>Friday, March 31, 2023 at 10:00 a.m. ET</b> . Respondents must submit proposals to:  Cuyahoga Metropolitan Housing Authority 8120 Kinsman Road Cleveland, Ohio 44104
Questions to be received/addendum posted	Questions will be received in writing no later <b>Wednesday, March 15, 2023 at 5:00 P.M. ET</b> via email at <a href="mailto:gilbertp@cmha.net">gilbertp@cmha.net</a> .

Responses to all questions will be posted as an addendum and posted to CMHA's website at <https://www.cmha.net/business/index>

## **1. GENERAL TERMS AND CONDITIONS**

**1.1 Definitions.** For purposes of this RFP, the following definitions apply:

**1.1.1** "CMHA" means the Cuyahoga Metropolitan Housing Authority.

**1.1.2** "HUD" means the United States Department of Housing and Urban Development.

**1.1.3** "Respondent" means a firm submitting a response to this RFP.

**1.1.4** "RFP" means this Request for Proposal.

**1.1.5** "Selected Contractor" means the firm selected by CMHA to provide the goods and/or services sought by this RFP.

**1.2 Purchasing Contracting Officer.** The Procurement Coordinator, identified below, is the sole point of contact regarding this RFP from the date of issuance until selection of the Selected Contractor.

Patrick Gilbert, Procurement Coordinator  
Cuyahoga Metropolitan Housing Authority  
Purchasing Department  
8120 Kinsman Road  
Cleveland, OH 44104  
Telephone: (216) 271-2956  
Email: [gilbertp@cmha.net](mailto:gilbertp@cmha.net)

**1.3 Questions, Clarifications, and Additional Information.** From the issue date of this RFP until announcement of the Selected Contractor, interested parties with questions or requiring additional information or clarification can only do so by contacting the Purchasing Contracting Officer. CMHA may disqualify firms if they contact any CMHA employee other than the Purchasing Contracting Officer regarding this RFP, except that firms may contact CMHA's ACE and MBE/WBE Coordinators for questions related to the ACE and/or Minority-Owned and Women-Owned Business Programs.

**1.3.1** Questions, requests for clarifications, or requests for additional information must be in writing and received by CMHA's Purchasing Contracting Officer no later than 5:00 p.m. on Friday, September 23, 2022. CMHA will not respond to verbal questions.

**1.3.2** If the question or request pertains to a specific section of the RFP, the Respondent must reference the relevant section number(s).

**1.3.3** If CMHA responds to the question or request, it will do so in writing on or before the proposal deadline. The response will be an addendum that will become part of the RFP and will be distributed to all firms that received this RFP.

**1.3.4** The prospective firm must acknowledge receipt of all such addenda in its proposal.

**1.3.5** CMHA assumes no responsibility for verbal representations made by its employees unless such representations are confirmed in writing via an addendum to this RFP.

**1.4 Amendment and/or Withdrawal of Proposals.** Respondents may amend or withdraw their proposals, by written request to the Purchasing Contract Officer, at any time before the proposal deadline.

**1.4.1** Respondent must sign and submit the amendment to CMHA, which must receive the amendment by the proposal deadline.

**1.4.2** CMHA will not accept e-mailed or faxed amendments.

**1.5 Right to Protest.** Any actual or prospective Respondent that is aggrieved in connection with this RFP or a resulting contract may send a written protest to CMHA's Director of Purchasing, 8120 Kinsman Road, Cleveland, Ohio 44104.

**1.5.1** For protests against a solicitation, the Director of Purchasing must receive the written protest at least one day before the due date for receipt of bids or proposals. CMHA will evaluate the Protest and will issue a written decision. CMHA may hold a conference to discuss the claim.

**1.5.2** For protests against a written determination must be sent to the Director of Purchasing within five days of such determination. CMHA will evaluate the Protest and issue a written decision. CMHA may hold a conference to discuss the claim.

**1.5.3** A Contractor wanting to protest a matter related to the performance of a contract must submit its written Protest to the Director of Purchasing, who will evaluate the matter and issue a written decision. CMHA may hold a conference to discuss the claim.

**1.5.4** The Director of Purchasing has authority to settle and resolve the protest before commencing any legal action.

**1.5.5** If the protest is not resolved by mutual agreement, the Director of Purchasing will promptly issue a written decision stating the reasons for CMHA's actions and informing the aggrieved Respondent of its right to administrative review provided in Paragraph 1.5.

**1.5.6** If a Respondent timely protests, CMHA will not award the contract unless it concludes, in writing, that it needs to protect its substantial interests by entering into the contract without delay.

**1.5.7** The Director of Purchasing's decision regarding the protest is final and conclusive unless fraudulent or unless an adversely-affected Respondent commences an action in court or appeals the decision to the CMHA Board of Commissioners.

**1.5.8** In addition to any other relief, when a protest is sustained and the aggrieved Respondent should have been awarded the contract under the solicitation but was not, then the aggrieved Respondent will be entitled to certain costs, including bid preparation costs, but excluding attorney's fees.

**1.6 Authority to Debar or Suspend from CMHA Purchasing.** CMHA's Chief Executive Officer or their designee may suspend, for cause, a Respondent from consideration for award of a contract. CMHA may do so after providing such Respondent with notice and a reasonable opportunity to respond. Such suspension cannot exceed three years. CMHA may likewise refer any matter to HUD where it believes there is probable cause for debarment. A suspension or debarment by HUD will result in a firm's immediate exclusion from participating in any CMHA or other government program. The authority to debar will be exercised in accordance with 24 C.F.R. Part 24. The suspension process will follow Paragraphs 1.5.1 through 1.5.3.

**1.7 Failure to Submit Proposal.** Recipients of this solicitation not responding with a proposal should not return this solicitation. Instead, they should advise the Purchasing Contracting Officer by letter or postcard whether they want to receive future solicitations for similar requests. Such recipients should also advise the Purchasing Contracting Officer the reason(s) for not submitting a proposal in response to the RFP. If a recipient does not submit an offer and does not notify the Purchasing Contracting Officer that notice of future solicitations are desired, CMHA may remove the recipient's name from the applicable mailing list.

**1.8 Sales Tax / Vendor's License.** CMHA is a political subdivision of the State of Ohio and therefore is exempt from state, local and federal taxes. If applicable, a vendor's license issued by the State of Ohio must be submitted with the proposal.

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## **2. CMHA'S RESERVATION OF RIGHTS**

**2.1** CMHA reserves the right to reject any proposal that does not meet this RFP's requirements, including incomplete proposals and/or proposals offering alternate or non-requested services, proposals deemed non-responsive, Respondents deemed not responsible, and conditional proposals.

**2.2** CMHA, at its sole discretion, may award one or more contracts to perform the services or a portion of the services outlined in Appendix A (Scope of Work). CMHA reserves the right not to award a contract pursuant to this RFP and instead issue subsequent RFPs, as may be in CMHA's best interest.

**2.3** CMHA reserves the right to terminate a contract awarded pursuant to this RFP at any time upon written notice to the Selected Contractor.

**2.4** CMHA reserves the right to require additional information from any Respondent to assist in its evaluation. The Respondent must submit the requested information, in the form required by CMHA, within two days of written request, or CMHA will deem the proposal non-responsive.

**2.5** If a Respondent requests to withdraw its proposal prior to the time set for opening of the proposals, then CMHA will not open or review it. If a Respondent requests to withdraw its proposal after CMHA has opened it, then CMHA will withdraw the proposal and remove it from consideration. All requests to withdraw proposals must be made in writing to CMHA.

**2.6** CMHA reserves the right to negotiate any fees.

**2.7** CMHA has no obligation to compensate any Respondent for any costs incurred in responding to this RFP.

**2.8** CMHA reserves the right to contact individuals, entities, or organizations that have had a business relationship with a Respondent regardless of their inclusion in the reference section of the proposal. This includes any previous business conducted with CMHA.

**2.9** CMHA will reject the proposal of any Respondent that is debarred by HUD and/or the State of Ohio from providing services to public housing authorities. CMHA reserves the right to reject the proposal of any Respondent that: has previously failed to perform a contract properly for any purchaser; failed to timely complete contracts of a similar nature; is found to not be in a position to perform the contract; or has neglected the payment of bills or otherwise disregarded obligations to CMHA, purchasers, sub-lenders, material providers, or employees.

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### **3. INSTRUCTIONS**

**3.1 Start Date:** TBD

**3.2 Allotted Time:** 20 year and an optional renewal for an additional 20 years.

**3.3** The Selected Contractor must comply with all applicable federal, state, and local laws, rules, regulations, ordinances, and codes and obtain any licenses or permits required to provide the services sought by this RFP.

**3.4 Liquidated Damages.** The Selected Contractor must recognize that time is of the essence and CMHA will suffer financial loss if the Selected Contractor does not complete the work within the time specified, including any extensions CMHA grants. If the Selected Contractor fails to perform the work within the specified time, the Selected Contractor agrees that as liquidated damages, and not as a penalty, for delay in performance the Selected Contractor will pay CMHA forty dollars for every calendar day that expires after the date set for completion where the work is not complete and ready for final payment.

**3.5 Term of Contract.** CMHA seeks to issue a contract for an initial term of twenty years plus an up to twenty year renewal for a total possible forty (40) year award, subject to the approval of CMHA's Board of Commissioners. But CMHA does not guarantee a contract as the result of a successful RFP.

**3.6 Costs.** The Respondent's proposed schedule of fees must be detailed, with a narrative, and labeled as "Schedule of Fees". The Respondent's proposed cost, while of secondary importance, will be considered along with other evaluation criteria in identifying the proposal that offers the best value to CMHA. The cost must be fair and reasonable.

**3.7 Pre-Proposal Conference.** Please see the "RFP Information at a Glance" chart at the beginning of this RFP for more information.

**3.8 Ohio Public Records Law.** All proposals submitted to CMHA are subject to Ohio public records laws, including Ohio Revised Code Section 149.43 and may be subject to disclosure to the public. Information in proposals and related submissions that might be deemed a trade secret or otherwise not subject to disclosure under Ohio public records laws must be clearly labeled as such by the Respondent. The Respondent must submit one copy of its proposal, redacted of all trade secrets and other information not subject to disclosure, in response to a public records request. Failure to do so may subject the entire contents of a proposal to disclosure under Ohio public records laws.

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## 4. DIVERSITY, EQUITY, AND INCLUSION IN CMHA CONTRACTING

**4.1 Minority- and Women-Owned Business Participation.** It is the policy of CMHA to ensure that Minority-Owned Business Enterprises (MBEs) and Women-Owned Business Enterprises (WBEs) have maximum opportunity to participate in CMHA contracting opportunities. To maximize MBE and WBE participation in CMHA contracting opportunities, CMHA will use its best efforts to secure 20% participation by MBEs and 10% by WBEs in all of CMHA's contracting and procurement expenditures. Respondents likewise must use their best efforts to ensure 20% participation by MBEs and 10% by WBEs in all subcontracts they execute.

**4.2 ACE Program Participation.** CMHA's ACE Program incorporates the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) regulated by the provisions of 24 C.F.R. Part 75, and CMHA's now defunct Project Area Resident (PAR) Program. The ACE Program ensures that employment and other economic opportunities are, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, directed to low- and very low-income persons (particularly those who receive government assistance for housing) and to businesses that provide economic opportunities to such persons. Pursuant to the ACE Program, Contractors and their subcontractors must use their best efforts to ensure that at least 25% of all labor hours associated with this contract are worked by ACE Workers and at least 5% are worked by Targeted ACE Workers. For purposes of this Section, "ACE Workers" and "Targeted ACE Workers" have the same meaning as "Section 3 Workers" and "Targeted Section 3 Workers", respectively, as defined by HUD at 24 C.F.R. §§ 75.5 and 75.11.

**4.3** Each Respondent must ensure all MBEs, WBEs, and ACE Businesses it proposes to use in the performance of the contract have been recognized by CMHA as MBE, WBE, and/or ACE Businesses by virtue of their inclusion in CMHA's MBE/WBE Directory or ACE Business Directory. If Respondent itself is an MBE, WBE, and/or ACE Business, it must likewise ensure it is listed in those Directories. For purposes of this Paragraph, "ACE Business" has the same meaning as "Section 3 business concern" as defined by HUD at 24 C.F.R. § 75.5.

**4.4** Proposals submitted in response to this solicitation must include a completed MBE/WBE/ACE Participation Plan (Form DEI-2) and ACE Worker Participation Plan (Form DEI-3) demonstrating Respondent's commitment to CMHA's MBE/WBE and ACE goals. **Any proposal that does not demonstrate how Respondent will fully comply with CMHA's MBE, WBE, and ACE Program goals may be deemed non-responsive by CMHA.**

**4.5** The foregoing descriptions about CMHA's MBE/WBE Program and ACE Program are only summaries. Respondents should review and familiarize themselves with those Programs. Respondents can direct their questions about the MBE/WBE Program to [MBE/WBE@cmha.net](mailto:MBE/WBE@cmha.net) or (216) 271-2674 or questions about the ACE Program to [ACE@cmha.net](mailto:ACE@cmha.net) or (216) 271-3247.

*[Remainder of page intentionally blank]*

## 5. PROPOSAL EVALUATION

CMHA will evaluate proposals received in response to this solicitation using the following evaluation process.

**5.1 Initial Evaluation for Responsiveness.** CMHA will first evaluate each proposal for responsiveness (e.g., meets the minimum of the published requirements). CMHA reserves the right to reject any proposals it deems not minimally responsive, including those responses that fail to demonstrate how Respondent will comply with CMHA’s MBE/WBE and ACE Program participation goals. Each proposal will be evaluated on the factors described in Section 5.3. CMHA intends to award a contract to the Respondent(s) with the highest-ranking scores and whose qualifications and fee proposals CMHA deems most advantageous to it.

**5.2 Evaluation Committee.** CMHA anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive proposals submitted in response to this RFP. No Respondent will be informed at any time during or after the RFP process as to the identity of any evaluation committee member. If a Respondent learns the identity of such person(s), they must not make any attempt to contact or discuss with such person anything related to this RFP. As detailed within Section 1 of this document, the Purchasing Contracting Officer is the only person at CMHA whom the Respondent can contact regarding this RFP. Failure to abide by this requirement may cause CMHA to eliminate such Respondent from consideration for award.

**5.3 Evaluation Criteria.** CMHA will award points for each evaluation criterion listed below, based upon the documentation that the Respondent submits in its proposal. CMHA will average the scores for each evaluation criterion, then combine the weighted average score to calculate an overall score.

### Threshold Requirements (Projects Must Meet These Requirements)

Threshold Requirements
<p><b>1. Accessibility Requirement (If Applicable)</b></p> <p>New construction projects or projects undergoing substantial rehabilitation will meet federal and state accessibility requirements if applicable. Existing housing projects that do not meet accessibility thresholds must provide an explanation of any plans to add accessibility features or the structural elements of the project that prevent additional accessibility.</p>
<p><b>2. Broadband Requirement (If Applicable)</b></p> <p>New construction projects or projects undergoing substantial rehabilitation of more than four units will include Broadband infrastructure. Existing housing projects that do not meet broadband thresholds must provide an explanation of any plans to add broadband infrastructure or the structural elements of the project that prevent the addition of broadband infrastructure. (This requirement does not include the provision of monthly internet service, only that the infrastructure is included for that service to be provided if desired).</p>

Evaluation Criteria	Points	Weighted Average
<p><b>1. Development Team Experience:</b></p> <p>The development team's experience will be thoroughly evaluated based on the proposal submission. Projects that will receive maximum points for this category will demonstrate an established history of multifamily development experience, a discussion of the company's background and organization, and the company's overall capacity to provide the services required throughout the scope of work.</p>	0-5	15%
<p><b>2. Neighborhood Amenities</b></p> <p>Per CNI goals, the proposed site will offer access to economic opportunities and public transportation and be accessible to social, recreational, educational, commercial, health facilities and services, and other municipal services and facilities. Amenities should be within a one-mile driving/walking distance of the proposed project location.</p>	0-5	10%
<p><b>3. Readiness to Proceed</b></p> <p>The proposed project will be evaluated based on where it is in the development process. Developments will receive points in the outlined manner:</p> <p>The proposed development is an existing construction with few capital needs and already meets Housing Quality Standards (HQS) <b>OR</b> The proposed development can demonstrate site control and the requisite amount of financing commitment and/or LIHTC allocation necessary to complete the project.</p> <p>The proposed development can only demonstrate site control.</p>	0-5	10%
<p><b>4. Project Location Preference</b></p> <p>The proposed project is located in a preferred Census tract (per CNI guidelines). Please use the following map to determine if the proposed project is located in a preferred Census tract:  <a href="https://cmha.maps.arcgis.com/apps/webappviewer/index.html?id=e290f2e325ef4a20b5e57c4be29725d2">https://cmha.maps.arcgis.com/apps/webappviewer/index.html?id=e290f2e325ef4a20b5e57c4be29725d2</a></p>	0-5	10%
<p><b>5. Costs/ Financial Feasibility</b></p> <p>The Respondent must provide a comprehensive Schedule of Fees. The proposed project is financially feasible based on its 20-year proforma, sources and uses, and financial commitments. The costs must be inclusive of all wage decisions and MBE/WBE and ACE Program requirements as described in this RFP.</p>	0-5	15%
<p><b>6. Mixed-Income Development Preference</b></p> <p>5- 20% or more of the total project units will be unsubsidized market rate units that target moderate to middle incomes or above.</p> <p>2- 10% or more of the total project units will be unsubsidized market rate units that target moderate to middle incomes or above.</p>	0-5	10%

<b>7. Energy Efficiency Preference</b> Maximum points will be awarded for New Construction or substantial rehabilitation developments which demonstrate Energy Efficient design and construction measures. Respondents who own existing developments should detail how their developments offer an Energy Efficient design or any energy conservation measures they have in place. Utilizing a green rating program like Enterprise Green Communities, National Green Building Standards, or LEED New Construction are the best way to meet these criteria.	0-5	10%
<b>8. MBE/WBE and ACE Business Participation</b> CMHA will give maximum consideration to those Respondents who demonstrate, through their submittal, a commitment to CMHA's MBE/WBE and ACE Program participation goals.	0-5	20%
<b>Total</b>		<b>100%</b>

**5.4 Scoring.** Committee members will award scores as follows:

Score	Standard	Description
5	Total Applicability	The proposal exceeds all the requirements of the RFP and specifications in a highly competent and superior manner.
4	Substantial Applicability	The proposal meets all the requirements of the RFP and specifications and, in some respects, exceeds them
3	Average Applicability	The proposal adequately meets most of the requirements of the RFP and specifications.
2	Limited Applicability	The proposal meets some of the requirements of the RFP and specifications but contains some deficiencies. The proposal accomplishes some, but not all of the purposes stated in the RFP and specifications
1	Minimum Responsiveness	The proposal scarcely meets the requirements of the RFP and contains many deficiencies. The required documentation is in many respects inadequate, methodologically unsound, or scarcely accomplishes the purpose stated in the RFP and specifications.
0	Non-Responsive	A zero value typically constitutes no response or an inability of the Respondent to meet the minimum requirements described in this RFP.

**5.5 Evaluation Method**

**5.5.1 Evaluation Packet for Proposals.** Internally, CMHA will prepare for each committee member an evaluation packet that will include the following:

**5.5.1.1** Instructions to committee members;

**5.5.1.2** Proposal tabulation form; and

**5.5.1.3** Copy of all relevant RFP documents.

**5.5.2 Evaluation.** The evaluation committee will evaluate the responsive proposals and award points for evaluation criteria 1-5 described above. Evaluation committee members will forward their completed evaluations to the Purchasing Contracting Officer.

**5.5.3 Potential “Competitive Range” or “Best and Final Negotiations”.**

CMHA reserves the right, as detailed within Paragraphs 7.2.N. through 7.2.R. of HUD Procurement Handbook 7460.8 REV 2, to conduct a “Best and Final” negotiation, which may include oral interviews with all Respondents deemed to be in the competitive range. Such interviews are at CMHA’s sole discretion.

**5.5.4 Determination of Top-Ranked Respondent(s).** The points awarded by the evaluation committee determine the final rankings. Contract negotiations may, at CMHA’s option, be conducted prior to or after the Board of Commissioner’s approval.

**5.5.5 Notice of Evaluation Results.** If an award is completed, all Respondents will receive by e-mail a Notice of Results of Evaluation. Such notice will inform all Respondents of:

**5.5.5.1** Which Respondent received the award and the contract price and

**5.5.5.2** Each Respondent’s right to a debriefing and to protest.

**5.5.6 Restrictions.** Those individuals with familial (including in-law) relationships, employment relationships (past or current), ownership interests, and/or contractual relationships with principals and/or employees of a Respondent will be excluded from participating in the evaluation committee.

*[Remainder of page intentionally blank]*

## 6. PROPOSAL FORMAT

**6.1 Tabbed Proposal Submittal.** CMHA intends to retain the successful Respondent pursuant to a "Best Value" basis, not a "Low Proposal" basis ("Best Value," in that CMHA will, as detailed within Section 5, consider factors other than just cost in awarding a contract). To allow CMHA to properly evaluate all proposals, they must be formatted as follows:

**6.1.1** Each category must be separated by numbered index dividers (which number extends so that each tab can be located without opening the proposal) and labeled with the corresponding tab reference noted in the table below.

**6.1.2** None of the proposed services may conflict with any requirement CMHA has published herein or has issued by addendum.

**6.1.3** CMHA prefers and recommends that the Respondent bind the proposal (e.g., using a 3-ring binder) such that CMHA can remove pages for copying then return the proposal to its original condition.

**6.1.4** The proposal must be signed by an official authorized to bind the Respondent and must contain a statement that the proposal is firm for 120 days from the proposal deadline.

Tab	Form/Subject	Description
1	Proposed Services	<p>Respondent should include the following information:</p> <ul style="list-style-type: none"> <li>• Company introduction, strategy, and deliverables</li> <li>• Respondent’s qualifications to provide the services</li> <li>• Description of Respondent’s background and current organization.</li> <li>• Contact person for both the RFP process and contract, including:               <ul style="list-style-type: none"> <li>○ Email Address</li> <li>○ Phone Number</li> <li>○ Mailing Address</li> </ul> </li> </ul> <p><b>A. Project Overview.</b> Include a brief overview of the project, the number of PBV units requested, targeted population to be served, and a brief description of the project completion schedule and development costs.</p> <p><b>B. Demographics.</b> Describe the scope, purpose, and need for the project. Describe the need for PBV assistance. Describe the general population the project will target including income level, household composition, and any special need.</p> <p><b>C. Organizational Capacity.</b> Provide a general description of your organization and its mission. Describe your experience in development and management of housing for the population you wish to serve including experience with the PBV program.</p>

		<p><b>D. Project Design.</b> Provide details of how this project is to be developed, owned, and managed once completed. The narrative should describe the ownership entity, the nature of any partnerships, the operational plan for this project and any additional funds that would be leveraged through the award of this project-based assistance and the sources of those funds. If supportive services are to be offered, please describe the plan for providing supportive services in this project.</p>
<p style="text-align: center;"><b>2</b></p>	<p><b>Section 5.3 Evaluation Factor No. 1</b></p>	<p>Respondent should include information about the following:</p> <p style="text-align: center;"><b>1. Development Team Experience:</b></p> <p>The development team’s experience will be thoroughly evaluated based on the proposal submission. Projects that will receive maximum points for this category will demonstrate an established history of multifamily development experience, a discussion of the company’s background and organization, and the company’s overall capacity to provide the services required throughout the scope of work.</p>
	<p><b>Section 5.3 Evaluation Factor No. 2</b></p>	<p>Respondent should include information about the following:</p> <p><b>Neighborhood Amenities and Threshold Requirements</b></p> <p>Per CNI goals, the proposed site will offer access to economic opportunities and public transportation and be accessible to social, recreational, educational, commercial, health facilities and services, and other municipal services and facilities. Amenities should be within a one-mile driving/walking distance of the proposed project location.</p> <p><b>Accessibility Requirement.</b> Please describe the following under this category:</p> <ul style="list-style-type: none"> <li>• Proposal shall describe how New Construction projects or projects undergoing substantial rehabilitation will meet federal and state accessibility requirements, if applicable. Projects that cannot meet this requirement will explain plans to do so in the future.</li> </ul> <p><b>***This will determine Threshold Requirement #1, Accessibility Requirement.</b></p> <p><b>Broadband Requirement.</b> Please describe the following under this category:</p> <ul style="list-style-type: none"> <li>• Proposal shall demonstrate how New Construction projects, or projects undergoing substantial rehabilitation of four units or more will include Broadband infrastructure.</li> </ul> <p><b>****This will determine Threshold Requirement #2, Broadband Requirement.</b></p>
	<p><b>Section 5.3 Evaluation Factor No. 3</b></p>	<p>Respondent should include information about the following:</p> <p style="text-align: center;"><b>Readiness to Proceed</b></p>



		<p>The proposed project will be evaluated based on where it is in the development process. Developments will receive points in the outlined manner:</p> <p>The proposed development is an existing construction with few capital needs and already meets Housing Quality Standards (HQS) <b>OR</b> The proposed development can demonstrate site control and the requisite amount of financing commitment and/or LIHTC allocation necessary to complete the project.</p> <p>The proposed development can only demonstrate site control.</p>
2	<b>Section 5.3 Evaluation Factor No. 4</b>	<p><b>Project Location Preference</b></p> <p>The proposed project is located in a preferred Census tract (per CNI guidelines). Please use the following map to determine if the proposed project is located in a preferred Census tract:  <a href="https://cmha.maps.arcgis.com/apps/webappviewer/index.html?id=e290f2e325ef4a20b5e57c4be29725d2">https://cmha.maps.arcgis.com/apps/webappviewer/index.html?id=e290f2e325ef4a20b5e57c4be29725d2</a></p>
	<b>Section 5.3 Evaluation Factor No. 6</b>	<p><b>Mixed-Income Development Preference</b></p> <p><b>5-</b> 20% or more of the total project units will be unsubsidized market rate units that target moderate to middle incomes or above.</p> <p><b>2-</b> 10% or more of the total project units will be unsubsidized market rate units that target moderate to middle incomes or above.</p>
	<b>Section 5.3 Evaluation Factor No. 7</b>	<p><b>Energy Efficiency Preference</b></p> <p>Maximum points will be awarded for New Construction or substantial rehabilitation developments which demonstrate Energy Efficient design and construction measures. Respondents who own existing developments should detail how their developments offer an Energy Efficient design or any energy conservation measures they have in place. Utilizing a green rating program like Enterprise Green Communities, National Green Building Standards, or LEED New Construction are the best way to meet these criteria.</p>
3	<b>PD-1:</b> Contractor Information	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>PD-2:</b> Non-Collusive Affidavit	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>PD-3:</b> Conflict of Interest Questionnaire and Verification Form	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>HUD-2992</b> Certification Regarding Debarment and Suspension	Must be fully completed and submitted under this tab as a part of the proposal.

	<b>HUD-5369-C</b> Certifications and Representations of Offerors (Non-Construction)	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>HUD-50070:</b> Certification for a Drug-Free Workplace	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>HUD-92010:</b> Equal Employment Opportunity Certification	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>IRS W-9:</b> Request for Taxpayer Identification Number and Certification	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>DEI-1:</b> ACE Program Acknowledgment	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>DEI-2:</b> MBE/WBE/ACE Subcontracting Plan	Must be fully completed and submitted under this tab as a part of the proposal.
	<b>DEI-3:</b> ACE Worker Participation Plan	Must be fully completed and submitted under this tab as a part of the proposal.
<b>4</b>	<b>Proof of Insurance and City of Cleveland Registration</b>	Respondent must provide certificates of insurance showing the following types of coverage: <ul style="list-style-type: none"> <li>• Workers' Compensation &amp; Employer's Liability</li> <li>• General Liability</li> <li>• Auto Liability</li> </ul> Respondent must also provide a copy of their registration to do business with the City of Cleveland

5	<b>Section 5.3 Evaluation Factor Nos. 5 &amp; 8</b>	<p><b>Schedule of Fees and MBE/ WBE, ACE Participation</b> Must be as comprehensive as possible. The costs must be inclusive of all wage decisions, MBE/WBE, and ACE Program requirements as described in this RFP.</p> <p><b>A.</b> Include a 20 year proforma illustrating proposed rents for PBV units. The proforma should include line item detail sufficient for a knowledgeable reviewer to evaluate the feasibility and completeness of the budget including, but not limited to; a) Estimated revenue; (rents for PBV units vary by zip code, see CMHA’s Payment Standards below: <a href="https://www.cmha.net/hc/vp/rentdetermination">https://www.cmha.net/hc/vp/rentdetermination</a> b) expenses for all categories including maintenance, utilities, capital reserves, security, resident supportive services, (as applicable – temporary resident relocation) insurance, taxes, etc.</p> <p>Footnotes or other narrative must be presented where necessary to clarify assumptions about sources and uses.</p> <p><b>B.</b> Provide a Construction and Permanent Financing Budget including all sources and uses for hard and soft costs for any construction, rehabilitation or acquisition.</p>
6	<b>Commitment Letters</b>	<p><b>A.</b> Include commitment letters for all secured funding/provide detail on anticipated funding sources. <b>B.</b> Provide any documentation and/or letters that certify site control. <b>C.</b> Describe how the local community has responded to this proposed project if applicable.</p>
7	<b>Legal Factors</b>	<p><b>A.</b> Include a list of outstanding lawsuits involving key players including claims, both settled and unsettled for the past five (5) years.</p>

## 6.2 Submission Conditions

**6.2.1** Respondents must furnish all information needed to evaluate the proposal. CMHA may disqualify proposals that fail to meet mandatory requirements of the RFP. CMHA will not consider verbal information provided by the Respondent.

**6.2.2** All proposals must be submitted and time-stamped as received no later than the deadline stated herein (or within any ensuing addendum). CMHA business hours are 8 a.m. to 5 p.m. Monday through Friday.

**6.2.3** Respondent must submit one hard copy original proposal **and** a copy on a thumb/USB drive.

**6.2.4** The Exhibit included in this RFP is for the Respondent’s benefit. Respondent need not submit it with the proposal.

**6.2.5** All proposals must be submitted in a single, sealed, package labeled. CMHA will not be responsible for misdirected packages or the premature opening of a

proposal because the package was not properly labeled. The proposal must be labeled with the following information:

**SEALED PROPOSAL**

**ROLLING AWARD OF PROJECT-BASED VOUCHERS IN SUPPORT  
OF BUCKEYE-WOODHILL CHOICE NEIGHBORHOODS  
IMPLEMENTATION GRANT**

CMHA SOLICITATION NO. 40-320-22

SUBMITTAL DEADLINE: FRIDAY, MARCH 31, 2023 at 10:00 A.M. ET

ATTENTION: PATRICK GILBERT  
CUYAHOGA METROPOLITAN HOUSING AUTHORITY  
PURCHASING DEPARTMENT  
8120 KINSMAN ROAD  
CLEVELAND, OH 44104

**6.3** CMHA will not accept e-mailed or faxed proposals.

**6.4** It is the Respondent's responsibility to ensure CMHA receives the proposal prior to the deadline. CMHA will reject (and return unopened to the Respondent) proposals it receives after the deadline. This is a mandatory rule that CMHA will not waive. Overnight express envelopes must be labeled as shown above to eliminate late or mis-delivered proposals. Respondents mailing proposals must allow ample mail delivery time to ensure CMHA timely receives the proposals. Postmarking by the due date will not substitute for CMHA's actual receipt of the proposal. **CMHA DOES NOT ACCEPT RESPONSIBILITY FOR LATE OR MIS-DELIVERED PROPOSALS.**

*[Remainder of page intentionally blank]*

## **7. CONTRACT INFORMATION**

**7.1 Contract Form.** CMHA will not execute a contract on the Selected Contractor's form of contract. Instead, by submitting a proposal, the Selected Contractor agrees to execute a contract on CMHA's form of contract.

**7.1.1 ANY EXCEPTIONS OR PROPOSED MODIFICATIONS TO THIS DOCUMENT SHOULD BE SUBMITTED WITH THE RESPONDENT'S PROPOSAL.**

**7.1.2** CMHA has no legal right or ability to negotiate any clauses contained in any HUD forms required by this RFP.

**7.2 Selected Contractor's Responsibility.** Notwithstanding the right of the federal government and CMHA to review the Selected Contractor's efforts and progress and particularly with reference to the specifications and deliverable items, which may be provided for in the contract with CMHA, the Selected Contractor will be responsible for complying with the contract. Any reviews and approvals given by CMHA or the federal government do not relieve the Selected Contractor of this responsibility without CMHA's written approval.

*[Remainder of page intentionally blank]*

## APPENDIX A: SCOPE OF WORK

### PURPOSE OF RFP / BUCKEYE-WOODHILL CHOICE NEIGHBORHOODS BACKGROUND

#### RFP Scope of Services

The Cuyahoga Metropolitan Housing Authority (CMHA) is requesting proposals from developers and/or apartment owners who are interested in attaching Project-Based Voucher (PBV) subsidies to units in multifamily housing developments. These developments can include new construction developments, substantial rehabilitation developments, or currently unsubsidized units in high quality and well-maintained existing developments. These developments must be designated as non-elderly, family units. Owners may be requested to house families relocating from Woodhill Homes. These PBV subsidies will make affordable housing available through CMHA's Housing Choice Voucher Program as established by the U.S. Department of Housing and Urban Development (HUD). The selected Owner<sup>1</sup> or Developer<sup>2</sup> (referred to throughout as Respondent) will contract directly with CMHA.

Unlike a tenant-based voucher, which may transfer with the resident, a PBV remains with the PBV rental project and is available only to households residing in a PBV assisted unit. The selected project will be eligible to receive Project-Based Voucher (PBV) Assistance<sup>3</sup> for a term of twenty years (20) plus a renewal term of up to 20 years for a total possible forty (40) year award. If selected, a given project could receive anywhere from a minimum of 8 PBVs to a potential maximum of 162 vouchers per project. The maximum number of PBVs a given project can be awarded is outlined in Section 2.2 PBV Maximum Allocation Cap. Proposed PBV Units cannot be receiving prohibited subsidy types. See Exhibit 6: Selection Criteria for clarification.

Selected projects will receive and execute a Preliminary Award Letter<sup>4</sup> addressed to the selected Respondent within 15 days of approval by the CMHA Board of Commissioners. Public notice of PBV Award will be published through legal advertisement in the *Plain Dealer* along with notification on the CMHA website. CMHA anticipates engaging and making awards to multiple Owners or Developers of high quality, energy efficient rental housing including appropriate amenities and, where applicable, supportive services. Respondents are responsible for reading this RFP in its entirety, including any updates and revisions that may be included in any addenda. By submitting a response to this solicitation, the Respondent acknowledges that it has read the entire document and is responding with full knowledge of all terms, conditions and requirements set forth herein. If Respondent is awarded a Preliminary Award Letter pursuant to this RFP, such award is subject to agreement of contractual terms by CMHA and Respondent and compliance with applicable timelines.

#### Purpose of CNI Replacement PBVs

CMHA is requesting these PBVs to support its Buckeye-Woodhill Choice Neighborhoods Implementation (CNI) Grant which CMHA was awarded May 25, 2021. The objectives of CNI are to provide housing that is a) well-managed and financially viable b) mixed-income and c) energy efficient, sustainable, accessible, healthy, and free from discrimination. These PBVs will increase housing choices for low-income families, support neighborhood revitalization, and incentivize developers to preserve or create affordable housing. The PBVs being offered through this RFP are to serve as high-quality CNI

<sup>1</sup> **Owner** is the individual or entity in ownership of a development of existing multifamily, rental housing units or the land on which such a development will be developed. Ownership of land shall include being the lessee under a long-term ground leasehold.

<sup>2</sup> **Developer** is the person or entity that is proposing to develop or is developing (i) a new, rental development or (ii) a rehabilitation of a rental property requiring rehabilitation, and who is qualified and interested in receiving PBVs for a percentage of the rental units, and who has or will acquire site control of the land on which the new rental housing will be built or the existing rental property will be rehabilitated.

<sup>3</sup> **Project Based Voucher ("PBV") Assistance** is rental assistance awarded and funded by CMHA to reserve a specific number of PBV Units for eligible households in residential housing in accordance with the PBV Agreement. The terms and conditions of assistance are recorded in a Housing Assistance Payment (HAP) contract between CMHA and the Owner. See [24 CFR 983](#) for full details about the Project-Based Voucher program.

<sup>4</sup> **Preliminary Award Letter** shall clearly state any conditions and timeframes for execution of an Agreement to Enter into a HAP Contract (AHAP) or Housing Assistance Payment (HAP) Contract.

Replacement PBVs that give residents high quality housing options in mixed-income communities. Respondents may be required to offer units to families relocating from the existing Woodhill Homes development.

#### PROGRAM STANDARDS AND THRESHOLD REQUIREMENTS FOR CNI PBVS

To be considered for a PBV award in accordance with this RFP, all Respondents must meet the threshold requirements that are outlined in this section. The proposal evaluation, comprised of CMHA employees, will review all proposals to ensure that threshold requirements have been met. These requirements, in conjunction with the competitive evaluation and scoring of proposals as detailed later in Section 3.0 Proposal Evaluation and Scoring, must be met in order for recommendations to be made to the CMHA Board of Commissioners who will determine selections by a majority vote.

##### Project Location Preference

The proposed project, per CNI requirements, should be included in either a) any location within the Woodhill CNI Neighborhood boundary or b) any Census tract outside of the neighborhood boundary that has a poverty rate of under 40% and is not designated as being minority-impacted (Per CNI requirements). Please use this link to determine if the proposed project meets the Project Location Preference:

<https://cmha.maps.arcgis.com/apps/webappviewer/index.html?id=e290f2e325ef4a20b5e57c4be29725d2>

##### PBV Maximum Allocation Cap

The maximum number of PBVs to be awarded will be limited to the greater of either 25 units or 25% of all units in a proposed project.

An exception to the 25 unit/25 % cap can be made if the proposed development is located in a tract with a poverty rate below 20%. In this case, up to 40% of a proposed development's units can receive PBVs. Other exceptions to the 25 unit/25 % cap may be made for developments that are designated to provide supportive services (this designation will be verified by CMHA prior to the award of any PBVs).

##### Federal Relocation Act

Any person displaced due to the conversion of any housing unit to PBV 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](#) ("URA"). The cost of the required relocation shall be the responsibility of the Respondent.

Respondents that anticipate or require relocation of existing tenants or businesses will be accepted only with a relocation plan (including a sufficient budget), and an explanation of efforts planned by the Respondent to mitigate the impact of the displacement that, in the opinion of CMHA, meets the requirements of the Uniform Relocation Act and any other applicable laws.

Respondent should identify the funding sources that will be used to finance anticipated relocation costs, separate and apart from CMHA. The budget for relocation and source of funds must be included as part of the relocation plan. CMHA will not allow displacement of tenants, if avoidable. Respondents must include all documentation required in the Relocation Plan at the time of application. CMHA will review the development budget to ensure that a sufficient allocation has been included for relocation expenditures.

## Federal and State Accessibility Requirements - Section 504

### a) New Construction of Housing Facilities

If a project has five or more units under one contract, then five percent of the total units or at least one unit in a multifamily housing project, whichever is greater, must be accessible to persons with mobility impairments. Two percent of the units (but not less than one unit) must be accessible to persons with visual and/or hearing impairments. Note: These accessible units must comply with Universal Federal Accessibility Standards. See [24 CFR 8.22](#).

### b) Alterations of Existing Housing Facilities

If a project contains 15 or more units and the cost of the alterations is 75 percent or more of the replacement cost of the completed facility, then five percent of the total units or one unit must be accessible to persons with mobility impairments and two percent of the units or one unit must be accessible to persons with visual or hearing impairments. See [24 CFR 8.23](#).

## Fair Housing Design Requirements

Housing first occupied after March 13, 1991, 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.

## Energy Efficient Requirements

In the case of new construction or substantial rehabilitation<sup>5</sup>, buildings containing PBV units should meet energy efficient requirements. Respondents may utilize any one of several recognized green rating programs in the design and construction of their project, including but not limited to: Enterprise Green Communities, National Green Building Standards; or LEED New Construction (for multifamily);

Other local or regional energy efficiency standards may be permitted at CMHA's discretion and subject to HUD approval. Points for Energy Efficiency will be awarded in addition to the previously listed requirements.

*(Scope Continued on Next Page)*

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<sup>5</sup> **Substantial Rehabilitation** (a) The improvement of a property to decent, safe and sanitary condition in accordance with the standards of this part from a condition below these standards. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to the cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition. (b) Substantial Rehabilitation may also include renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part, or the repair or replacement of major building systems or components in danger of failure. (c) Housing on which rehabilitation work has already started when the AHAP is executed is eligible for assistance as a Substantial Rehabilitation project under this part provided: (1) At the date of application, a substantial amount of construction (generally at least 25% remains to be completed); (2) At the date of application, the project cannot be completed and occupied by eligible families without assistance under this part; and (3) At the time construction was initiated, all of the parties reasonably expected that the project would be completed without assistance under this part.



## Broadband Requirements

Per 983.157, Any new construction or substantial rehabilitation of a building with more than 4 rental units must include installation of broadband infrastructure, (as this term is also defined in 24 CFR 5.100), except where the owner determines and documents the determination that:

- i. The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;
- ii. The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or
- iii. The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

\*\*\*This requirement does not mean that the developer must provide broadband internet service, only that the project contain the infrastructure for residents to be able to purchase it.

## General Site Selection Standards<sup>6</sup>

Per federal guidelines, a Public Housing Agency may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an AHAP or a HAP contract for units on the site, unless the Agency has determined that: Project-based assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. This determination will be made in a manner consistent with the CMHA Housing Choice Voucher Program Administrative Plan .<sup>7</sup>

## Administrative Plan .<sup>8</sup>

CMHA will consider factors from the Code of Federal Regulations 24 CFR 983.57 in neighborhoods that do not fully meet this goal only *if the proposal clearly articulates that any and/or all of the following apply:*

- a. Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
- b. Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- c. Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- d. Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area;
- e. If the poverty rate in the area where the proposed PBV development will be located is greater than 20%, CMHA will consider whether in the past five years there has been an overall decline in the poverty rate;
- f. Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.

CMHA strongly suggests that proposers visit <https://www.huduser.gov/portal/maps/hcv/home.html> to determine if the proposed address the above goals. Furthermore, if the site is to be located in an area of minority concentration, CMHA requires that Respondents address requirements in 24 CFR 983(e)(3).

<sup>6</sup> 24 CFR 983.57(b), "Compliance with PBV Goals, Civil Rights Requirements, and HQS"

<sup>7</sup> <https://www.cmha.net/webshare/docs/aboutus/cmhahcyp2021AdminPlan.pdf?v=b6bcdcf>

<sup>8</sup> <https://www.cmha.net/webshare/docs/aboutus/cmhahcyp2021AdminPlan.pdf?v=b6bcdcf>

- a. The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d-2000d\(4\)](#)) and HUD's implementing regulations at [24 CFR part 1](#); Title VIII of the Civil Rights Act of 1968 ([42 U.S.C. 3601-3629](#)); and HUD's implementing regulations at [24 CFR parts 100 through 199](#); [Executive Order 11063](#) (27 FR 11527; 3 CFR, 1959-1963 Comp., p. 652) and HUD's implementing regulations at [24 CFR part 107](#). The site must meet the section 504 site selection requirements described in [24 CFR 8.4\(b\)\(5\)](#).
- b. The site meets the HQS site standards at [24 CFR 982.401](#).

#### Site Selection Standards

A site must meet the following site and neighborhood standards (as described in 24 CFR 983.57d [for existing or rehabilitated housing] and 24 CFR 983.57e [for Newly Constructed PBV Housing]). A site must meet the standards as described, or in collaboration with CMHA, request a regulatory waiver of the criteria from HUD.

While not intended to supersede the CFR as referenced above, the site must, in general:

- a. Be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.);
- b. Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- c. The site must not be located in an area of minority concentration, except as permitted under 24 CFR 983.57(e)(3) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- d. Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents; and
- e. Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower- income workers is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.

#### Contractual Requirements

##### Agreement to Enter into a Housing Assistance Payments Contract (AHAP)<sup>9</sup>

New Construction projects and projects proposing substantial rehabilitation will first enter into an AHAP Contract at the closing of construction financing and prior to the commencement of construction. The AHAP is the HUD-approved legal instrument through which the Owner agrees to develop the contract units to comply with the Housing Authority's criteria for decent, safe, and sanitary units, and CMHA agrees that, upon timely completion of such development in accordance with the terms of the AHAP, the Housing Authority will enter into the HAP contract with the Owner for the contract units.

CMHA will not enter into an AHAP if construction or rehabilitation has commenced after proposal submission but before execution of the AHAP. For the purpose of this determination, "construction" begins when excavation or site preparation (including clearing of the land) begins for the housing.

<sup>9</sup> 24 CFR 983.152, "Purpose and Content of the Agreement to Enter Into HAP Contract"

“Rehabilitation” begins with the physical commencement of rehabilitation activity on the housing.

CMHA will not enter into an AHAP until both the subsidy layering and environmental reviews are completed, and the Housing Authority has received the environmental approval.<sup>10</sup>

Any required CMHA criteria for decent, safe, and sanitary housing that exceed HUD’s Housing Quality Standards will be specified in the AHAP.

#### Housing Assistance Payment Contract (HAP)

All projects will enter into a HAP contract when the units are ready for occupancy and comply with Housing Quality Standards. CMHA anticipates HAP contracts will have a cumulative minimum term of 20 or more years with an initial term of 20 years and an optional extension at the time of the HAP contract renewal for an additional term of up to 20 years.

#### Environmental Review

CMHA will not enter into an AHAP or HAP contract with an owner, and the Housing Authority, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until one of the following occurs:

- a. The responsible entity has completed the environmental review procedures required by [24 CFR part 58](#); the executed 7015.15 is submitted to the local Field Office; HUD has approved the environmental certification and HUD has given a release of funds.

For the purpose of environmental review, a “release of funds” means that HUD has approved the Housing Authority’s Request for Release of Funds and Certification by issuing form [HUD-7015.16](#) that authorizes CMHA to execute an AHAP or, for existing housing, to directly enter into a HAP contract with an Owner of units selected under the PBV Program; or

- b. The responsible entity has determined that the project to be assisted is exempt under [24 CFR 58.34](#) or is categorically excluded and not subject to compliance with environmental laws under [24 CFR 58.35\(b\)](#); or
- c. HUD has performed an environmental review under [24 CFR part 50](#) and has notified CMHA in writing of environmental approval of the site.

HUD will not approve the release of funds for PBV assistance if CMHA, the owner, or any other party commits funds (*i.e.*, enters an Agreement or HAP contract or otherwise incurs any costs or expenditures to be paid or reimbursed with such funds) before the Housing Authority submits and HUD approves its request for release of funds (where such submission is required). The City of Cleveland is the responsible entity for projects awarded under this RFP.

CMHA will require the owner to carry out mitigating measures required as a result of the environmental review.

#### Regulatory Compliance

##### Eligibility to Participate in Federal Programs and Activities

The AHAP and HAP contracts shall include a certification by the Owner that the Owner and other project principals (including the officers and principal members, shareholders, investors, and other parties having a substantial interest in the project) are not on the U.S. General Services Administration list of parties

<sup>10</sup> 24 CFR 983.153, “When Agreement Is Executed”

excluded from federal procurement and non-procurement programs.

#### Disclosure of Conflict of Interest

The Owner must disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

#### Federal Requirements

With the exception of regulatory waivers provided through CMHA's and the project developer's submission to HUD, projects must be selected developed, and operated in accordance with the following:

- a. [PBV Regulations found at 24 CFR part 983](#);
- b. [PIH Notice 2017-21 Implementation Guidance: Housing Opportunity Through Modernization Act of 2016 \(HOTMA\) – Housing Choice Voucher \(HCV\) and Project- Based Voucher \(PBV\) Provisions](#);
- c. <https://www.federalregister.gov/documents/2020/02/28/2020-04147/administrative-guidelines-subsidy-layering-review-for-project-based-vouchers>
- d. [Davis-Bacon Labor Requirements \(80 FR 12511; March 9, 2015\)](#);
- e. [CMHA Administrative Plan](#).

*(End of Solicitation)*