

REQUEST FOR PROPOSALS TO USE PROJECT BASED VOUCHERS (PBV'S) TO DEVELOP OR REHABILITATE AFFORDABLE HOUSING

Issue Date: February 27th, 2023
Deadline For Questions: March 7th, 2023
Submission Deadline: March 28th, 2023 @ 12:00 p.m.

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Project Based Voucher Program
REQUEST FOR PROPOSALS (RFP)
INSTRUCTIONS

I. GENERAL INFORMATION

A. PHA Description

Raleigh County Housing Authority (RCHA) is a public housing agency created by the County Commission of Raleigh County in 1979. The agency's main office is located at 2955 Robert C Byrd Drive, Beckley, WV 25801.

RCHA's mission is to partner with the greater community to serve as a catalyst for the creation and sustenance of affordable, quality, accessible housing and supportive services, with the focus on the special needs of individuals and families as they strive for self-sufficiency and improving their quality of life.

RCHA is headed by a Executive Director and governed by a five-person Board of Commissioners (BOC) and is subject to the requirements of Title 24 of the Code of Federal Regulations (CFR), state law, program, and administrative policies.

RCHA assists eligible families to address their housing needs through a variety of housing programs including Low Rent Public Housing and Housing Choice Vouchers (HCV). RCHA owns and operates 60 units of public housing at 2 sites and assists over 1,800 families through the HCV program in Raleigh (exclusive the City of Beckley), Fayette, Summers, Braxton, Webster, Nicholas, Greenbrier, Pocahantas, and Monroe counties.

B. Objective

RCHA invites property owners/developers to submit a written proposal demonstrating their project eligibility, qualifications, and interest in securing Project-Based Vouchers (PBV). PBV assistance provides rental subsidies paid on behalf of eligible families who live in units that are contracted under the program. Qualifying properties should be located in RCHA's jurisdiction listed in item I.A. and may be either existing properties or newly constructed or rehabilitated properties. In all cases, the selected property and/or housing provider must meet all applicable Housing and Urban Development (HUD) requirement for project based vouchers found at 24 CFR 983. A copy of these regulations is available via the following website at www.ecfr.gov. Projects may request up to a fifteen (15) year Housing Assistance Payments (HAP) PBV Contract with RCHA. Up to 100 vouchers are available through this RFP process.

Projects must create permanent housing. Emergency, temporary, or transitional housing are not eligible for project based rental assistance.

RFP's can be attached to projects that serve citizens with special needs. For purposes of this RFP, "Special Needs" will refer to individuals that require supportive services. RCHA does not provide any supportive services in connection with the PBVs. All supportive services are the sole responsibility of the project owner.

C. Questions from Prospective Offerors

Any prospective Offeror desiring an explanation or interpretation of the RFP, statement of work, etc., must request it in writing. Oral explanations or instructions will not be binding. Any information given to a perspective Offeror concerning a RFP will be posted on the Charleston-Kanawha Housing Authority (CKHA) website as an addendum to the RFP.

All questions regarding this RFP should be directed in writing to Carmen Maniak no later than 3:00 p.m. on March 7th, 2023. Inquiries may be sent via email to cmaniak@ckha.com. All addendums will be placed on CKHA's website at www.ckha.com by close of business day on March 10th, 2023.

D. RCHA's Reservation of Rights-Right to reject, waive, or terminate the RFP

RCHA reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, in its sole and absolute discretion if deemed by RCHA to be in its best interests.

1. Right to Not Award. RCHA reserves the right not to award a contract pursuant to this RFP.
2. Right to Terminate. RCHA reserves the right to terminate a contract awarded pursuant to this RFP, at any time for its convenience upon five (5) days written notice to the successful Offeror(s).
3. Right to Determine Time and Location. RCHA reserves the right to determine the days, hours and locations that the successful Offeror(s) shall provide the services called for in this RFP.
4. Right to Determine Financial Responsibility and Viability. RCHA reserves the right to require of Offeror information regarding financial responsibility and viability or such other information as RCHA determines is necessary to ascertain whether a proposal is the responsible proposal submitted.
5. Right to Retain Written Proposals. RCHA reserves the right to retain all written proposals submitted to RCHA by all Offerors in response to this RFP, and not permit withdrawal of same for a period of 60 calendar days subsequent to the deadline for receiving said proposals. RCHA may permit the withdrawal of proposals when requested in writing by the Offeror.
6. Right to Reject Any Proposal. RCHA reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not limited to incomplete proposals and/or proposals offering alternate or non-requested services.
7. No Obligation to Compensate. RCHA shall have no obligation to compensate any Offeror for any costs incurred in responding to this RFP.

8. Right to Prohibit. RCHA shall reserve the right to at any time during the RFP or contract process to prohibit any further participation by an Offeror or reject any proposal submitted that does not conform to any of the requirements detailed herein.

In no event will RCHA permit modification to a Proposal after the submission deadline.

II. PROJECT BASED VOUCHER PROGRAM OVERVIEW

A. Purpose

The purpose of the PBV Program is to encourage property owners/developers to attach PBV assistance to rental properties in order to preserve and increase the number of housing units. The rental assistance is attached to the structure. RCHA will enter into a HAP contract with the owner for the units of new construction, existing, and/or rehabilitated housing (as defined by HUD). During the term of the contract, RCHA will make HAP payments to the owner for the units leased and occupied by eligible families.

For the purpose of this PBV program, RCHA defines PBV housing developments as follows:

1. **Newly constructed housing** – housing that does not exist at the time of proposal selection
2. **Existing housing** - housing units that currently exist and substantially comply with HUD’s Housing quality standards (HQS)
3. **Rehabilitated housing** -housing units that currently exist but require at least \$10,000 in rehabilitation per unit

B. New Construction

Proposed sites for new construction will be visited to ensure that construction activities have not been initiated prior to the awarding of any PBV and the signing of the Agreement to enter into a Housing Assistance Payments contract (AHAP). New construction sites must meet the local city and county requirements for quality, architecture, or design of housing, over and above the HQS.

C. Existing and Rehabilitated Housing

Each unit rehabilitated (whether under existing or rehabilitated category) requires a minimum expenditure of \$10,000, including the unit’s prorated share of work to be accomplished on common areas or systems. All financing of project costs and operating expenses will be the responsibility of the owner.

D. Site Selection Standards

RCHA may select a proposal for new construction, existing and/or newly rehabilitated housing on a site and enter into a HAP contract for those units meeting the following general criteria:

1. Project based assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing or economic opportunities based upon the following considerations (Specific factors are discussed at 24 CFR 983.57):
 - a. Is the proposed PBV development in a HUD designated Enterprise Zone, Economic Community or Renewal Community?
 - b. Is the proposed development located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition?
 - c. Is the census tract in which the proposed PBV development is located undergoing significant revitalization?
 - d. Have federal, state or local dollars been invested in the area to achieve the deconcentration of poverty and expansion of housing or economic opportunity?
 - e. Are new market rate units being developed in the same census tract as the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area?
 - f. Is the average poverty rate in the area where the proposed PBV development will be located is less than 20%, RCHA may look at the poverty trend over the previous five (5) years.
 - g. Are there meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located?
2. 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 and any other subsequent Act outlining fair housing.
3. The site meets HQS as outlined by 24 CFR 982.401.
4. Must meet HUD regulations for site and neighborhood standards.
5. 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.
6. Be accessible to social, recreational, educational, commercial, and health facilities and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted standard housing of similar market rents.
7. Except for new construction housing designed for elderly persons, 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.

E. Occupancy and Vacancy

Project-based units must be leased to families eligible for Section 8 assistance for the term of the HAP contract. Vacancies will be filled with eligible families at the top of the RCHA's waiting list.

The property owner and tenant of a project-based unit must notify RCHA immediately if a tenant will be moving from a PBV unit. RCHA will release eligible applicants from the waiting list. Once RCHA has determined program eligibility then eligible families with a PBV will be referred to property owner for further processing. An eligible family who resides in a project-based unit for a least one (1) year may

move with continued rental assistance with a HCV voucher, if one is available. The project-based unit the family occupies must then be rented to a new eligible family.

F. Ineligible Units

RCHA may provide up to 20% of its budget authority as allocated by HUD for use in the PBV program. THE PBV program requires compliance with all equal opportunity requirements under federal law and regulations including the authorities cited at 24 CFR 5.105(a). RCHA may not provide PBV assistance for housing types inclusive of, but not limited to the following:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care;
- Units that are owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution;
- Manufactured homes;
- Cooperative housing;
- Transitional housing;
- Owner-occupied housing units;
- Hi-rise family units (without prior HUD approval); or
- Units occupied by families that are in-eligible for project-based assistance based upon local PHA admittance criteria.

Additionally, RCHA may not provide PBV assistance to the following types of assisted units in accordance with 24 CFR 983.54:

- A public housing dwelling unit;
- A unit subsidized with any other form of Section 8 assistance (i.e. tenant based or project based assistance);
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 / Section 521 / Section 202 / Section 811 / Section 101 rental assistance payments;
- A unit subsidized with any form of tenant-based rental assistance (i.e. HOME funded programs);
- A unit with any other duplicative federal, state, or local housing subsidy.

G. Cap on Number of PBV Units per Assisted Building

RCHA may only select proposals and enter into HAP contract to provide PBV assistance for up to 25% of units in each building.

PBV units will not be counted against the 25% cap for the following types of assisted units:

- Units in a single family building (1 to 4 units); or
- Excepted units in a multi-family building that are specifically made available for qualifying families.
 - Qualifying families includes elderly or disabled families OR families with one member of the household receiving the following types of supportive services:
 - Case management;
 - Life Skills;
 - Individual and/or group counseling; or
 - Substance Abuse services.
 - At the time of lease execution, the owner, family, and RCHA must sign a statement of family responsibility that must contain all family obligations including the participation in a service program. Failure of the family, without good cause, to fulfill its service obligation will result in termination from project-based assistance and the unit will only remain an excepted unit if the unit is made available to another qualifying family.
 - RCHA may monitor said family's supportive services involvement on a monthly basis by requiring release of information documents being signed by the tenant and supportive service provider. The supportive service provider may be required to submit monthly reports to RCHA relative to the tenant's continued involvement in outlined services component. Failure to participate in the recommended services for two (2) or more consecutive months will result in termination from the PBV program.
 - The owner must set aside the number of excepted units made available for occupancy by qualifying families.

H. Rent Limits

The gross rent (including utility allowance) may not exceed the Housing Authority Payment Standard for both initial rent and annual adjustments and must be rent reasonable in relation to rents charged in the private market for comparable unassisted units. The amount of initial rent to owner is determined prior to execution of the HAP contract in accordance with the Administrative Plan, Chapter 17, Part VIII: Determining Rent to Owner. There is an exception of initial contract rents for certain tax credit units as follows:

- A contract unit that receives a low income housing tax credit under the IRS Code of 1986; or
- The contract unit is not located within a qualified census tract; or

- In the same building, there are comparable tax credit units of the same unit bedroom size as the contract unit and the comparable tax credit units do not have any form of rental assistance other than the tax credit; or
- The tax credit rent exceeds the applicable fair market rent (FMR).

The initial contract rent for any other tax credit unit, not included in the aforementioned list, will be determined in accordance with the Administrative Plan, Chapter 17, Part VIII: Determining Rent to Owner.

The total rent to the owner for PBV assisted units consists of the tenant rent (the portion of the rent to owner paid by the family) and the rental assistance paid by RCHA in accordance with the contract with the owner. RCHA determines the tenant rent in accordance with HUD regulations. Except for certain tax credits units, the rent to owner including utility allowances must not exceed the lowest of:

- An amount determined by RCHA, not to exceed 110 percent of the applicable fair market rent (FMR) for the unit bedroom size including any applicable tenant-paid utility allowance;
- The reasonable rent; or
- The rent requested by an owner.

Current RCHA 2023 FMRs for determining rents are listed on <https://www.huduser.gov/portal/datasets/fmr.html>.

RCHA's utility allowance schedule can be requested by sending an email to cmaniak@ckha.com.

I. Federal Requirements

Certain Federal requirements apply to PBV assistance, including, but not limited to:

1. Fair Housing. Nondiscrimination and equal opportunity. See 24 CFR Sections 5.105(a) and Section 504 of the Rehabilitation Act.
2. Environmental Review. See 24 CFR Parts 50 and 58 and 24 CFR Part 983.58
3. Debarment. Prohibition on use of debarred, suspended, or ineligible contractors. See 24 CFR Sections 5.105(c) and 24 CFR Part 24.
4. Labor Standards. Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR Part 5, and other federal laws and regulations pertaining to labor standards applicable to an agreement covering nine or more assisted units.
5. Uniform Relocation Act. A displaced person must be provided relocation assistance at the levels described in and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24.
6. Section 3. PBV assistance is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"). Section 3 is a HUD mandate that employment and other economic opportunities generated by federal assistance to public housing authorities shall, to the greatest extent feasible, be directed to public housing residents and other low and very low income persons or business concerns residing in the

community where the project is located. By submitting a Proposal, Proposer agrees to comply with the HUD regulations in 24 CFR part 135 that implement Section 3.

J. Environmental Review

PBV selected sites are subject to HUD environmental regulations with 24 CFR parts 50 and 58. RCHA may not enter into a PBV HAP contract with an owner until one of the following occurs:

- The responsible entity has completed the environmental review procedures required by 24 CFR part 58 and HUD has approved the environmental certification and request for release of funds;
- 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
- HUD has performed an environmental review under 24 CFR part 50 and has notified the PHA in writing of environmental approval of the site.

Upon any environmental findings, as applicable, the owner is required to carry out mitigating measures required by the responsible entity in order to enter into a HAP contract with RCHA.

K. Housing Quality Standards

Assisted units under the PBV program are subject to HQS as outlined in 24 CFR 982.401.

RCHA will conduct HQS inspections (or HUD approved inspection process) of individual units prior to selection of the site and again prior to execution of the HAP contract for each assisted unit. Additionally, for each assisted family in the units, annual inspections will be conducted as well as turnover inspections (move in and move out inspections when the unit becomes vacant and then again leased up). RCHA reserves the right to inspect the unit at any time outside of the aforementioned times (i.e. quality control inspections, tenant complaint or landlord complaint inspections).

The owner must maintain and operate the contract units and premises in accordance with the HQS including performance of ordinary and extraordinary maintenance. In addition, the owner is responsible for providing all services, maintenance, equipment, and utilities as specified in the executed HAP contract.

At any time in which the owner does not maintain the units and premises in accordance with HQS (or HUD approved inspection process) as outlined in the Administrative Plan, Chapter 17, Part V: Housing Assistance Payment Contract (HAP) and Chapter 8, Part II: Section 8-II.G. Enforcing Owner Compliance, RCHA will abate the HAP.

L. Lead Based Paint

The lead based paint requirements under 982.401 do not apply to PBV programs, however, the Lead-Based Paint Poisoning Prevention Act and the Residential Lead Based Paint Hazard Reduction Act of 1992 and implementing regulations at 24 CFR part 35, subparts A, B, H and R apply to the PBV program.

M. Housing Accessibility

The proposed and selected housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR Part 8. RCHA shall ensure that the percentage of accessible dwelling units complies with said requirements. In addition, 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.

N. Execution of HAP Contracts

RCHA may enter into a HAP contract with the selected owner for an initial term of not less than one (1) year and not to exceed fifteen (15) years for each contract unit.

Within one (1) year of expiration, RCHA may agree to extend the term of the HAP contract up to an additional five (5) years if RCHA determines that an extension is appropriate to continue providing affordable housing for low-income families.

The HAP contract will state that RCHA's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or RCHA in accordance with HUD instructions. The owner may terminate the HAP contract, upon notice to RCHA, if the amount of the rent to owner for any contract unit is reduced below the amount of the initial rent to owner at the beginning of the HAP contract term. In such cases, the assisted families residing in the contract units will be offered tenant-based voucher assistance.

At the discretion of RCHA, and subject to all PBV requirements, the HAP contract may be amended within the first three (3) years of the contract term for the following requests:

- To substitute a different unit (pending completion of HQS inspection) with the same number of bedrooms in the same building for a previously covered contract unit.
- To add contract units provided that the total number of units in a building that will receive PBV assistance does not exceed 25% of the number of dwelling units in the building or 20% of RCHA's authorized budget authority.
- To reduce the number of contract units by the number of units that has vacant for a period of 120 or more days.

O. Tenant Selection

RCHA will select families from RCHA's HCV waiting list for the selected PBV program site. RCHA has no responsibility or liability to the owner or any other person for the family's behavior or suitability for tenancy. The owner is responsible for screening and selection of the family referred by RCHA from RCHA's waiting list to occupy the owner's unit based on their tenancy histories. RCHA screens families for their eligibility to receive the voucher assistance, and the owner screen the family for suitability to enter into a lease agreement. Not less than 75% of the families admitted to the tenant based and project based voucher programs will be extremely low income families.

RCHA may only provide rental assistance to families determined eligible at the commencement of PBV assistance in accordance with the Administrative Plan, Chapter 3 - Eligibility. Should the tenant be “in-place” in the assisted unit, the tenant will be placed on RCHA’s waiting list for the PBV program development in order to minimize displacement of existing residents. Once a family has been determined eligible, the head of household will be invited to attend a briefing session as outlined in the Administrative Plan, Chapter 10, Part I, Section 10-1.C. Voucher Issuance and Briefing. In selecting families to occupy PBV units with special accessibility features for persons with disabilities, RCHA must first refer families who require such accessibility features to the owner.

During the course of the tenant’s lease, the owner may not terminate the lease without good cause. “Good cause” does not include a business or economic reason or desire to use the unit for an individual, family or non-residential rental purpose. Upon expiration of the lease the owner may: renew the lease; refuse to renew the lease for good cause; or refuse to renew the lease without good cause. Should the tenant be terminated by the owner for good cause, the tenant will not be eligible for a tenant-based voucher upon lease termination. Should the owner choose not to renew the lease without good cause, the tenant will be offered a tenant based voucher.

The assisted family has the right to terminate the lease any time after the initial one (1) year lease term with advance written notice of intent to vacate. In such instances that the family is in good standing with the owner, the family will be offered continued assistance either through either another PBV or a tenant based voucher. If continued assistance is not immediately available, the family will receive priority in receiving the next available opportunity for continued tenant based rental assistance. Should the family terminate the assisted lease prior to the initial one (1) year term, the family relinquishes the opportunity for continued tenant based assistance.

P. Tenant Rent/Payment to Owner

RCHA will administer payments to owners as outlined in the Administrative Plan, Chapter 17, Part V: Housing Assistance Payments Contract (HAP) and Part IX: Payments to Owner.

III. OFFER OF PROJECT BASED VOUCHERS

A. Number of PBV Units Available

RCHA is soliciting in this RFP up to 100 Project Based Vouchers, maximum 25 vouchers per project. RCHA at its sole discretion may award more than one project. RCHA at its sole discretion could opt not to award all 100 vouchers if applications submitted do not score relatively high.

B. Project Eligibility

In order to be considered under this RFP, all projects submitted must meet the conditions stated below:

1. Proposed project must be located in RCHA's jurisdiction listed in item I.a.
2. Owner/agent must be a legal business entity that has provided management services for a minimum of ten (10) years in low-income housing.
3. Proposed project must be a planned new construction project, an existing project or a project in need of rehabilitation. Rehabilitation projects must demonstrate a minimum average per unit cost of \$10,000 to be considered for award.
4. Construction or rehabilitation for the proposed project must not have started at the time of selection for PBV (and cannot start until all post-award conditions are met and an agreement is signed).
5. Projects must be able to meet all HUD and RCHA PBV program requirements.
6. Proposals will be rejected for projects receiving other government funding for operating costs/rent subsidy for units that are requesting PBVs.
7. Proposals will be evaluated on the following factors:
 - a. Extent to which the project furthers RCHA goal of deconcentrating poverty and expanding housing and economic opportunities; and
 - b. Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community (See 24 CFR Section 983.57 Site Selection Standards).
8. Applicant must have site control. Required documents are recorded deed or an Executed Option Agreement.
9. Applicant must provide evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, or evidence to indicate that the needed rezoning is likely to be obtained and will not delay the project.
10. All projects will be required to complete a subsidy layering review process.

11. Owners/Developers/Project Sponsors must be in good standing with RCHA. Proposals will not be considered from entities that have unresolved contract issues with RCHA. Proposals that were previously awarded RCHA PBVs that failed to execute a HAP contract with RCHA may be rejected.
12. Applicant must provide a management plan, which includes employee portfolios.

C. Requirements for Organizations Receiving PBV from RCHA and HUD

The organization must be incorporated. If the organization is a non-profit, the organization must have received a 501(c)(3) tax-exempt organization determination.

1. The organization must have policies and procedures including admission policies, rules for resident behavior, procedures for involuntary discharge and a grievance procedure.
2. The organization must be annually audited by a certified public accounting firm and the results must be provided to the RCHA. The latest audit must be part of and submission to this RFP.
3. The organization must have in place the following insurance which shall be written by companies authorized to do business in the State of West Virginia and acceptable to RCHA. Binders will be required before completion of contract:
 - a. Comprehensive general liability insurance at limits not less than one million dollars (\$1,000,000.00) combined single limits.
 - b. Commercial general liability insurance including contractual liability coverage's in the amount not less than one million dollars (\$1,000,000.00) combined single limits
 - c. Employees dishonesty bond at limits not less than one million dollars (\$1,000,000.00)
 - d. Workers Compensation Insurance
4. The organization must comply with all the laws and regulations of the State of West Virginia, including but not limited to laws involving the use, maintenance, and operation of structures, including building permits, zoning, code enforcement and rental certificates of compliance.
5. The organization must designate a point of contact for RCHA.
6. The organization must provide to RCHA, HUD or its agents reports, financial and other information as requested that may be needed to ensure compliance with local, state, and federal laws and regulations.
7. Organizations must be able to enter into an AHAP contract and start the project for which PBV's have been requested within a twenty-four (24) month period after the announcement of award of PBV's or RCHA reserves the right to withdraw the award.

D. RCHA Owned Units

RCHA owned units may be assisted under the PBV program [24 CFR 983.51(e)]. If RCHA were to submit a proposal in response to this RFP, the HUD Baltimore field office or HUD-approved independent entity must review the selection process and determines that the RCHA-owned units were appropriately awarded based on the selection procedures specified in the RCHA Administrative Plan.

IV. APPLICATION PROCESSING

A. Limit on Number of Projects

Applicants are not limited on the number of projects they may submit for consideration under this RFP. However, each application must be for a single project. For each project submitted, a separate application must be submitted.

B. Organization of Submitted Materials

All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outline within the RFP document and any designated attachments in their entirety. All questions within the application must be answered. Questions must be answered on a separate sheet of paper tabbed separately. If any questions are left blank the application will be considered deficient and ineligible to compete in the RFP process.

Applicants must submit one (1) original and three (3) additional copies of the entire packet, including all attachments. At least a twelve (12) point font must be used. All applications and accompanying documents must be paper copies. The information should be 8.5" x 11" format bound by a single staple in the top left-hand corner or a three-ring / spiral binder. A numbered or lettered tab shall separate each section. All proposals must be addressed to Charleston-Kanawha Housing Authority in an envelope(s) clearly marked "RFP for Project Based Voucher Program." Where possible, copies should be submitted as two-sided copies in order to conserve paper. **No electronic versions of the application will be accepted.**

All documents submitted as part of the proposal will become property of RCHA. Any material submitted that is confidential must be clearly marked as such and may be subject to disclosure pursuant to applicable law.

C. Submittal Deadline

All proposals MUST be received no later than 4:30 p.m. on March 28th, 2023. Proposals may be submitted by mail or hand delivered to:

Attn: Carmen Maniak, Director of Leased Housing
Raleigh County Housing Authority
2955 Robert C Byrd Drive
Beckley, WV 25801

RCHA will date and time stamp all applications upon receipt. Under the competitive proposal selection process, submissions are not opened publicly.

Proposals submitted after the deadline indicated above will not be accepted. Delays in mail service or other methods of delivery will not excuse a late proposal delivery.

D. Proposal Review

The PBV Selection Panel appointed by CKHA's Director of Leased Housing will review, evaluate, rank, and select the applications according to the scoring criteria outlined in the RFP, RCHA policy, and program regulations.

E. PBV Award

Proposals that meet the program requirements outlined in the RFP packet will be evaluated and ranked according to the selection criteria factors described in Section VI. A. of this RFP. A Ranking List will be prepared according to points awarded to each proposal. The application(s) scoring the highest points will be conditionally awarded PBVs up to the amount requested and in accordance with the specified limits. The evaluation will be completed within ten (10) business days of the proposal deadline. Owners/developers will be notified by letter of the acceptance or rejection of their proposal.

RCHA may, at its discretion, select none of the proposals submitted. RCHA reserves the right to postpone or cancel the final award of the proposals at its convenience.

F. Post Award Conditions

For the selected project(s), the following items must be completed before RCHA and the owner can execute an Agreement to enter into HAP or HAP contracts.

- a. Site and Neighborhood Review. Before entering into a HAP contract, RCHA will conduct an inspection of the proposed PBV site and units. Site selection standards include 1) an assessment of the physical attributes and appropriateness of the site for the proposed units; and 2) an assessment of whether the project is consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities as stated in RCHA's Administrative Plan.

Owners/developers may be asked to submit additional information to help facilitate this site review.

- b. Environmental Review. PBV activities are subject to HUD environmental regulations in 24 CFR Parts 50 and 58. RCHA must obtain documentation of environmental clearance from the Responsible Entity who conducted or approved the environmental review (see 24 CFR Section 983.58).
- c. Determination of initial contract rent. RCHA will determine the amount of initial rent to owner according to 24 CFR Section 983.303(c). If the project is a RCHA-affiliated property, the rent will be determined by an independent agency.
- d. Subsidy layering review. New construction, existing or units in need of rehabilitation PBV projects that utilize tax credits or other governmental housing assistance from federal, state, or local agencies are subject to a subsidy layering review (see 24 CFR Section 983.55) to prevent excessive public assistance for the project. Owners/developers will be required to submit a list of documents to RCHA which will then be submitted to HUD for the review. It is the sole responsibility of the applicant to ensure that they are in compliance with any subsidy layering requirements imposed upon the project from previous funding sources.
- e. Rent Reasonableness. A rent reasonableness determination must be completed.
- f. Certification. Certification that the owner and other project principles are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs.

G. Incomplete and Non-Responsive/Non-Compliant Applications

By signing the application, the applicant is adhering that they agree to provide any documentation requested by the RCHA upon notification of awards of PBVs to ensure compliance with HUD requirements. Applicants may be asked to submit additional information to help facilitate the proposal review.

If RCHA finds that an application is found to be non-responsive or non-compliant with the RFP, written selection criteria and procedures, or HUD program regulations, it will be rejected and returned to the applicant with notification stating the reason for rejection. RCHA reserves the right to reject applicants at any time for misinformation, errors, or omissions of any kind, no matter how far they have been processed.

H. Withdrawal of Proposal

Applicants may withdraw their proposals before or after the RFP submittal deadline by submitting a written request to Carmen Easter at the mailing address or email listed in Section IV.C above. Proposals can be re-submitted before the RFP submittal deadline but cannot be re-submitted after the deadline.

I. Proposal Cost

All costs incurred in the preparation and presentation of the proposal shall be completely absorbed by the applicant.

J. Affirmative Action

RCHA promotes competitive solicitations and does not discriminate on the basis of race, color, religion, creed, national origin, sex, disability, age or sexual orientation.

K. Proposals Open to Public

Subsequent to the award of the contract, all information submitted as part of, or in support of the proposal will be available for public inspection in compliance with state and federal laws. Only financial information, if requested as part of the RFP to confirm an Offeror's financial soundness, will be kept confidential.

V. CONTRACT AWARD

A. Contract Conditions

The following provisions are considered mandatory conditions of any contract award made by the RCHA pursuant to this RFP:

1. Contract Form: The RCHA will not execute a contract on the successful Offeror's form--contracts will only be executed on the RCHA form, or any other form substantially approved as to form and substance by RCHA and by submitting a proposal in response to this RFP, the successful Offeror agrees to do so (please note that the RCHA reserves the right to amend this form as the RCHA deems necessary).
2. Assignment of Personnel: The RCHA shall retain the right, in its sole and absolute discretion, to demand and receive a change in personnel assigned to the work to be performed pursuant to the contract if the RCHA believes that such change is in the best interest of the RCHA and the completion of the contracted work.
3. Unauthorized Sub-Contracting Prohibited: The successful Offeror shall not have the right to , assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling or transferring the contract) without the prior written consent of the RCHA Executive Director or designee, in his/her sole and absolute discretion. Any purported assignment of interest or delegation of duty, without the prior written consent of the RCHA CEO or designee shall be void and may result in the cancellation of the contract with the RCHA or may result in the full or partial forfeiture of funds paid to the successful Offeror as a result of the proposed contract; either as determined by the RCHA CEO or designee.

B. Contract Period

The RCHA anticipates that it will initially award a contract for a period of fifteen (15) years, at RCHA's sole and absolute discretion.

VI. SUBMISSION REQUIREMENTS AND SCORING CRITERIA

Following the proposal receipt deadline, an evaluation will be made of all proposals. The scoring criteria will be used by RCHA to rank and select applications for the PBV Program. Each criterion is comprised of several components with an associated point value. The total points awarded to an application will be the aggregate of the component subtotals for each factor. Projects will be ranked based on their overall percentage of points received.

At any time, RCHA may issue changes to this RFP in the form of an addendum. All addendums will be placed on the CKHA's website at www.ckha.com by close of business day on March 10th, 2023. It is the applicant's sole responsibility to check the website for any addendums.

A. SCORING CRITERIA

1. **Cover Page - Application for Project Based Vouchers (no points)**

Include a completed RCHA PBV Application Coversheet (see Attachment section).

2. **Table of Contents (no points)**

3. **Detailed Project Description (15 points)** - Do not include supportive services in this section

- 1) Provide a description of the housing to be provided (new construction, existing, or rehabilitation project);
- 2) Number of PBV units planned for the project;
- 3) Total number of buildings in the project; units by bedroom size and square footage;
- 4) Provide site plans, building plans, elevations, specifications and any other available documentation of the proposed site, building design, or remodeling plans;
- 5) For rehabilitation projects, describe the rehabilitation plan;
- 6) Must have site control, either in the form of recorded deed or an Executed Option Agreement;
- 7) Provide evidence that the proposed new construction, existing, or rehabilitation project is permitted by zoning ordinance or evidence to indicate that rezoning or relief required would likely to occur and not delay the project;
- 8) Provide a rent plan indicating rents for each unit type;
- 9) Population group or groups and areas to be served (e.g. homeless, rehabilitation programs);
- 10) Project financing;
- 11) Completion of all necessary environmental clearances (CEQA and NEPA) and of a Phase 1 Environmental Site Assessment;
- 12) Term of Contract Requested; and
- 13) Other characteristics of the site.

SCORING CRITERIA

- a. Project Type - **15 points**

4. Site Location – (15 points)

All proposals must describe the following:

- 1) The location of the property by address and census tract(s);
- 2) The proximity of community facilities and resources for the population to be housed at the project (such as markets, libraries, human and medical services, educational opportunities, etc.); and
- 3) Access to public transit.

Include a map that shows public transportation routes and the location of services listed above.

SCORING CRITERIA

- a. Site is within ½ mile of community facilities or is within ½ mile of public transportation to these services - **15 points**
- b. Site is within 1 mile of community facilities or is within 1 mile of public transportation to these services - **10 points**
- c. Site is within 2 miles of community facilities or is within 2 miles of public transportation to these services - **5 points**

5. Owner/Developer Experience (15 Points)

Provide a general description of your organization and its mission. Describe your experience in the development of housing for the population you wish to serve including experience with the tenant based and PBV program.

SCORING CRITERIA

- a. Owner/Developer has developed 300 or more low-income housing units – **15 points**
- b. Owner/Developer has developed 150 - 299 low-income housing units – **10 points**
- c. Owner/Developer has developed 50 - 149 low-income housing units – **5 points**

6. Management/Affiliate Experience (20 Points)

Describe your experience in the management of housing for the population you wish to serve including experience with the tenant based and PBV program. Provide details of how this project is to be 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 award of this project-based assistance and the sources of those funds. A copy of the Property Management Company's portfolio or resume must be submitted.

SCORING CRITERIA

- a. Management/Affiliate has more than 20 years' experience in the management and operations of low-income housing – **20 points**
- b. Management/Affiliate has more than 10 and less than 19 years' experience in the management and operations of low-income housing – **15 points**

7. Ownership Entity/Management Agent's Principal's Proximity to Property Site Location (15 Points)

Provide physical address.

SCORING CRITERIA

- a. Ownership Entity/Management Agent's Principal's (general partner) principal place of business is located within 30 miles – **15 points**
- b. Ownership Entity/Management Agent's Principal's (general partner) principal place of business is located within 90 miles – **10 points**
- c. Ownership Entity/Management Agent's Principal's (general partner) principal place of business is located within 150 miles – **5 points**

8. Supportive Services Plan (5 Points) – if applicable

Please provide a detailed description of supportive services offered.

9. Project Readiness (15 Points)

Submit a project development schedule that describes all phases from planning to construction completion. Describe the work already done that would lead to completion of the project once the project-based assistance is awarded.

SCORING CRITERIA

- a. Project will be completed in eighteen months – **15 points**
- b. Project will be completed in twenty-four months – **10 points**
- c. Project will be completed in thirty months – **5 points**

10. **Deconcentration of Poverty (5 Points)**

See Section II.D.1.a.-g. Site Selection Standards

SCORING CRITERIA

- a. Project meets 2 criteria – **5 points**

11. **Appendix A – no points**

The following attachments must be reviewed. The attachments requiring signatures must be enclosed with your proposal, or the proposal will be returned as ineligible:

- 1) Non-Collusion Affidavit – **signature required.**
- 2) Form HUD-5369, Instruction to Bidders for Contracts
- 3) Form HUD-5369A, Representations, Certifications, & Other Statements of Bidders – **signature required**
- 4) Form HUD-5369-B, Instructions to Offerors – Non-Construction.
- 5) Form HUD-5369-C, Certifications and Representations of Offerors – Non-Construction Contract – **signature required.**
- 6) Form HUD 2530, Previous Participation Certification
- 7) Form HUD 51915A, Non-Construction Contract Provisions
- 8) Form HUD-5370-C, General Conditions for Non-Construction Contracts.
- 9) Section 3 Clause
- 10) Section 3 Certification Form
- 11) Hold Harmless Agreement – do we have one of these?
- 12) Sample “Housing Assistance Payment” Contract

B. SCORING SUMMARY

SCORING CRITERIA	POINT POSSIBLE
Term of Contract Requested	15
Site Location	15
Owner/Developer Experience	15
Management/Affiliate Experience	20
Ownership Entity/Management Agents Principal’s Proximity to Property Site Location	15
Supportive Services – if applicable	5
Project Readiness	15
Deconcentration of Poverty	5
TOTAL POINTS	105

Appendix A

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Raleigh County Housing Authority

PROJECT BASED VOUCHER APPLICATION COVERSHEET

Date of Application: _____

Total Project Based Vouchers Requested: _____

Legal Name of Organization _____

Address _____

City, State, Zip _____

Phone _____

Fax _____

Web site _____

Name of contact person regarding the application _____

Title _____

Tax ID Number _____

Email _____

Are you requesting an exception to the 25% PBV rule?

YES

NO

Certifications

By signing this application the following certifications are made:

1. The owner and agents will adhere to the 24 CFR 983 regulations governing the project based vouchers.
2. The owner and its agents will comply with all applicable fair housing and civil rights requirements found in 24 CFR 5.105(1), including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act, as applicable.
3. The owner and its agents will comply with effective communication requirements pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 24 CFR 8.6.

Authorization

Authorized Signature: _____

Printed Name/Title: _____



SECTION 3 CLAUSE

All Section 3 covered contracts shall include the following clause (referred to as the “Section 3 Clause”):

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected by before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).