



# Request for Proposals

For

**930 STEFFANICH DRIVE AFFORDABLE HOUSING  
DEVELOPMENT PROJECT – TLR20210219**

# REQUEST FOR PROPOSALS

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## SECTION 1: General Information

Request for Proposals (RFP): **930 STEFFANICH DRIVE AFFORDABLE HOUSING DEVELOPMENT PROJECT – TLR20210219**

THE ABOVE TITLE MUST APPEAR ON ALL PROPOSALS AND RELATED CORRESPONDENCE.

### THIS IS NOT AN ORDER

Proposals will be accepted up to and until a Housing Development and Construction Agreement for this project is executed.	RFP INITIATIVE: _____
<p>All suppliers must respond in detail to each element of this RFP in order to be considered for contract award.</p> <p><b>Three copies of the proposals must be mailed or delivered to contact person at the address below with one price schedule in a separate sealed envelope. Please also deliver or include an electronic version of your proposal, minus pricing to the contact person below.</b></p>	
<p>SEND ALL CORRESPONDENCE TO THE CONTACT BELOW:</p> <p><b>City of Billings Community Development Division 2825 3<sup>rd</sup> Avenue N, Suite 610 Billings, MT 59101</b></p> <p><b>or</b></p> <p><b>City of Billings P.O. Box 1178 Billings, MT 59103</b></p> <p><b>Tam Rodier, CD Program Coordinator Email: <a href="mailto:rodiert@billingsmt.gov">rodiert@billingsmt.gov</a> PHONE: (406) 657-8284 FAX: (406) 294-7595</b></p>	

## SECTION 2: Background, Introduction & Objectives

### Background

The City of Billings receives federal funding from U.S. Department of Housing & Urban Development (HUD) for housing and community development programs. Nearly all federal funding is directed toward housing and service activities benefiting low-income individuals. The activities that may be undertaken are outlined in the five strategies of the Community Development (CD) Division's Consolidated Plan and include:

- Promote the preservation of the existing supply of affordable housing in the community;
- Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located;
- Promote new affordable housing opportunities;
- Work as an active partner with non-profits, neighborhood groups, and others to address housing, community, and neighborhood needs;
- Improve the economic conditions of lower income households in the community.

Community needs are identified through various analyses including the Housing Needs Analysis and the Analysis of Impediments to Fair Housing Choice both of which are conducted on a five-year basis for planning purposes. Reports can be viewed online: [www.billingsmt.gov/cdreports](http://www.billingsmt.gov/cdreports).

The CD Division acts as a catalyst for joining community partners with resources to increase access to housing, to create a sustainable community, and to promote neighborhood revitalization. The Division's mission focuses on striving to exceed the expectations of our stakeholders by supporting housing and community partners with quality leadership, accountability, and innovative programs and services.

Guiding values and principles include: embracing diversity and to be respectful of all viewpoints; utilizing creativity to develop best practices in programs, administration, and community service; recognizing that our first responsibility is to the low-income individuals who would benefit most from programs; and integrity as public servants to thoughtfully manage and pursue resources to the benefit of the community. Establishing and maintaining partnerships with a myriad of organizations supporting the community vision is the keystone to the Division's planning efforts.

The CD Division has been receiving Community Development Block Grant (CDBG) funding since the 1970s and has been successfully administering housing and public service programs for over 40 years. The CD Division has met and exceeded most of the goals outlined in the Consolidated Plan – Action Plan for FY19-20, which is the most recent reportable year. Results tabulated in the Comprehensive Annual Performance and Evaluation Report can be viewed at: [www.billingsmt.gov/cdreports](http://www.billingsmt.gov/cdreports). This report outlines the planning processes for the CD Division including outcomes and performance measurements for programs administered.

The Citizen Participation Plan is designed to ensure citizen involvement in the planning and reporting on the City's programs covered under the HUD Consolidated Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally-funded housing and community development programs. Information regarding the Citizen Participation Plan may be obtained from the CD Division.

## Introduction & Objectives

This Request for Proposals (RFP) is issued by the City of Billings Community Development Division for the purpose of obtaining proposals for the development of affordable housing for low-income residents of Billings (low-income defined later in this section). The lot on which the affordable housing is to be constructed is owned by the City of Billings and is addressed as 930 Steffanich Drive, Billings, MT 59105. The lot is zoned R-7000, which is primarily a single-family residence zoning district, with provisions for duplexes on lots served by public water and sewer services.

The lot for development is legally described as:

**That part of Lot 6 described as Tract A, of Certificate of Survey No. 394 Plat of Subdivision of Lots 6 & 7 Steffanich Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of Said county, under Document #476049.**

This RFP is designed to seek a qualified development entity to design, construct, finance, manage development of the property, market each home/property for sale to low-income homebuyer(s), sell the home(s)/property(ies) to qualified low-income homebuyer(s), coordinate the transfer of property(ies) to buyer(s), and other associated tasks that ensure the successful completion of the City of Billings' affordable housing goals. The expected outcome of this project is the highest best use of the property for affordable housing.

The City of Billings must recover the investment of funding provided through the CD Division for affordable housing. However, the City may defer or reduce repayment if the development achieves the City's goal of affordable housing. This property may be provided as long as the goal of affordable housing is achieved. Proposer is to include the price to be paid to the City of Billings for the property within their proposal and/or affordable housing application materials.

Individuals or organizations interested in submitting a proposal must provide a written statement of interest, must demonstrate the financial capacity to assume projects of this diversity and magnitude, have the capacity to carry out the obligations required for the proposed project, have the ability to accomplish specific development goals, and have experience with the successful development of similar projects involving public/private participation. Also considered will be the developer's demonstrated sensitivity to quality land use planning, housing development design and architecture, certification or the ability to become certified as a Community Housing Development Organization (CHDO), the ability to meet or exceed "Visit-ability" standards (see "Visit-ability" specifics later in this section), and the inclusion of Xeriscaping (defined later in this section).

The proposer must provide responses to all information requested in the "Proposal Contents" section in a clear and concise manner. Proposals will be evaluated for completeness, including all information and forms required by this Request for Proposals. Additional information may be requested by the City after review of each proposal.

## **Site Information**

The City of Billings purchased this HUD-foreclosed property in March 2019 as part of the City's Foreclosure Acquisition / Rehabilitation Program. Under this program, federal funds are used to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within our community. When purchased, this .504 acres lot included a single family home, slab on grade, roughly 900 square feet, with a single attached garage, a covered car port, a small accessory building in the back yard, and two sheds. Following a series of professional inspections, it was determined it was not feasible to rehabilitate the property. The City issued a Request for Quote for the demolition of all structures on the property in November 2019. The City awarded the Demolition Agreement and the demolition work was completed.

Maps showing the lot to be developed:





## Key Parameters

Key parameters that must be considered in developing proposals include, but are not limited to, the following:

1. The City must recover the investment of funding provided through the CD Division for affordable housing. However, the City will defer or reduce repayment if the development achieves the City's goal of affordable housing. All proposals will be evaluated on the basis of the development package and the price to be paid for the property by a qualifying homebuyer. Preference will be given to entities that can complete construction by the end of calendar year 2021.
2. Preference will be given to Community Housing Development Organizations (CHDOs; Attachment H). A CHDO is a specific type of private nonprofit entity that must meet certain requirements pertaining to their:
  - a. Legal status;
  - b. Organizational Structure; and
  - c. Capacity and Experience
2. The proposer shall build affordable housing, but may choose the type of housing to construct (single-family, twin homes, smaller home(s), duplex, manufactured home on permanent foundation, etc.). If proposing to construct housing not currently allowed in the existing R-7000 zoning district, the proposer must include detailed requirements, processes, costs, and plans to successfully navigate the rezoning approval process. Contact the City-County Zoning office for assistance, 2825 3<sup>rd</sup> Ave. N, 4<sup>th</sup> floor, Billings, MT, (406) 247-8662.
3. Completed housing should include finished landscaping. Preference will be given to proposals that include a significant area of "Xeriscaping." Xeriscaping for this project is defined as the planning and development of landscaping that uses native, drought resistant plants and materials that need little additional water to maintain their environment.
4. Housing proposed should be compatible in value, design and amenities with the surrounding neighborhood.
6. 100% of the homes constructed will be sold and be affordable to households at or below 80% of the median family income for Billings, Montana. (See chart at right)
7. Housing proposal shall provide broadband infrastructure. Broadband is the common term used to refer to a very fast connection to the Internet. Such connections are also referred to as high-speed.
8. Proposals must comply with all applicable federal, state and local development regulations, codes and ordinances.

Household Size	Income Limit*
1	\$42,950
2	\$49,050
3	\$55,200
4	\$61,300
5	\$66,250
6	\$71,150
7	\$76,050
8+	\$80,950
*Effective April 1, 2020	

## Proposal Contents

Please provide a written response in a clear and concise fashion to each of the following:

1. List the organization or company sponsoring the project, the type of organization, contact person(s), phone number(s), address(es), email addresses, and qualifications of key personnel.
2. Describe the project, the goal of the project, and how the project addresses the City's affordable housing needs. This should include basic housing design and amenity package.
3. Explain the sources of additional funding for the project. Are these funds committed? If so, provide documentation demonstrating this commitment. Demonstrate financial capability to undertake the project. Submit a proposed financial plan, detailing projected funding sources including developer's capital to be invested in the project.



4. Define the target group(s) that will occupy the housing to be assisted by income level. If the housing is targeted to a special needs group(s), indicate which special needs group(s) will be targeted. Proposal should include a marketing plan that will promote outreach to the target group(s).
5. Describe the number of units to be constructed, the type of units, how “Visit-ability” standards will be incorporated into each unit, and the unit mix (number of bedrooms in each unit). If special types of units are aimed at target group(s) defined above, please describe.

“Visit-ability” standards include:

- One zero step entrance on an accessible route—at the front, back, side, or through the garage;
  - All main floor interior passage doors with 32 inches clear passage space;
  - At least a half or full main floor bathroom with basic maneuvering space;
  - Levered handles for exterior and interior doors (except exterior swing doors);
  - Outlets mounted not less than 15 inches above floor covering;
  - Light switches, control boxes and/or thermostats mounted no more than 48 inches above floor covering;
  - Walls adjacent to toilets, bathtubs and shower stalls reinforced for later installation of grab bars;
  - Lever style faucets for laundry hook-up, lavatory and kitchen sink.
6. What is the proposed sales price of each housing design? Note that the maximum sales price for each newly constructed unit is \$271,000 (no exceptions).
  7. Provide a proposed development schedule, including time required for design, commencement, and completion of construction, and project phasing, if applicable.
  8. Complete a schedule of estimated costs for the project using the Funding Sources spreadsheet (Attachment I). This shall include the costs of City-owned land, building site work, architectural fees, building site cleanup work following construction (including removal of excavated dirt), landscaping, and all other costs for the project.
  9. Describe the realtor’s duties and responsibilities as the City of Billings’ selling agent / business agent and outline all associated costs to the City of Billings.
  10. Describe how adverse impacts to existing neighborhood residents will be minimized, including noise, dust, construction traffic, etc.
  11. Describe how the construction phase of the project will be managed. Note that completed homes must be transferred to an approved low-income homebuyer within six months of completion.
  12. Acknowledgement that all projects will be reviewed by City Staff for their effect on providing affordable housing in Billings and forwarded to the Community Development Board and then to the Billings City Council for action.
  13. List any terms and/or special conditions the proposer firm or individual may have on the City or City staff.
  14. If proposer is selected, the following shall be required before the execution of the Housing Development and Construction Agreement:
    - City of Billings Business License,
    - DUNS number (free at <http://fedgov.dnb.com/webform/>), and

- Proof of registration in the federal government's System for Award Management (SAM). Free technical assistance to navigate the DUNS and SAM registration process is available through the Montana Procurement Technical Assistance Center (PTAC), in Granite Tower, 222 N 32<sup>nd</sup> Street, Suite 200, Billings, MT 59101 / Deanna Langman (869-8410).

17. Do you understand and agree to enter into a Housing Development and Construction Agreement for the 930 Steffanich Drive Affordable Housing Development Project, if your proposal is accepted?

### **Equal Employment Opportunity**

Proposer must comply with the provision of all applicable federal laws, including Title VI and Title VII of the Civil Rights Act of 1964. Any subcontracting by the proposer subjects the subcontracting firm(s) or individuals to the same provisions of federal law. In accordance with the Montana Government Code of Fair Practices (49-3-2-7 MCA), the proposer must agree that the hiring of persons to work on this contract will be made on the basis of merit and qualification without discrimination on the basis of race, color, creed, sex, age, religion, marital or family status, physical or mental disability, or national origin. HUD also prohibits discrimination based on sexual orientation or gender identity.

### **Fair Housing Opportunity**

The City of Billings and HUD enforces the Fair Housing Act. Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental and financing of dwellings based on race, color, creed, sex, age, religion, marital or family status, physical or mental disability, or national origin. HUD also prohibits discrimination based on sexual orientation or gender identity. [www.billingsmt.gov/fairhousing](http://www.billingsmt.gov/fairhousing)

### **Section 3**

Section 3 of the Housing and Urban Development Act of 1968 ensures that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-income persons. <https://www.billingsmt.gov/Contractors> (Attachment J)

### **Minority-owned Business Enterprise / Women Business Enterprise**

Proposer to identify entity status with regard to 24 CFR Part 85.36(e) of the federal regulations. Under this regulation, the City of Billings is required to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the City that use federal funds.

It is the intent of the City of Billings to review and assess the RFP responses to determine if the response from solicited proposers can meet the needs of the City of Billings.

Proposers are expected to provide their best and most competitive proposal.

**Attachment F, the Intent to Respond form, must be completed and emailed or faxed at least two (2) business days prior to the advertised RFP due date.**

### **SECTION 3: Information for Proposers**

#### Disclaimer

This RFP does not form or constitute a contractual document. The City of Billings shall not be liable for any loss, expense, damage or claim arising out of the advice given or not given or statements made or omitted to be made in connection with this RFP. The City also will not be responsible for any expenses which may be incurred in the preparation of this RFP. This RFP is not to be construed as a contract or commitment of any kind.

#### Instructions to Proposers

##### Examination of Documents

Before submitting the proposals, the proposer shall:

1. Carefully examine the Key Parameters, Proposal Contents, and Information for Proposers, as well as all other attached documents;
2. Fully inform yourself of the existing conditions and limitations;
3. Include with the proposal sufficient information to cover all items required in the specifications.

#### Proposal Modifications

In addition to any other information and documentation requested in this RFP, any forms provided herein shall be included in the submitted proposal. Modifications, additions or changes to the terms and conditions of this request for proposals may be cause for rejection of the proposal. Proposals submitted without required forms may be rejected. No oral, telephone, email, fax or telegraphic proposals or modifications will be considered.

#### Certification of Alteration or Erasure

A proposal shall be rejected should it contain any material alteration or erasure, unless, before the proposal is submitted each such alteration or erasure has been initialed in INK by the authorized agent signing the proposal.

### Signature

All proposals shall be typewritten or prepared in ink and must be signed in longhand by the proposer or proposer's agent or designee, with his/her usual signature. A proposal submitted by a partnership must be signed with the partnership name to be followed by the signature and designation of the partner signing. Proposals by corporations must be signed with the legal name of the corporation, followed by the name and signature of an authorized agent or officer of the corporation. Proposals submitted by a proprietorship must be signed by the owner, and the name of each person signing shall be typed or printed legibly below the signature.

### Withdrawal of Proposals

Proposers may withdraw their proposal either personally or by written request at any time prior to the due date set for receiving proposals. No proposal may be withdrawn or modified after the due date and time, unless and until the award of the contract is delayed for a period exceeding ninety (90) days.

### Quote Valid

The proposer must honor their quote for a period of ninety (90) days after the RFP due date.

### Certification

The proposer certifies that the proposal has been arrived at independently and has been submitted without any collusion designed to limit competition. The proposer further certifies that the materials, products, services and/or goods offered herein meet all requirements of the stated specifications and are equal in quality, value and performance with highest quality, nationally advertised brand and/or trade names.

### Insurance Requirements

The proposer certifies that it/they can comply with the City of Billings insurance requirements of:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including minimum contractual and personal injury coverage -- \$750,000 per claim and \$1,500,000 per occurrence.
3. Commercial automobile liability -- \$1,500,000 per accident.
4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance shall provide for no less than thirty (30) days' advance written notice to the City prior to cancellation.

The City shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

### Performance Bond

The proposer agrees that if awarded the Housing Development and Construction Agreement for this project, they will secure a Performance Bond equal to the amount of the agreement to the benefit of the City of Billings (e.g., value of land, proposed work, construction, etc.). The cost of the Performance Bond may be included within proposal costs.

## Disposition of Proposals

All materials submitted in response to this RFP become the property of the City of Billings. Information provided in response to this RFP will be held in confidence and will not be revealed or discussed with competitors. However, one copy of each proposal submitted shall be retained for the official files of the CD Division and will become public record after award of the Housing Development and Construction Agreement. The responses received from this RFP may be distributed, however, by written request pursuant to the Freedom of Information Act of 1996. Fee or Price schedules submitted, but not reviewed by the City, do not become a public record and shall only be retained for official files.

The Proposer understands that, if selected, the City reserves the right to provide its opinion publicly and privately regarding the Proposer's performance.

## Questions

Questions regarding the Request for Proposals contents may be sent to the contact person listed in Section 1 via email no later than two (2) business days prior to due date for proposals. The City of Billings will make every effort to provide a written response within two (2) business days. Whenever responses to inquiries would constitute a modification or addition to the original RFP, the reply will be made in the form of an addendum to the Request for Proposals, a copy of which will be forwarded to all Proposers who have submitted an "Intent to Respond" form (Attachment F).

Proposer must submit their questions using the "Master Q & A" form (Attachment E), and provide, at a minimum, the following:

- Proposer name, requester, and appropriate contact information.
- The question(s); clearly stated.
- Specific reference to the applicable Request for Proposals section(s).

## RFP Submission

Upon the submission of the RFP response, the proposer acknowledges that all information is accurate and complete.

Send three (3) hard copies via U.S. mail, or hand deliver three (3) hard copies, to the point of contact listed in Section 1. An electronic copy of the complete proposal must also be e-mailed or delivered to point of contact listed in Section 1.

#### RFP Process Timelines

RFP/legal Ad Completed:

Advertise:

Proposals due:

Evaluate and choose:

Preliminary Council memo due:

Finalized Council memo and contract due:

City Council meeting:

#### DATES

March 3, 2020

March 13, 2020, and March 27, 2020

Proposals will be accepted up to and until a Housing Development and Construction Agreement for this project is executed

TBD

TBD

(City Council meeting agenda placeholder)

TBD

(Final Council memo with staff recommendation & negotiated Housing Development and Construction Agreement)

TBD

## **SECTION 4: RFP Evaluation and Selection Processes**

### Initial Evaluation

Proposals received will undergo an initial review to determine:

- Compliance with instructions stated in the RFP
- Compliance with proposal submittal date

### Phase II Evaluation

The following criteria will be used in evaluating the proposers submitting responses to this RFP.

<b>SECTION I - ORGANIZATION IDENTIFICATION &amp; MISSION</b> (8 Possible Points)	
<b>Linkage between City Objectives and Organization Mission</b>	<b>4</b>
Objectives outlined in the proposal are in alignment with Community Development's objectives.	
Organization mission supports affordable housing.	
<b>Qualifications of the Development Team</b>	<b>4</b>
Design and development expertise and past performance, specific to personnel.	
Management expertise and past performance, specific to personnel.	
Marketing expertise and past performance, specific to personnel.	
Financial expertise and past performance, specific to personnel.	
<b>SECTION II - ORGANIZATIONAL CAPACITY &amp; EXPERIENCE</b> (33 Possible Points)	
<b>Housing Development Experience</b>	<b>12</b>
Development of federally funded projects.	
Success of comparable developments, as evidenced by the following:	-
- Economic success (success in attracting homebuyers, financing, sustainability, etc.);	
- Quality of past projects including architectural / site / design / landscape / amenities;	
- Timeliness of performance; and	
- Ability to deliver products as initially represented, on time and within budget.	

Degree of technical assistance required from the City of Billings for implementation.	
<b>Planning / Design Experience</b>	<b>12</b>
Planning and design of housing developments located in urban and suburban settings.	
Overall architectural and landscape design quality.	
Achievement of Energy Star Certification for past projects.	
Universal Design Accessibility Standards and/or "Visit-ability" standards met in past projects.	
Incorporation of green building elements in past projects.	
Ability to complete projects on time and within budget for past projects.	
<b>Management / Business Experience</b>	<b>4</b>
Management success in comparable developments, including business experience and development.	
Experience in developing business services / products.	
Success in marketing and sales of business products.	
Evidence of commitment to outreach to target population(s).	
<b>Financial Capacity</b>	<b>5</b>
Ability to raise equity and debt financing including current relationships with major lenders.	
Resources and tenacity commonly referred to as "staying power": <ul style="list-style-type: none"> <li>- Sufficient liquid assets to meet short / long term needs of the project;</li> <li>- Cash needed for equity contribution, pre-development, overhead during planning and implementation (5 to 10% of total development costs); and</li> <li>- Sufficient financial strength to absorb reasonable project delays and cost overruns.</li> </ul>	
Amount and type of financial assistance required.	
Adequate description of financial processes including external auditing.	
Financial obligations with respect to housing portfolio and other programs present no significant risk to proposed project.	
<b>SECTION III - PROJECT DESIGN &amp; SOUNDNESS OF APPROACH (20 Possible Points)</b>	
<b>Project Impact / Design</b>	<b>10</b>
Ability to offer maximum quality / support to residents.	
Quality of proposed site design / architectural design / landscape plan and other amenities.	
Demonstration that the key parameters referenced have been considered.	
Compatibility with the surrounding neighborhood, including neighborhood acceptance and support for the proposed design.	
Ability to develop / maintain the project long-term.	
<b>Site Control / Physical Project Design</b>	<b>5</b>
Site control plan feasibility and current status of site control.	
Zoning / Planning review for feasibility.	
Plans include compliance with the current energy code.	
Plans include conformity to required building codes.	
Site drainage, slope, streets, utilities have been considered.	
<b>Service Design</b>	<b>5</b>
Quality of amenity package.	
Complete services continuum and service design.	
Programmatic elements and homebuyer restrictions.	
Funding for services secured.	



Collaboration mandate achieved.	
<b>SECTION IV - FINANCIAL STRUCTURE</b> (13 Possible Points)	
<b>Funding Sources &amp; Uses</b>	<b>10</b>
Sources are appropriate and applied in accordance with federal regulations.	
Uses are appropriate and in conformance with housing development standards.	
Review of subsidy layering and margins.	
Is the project assured of receiving proposed leveraged funds?	
Is construction financing pre-arranged?	
<b>Market Assessment</b>	<b>1</b>
Market assessment demonstrates both need and demand for unit(s) types.	
<b>SECTION V - PROJECT IMPLEMENTATION</b> (10 Possible Points)	
<b>Organizational / Management Approach</b>	<b>3</b>
Implementation timeline is feasible; current obligations will not prohibit performance.	
Clear lines of responsibility within the proposer's organization, and between the proposer's organization and any other joint venture participants.	
Reasonable affirmative marketing plan, marketing and / or outreach plans and sufficient to deliver an adequate number of homebuyers by the time units are available.	
<b>Economic Impact</b>	<b>6</b>
Number of housing units created; number of households served.	
Total project cost feasible.	
Leveraging ratio, including donated or subsidized land, labor, in-kind resources, developer contribution, loans, etc.	
Evaluate per-unit subsidy assistance.	
Evaluate per-unit leveraging.	
Developer's ability to meet performance measurements, including cost-benefit data.	
<b>BONUS POINTS: OVERALL PROJECT EVALUATION &amp; PRIORITIES</b> (19 Possible Points)	
Quality of proposal overall (10 possible points).	
<b>Standard Community Development Bonus Categories</b>	
Is the development organization a certified Community Housing Development Organization (CHDO)? (2 possible points)	
Does the proposed project include universal accessible design features and/or "Visit-ability" standards, and/or green/recycled elements? (2 possible points)	
Does the proposed project include Xeriscape landscaping? (2 possible points)	
Is the proposed project considered equitable in architectural style, value and amenities to existing homes in the area? (1 point possible)	
Will the proposed project meet Energy Star Certification requirements? (1 possible point)	
Will the proposed project provide broadband infrastructure? (1 possible point)	

**Total Proposal Points**

The City reserves the right to conduct interviews with all or some of the Proposers at any point during the evaluation process. However, the City may determine that interviews are not necessary. In the event interviews are conducted, information provided during the interview process shall be taken into consideration when evaluating firms using the above-stated criteria.

The City also reserves the right to make such additional investigation as it deems necessary to establish the competence and financial stability of any firm submitting a proposal.

## **SECTION 5: Scope of Work**

Below is a general outline of the anticipated scope of work. However, the final scope of work will be negotiated with the successful proposer.

### Summary

The purpose of this RFP is to seek a qualified development entity to design, construct, finance, manage development of the property, market each home/property for sale to low-income homebuyer(s), sell the home(s)/property(ies) to qualified low-income homebuyer(s), coordinate the transfer of property(ies) to buyer(s), and other associated tasks that ensure the successful completion of the City of Billings' affordable housing goals at 930 Steffanich Drive, Billings, Montana. The expected outcome of this project is the highest best use of the property for affordable housing.

#### **1. Design**

- a. Unit types
- b. Unit mix
- c. Land use planning, "Visit-ability," Green and/or Energy Star amenities, landscaping / Xeriscaping, broadband infrastructure, and other features

#### **2. Construction**

- a. Schedule / phasing
- b. Budget
- c. Quality
- d. Cleanup

#### **3. Financing**

- a. Commitments
- b. Insurance and bonding
- c. Financial Planning

#### **4. Management**

- a. Construction
- b. Neighborhood impacts
- c. Sales

#### **5. Target Marketing**

- a. Low-income
- b. Special needs group(s)?

#### **6. Selling**

- a. Prior to construction
- b. After construction

**7. Documents**

- a. Ownership transfer
- b. Recording

**8. City of Billings' Affordable Housing goals**

# ATTACHMENT A: Validation Questions for Proposer

## General Information

- 1) Company Name  
Address:  
Contact Name:  
Contact Phone:  
Contact Email:  
Website/URL:
- 2) How many facilities / locations do you have in the U.S? Please list.
- 3) How many years has your company been doing business under this name?
- 4) Total number of full-time employees.
- 5) Do you have Small Business Administration Status? If yes, can you provide documentation?
- 6) What are your standard payment terms?
- 7) References - Please attach a Word® document with all contact information for at least the following three references:
  - a) New Company (started doing business with them in the past 12 months)
  - b) Retained Company (have been doing business with them for 3+ years)
  - c) Former Company (contract terminated in the past 2 years)
- 8) Can you provide a statement and meet the City of Billings minimum insurance requirements of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured?
- 9) Can you provide a Performance Bond equal to the amount of the proposed costs?

## Functionality

- 1) A certificate of insurance must be provided prior to signing the Housing Development and Construction Agreement, commencing on the day the contract begins. Are you willing to comply with these requirements?
- 2) You must instruct your insurance broker / carrier to notify the City of Billings 30 days prior to any coverage change. Are you willing to do this?

## Quality and Service

- 1) Do you have a quality assurance program? If yes, please attach a copy.
- 2) Are your employees required to take a mandatory drug test?

## Legal Issues

- 1) Are there any pending lawsuits against your company? If yes, please explain.

## Reporting

- 1) Can your company provide at least monthly progress reports?
- 2) If yes to the previous question, please attach samples of all reports that are currently available.

## ATTACHMENT B: Standard Terms and Conditions

In case of default by the successful proposer, or failure to deliver the goods or services within the time specified, City staff, after written notice, may procure them from other sources and hold contractor responsible for excess costs occasioned thereby.

The specifications attached to the instructions to proposers establish a standard of quality desired by the City of Billings. Any proposer may submit quotations on any article that substantially complies with these specifications as to quality, workmanship and service. The City of Billings reserves the right to make its selections of materials or services purchased, based on its best judgment as to which articles substantially comply with the requirements of the specifications. This RFP is not to be construed as a contract or commitment of any kind.

No alteration in any of the terms, conditions, delivery, quality, or specifications will be effective without prior written consent of the City of Billings.

No exception to delivery or service dates shall be allowed unless prior written approval is first obtained from the City of Billings.

The contractor warrants all articles supplied under this contract to conform to specifications herein. The contractor will deliver a warranty stating that all articles supplied under the contract are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

The contractor agrees not to discriminate against any client, employee or applicant for employment or for services, because of race, color, creed, sex, age, religion, marital or family status, physical or mental disability, national origin, sexual orientation or gender identity with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs and termination; rates of pay or other forms of compensation; selection for training; rendition of services. It is further understood that any contractor who is in violation of this shall be barred forthwith from receiving awards of any purchase order for the City unless a satisfactory showing is made that discriminatory practices have terminated and that a reoccurrence of such acts are unlikely.

The City reserves the right to cancel and terminate this contract forthwith upon giving 10 days written notice to the contractor.

Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this contract, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorneys' fees, including fees for in-house attorneys, expended or incurred in connection therewith.

Where applicable, possible or required, the proposer is required to submit descriptive literature, sample material, design sketches and detailed shop drawings. Failure to submit required items may result in rejection of the proposal or termination of contract.

The successful proposer may not make any advertising or sale use of the fact that contract items are being used by purchaser and other approved agencies, under penalty of contract termination. News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Billings.

This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

The contractor may not assign or subcontract the agreement, or the right to receive reasonable performance of any act called for by the contract, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, contractor agrees to bear all risks of loss, injury, or destruction of goods and materials ordered herein and such loss, injury, or destruction shall not release contractor from any obligation hereunder.

## ATTACHMENT C: Price Matrix

(This page to be sent with proposal in a separate, sealed envelope)

Project Name:	930 STEFFANICH DRIVE RECONSTRUCTION PROJECT – AFFORDABLE HOUSING RFP – TLR20210219	
		Price
	Estimated costs for City-owned land	
	Building site work	
	Architectural fees	
	Construction price per square foot	
	Landscaping / Xeriscaping	
	Building site cleanup work following construction (including removal of excavated dirt)	
	Realtor Fee % - Selling Agent	
	Realtor Fee % - Business Agent	
	Other associated costs (provide breakdown)	

## ATTACHMENT D: Conditions and Non-Collusion / Conflict of Interest

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

### CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

### CONFLICT OF INTEREST AGREEMENT

In signing this proposal, you also certify there is not a conflict of interest. Conflicts of interest arise when officials or staff stand to benefit--either directly themselves or indirectly through business partners or relatives--from the award of contracts using federal, state or local funds. The proposer shall not be related by blood or marriage to CD staff, City Management staff, Community Development Board members, or Billings City Council members.

---

Legal Name of Firm/Corporation

---

Authorized Signature

---

Address

---

Printed Name

---

City/State/Zip

---

Title

---

Date

---

Telephone Number



## ATTACHMENT E: Master Q & A Form

### PROJECT:

930 Steffanich Drive Affordable Housing Development Project RFP – TLR20210219

<b>Master Q&amp;A</b>	Any questions regarding this Request for Proposals should be submitted according to the process outlined below. The City will make every effort to answer within two (2) days of receiving the questions.
<b>Q&amp;A Process</b>	<ol style="list-style-type: none"><li>1. Prepare questions or concerns on the template provided.</li><li>2. Complete the table in full, providing a date for each question and a section of the RFP to reference (if applicable).</li><li>3. Submit the completed form via email to <a href="mailto:rodiert@billingsmt.gov">rodiert@billingsmt.gov</a>. Attach associated documents as necessary.</li></ol> <p>Please contact <b>Tam Rodier</b> at (406) 657-8284 with any questions regarding this process.</p>

Question(s) from (name): \_\_\_\_\_ Company: \_\_\_\_\_

Email Address: \_\_\_\_\_

#	Date	Reference Section	Question or Comment	City Response
1				
2				
3				
4				

## ATTACHMENT F: Intent to Respond Form

### PROJECT:

930 Steffanich Drive Affordable Housing Development Project RFP – TLR20210219

Date: \_\_\_\_\_

Email or fax this **Intent to Respond** form within two (2) days of RFP due date even if your company chooses NOT to participate in the RFP:

To: City of Billings / Community Development Division  
Attn: Tam Rodier, CD Program Coordinator  
Email: [rodier@billingsmt.gov](mailto:rodier@billingsmt.gov)  
Fax: (406) 294-7595

From: _____	Contact Name
_____	Company Name
_____	Company Address
_____	
_____	Phone Number
_____	Fax Number
_____	Email Address

---

We intend to respond to this RFP by the specified due date:

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Name (please print)

\_\_\_\_\_  
Title

By signing this form, I certify that I am authorized by the Company named above to respond to this request.

\_\_\_\_\_  
Signature of Contact Person

## ATTACHMENT G: Proposer Contact Information

### Company Contacts:

Primary Contact Person (Name):	
Title/Function:	
Address	
Business Hours Phone:	
Fax:	
E-mail Address:	
Name of Person Responding to Request:	
Title/Function:	
Address:	
Phone:	
Fax:	
E-mail Address:	

### General Company and Financial Information

Company Name:	
Headquarters Address:	
City, State, ZIP	
Headquarters Phone:	
Headquarters FAX:	
Company Owned By:	
Percent % Ownership:	
Years In Business	
Name of CIO	
Name of CEO/President:	

## ATTACHMENT H: CHDO Requirements / Checklist

Organization:		Date Reviewed:	
Project:		Staff Reviewer:	
<b>LEGAL STRUCTURE</b>			
<b>Developer must be a charitable organization, organized under State or local law, and one of its purposes must be to provide affordable housing.</b>			
<i>To activate checkboxes, double-click on box and change default value to "checked". Narrative sections expand when filled with type.</i>			
1	<p>The nonprofit organization is organized under State or local laws, as evidenced by (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> Charter; or</p> <p><input type="checkbox"/> Articles of Incorporation.</p>		
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>	
2	<p>No part of its net earnings inure to the benefit of any member, founder, contributor, or individual, as evidenced by (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> Charter; or</p> <p><input type="checkbox"/> Articles of Incorporation.</p>		
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>	
3	<p>The nonprofit organization has a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986, as evidenced by (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> A 501(c)(3) [charitable nonprofit corporation] certificate from the IRS; or</p> <p><input type="checkbox"/> A 501(c)(4) [community or civic organization] certificate from the IRS; or</p> <p><input type="checkbox"/> A group exemption letter from the IRS that includes the organization as a subordinate of a central organization nonprofit under section 905 of the Internal Revenue Code.</p>		
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>	
4	<p>The nonprofit organization has, among its purposes, the provision of decent housing that is affordable to low and moderate income people, as evidenced by a statement in the organization's (check appropriate category) [24CFR 92.2]:</p> <p><input type="checkbox"/> Charter;</p> <p><input type="checkbox"/> Articles of Incorporation;</p> <p><input type="checkbox"/> By-laws; or</p> <p><input type="checkbox"/> Resolutions.</p>		
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>	

## CAPACITY & EXPERIENCE

**Organization must have the capacity to administer a Federal grant, and must have demonstrated capacity and experience in carrying out affordable housing activities and serving the community.**

1	<p>The nonprofit organization conforms to the financial accountability standards of 24 CFR 84.21, "Standards for Financial Management Systems," as evidenced by (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> A notarized statement by the president or chief financial officer of the organization; or</p> <p><input type="checkbox"/> A certification from a Certified Public Accountant.</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:
2	<p>The nonprofit organization has a demonstrated capacity for carrying out activities assisted with City funds, as evidenced by (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> Resumes and/or statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with CITY funds; or</p> <p><input type="checkbox"/> Contracts with consultant firms or individuals that have housing experience similar to projects to be assisted with CITY funds; <b>and</b></p> <p><input type="checkbox"/> A plan is in place for the consultant to train appropriate key staff of the organization.</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:
3	<p>The nonprofit organization has a history of serving the community within which housing to be assisted with City funds is to be located, as evidenced by one of the following (check appropriate category) [24 CFR 92.2]:</p> <p><input type="checkbox"/> A statement that documents at least one year of experience in serving the community; or</p> <p><input type="checkbox"/> For newly created organizations formed by local churches, service, or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community.</p> <p><i>Assessing Community Service Experience: The organization's community service experience does not need to be in the housing field.</i></p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:
4	<p>If the organization has been funded previously, is the project compliant with all monitoring requirements?</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:
5	<p>Was at least one full year of service completed prior to receipt of City funds [24 CFR 92.2]?</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:
5	<p>Does the organization's statement of service describe with specificity the activities that the organization (or parent) provided? (For example, it should specify that the organization develops new housing, rehabilitates existing housing stock, manages a day care, or provides food delivery services.)</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Notes:

6	Is the statement signed by the chief executive of the organization?	
	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Notes:
<b>ORGANIZATIONAL STRUCTURE</b>		
<b>The organization's structure must ensure that it is able to represent the interests of low-income residents. Public sector representation is limited.</b>		
1	The nonprofit organization provides a formal process for low-income, program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development, and management of affordable housing projects, as evidenced by (check appropriate category) [24 CFR 92.2]: <input type="checkbox"/> By-laws; <input type="checkbox"/> Resolutions; or <input type="checkbox"/> A written statement of operating procedures approved by the governing body. <i>Acceptable Ways to Secure Beneficiary Input:</i> <input type="checkbox"/> Special committees of neighbors of a proposed development site <input type="checkbox"/> Neighborhood advisory councils <input type="checkbox"/> Open town meetings	
	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Notes:
2	The City has determined the organization has actual paid staff. Volunteers and paid consultants do not qualify. <input type="checkbox"/> Return of Organization Exempt from Income Tax, Form 990 <input type="checkbox"/> List of project staff and qualifications verify capacity.	
	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Notes:
3	The organization is not controlled, nor receives directions from individuals, or entities seeking profit from the organization, as evidenced by (check appropriate category) [24 CFR 92.2]: <input type="checkbox"/> By-laws; <input type="checkbox"/> Memorandum of Understanding (MOU); or <input type="checkbox"/> Other binding agreement between the organization and for-profit organization.	
	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Notes:
4	If this organization has been sponsored or created by a <b>for-profit entity</b> , the for-profit entity's primary purpose does not include the development or management of housing, as evidenced: <input type="checkbox"/> The for-profit organization's by-laws; AND the organization is free to contract for goods and services from vendor(s) of its own choosing, as evidenced in the organization's (check appropriate category) [24 CFR 92.2]: <i>Documentation verifying:</i> <input type="checkbox"/> By-laws; <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.	
	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Notes:

### Overall Organization Eligibility

<b>4</b>	<p>Were all organization set aside funds [to this organization] used for housing projects owned, developed, or sponsored by organizations? [24 CFR 92.300(a)(1)]</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>
<b>5</b>	<p><b>FILE REVIEW:</b></p> <p><input type="checkbox"/> Is compliance with 24 CFR 92.2 documented in the file (e.g., organization checklist and supporting documentation)? [24 CFR 92.508(a)(4)]</p> <p><input type="checkbox"/> Has staff reexamined the organization's designation each time CITY funds were provided? [24 CFR 92.300(a)(1)]</p> <p><input type="checkbox"/> Has staff annually recertified organization designation for the project under development?</p>	
	<p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Notes:</p>





**COMMUNITY DEVELOPMENT DIVISION**  
**Community Housing Development Organization (CHDO) APPLICATION**  
 HOME INVESTMENT PARTNERSHIPS PROGRAM & COMMUNITY DEVELOPMENT BLOCK GRANT

**Please complete each section of the application in the space allotted. Incomplete applications will not be reviewed.**

*To activate checkboxes, double-click on box and change default value to "checked".  
 Narrative sections expand when filled with type.*

APPLICATION SUMMARY			
Organization Name			
Contact Person / Title			
Contact Person E-mail			
Address			
Phone		Fax	
Website			
DUNS #		EIN #	
NATIONAL CHDO OBJECTIVES			
<i>The following purposes must be evident in the mission and bylaws of the organization to be applicable as a CHDO.            Please check all that are applicable to your organization to document stated compliance.</i>			
<input type="checkbox"/>	Benefits low income households.		<input type="checkbox"/> To provide decent affordable housing.
<i>The following criteria must be met by a certified CHDO.</i>			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this organization serve within the City of Billings limits?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has the organization provided services in Billings for at least one year?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the organization organized under State or local laws?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this organization prohibit sharing net earnings to benefit of any member, founder, contributor or individual?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this organization prohibit control or influence by individuals or entities seeking to derive profit or gain from the organization?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is this organization free to contract for goods and services from vendors of its own choosing?		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this organization have any of the following tax exemption rulings from the Internal Revenue Service: <ul style="list-style-type: none"> <li>- Classified as a subordinate of a central organization non-profit under section 905 of the Internal Revenue Code of 1986.</li> <li>- The owner organization has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986.</li> <li>- The private nonprofit organization is a wholly owned entity that is disregarded as an entity separate from its owner for tax purposes (a single member limited liability company that is wholly owned by an organization that qualifies as tax-exempt).</li> </ul>		
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does this organization prohibit control by a governmental entity?		
<i>The following accountability standards must be met by a certified CHDO.</i>			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is at least one-third of the governing board's membership is low-income, residents of low-income neighborhoods, or elected representatives of low-income neighborhood organizations?		

<input type="checkbox"/> Yes <input type="checkbox"/> No	Has a formal process been established for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing? Acceptable ways to secure beneficiary input include special committees of neighbors of a proposed development site, neighborhood advisory councils and open town meetings.
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the governing board's membership by public officials or employees of a governmental entity limited to one-third of the total number of board positions?

*The following capacity standards must be met by a certified CHDO.*

<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the organization have paid employees with housing development experience to work on projects? <i>For the first year of funding as a CHDO, an organization may utilize a contract with a consultant to meet this requirement.</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the organization have standards of financial accountability that meet the requirements of 24 CFR 84.21? This includes the ability to maintain records that adequately identify the source and application of funds for federally-sponsored activities, to accurately and completely disclose financial results of federally-sponsored projects, and to effectively control and account for all funds, properties and other assets so all assets are used solely for authorized purposes.
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the organization have capacity to maintain compliance during the entire affordability period (up to 20 years)?

**ORGANIZATIONAL CAPACITY**

*Please provide a statement of organizational capacity. Include how long the organization has been in business, what services does the organization provide? How often is the organization audited? If not annually, explain. What other federally funded projects has the organization developed?*

*Does the organization have prior experience in similar efforts? Please list all development, management, marketing and financial expertise specific to current personnel.*

*Describe how the project will be managed in the organization, including acquisition / construction / rehabilitation, rent-up and ongoing management of the housing created.*

*Identify all members of the proposed grants management team, their biographies and the duties they will undertake in managing this project. Who will be responsible for processing payment requests and managing and documenting match to the City?*

*Please explain how training and/or education will be obtained to ensure the long term viability of the CHDO.*

*Who will work with the City to ensure compliance with non-discrimination / equal housing and employment and Civil Rights rules?*

*How will the organization comply with the Lead-Based Poisoning Prevention Act and implementing the HUD lead-based paint regulations for properties built before January 1, 1978? How will the organization comply with property standards enforced by the City of Billings?*

*How will compliance be maintained during the projects' affordability period? Who will be responsible for maintaining compliance?*

*How strong is the current reputation of the organization in the community? Will the community be willing to support the goals and affordable housing developments of the CHDO?*

*Describe how the affordable housing development projects of the organization will help meet the goals of the City of Billings and the Mayor's Committee on Homelessness.*

#### FINANCIAL CAPACITY

***If the CHDO is seeking funds in the near future for a specific project:***

- *How will additional funding be secured?*

- *How will the organization secure the required 25% match credit for projects?*

*What accounting system will be used for the development and / or management of housing projects?*

*What role does the Board of Directors / leadership play in approving expenditures? How often are expenditures reviewed and approved?*

*Did the organization have any questionable or disallowed costs identified in the organization's last audit? If so, please explain.*

*Are there policies and procedures in place for maintaining accurate financial records for housing projects, including those receiving funds from the CHDO program?*

#### APPLICATION ATTACHMENTS

*Please attach the following documents to this application ensure all National CHDO Objectives have been met.*

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | <b>Charter</b> ; or <b>Articles of Incorporation</b> that show the organization is formed under State and local laws.   |
| <input type="checkbox"/> | <b>501(c)(3) [charitable nonprofit corporation] certificate from the IRS</b> ; or <b>501(c)(4) [community or civic organization] certificate from the IRS</b> ; or a <b>group exemption letter from the IRS</b> that includes the CHDO as a subordinate of a central organization nonprofit under section 905 of the Internal Revenue Code. |
| <input type="checkbox"/> | A <b>statement in the organization's Charter, Articles of Incorporation, By-laws or Resolutions</b> that outlines, among its purposes, the provision of decent housing that is affordable to low income people.   |
| <input type="checkbox"/> | A <b>notarized statement by the president or chief financial officer of the organization</b> ; or a <b>certification from a Certified Public Accountant</b> that shows the organization conforms to the financial accountability standards of 24 CFR 92.2.  |
| <input type="checkbox"/> | <b>Resumes and/or statements that describe the experience of key staff members</b> who have successfully completed projects similar to those to be assisted with HOME and / or other federal funds; or <b>contracts with consultant firms or</b>  |

	<b>individuals that have housing experience</b> similar to projects to be assisted with HOME and / or other federal funds with a documented plan in place for consultants to train appropriate key staff members of the organization.
<input type="checkbox"/>	A <b>statement that documents at least one year of experience in serving the community</b> ; or, for organizations newly created by local churches, service or community organizations, a <b>statement that documents that its parent organization has at least one year of experience in serving the community</b> .
<input type="checkbox"/>	A <b>statement in the organization's By-laws, Charter or Articles of Incorporation</b> that outlines the provision that maintains at least one-third of the organization's governing board's membership must be residents of low-income neighborhoods, other low-income community residents or elected representatives of low-income neighborhood organizations.
<input type="checkbox"/>	<b>List of current governing board's membership</b> , including evidence of their representative status. <ul style="list-style-type: none"> <li>- For members that represent a low-income neighborhood, the file must include documentation of that member's home address and census tract, and a map that verifies that the neighborhood is low-income.</li> <li>- For members that are low-income, the file must include a signed certification from the Board member that either states his/her annual income or certifies that his/her income is below the amount that is the current low-income limit by household size.</li> </ul>
<input type="checkbox"/>	A <b>statement in the organization's By-laws, Resolutions or a written statement of operating procedures approved by the governing body</b> that outlines the formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development and management of affordable housing projects.
<input type="checkbox"/>	A <b>statement in the organization's Charter, Articles of Incorporation, or By-laws</b> that shows the CHDO complies with the following restrictions: <ul style="list-style-type: none"> <li>- The State or local government may not appoint more than one-third of the membership of the organization's governing body;</li> <li>- The board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and</li> <li>- No more than one-third of the governing board members are public officials (including any employees of the City of Billings, Yellowstone County, or the State of Montana). Public officials, including employees, are included in this category regardless of low-income status.</li> </ul>
<input type="checkbox"/>	<b>Form 990, Return of Organization Exempt from Income Tax.</b>
<input type="checkbox"/>	<b>Last fiscal audit</b> to demonstrate financial accountability.
<input type="checkbox"/>	<i>If the CHDO is sponsored or created by a for-profit entity</i> , a <b>statement in the CHDO organization's By-laws, Charter or Articles of Incorporation</b> that shows the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members.
<input type="checkbox"/>	<i>If the CHDO is sponsored or created by a for-profit entity</i> , a <b>statement in the CHDO organization's By-laws, Memorandum of Understanding (MOU), or other binding agreement between the CHDO and the for-profit entity</b> that shows the CHDO complies with the following restrictions: 1) The State or local government may not appoint more than one-third of the membership of the organization's governing body; 2) The board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and 3) No more than one-third of the governing board members are public officials (including any employees of the City of Billings, Yellowstone County, or the State of Montana).
<input type="checkbox"/>	<i>If the CHDO is sponsored or created by a for-profit entity</i> , a <b>statement in the CHDO organization's By-laws, Charter or Articles of Incorporation</b> that shows the CHDO is free to contract for goods and services from vendors of its own choosing.
<input type="checkbox"/>	<i>If the CHDO is sponsored or created by a for-profit entity</i> , the <b>for-profit entity's By-laws</b> that show the entity's primary purpose is not the development or management of housing.
<input type="checkbox"/>	Confirmation of registration with the System for Award Management (SAM).

**Legal Signature Required**

*By signing below, the organization's authorized legal entity recognizes CHDOs selected for participation in City-funded must maintain current certification through project development and the entire period of affordability (up to 20 years).*

Signature:

Date:

Printed Name:

Title:

## **ATTACHMENT I: Funding Sources**

Please download the Microsoft Excel spreadsheet at  
<https://billingsmt.gov/DocumentCenter/View/27517>.

### **Instructions:**

1. Click on the “Funding Sources” tab (lower left), enter the information requested, print, and submit this document with your proposal.
2. Click on the “Funding Uses” tab (to the right of the “Funding Sources” tab), enter the information requested, print, and submit this document with your proposal.
3. It is not necessary to complete and submit the “Operations” tab.

## ATTACHMENT J: Section 3

Review the “Economic Opportunity for Low Income Businesses & Individuals” section at [www.billingsmt.gov/contractors](http://www.billingsmt.gov/contractors).

INSTRUCTIONS: Complete and return this form with your proposal packet.

### CONTRACTOR SECTION 3 COMPLIANCE

As a participating contractor in a program partially funded by the City of Billings, I understand that I am bound to the principles of Section 3 of the Housing and Urban Development Act of 1968, which *ensures that employment and economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible and consistent with existing federal, state and local laws and regulations, be directed to low-and very low income persons.*

If Section 3 covered assistance is awarded and the recipient has no need for additional employees or trainees, or the recipient has no need to contract for work, then the Section 3 requirements are not triggered.

- ☐ **I WILL NOT be hiring any new employees for this contract.**
- ☐ **I WILL be hiring new employees for this contract** *(please choose one of the following options):*
  - ☐ I will forward employment, job training and contract opportunities to the Community Development Division for distribution / posting to the following organizations in accordance with the City’s Standardized Section 3 Compliance Plan:
    - Housing Authority of Billings
    - Social Service Providers in Billings
    - Task Force Chairs / Newsletters
  - ☐ I will be submitting my own Section 3 Compliance Plan to the Community Development Plan for approval prior to beginning work on the project.

Contractor Name: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_

Contract Awarded: \_\_\_\_\_