



Request for Proposals

For

**930 STEFFANICH DRIVE AFFORDABLE MODULAR
HOUSING PROJECT – TLR20211203**

210 North 27th Street P.O. Box 1178, Billings, MT 59103



Request For Proposals

PROJECT: 930 Steffanich Drive Affordable Modular Housing Project TLR20211203

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Section 1: General Information

**Request For Proposals (RFP): 930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT –
TLR20211203**

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

THIS IS NOT AN ORDER

PROPOSALS MUST BE <u>RECEIVED</u> NO LATER THAN: January 28, 2022, at 5:00 pm (MST)	RFP INITIATIVE: _____
<ul style="list-style-type: none">• All proposers must respond in detail to each element of this RFP in order to be considered for contract award.• All proposals must be mailed or emailed to the contact person at the address below.• No hand-delivered proposals will be accepted in order to prohibit the transmission of COVID-19.• If pricing has been requested, it must be in a separate sealed envelope or emailed under separate cover:<ul style="list-style-type: none">○ If proposal is <u>mailed</u>, pricing may be included in a separate sealed envelope with the following clearly noted on the outside “930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203 RFP Confidential Pricing.” If proposal is <u>mailed</u>, please also include or email an electronic version, minus pricing.○ If proposal is <u>emailed</u>, pricing must be emailed under separate cover with “930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203 RFP Confidential Pricing” as the subject line.	
SEND ALL CORRESPONDENCE TO THE CONTACT BELOW:	
City of Billings Community Development Division 2825 3rd Avenue N, Suite 610 Billings, MT 59101	Or
<p>Tam Rodier, CD Program Coordinator Email: rodiert@billingsmt.gov PHONE: (406) 657-8284 FAX: (406) 294-7595</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 three basic goals of the Community Development (CD) Division's Consolidated Plan and include:

- To provide decent housing;
- To provide a suitable living environment; and
- To expand economic opportunities.

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.

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 many 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 45 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. 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 and Objectives

This RFP is issued by City of Billings (City) for the purpose of obtaining information and pricing regarding the purchase, transport, set up, and warranty of one (1) new modular affordable housing unit for low-income residents of Billings (low-income defined later in this section). The lot on which the affordable modular home is to be placed is owned by the City of Billings and is addressed as 930 Steffanich Drive, Billings, MT 59105. The lot is zoned N2, Mid-Century Neighborhood Residential.

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 entity to design, construct, install and finance one (1) suitable modular home unit meeting all applicable federal, state, and local codes and ordinances. This includes construction of a permanent foundation meeting current zoning code, setback requirements, and building codes; transporting the modular home to the site; setting the home on the permanent foundation; backfilling the foundation; installing accessible access to at least one exterior door; ensuring at least one egress window in each bedroom; hooking up all utilities (water, sewer, electricity, natural gas, broadband internet, phone); constructing and/or installing a one- or two-stall garage (as appropriate) and concrete driveway; passing all City of Billings building, zoning and other necessary and/or required inspections; repairing, patching and finishing any issues resulting from transport and installation; installing landscaping / xeriscaping (defined later in this section); ensuring the unit is move-in ready; providing a minimum 1-year warranty for the modular home and all items noted above; and transferring ownership to the City of Billings or directly to a City-approved first time homebuyer upon payment by the City of Billings. The expected outcome of this project is the highest best use of the property for affordable housing.

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. Also considered will be the proposer's demonstrated sensitivity to quality land use planning, housing development design and architecture, the ability to meet or exceed "Visit-ability" standards (defined 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.

It is the intent of the City to review and assess all RFP responses to determine which proposal best meets the needs of the City.

Proposers are expected to provide their best and most competitive 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. The City must now provide 1-for-1 replacement of affordable single-family housing on the site.

Maps showing the lot to be developed:



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Key Parameters

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

1. The proposer shall build or purchase, transport/deliver, set up, and finish to move-in ready one (1) affordable modular home on a permanent foundation.
2. 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.
3. Housing proposed should be compatible in value, design and amenities with the surrounding neighborhood.
4. The completed home will be sold, and be affordable to, households at or below 80% of the area median family income for Billings, Montana (see chart at right).
5. The proposal shall include providing 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.
6. Proposals must comply with all applicable federal, state and local development regulations, laws, codes and/or ordinances.
7. Preference will be given to Community Housing Development Organizations (CHDOs; Attachment J). 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

Household Size	Income Limit*
1	\$44,800
2	\$51,200
3	\$57,600
4	\$64,000
5	\$69,150
6	\$74,250
7	\$79,400
8+	\$84,500

**Effective June 1, 2021*

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 the 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 proposer's capital to be invested in the project.
4. Describe how "visit-ability" standards will be incorporated into the unit, and the number of bedrooms and bathrooms in the unit. If special types of units are aimed at target group(s), 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.
5. What is the proposed sales price of the unit? Note that the maximum sales price the newly constructed unit is \$282,000, which includes the value of the land and all improvements (no exceptions).
 7. Provide a proposed development schedule, including time required for design, commencement, completion of construction, and title transfer.
 8. Complete a price matrix of estimated costs for the project using the worksheet provided (Attachment C). This shall include the costs of City-owned land, building site work, foundation, professional fees, permits, utilities installation and hookup fees, building site cleanup work following construction (including removal of excavated dirt), landscaping, concrete, and all other costs for the project.
 9. 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 the completed home must be transferred to an approved low-income first time 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 Development or 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 32nd Street, Suite 200, Billings, MT 59101. Contact Deanna Langman (406-869-8410 / langman@bigskyeda.org) or Rosalind Dix (406-869-8413 / dix@bigskyeda.org).

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17. Do you understand and agree to enter into a Development or Construction Agreement for the 930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203, 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

Section 3

Section 3 of the Housing and Urban Development Act of 1968 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, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons.

<https://www.billingsmt.gov/Contractors> (Attachment H)

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 of January 28, 2022.

Section 3: Information for Suppliers

Disclaimer

This RFP does not form or constitute a contractual document. The City 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 that 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:

- (a) Carefully examine the Standards and Specifications as well as all other attached documents;
- (b) Fully inform yourself of the existing conditions and limitations;
- (c) 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.



Withdrawal of Proposals

Proposers may withdraw their proposal 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.

The prices established from this RFP may be extended to other political subdivisions within the State of Montana solely at the proposer's/vendor's discretion.

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 they can comply with the City of Billings minimum insurance requirements of:

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

Each policy of insurance required by this Section 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.

In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against the City.



Proposer shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA.

Proposer shall maintain workers' compensation insurance coverage for all members and employees of Proposer's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

The successful proposer will be required to purchase a City business license and complete the new vendor forms to be eligible for payment.

Performance Bond

The proposer agrees that if awarded the **930 Steffanich Drive Affordable Modular Housing Project – TR20211203**, and subsequent Development or Construction Agreement and Final Work List is negotiated for the 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 modular home, construction, and other proposed work contained within the Final Work List). The cost of the Performance Bond may be included within proposal costs.

Specific Insurance Requirements For Cyber/Data Information Security:

The successful Proposer shall purchase and maintain cyber/information security insurance coverage with combined single limits for each wrongful act of \$2,000,000 per occurrence to cover the unauthorized acquisition of personal information such as social security numbers, credit card numbers, financial account information, or other information that uniquely identifies an individual and may be of a sensitive nature in accordance with §2-6-1501, MCA through §2-6-1503, MCA.

If the Proposer maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Proposer. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Such insurance must cover, at a minimum, privacy notification costs, credit monitoring, forensics investigations, legal fees/costs, regulatory fines and penalties, and third party liability settlements or judgements as may be caused by any act, omission, or negligence of the Proposer's officers, agents, representatives, assigns or subcontractors.

Note: If occurrence coverage is unavailable or cost-prohibitive, the City will accept 'claims made' coverage providing the following conditions are met:

1. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work;
2. Insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of the contract of work; and,
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the Proposer must purchase "extended reporting" coverage for a minimum of three (3) years after completion of work.



System Security

Proposer shall ensure systems delivered are adequately secure. For purposes of this RFP, adequate security is defined to require compliance with federal and State of Montana security requirements and to ensure freedom from those conditions that may impair the City's use of its data and information technology or permit unauthorized access to the City's data or information technology.

The City has established control standards and policies that align with the NIST Cybersecurity Framework. The latest revision of NIST SP 800-53 is used for control adherence evaluation established after developing a security categorization utilizing FIPS PUB 199. Thus, Proposer shall provide reasonable proof, through independent audit reports, **security scans of operating systems, code or the technology environment provided**; that the proposed system meets or exceeds federal and State of Montana security requirements to ensure adequate security and privacy, confidentiality, integrity, and availability of the City's data and information technology.

Annual assurance statements shall be delivered to the Contract Liaison. Annual assurance statements must contain a detailed accounting of the security controls provided and must be in the form of a NIST Security Assessment Report or FedRAMP Security Assessment Report.

Prohibited Activities and Spoofing

Licensor and its officers, employees, agents, subcontractors, and affiliated users, shall not violate or attempt to violate the security of the City or State of Montana's network or interfere or attempt to interfere with the systems, networks, authentication measures, servers or equipment, or with the use of or access to the network by any other user. Such prohibited activity includes (i) accessing or logging into a server where access is not authorized; (ii) unauthorized probing, scanning, or testing the security or vulnerability of the City or State's network or other systems; and (iii) attempting to portray itself as the City or State or an affiliate of the City or State or otherwise attempting to gain access, without authorization, via the network or systems to any account or information technology resource not belonging to Proposer or its officers, employees, agents, subcontractors, and affiliated users. Proposer shall not perform unauthorized spoofing or scanning of any kind, including user account identity. Systems shall not spoof the billings.mt.gov or mt.gov domains or engage in Email Spoofing. Email spoofing is the creation of email messages with a forged sender address. For example, email spoofing includes creating or sending emails using the City or State's domain.

Disposition Of Proposals

All materials submitted in response to this RFP become public records under Article II, Section 9 of the Montana Constitution and § 2-6-102 and 7-1-4144, MCA and may be distributed by written request pursuant to Montana's Constitutional Right to Know or Public Records Acts.

Information provided in response to this RFP will be held in confidence and will not be revealed or discussed with competitors prior to award of the Contract / Construction Agreement. However, one copy of each proposal submitted shall be retained for the official files of the Department and will become



public record after award of the Contract / Construction Agreement. 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.

Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section.

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 must be sent to the contact person listed in Section 1 no later than 2 business days prior to due date for proposals. The City will make every effort to provide a written response within 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 posted on the City's website and forwarded to all Suppliers who have submitted an "Intent to Respond" form (Attachment E).

Proposer must submit their questions via email using the "Master Q & A" form found in **Attachment E**, and provide, at a minimum, the following:

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

RFP Response Submission

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

All proposals must be mailed or emailed to the contact person listed in Section 1.

No hand-delivered proposals will be accepted in order to prohibit the transmission of COVID-19.

If pricing has been requested, it must be in a separate sealed envelope or emailed under separate cover and "930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203 RFP Confidential Pricing" as the subject line.

- If proposal is mailed, pricing may be included in a separate sealed envelope.
- If proposal is emailed, pricing must be mailed in a sealed envelope or emailed under separate cover and "930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203 RFP Confidential Pricing" as the subject line.

If proposal is mailed, please also include or email an electronic version, minus pricing, of your proposal.



RFP Process Timeline

RFP/legal ad finalized:	December 8, 2021
Advertise:	December 17, 2021 & December 24, 2021 (2)
Proposals must be <u>received</u> by 5:00PM:	January 28, 2022
Evaluate and choose:	January 31, 2021 - February 11, 2022
Negotiate Agreement & Final Work List:	February 14-23, 2022
Preliminary Council memo due:	February 24, 2022 (City Council agenda placeholder)
Finalized Council memo and Agreement:	March 3, 2022 (Final City Council memo with staff recommendation and negotiated Development or Construction Agreement / Final Work List)
Council meeting:	March 14, 2022

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 evaluation of proposals may include, but is not limited to, the following criteria:

SECTION I - ORGANIZATION IDENTIFICATION & MISSION (12 points possible)	
Linkage between City Objectives and Organization Mission	≤2/ea
Objectives outlined in the proposal are in alignment with Community Development's objectives.	
Organization mission supports affordable housing.	
Qualifications of the Development Team	≤2/ea
Design and development expertise and past performance, specific to personnel.	
Management expertise and past performance, specific to personnel.	
Financial expertise and past performance, specific to personnel.	
Perceived ability to meet City requirements	
SECTION II - ORGANIZATIONAL CAPACITY & EXPERIENCE (42 points possible)	
Housing Development Experience	≤2/ea
Development of federally funded projects.	
Success of comparable developments, as evidenced by the following:	-
- Quality of past projects including architectural / site / design / landscape / amenities;	
- Timeliness of performance; and	
- Organizational capacity/ability to deliver products as initially represented, on time and within	



budget.	
Degree of technical assistance required from the City of Billings for implementation.	
Planning / Design Experience	≤2/ea
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.	
Management / Business Experience	≤2/ea
Management success in comparable developments, including business experience and development.	
Experience in developing business services / products.	
Quality control processes.	
Commitment to training / ongoing process improvements.	
Evidence of commitment to outreach to target population(s).	
Financial Capacity	≤2/ea
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"> - Sufficient liquid assets to meet short / long term needs of the project; - Cash needed for equity contribution, pre-development, overhead during planning and implementation (5 to 10% of total development costs); and - Sufficient financial strength to absorb reasonable project delays and cost overruns. 	
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.	
SECTION III - PROJECT DESIGN & SOUNDNESS OF APPROACH (32 points possible)	
Project Impact / Design	≤2/ea
Ability to offer maximum quality / support to City staff and potential homeowner(s).	
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 and plans to comply with City terms and conditions.	
Ability to maintain project viability long-term.	
Site Control / Physical Project Design	≤2/ea
Site control plan feasibility.	
Plans include compliance with the current zoning code & planning review for feasibility.	
Plans include compliance with the current energy code.	
Plans include conformity to required building codes.	
Site drainage, slope, streets, utilities, broadband, phone, etc. have been considered and planned.	



Service Design	≤2/ea
Quality of amenity package.	
Complete services continuum and service design.	
Programmatic elements and homebuyer restrictions.	
Funding for services secured.	
Collaboration mandate achieved.	
SECTION IV - FINANCIAL STRUCTURE	(9 points possible)
Funding Sources & Uses	≤2/ea
Sources are appropriate and applied in accordance with federal regulations.	
Uses are appropriate and in conformance with housing development standards.	
Is the project assured of receiving proposed leveraged funds?	
Is construction financing pre-arranged?	
Market Assessment	≤1/ea
Market assessment demonstrates both need and demand for unit type.	
SECTION V - PROJECT IMPLEMENTATION	(10 points possible)
Organizational / Management Approach	≤1/ea
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.	
Economic Impact	≤2/ea
Total project cost feasible and competitive.	
Leveraging ratio, including donated or subsidized land, labor, in-kind resources, proposer contribution, loans, etc.	
Ability and plans to meet Section 3 benchmarks; ability to meet reporting requirements.	
Developer's ability to meet performance measurements, including cost-benefit data.	
BONUS POINTS: OVERALL PROJECT EVALUATION & PRIORITIES	(19 points possible)
Quality of proposal overall (10 possible points).	
Standard Community Development Bonus Categories	
Is the proposer 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 landscaping, including a significant area of xeriscaping? (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 (124 possible)



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 proposers/proposals 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 proposer 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 entity to design, construct, install, and finance one (1) suitable modular home unit meeting all applicable federal, state, and local codes and ordinances. This includes:

- Construct a permanent foundation meeting current zoning code, setback requirements, and building codes;
- Transport the modular home to the site;
- Set the modular home on the permanent foundation;
- Backfill the foundation;
- Install accessible access at least one exterior door;
- Ensure at least one egress window in each bedroom;
- Hook up all utilities (water, sewer, electricity, natural gas, broadband internet, phone);
- Construct and/or install a one- or two-stall garage (as appropriate);
- Install an appropriate width concrete driveway from the street to the garage;
- All building, zoning, electrical, gas, and other necessary and/or required inspections called for and approved;
- Repair, patch and finish any issues resulting from transport and installation;
- Install and finish landscaping / xeriscaping;
- Ensure unit is move-in ready;
- Provide a minimum 1-year warranty for the modular home and other items noted above; and
- Transfer ownership to the City of Billings, or directly to a City-approved first time homebuyer, upon payment by the City of Billings.

The expected outcome of this project is the highest best use of the property for affordable housing.



ATTACHMENT A: VALIDATION QUESTIONS

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 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 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 Development or Construction Agreement, commencing on the day contract begins. Are you willing to comply with these requirements?
- 2) You must instruct your insurance broker / carrier to notify the City of Billings thirty (30) days prior to any coverage change. Are you willing to do this?
- 3) The successful proposer will be required to have an active City of Billings business license and complete the new vendor forms in order to be eligible for payment. 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: SAMPLE TERMS & 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 proposer warrants all articles supplied under this contract to conform to specifications herein. The proposer will deliver a warranty stating that all articles supplied under the Construction Agreement are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

The proposer 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 proposer 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 the Construction Agreement forthwith upon giving 10 days written notice to the proposer.

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 the Construction Agreement, 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 Construction Agreement.

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.

The Construction 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 Construction Agreement, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, proposer 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.

It is understood and agreed by the proposer and the City of Billings that the above does not constitute the entire Construction Agreement to be executed for the 930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203. The Construction Agreement will be developed and executed after the winning proposal is selected and the final work list is negotiated.



ATTACHMENT C: PRICE MATRIX

**Send this page with proposal in a separate, sealed envelope (if proposal mailed)
or send this page in a separate email (if proposal emailed)**

Project Name:	930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203
	Price
	Estimated costs for City-owned land
	Modular Home (design, construction, cabinets/countertops, appliances, flooring, etc.)
	Building Site Work (including foundation, etc.)
	Professional Fees (architectural, engineering, etc.)
	Permits (engineering, building, right-of-way, etc.)
	Construction Price Per Square Foot (garage)
	Landscaping / Xeriscaping
	Building Site Cleanup Work Following Construction (including removal of excavated dirt)
	Utilities Installation, Hookup Fees, etc. (water, sewer, electricity, natural gas, broadband internet, etc.)
	Concrete (drive approach, driveway, curb, gutter, sidewalk, door access, etc., as needed or required)
	Other Associated Costs (provide breakdown)

I/We acknowledge _____ addendum # _____

Company Name

Date

Contact Name (please print)

Title

Signature of Contact Position

By signing the above, I certify that I am authorized by the Company named above to respond to this Request for Proposals (RFP).

210 North 27th Street P.O. Box 1178, Billings, MT 59103



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

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

I/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

210 North 27th Street P.O. Box 1178, Billings, MT 59103



ATTACHMENT E: MASTER Q & A FORM

PROJECT: 930 STEFFANICH DRIVE AFFORDABLE MODULAR HOUSING PROJECT – TLR20211203

Master Q&A	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.
Q&A Process	<ol style="list-style-type: none">1. Prepare questions or concerns on the template provided below.2. Complete the table in full, providing a date for each question and the RFP section to reference (if applicable).3. Submit the completed form via email to rodier@billingsmt.gov. Attach associated documents as necessary. <p>Please contact Tam Rodier at (406) 657-8284 with any questions regarding this process.</p>

Questions from: _____ **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 MODULAR HOUSING PROJECT –
TLR20211203

Fax or email the following Intent to Respond form no later than two (2) days prior to the 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
Fax: (406) 294-7595
Email: rodiert@billingsmt.gov

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

Signature of Contact Person

By signing the above, I certify that I am authorized by the Company named above to respond to this Request for Proposals (RFP).

210 North 27th Street P.O. Box 1178, Billings, MT 59103



ATTACHMENT G: PROPOSER CONTACT INFORMATION

Company Contact Info:

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:	
Website URL:	

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: CONTRACTOR SECTION 3 COMPLIANCE FORM

As a participating contractor in the City's Community Development (CD) Division Program(s), 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, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons.*

The value of the contract is (*check only one*):

- < \$100,000** Section 3 does not apply to this project.
- ≥ \$100,000** **Section 3 worker** benchmark is 25 percent (25%) or more of the total number of labor hours worked by all workers on this Section 3 project.

Targeted Section 3 worker benchmark is 5 percent (5%) or more of the total number of labor hours worked by all workers on this Section 3 project (this 5% is included as part of the 25% threshold).

If contractor is unable to meet the above benchmarks, contractor agrees to 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:

- Homefront (formerly Housing Authority of Billings)

- I will submit my own Section 3 Compliance Plan to the CD Division for approval prior to beginning work on the project. The plan will include the following, at a minimum:**
 - A current workforce profile and hiring plan (if hiring for the project).
 - Training plan.
 - Section 3 Notice to be provided to all subcontractors.
 - Description of outreach efforts to comply with Section 3 hiring and contracting goals.
 - Section 3 Resident Affidavit as applicable for current employees.
 - Subcontractor Activity Report format.

Contractor Name: _____

Contractor Signature: _____



ATTACHMENT I: SOURCES & USES FORMS

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.

Screenshot Examples:

**CITY OF BILLINGS
FUNDING SOURCES STATEMENT**

- Please list sources of funding for the project. List both the funding source and the agency that administers the program
 - Include financing, grants, donations, and equity. Attach letter(s) of commitment.
 - Identify each source as to TYPE by noting after name (L) for Loan, (G) for Grant, or (E) for Equity.
 - Identify each source by DESCRIPTION CODE using the codes from the list below.
 - Indicate in the STATUS column whether (P) Proposed, (R) Requested, or (A) Approved.

NOTE: TOTAL SOURCES OF FUNDS MUST EQUAL TOTAL USES OF FUNDS

1502 February 2015

210 North 27th Street P.O. Box 1178, Billings, MT 59103



CITY OF BILLINGS
FUNDING USES

	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	TOTAL PROJECT BUDGET
ADMINISTRATION							-
Personnel Services							\$0
Supplies							\$0
Communications							\$0
Printing/Duplication/Postage							\$0
Advertising							\$0
Accounting/Auditing							\$0
Travel							\$0
Training							\$0
Other Administration							\$0
TOTAL ADMINISTRATION COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
LAND/BLDG/ACQUISITION							-
Land							\$0
Existing Structure							\$0
Demolition							\$0
Homebuyer's Assistance							\$0
TOTAL LAND & BUILDING COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SITE WORK							-
Site Work							\$0
Off-Site Improvement							\$0
Environmental							\$0
Other							\$0
TOTAL SITE WORK COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CONSTRUCTION							-
New Building							\$0
Accessory Structures							\$0
General Requirements							\$0
Contractor Overhead							\$0
Contractor Profit							\$0
Construction Contingency							\$0
Community Revitalization							\$0
Other							\$0
TOTAL REHAB & CONSTRUCTION COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUBTOTAL Page One	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1502, February 2015

FUNDING USES - Page Two

	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	TOTAL PROJECT BUDGET
PROFESSIONAL WORK & FEES							-
Architect Design							\$0
Architect Supervision							\$0
Consultant/Agent							\$0
Engineer/Surveyor							\$0
Other							\$0
Other							\$0
TOTAL PROFESSIONAL WORK & FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CONSTRUCTION/ INTERIM FEES							-
Hazard & Liability Insurance							\$0
Credit Report							\$0
Construction Interest							\$0
Origination Points							\$0
Discount Points							\$0
Inspection Fees							\$0
Title & Recording							\$0
Legal Fees							\$0
Taxes							\$0
Other							\$0
Other							\$0
TOTAL CONSTRUCTION INTERIM FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SOFT COSTS							-
Feasibility Appraisal							\$0
Market Study							\$0
Environmental Study							\$0
Cost Certification							\$0
Other							\$0
TOTAL SOFT COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUBTOTAL Page 1	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL PROJECT COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0

210 North 27th Street P.O. Box 1178, Billings, MT 59103



FUNDING USES - Page Three

	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	SOURCE	TOTAL PROJECT BUDGET
SOFT COSTS							-
Feasibility Appraisal							\$0
Market Study							\$0
Environmental Study							\$0
Tax Credit Fees							\$0
Cost Certification							\$0
TBRA							\$0
Other							\$0
TOTAL SOFT COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SYNDICATION COSTS							-
Organizational (Partnership)							\$0
Bridge Loan Fees & Expenses							\$0
Tax Opinion							\$0
Other							\$0
TOTAL SYNDICATION COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEVELOPER'S FEES							-
Developer's Overhead							\$0
Developer's Fees							\$0
Consultant Fee							\$0
Other							\$0
TOTAL DEVELOPER'S FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT RESERVES							-
Rent-Up Reserve							\$0
Operating Reserve							\$0
Replacement Reserve							\$0
Escrow							\$0
Other							\$0
TOTAL PROJECT RESERVES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUBTOTAL Page 3	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUBTOTAL Page 1	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUBTOTAL Page 2	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL PROJECT COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1502, February 2015

Please contact Tam Rodier (rodiert@billingsmt.gov) for electronic versions of the above Excel spreadsheets



ATTACHMENT J: CHDO - Checklist

Community Housing Development Organization (CHDO)

CHDO:		Date Reviewed:	
Project:		Staff Reviewer:	

LEGAL STRUCTURE

CHDO must be a charitable organization, organized under State or local law, and one of its purposes must be to provide affordable housing.

HUD Checklist Exhibit 7-11 Selected Excerpts

To activate checkboxes, double-click on box and change default value to "checked".

Narrative sections expand when filled with type.

1	The nonprofit organization is organized under State or local laws, as evidenced by (check appropriate category) [24 CFR 92.2]: <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.		
	<i>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</i>		
2	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]: <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.		
	<i>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</i>		
3	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]: <input type="checkbox"/> A 501(c)(3) [charitable nonprofit corporation] certificate from the IRS; or <input type="checkbox"/> A 501(c)(4) [community or civic organization] certificate from the IRS; or <input type="checkbox"/> A group exemption letter from the IRS that includes the CHDO as a subordinate of a central organization nonprofit under section 905 of the Internal Revenue Code.		
	<i>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</i>		
4	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) [24 CFR 92.2]: <input type="checkbox"/> Charter; <input type="checkbox"/> Articles of Incorporation; <input type="checkbox"/> By-laws; or <input type="checkbox"/> Resolutions.		



Compliant? Yes No Notes:

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 <input type="checkbox"/> A certification from a Certified Public Accountant.</p>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
2	<p>The nonprofit organization has a demonstrated capacity for carrying out activities assisted with HOME 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 HOME funds; or <input type="checkbox"/> Contracts with consultant firms or individuals that have housing experience similar to projects to be assisted with HOME funds; and <input type="checkbox"/> A plan is in place for the consultant to train appropriate key staff of the organization.</p>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
3	<p>The nonprofit organization has a history of serving the community within which housing to be assisted with HOME 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 <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>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
4	<p>If the organization has been funded previously, is the project compliant with all monitoring requirements?</p>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
5	<p>Was at least one full year of service completed prior to receipt of HOME funds [24 CFR 92.2]?</p>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No 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>	Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:
		Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:



6	Is the statement signed by the chief executive of the organization?		
	<i>Compliant?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Notes:</i>		
ORGANIZATIONAL STRUCTURE			
The organization's organizational structure must ensure that it is able to represent the interests of low-income residents. Public sector representation is limited.			
1	The nonprofit organization maintains at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations as evidenced by the organization's (check appropriate category): [24 CFR 92.2]		
	<input type="checkbox"/> By-laws; <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.		
	In Billings, a "community" is one or more neighborhoods, a city, county, or metropolitan area		
<i>Compliant?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Notes:</i>			
2	Does current Board membership meet the low-income representation requirement?		
	<input type="checkbox"/> List of current Board membership and evidence of their representative status (employment, income, etc.)		
	<i>Documentation Needed on Board Members:</i>		
	<input type="checkbox"/> If a Board member represents a low-income neighborhood, the file includes documentation of that member's home address and census tract, and a map that verifies that the neighborhood is low-income.		
	<input type="checkbox"/> If the Board member is low-income, the file includes a signed certification from the Board member that either: (1) States his/her annual income (and the monitor can compare it to the current HUD income guidelines), or (2) Certifies that his/her income is below the amount that is the current low-income limit by household size.		
<i>Compliant?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Notes:</i>			
3	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		
	<i>Compliant?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Notes:</i>		
4	The CHDO, which may be chartered by a State or local government, complies with the following restrictions:		
	<input type="checkbox"/> The State or local government may not appoint more than one-third of the membership of the organization's governing body;		
	<input type="checkbox"/> The board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and		



	<p><input type="checkbox"/> No more than one-third of the governing board members are public officials (including any employees of the PJ [or State recipient] as evidenced by the organization's (check appropriate category) [24 CFR 92.2]:</p> <p><i>As evidenced by:</i></p> <p><input type="checkbox"/> By-laws; <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</p>
5	<p>The CHDO is not a public entity, including any of the following:</p> <p><input type="checkbox"/> PJ's <input type="checkbox"/> Public bodies <input type="checkbox"/> Instrumentalities of government (public housing authorities, urban renewal agencies, redevelopment authorities, and downtown development authorities).</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</p>
6	<p>The City has determined the CHDO has actual paid staff. Volunteers and paid consultants do not qualify.</p> <p><input type="checkbox"/> Return of Organization Exempt from Income Tax, Form 990 <input type="checkbox"/> List of project staff and qualifications verify capacity.</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</p>
7	<p>Does current Board membership meet HOME's restrictions on public sector representation?</p> <p><input type="checkbox"/> List of current Board membership and evidence of their employment status</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</p>
8	<p>If the CHDO is sponsored or created by a <i>for-profit entity</i>, 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, as evidenced by the CHDO's (check appropriate category): [24 CFR 92.2]</p> <p><input type="checkbox"/> By-laws; <input type="checkbox"/> Charter; or <input type="checkbox"/> Articles of Incorporation.</p> <p><i>Relationship with for-profit entities:</i></p> <p>A CHDO must be able to make decisions and policies (including free choice regarding use of vendors) independent of any for-profit entity, regardless of whether the for-profit entity created the CHDO.</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Notes:</p>
9	<p>The CHDO 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]:</p> <p><input type="checkbox"/> By-laws; <input type="checkbox"/> Memorandum of Understanding (MOU); or <input type="checkbox"/> Other binding agreement between the CHDO and for-profit organization.</p> <p>Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:</p>



If this CHDO has been sponsored or created by a *for-profit entity*, the for-profit entity's primary purpose does not include the development or management of housing, as evidenced:

- The for-profit organization's by-laws; AND the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced in the CHDO's (check appropriate category) [24 CFR 92.2]:

10 *Documentation verifying:*

- By-laws;
 Charter; or
 Articles of Incorporation.

Compliant? Yes No N/A Notes:

Overall CHDO Eligibility

Compliant? Yes No Notes:

5 Were all CHDO set aside funds [to this CHDO] used for housing projects owned, developed, or sponsored by CHDOs? [24 CFR 92.300(a)(1)]

Compliant? Yes No Notes:

FILE REVIEW:

- Is compliance with 24 CFR 92.2 documented in the file (e.g., CHDO checklist and supporting documentation)? [24 CFR 92.508(a)(4)]
 Has staff reexamined the CHDO's designation each time HOME funds were provided? [24 CFR 92.300(a)(1)]
 Has staff annually recertified CHDO designation for the project under development?

Compliant? Yes No Notes:

6 Identify any of the following types of CHDO special financial assistance provided:

- Capacity-building funds. New PJs that cannot identify a sufficient number of capable CHDOs to meet the CHDO set-aside requirement can provide a limited amount of HOME funds to build CHDO and nonprofit capacity.
 Operating assistance. Up to five percent of a PJ's annual HOME allocation can be used to pay general operating assistance for CHDOs that receive, or are expected to receive, HOME set-aside funds.
 Project predevelopment loans. Up to 10 percent of the amount the PJ sets aside for CHDOs can be used for project-specific predevelopment assistance. Predevelopment funds can be provided as either technical assistance and site control loans, or seed money loans. These funds must be loaned, and may be provided as a line of credit.

7 Compliant? Yes No Notes:

If desired, please complete an [Application for CHDO Certification](#) and submit it to rodert@billingsmt.gov