



## **REQUEST FOR PROPOSALS**

### **Historic Tax Credit Consultant Services**

**Requested by:  
City of Billings Facilities Division**

September 2, 2022

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



**Request For Proposals  
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## **SECTION 1: General Information**

### **1.1 Purpose**

The City of Billings is soliciting proposals from qualified Consultants to provide Historic Tax Credit (HTC) Management and Brokerage services for a proposed historic building the City owns and is renovating into its new City Hall located at 316 N 26<sup>th</sup> St W, Billings, MT, 59101 (the former James F. Battin Federal Courthouse).

The City is exploring all funding opportunities for this project including, but not limited to, a combination of debt financing, cash on hand, and all available tax credits.

The selected firm may be required to make an oral presentation to City Council. The selected firm must have extensive experience in managing the HTC process for municipalities or other tax-exempt entities. The selected firm must have experience with Montana tax laws.

Respondents must provide at least three references for projects demonstrating said experience. Respondents shall provide reference contact information for verification.

Respondents must provide a narrative explaining their process and approach to the HTC process from initiation through close-out.

The firm will work closely with City Staff to maximize the City's value through the HTC program.

### **1.2 General Submission Information**

The Facilities Division intends to award a single contract for historic tax credit consultation. The proposal should address the Consultant's capabilities for performing all aspects of the HTC process.

### **1.3 Questions**

Questions regarding this proposal shall be submitted by using **Attachment B: Master Q & A Form**, and submit to:

City of Billings  
Attention: Jessica Fust  
Building and Facilities Manager

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



2528 3<sup>rd</sup> Ave N, 4<sup>th</sup> Floor  
Billings, MT 59101  
406-657-8271  
[fustj@billingsmt.gov](mailto:fustj@billingsmt.gov)

## 1.4 Preparation Costs

The City shall not be responsible for proposal preparation costs, nor for costs including attorney fees associated with any (administrative, judicial or otherwise) challenge to the determination of the highest-ranked Proposer and/or award of contract and/or rejection of proposal. By submitting a proposal each Proposer agrees to be bound in this respect and waives all claims to such costs and fees.

# **SECTION 2: Rules Governing Competition**

## 2.1 Examination of Proposals

Proposers should carefully examine the entire RFP, any addenda thereto, and all related materials and data referenced in the RFP. Proposers should become fully aware of the nature of the Work and the conditions likely to be encountered in performing the Work.

## 2.2 Proposal Acceptance Period

Award of this proposal is anticipated to be announced within **forty-five (45) calendar days**, although all offers must be completed and irrevocable for **ninety (90) days** following the submission date.

## 2.3 Confidentiality

The content of all proposals will be kept confidential until the selection of the Contractor is publicly announced. At that time the selected proposal is open for review. After the award of the Contract, all proposals will then become public information.

## 2.4 Proposal Format

Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of the Proposer's capabilities to satisfy the requirements of this RFP. Emphasis should be placed on:

- Conformance to the RFP instructions

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



- Responsiveness to the RFP requirements
- Overall completeness and clarity of content

## **2.5 Signature Requirements**

All proposals must be signed. An officer or other agent of a corporate vendor, if authorized to sign Contracts on its behalf; a member of a partnership; the owner of a privately owned vendor; or other agent if properly authorized by a Power of Attorney or equivalent document may sign a proposal. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

## **2.6 Proposal Submission**

Proposals will only be accepted via email and shall be emailed as a single PDF attachment in an email titled “[Firm’s Name] HTC Consultant Services RFP” to [fustj@billingsmt.gov](mailto:fustj@billingsmt.gov). Proposals must be received by the City prior to 5:00 PM, Friday, September 16, 2022. Pricing shall be sent in a separate email titled “[Firm’s Name] HTC Consultant Services RFP – Confidential Pricing”.

## **2.5 News Releases**

News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Billings Facilities Division.

## **2.6 Disposition of Proposals**

All materials submitted in response to this RFP become the property of the City of Billings. The digital copy shall be retained for the official files of the Facilities Division and will become public record after award of the Contract.

## **2.7 Modification/Withdrawal of Proposals**

A respondent may withdraw a proposal at any time prior to the final submission date by sending written notification of its withdrawal, signed by an agent authorized to represent the agency. The respondent may thereafter submit a new or modified proposal prior to the final submission date. Modifications offered in any other manner, oral or written, will not be considered. A final proposal cannot be changed or withdrawn after the time designated for receipt, except for modifications requested by the City after the date of receipt and following oral presentations.



## **2.8 Oral Change/Interpretation**

No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-proposal conference or otherwise. Written addenda will be issued when changes, clarifications, or amendments to proposal documents are deemed necessary by the Municipality.

## **2.9 Late Submissions**

PROPOSALS NOT RECEIVED PRIOR TO THE DATE AND TIME SPECIFIED IN THE ADVERTISEMENT (5:00 PM, September 16, 2022) WILL NOT BE CONSIDERED.

## **2.10 Rejection of Proposals**

The City of Billings reserves the right to reject any or all proposals if determined to be in the best interest of the City.

# **SECTION 3: Scope of Work**

## **3.1 Types of Services**

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

### **Preliminary Due Diligence Services**

Consultant shall provide preliminary professional and legal services including, but not limited to, confirming viability of Historic Tax Credit funding compliant with all Local, State, and Federal laws. The consultant must confirm that the HTC process is advantageous to the City, at the City's discretion, prior to moving forward with the process.

The deliverable from this initial phase shall be a report outlining, in detail, the HTC process, what steps the City must take to achieve it, and what the expected net outcome for the City is, including how the HTC process may affect debt financing or other funding sources. The Consultant shall propose an ownership and leasing structure and demonstrate how it will function to maximize the benefit to the City while complying with all applicable local, state, and federal laws. This due diligence report may need to be presented to City Administration and City Council for approval before moving forward with the process.



## **Tax Credit Process Management**

Provided the City is confident in the advantages of moving forward with the process and gives the approval to do so, the Consultant shall manage the Tax Credit Process. This shall include, but not be limited to, the following:

1. Evaluate and determine the optimum structure for monetizing the HTC program.
2. Create the entities and agreements needed to access tax credits.
3. Review the proposed construction work and work with the City's Designers and General Contractor to maximize the benefit from qualified reimbursable expenses (QRE).
4. Select and work with an accounting firm to complete the cost certification.
5. Work with existing project funds to optimize the fiscal benefit to the City.
6. Prepare information packages for potential tax credit investors.
7. Tax investor recruitment and evaluation.
8. Manage the closing for the tax credit investors.
9. Consultant will obtain or facilitate the payment from the investor(s).

### **3.2 Scope of Professional Services**

Professional services desired by this RFP include, but are not limited to:

1. Possess extensive experience in managing and facilitating the HTC process for other municipalities or non-profits. Provide examples of at least 3 projects of a similar scope within the past five (5) years.
2. Possess extensive knowledge of Montana state law and applicable Federal laws as they relate to the HTC process for tax-exempt entities.
3. Provide critical analysis, assessments and recommendations to guide the process.
4. Provide support to City staff and elected officials as needed to move the process forward and determine the best course of action.

### **3.3 Project Development Schedule:**

The proposed project schedule is:

RFP/legal ad done:	8/30/2022
Advertise:	9/2/2022 & 9/9/2022
Preliminary Council memo due:	10/6/2022
Proposals must be <u>received</u> by 5:00PM:	9/16/2022
Evaluate and choose:	9/19/2022-9/23/2022
Contract Negotiations:	9/26/2022-10/10/2022
Finalized Council memo and contract due:	10/13/2022
Council meeting:	10/24/2022



## **SECTION 4: Proposal and Submission Requirements**

To achieve a uniform review process and obtain the maximum degree of comparability, the proposals shall be organized in the manner specified below. Proposals shall not exceed three (3) pages in length (**excluding** resumes, title page(s), index/table of contents, attachments, or dividers). Information in excess of those allowed will not be evaluated/scored. One page shall be interpreted as one side of single-spaced, typed (11 pt font or greater), 8½" X 11" sheet of paper. Firms are encouraged to include resumes and any applicable past projects in an appendix that will **NOT** count toward the pages of the narrative.

The submittal shall include a provision under Section 4.4.D - Available Resources for notifying the Facilities Division within thirty (30) days of any changes of personnel that are included in this statement and the addition to the Consultant's staff of personnel who may contribute to the discipline specialties for which the Consultant has been selected. The City reserves the right to approve all personnel changes. The Department also reserves the right to cancel any task request in effect should it determine that the proposed staff is not available or assigned to the task order.

### **4.1 Title Page (1 Page)**

Show the RFP project name, the name of your firm, address, telephone number(s), name of contact person, and date.

### **4.2 Letter of Transmittal (Limited to 1 Page)**

- A. Identify the RFP project or contract for which proposal has been prepared.
- B. Briefly state your firm's understanding of the services to be performed and make a positive commitment to provide the services as specified.
- C. Provide the name(s) of the person(s) authorized to make representations for your firm, their titles, address, and telephone numbers.
- D. The letter of each proposal must be signed by a corporate officer or other individual who has the authority to bind the firm. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

### **4.3 Table of Contents (1 Page)**

Clearly identify the materials by Section and Page Number.



#### **4.4 Proposal Narrative (Limited to 3 Total Pages)**

##### **A. Firm Experience**

1. Detail the firm's experience in the same or similar areas of expertise, stability, and its adaptability to providing the required services.
2. Provide at least three references for which your firm has provided the same or similar services. Include a point of contact, current telephone number and email, and a brief description of the services provided.
3. Identify your firm's performance on similar projects, especially noting City work, City work in the project area, and task work of this type. Provide a point of contact for all City work identified. A current telephone number should also be provided if applicable.

##### **B. Project Manager**

Provide detailed information on the qualifications and relevant experience of the Project Manager as it relates to the required services. Include project reference contact name(s) and current telephone number(s).

##### **C. Key Project Staff and Subconsultants**

Identify key project staff, task leaders, and subconsultants, along with their availability, expected to provide services on behalf of the firm. Resumes should be included, in an appendix that will **NOT** count toward the page count of the narrative, for each of the individuals and subconsultants referenced, which details their relevant experience. Performance on projects, especially City projects, should be noted.

##### **D. Available Resources and Consultant Location**

1. Provide information on personnel resources available to your firm, which indicates that you have access to the services necessary to perform the work in the time available and within the required standard.
2. Describe the firm's location where the primary services are to be provided and the ability to meet in person with department personnel when required during the performance of the Contract.

##### **E. Project Methodology and Approach**

Provide detailed information on the firm's methodology in meeting the scope of work requirements identified in Section 3. Describe overall approach to include special considerations, which may be envisioned in scoping, completing, and managing small tasks. Provide detailed



information on the Project Manager's role in scoping tasks with the City and working with key staff or task leaders.

## **F. Pricing**

Without listing the actual cost of services, the proposal shall include the Consultant's proposed fee structure, whether a percentage of proceeds from the sale of the HTCs, a flat fee, lump sum not to exceed, sliding scale, or another methodology, for each part of the process. Additionally, if there are costs associated with the preliminary work investigating the viability of the project, explain how those fees are determined. If there is no cost to the City unless the HTC sale is successful, including through the due diligence phase, indicate what specific process or milestone triggers the payment to the consultant and how the consultant is paid, i.e. closing proceeds from the investor or by the City.

Specific pricing information detailing the total compensation to the consultant shall be provided in a separate email titled "Historic Tax Credit Consultant RFP – Confidential Pricing"

## **SECTION 5: Evaluation Criteria and Selection Process**

### **5.1 Evaluation Criteria**

Submittals will be evaluated in accordance with the following criteria:

- A. Firm Qualifications
- B. Firm Experience
- C. Project Manager
- D. Proposed Project Staff and Subconsultants
- E. Available Resources and Firm Location
- F. Project Methodology and Approach
- G. Cost

A committee of individuals representing the City of Billings will perform evaluation of the proposals. The committee will review the proposals as submitted.

The City of Billings reserves the right to award Contract(s) solely on the written proposal.

The City also reserves the right to request oral interviews with any or all of the firms. The purpose of the interviews with the firms is to allow expansion upon the written responses.



The committee's selection(s) may be invited to enter into negotiations with the City for the purposes of Contract Award.

### **SECTION 6: Contract Negotiation Process**

The Proposer selected by the committee as best meeting the evaluation criteria may be invited to enter into Contract negotiations with the City of Billings. If an agreement cannot be reached with the committee's first choice, the City shall notify the Proposer and terminate negotiations. The committee's second choice may be contacted for negotiations. This process may continue until successful negotiations are achieved. However, the City reserves the right to terminate negotiations with any Proposer should it be in the City's best interest. The City of Billings reserves the right to reject any and all proposals submitted.



## ATTACHMENT A

### CONDITIONS AND NON-COLLUSION FORM

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.

Legal Name of Firm/Corporation	Authorized Signature
Address	Printed Name
City/State/Zip	Title
Date	Telephone Number



## ATTACHMENT B

### MASTER Q & A FORM

#### PROJECT: City Hall HTC Consultant RFP

<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:fustj@billingsmt.gov">fustj@billingsmt.gov</a> . Attach associated documents as necessary.</li></ol> <p>Please contact Jessica Fust (406-657-8271) 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 C

## INTENT TO RESPOND FORM

**RFP: City Hall HTC Consultant RFP**      **Dated** \_\_\_\_\_

Fax or email the following Intent to Respond form to within two (2) days of RFP date even if your company chooses NOT to participate in the RFP.

**To:** City of Billings  
**Attn:** Jessica Fust  
**Email:** [fust@billingsmt.gov](mailto:fust@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:

---

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

---

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

---

### Signature of Contact Person

By signing the above, I certify that I am

By beginning and ending, a company must have transparency and company needs a chance to respond to the request.



## ATTACHMENT D

### PROPOSER CONTACT INFORMATION

#### ***A. Company Contacts***

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

#### ***B. 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:	