



HOUSING AUTHORITY OF THE CITY OF PITTSTON REQUEST FOR PROPOSALS FOR MOVE TO WORK CONSULTANTS

History

The Housing Authority of the City of Pittston is seeking proposals from qualified firms to assist the agency in transitioning to a Move to Work Designated Housing Authority.

The City of Pittston Housing Authority is made up of 302 public housing units of which there are 190 family units and 112 senior/disabled units. Additionally, the agency manages 147 Section 8 Vouchers.

1. Introduction:

The purpose of this Request for Proposals is to seek a highly-qualified firm who can guide the organization through a transformative change via the Move to Work Designation Program administered by the Department of Housing and Urban Development. The agency's mission is to help break the generational cycle of poverty that exists locally. All MTW activities will be grouped together to accomplish this mission.

2. Agency Background:

1. The City of Pittston Housing Authority has functionally joined with the City of Pittston Redevelopment Authority to create a new entity: The Community Development Association of Pittston. This merger will be finalized in 2024. The Housing Authority and Redevelopment Authority share the same Executive Director and Deputy Directors.
 - The new entity is working on projects to modernize practices and provide better services for residents. The agency's goal is to improve all public housing sites, target mixed-income housing on sites, and transition residents from housing assistance to self-sufficiency. There are several site improvement projects the agency wishes to tackle while making programmatic changes to policy that allows for more robust housing options for residents.

The newly-granted MTW Designation will help guide the organization through beneficial changes focused on housing, community development, and workforce development.

3. Key dates and deadlines for submission:

Proposals are due to **the Pittston Housing Authority 500 Kennedy Blvd Pittston PA 18640 by 3:00PM on June 7th 2024**. Proposals should be in hard copy form and mailed to the offices. Two proposals must be submitted in hard-copy format.

4. Move to Work Transition Components: The following list summarizes key components involved in the Move to Work Transition that the agency seeks expert guidance on to implement.

- **Family Self Sufficiency Program** – The agency has several contacts who focus on housing, economic development, education, upward mobility, and workforce development. The agency would like to engage these skilled local stakeholders to help guide the Family Self Sufficiency Program. The agency has signed an agreement with Money Fit to provide credit counseling and debt management services and pre-homeownership education.
- **Increase Housing Choice** – The agency was recently certified in a Homeownership Voucher Program and has met with residents interested in the program. There are a few ways the agency can assist with providing residents a path towards homeownership. This is important to the mission of upward mobility and improving housing choice for tenants. Rent to own options in addition to modular home build outs for first time homebuyers is something the agency desires to program.
- **Implement Work Requirement** – The agency sees a need to empower residents to gain upward mobility and family self-sufficiency. The agency plans to implement a work requirement in conformance with MTW waivers. Additionally, the agency will be seeking ways to work with residents who begin earning more so they have time to find new housing with more of a transition period than current practices.
- **Implement Term Limits to get back to Transitional Housing** – The agency sees a need to implement term limits on housing assistance. The agency desires assistance in rolling out term limits in conformance with public process and best in class practices from MTW agencies.
- **Decrease Administrative Burdens** – The agency believes in eliminating administrative burdens and looking at frequency of interims, standardizing certain deductions, and standardizing processes where possible between programs. The agency is seeking consultant input on how to best implement policies aimed at modernizing and decreasing redundancy.
- **Optimize Sites for Mixed-Income Targeting** – The agency has a several sites that need to undergo capital improvements to be operational, using funding flexibly to tackle improvements and mixing income is a priority of the agency.
- **Develop Agency-Specific Waivers** – There are several policy changes that may be useful to the agency for the next several years based on the mission for the agency. It will be advantageous for the selected consultant to guide the agency through possible agency-specific waivers that could help to fulfill changes related to the above-referenced priorities.

5. Scope of Work:

1. **Planning:** The consultant will work in conjunction with organization's leadership and Board of Directors on planning activities surrounding the MTW Transition for the above-referenced priorities. Planning activities will include:
 - **Public Process:** Assist the agency in public processes including public review and public hearing, soliciting input from resident groups, and putting together required documentation for HUD review.
 - **Family Self Sufficiency Oversight:** Assist the agency with the formation of stakeholder committee focused on launching Family Self Sufficiency Program and overseeing the program at its inception and beyond.
 - **Preparation of MTW Supplement & Waivers:** Assist the agency with all related planning tasks for the MTW supplement and ACOP changes in line with MTW policies. Assist the agency in pre-work for MTW activities and applicable MTW waivers that will assist with the mission of the program, including but not limited to: term-limited assistance, increase PBV rent to owner, alternative PBV selection process, policies for addressing increase in family income, work requirement, allow income calculations from partner agencies, deconcentrating of poverty in public housing, rental subsidy programs, housing development programs, acquisition without prior HUD approval.
 - **Innovation:** Assist the agency in understanding all opportunity-areas related to long-term planning and the MTW designation including the utilization of RAD, agency-specific waivers, and policy changes allowable with MTW agencies.
2. **Implementing & Advising:** Work with the agency on implementing MTW policies and compliance areas. The selected firm will act in a consultancy role advising the agency on MTW policy changes that will fulfill the mission of the agency. The consultant will also work with agency leadership to identify opportunities, amend policies as programs are implemented, and work with the Family Self Sufficiency Committee on program policies and procedures. The Consultant will provide recommendations for staffing updates, changes, additions, trainings, and more to guide the agency through a successful Move to Work Transition.
3. **Technical Assistance:** Assist the agency with all technical assistance components of the new MTW program. Guide the agency through impact analysis reporting, hardship requests, and all aspects of implementing a successful MTW plan.
 1. **Financial Management & EPIC:** Assist the agency in properly accounting for MTW funding fungibility and using funds flexibly across programs in a way that is consistent with MTW policies and procedures as outlined in the MTW Operations Notice. Assist the agency in all EPIC reporting and Capital Planning and Reporting for activities under the "MTW (1492)" work category.
 2. **Reporting:** Assist the agency in submitting and reporting on MTW activities relating to family data to IMS/PIC using HUD-50058 MTW Expansion Form or Form HUD-50058. Assist the agency in reporting in VMS. Train agency on report submittal process.
 3. **Five Statutory Compliance Areas:** Assist the agency in ensuring compliance with the Five Statutory MTW Requirements: very low-income requirement,

reasonable rent policy, substantially the same requirement, comparable mix requirement, housing quality standards.

4. **Timeline:** The agency is seeking to begin public processes in July 2024 and will submit the Annual Plan and MTW Supplement in October of 2024. A consultant will be engaged to assist the agency through planning and development in July of 2024.

6. Proposal Requirements:

1. **Firm experience:** the MTW Consultant will be required to have worked in MTW field for the past several years. The firm must have an in-depth knowledge of MTW competencies and all compliance requirements for reporting, plan supplements, policy writing for ACOP amendments, and creating impact analysis reports. Additionally, the consultant will have soft skills related to guiding organizations through transformational changes.
 2. **Approach to project:** The MTW Consultant must detail how they will approach this transition project highlighting first steps and outlining project milestones.
 3. **Qualifications of staff who will be assigned to this project:** Detail the years, projects, and specific skills for staff assigned to this project.
 4. **Lump-sum fee:** Specify the schedule for planning and implementation of the MTW Transition in a lump-sum fee with estimate on hours worked for project. Provide hourly fee for services outside of scope, should it be necessary or beneficial.
7. **Evaluation Criteria:** Proposals will be scored with the following criteria. The Housing Authority of the City of Pittston reserves the right to waive irregularities. The Housing Authority will conduct interviews with up to three finalists.
- Experience in MTW field – 25 points
 - Project approach and innovation – 25 points
 - References – 25 points
 - Fee – 25 points
 - Minority or Women Owned Firms – 5 points

8. Submission Guidelines:

1. **Format:** Hard Copy Format, 2 copies of proposal
2. **Deadline:** June 7th 3PM to 500 Kennedy BLVD Pittston PA 18640
3. **Inquiries policy:** Questions shall be submitted to Sbonacci@pittstonhousingauthority.com, questions will only be answered via e-mail. Cut off for questions is June 4. An FAQ document will be posted to the Pittston City Housing Authority Website on June 5.
4. All proposals and information submitted to the City of Pittston Housing Authority will become property of the City of Pittston Housing Authority.

9. Appendices:

1. Document: MTW Application to HUD

2. Document Link: [MTW Operations Notice](#)

3. Required Standard HUD Forms

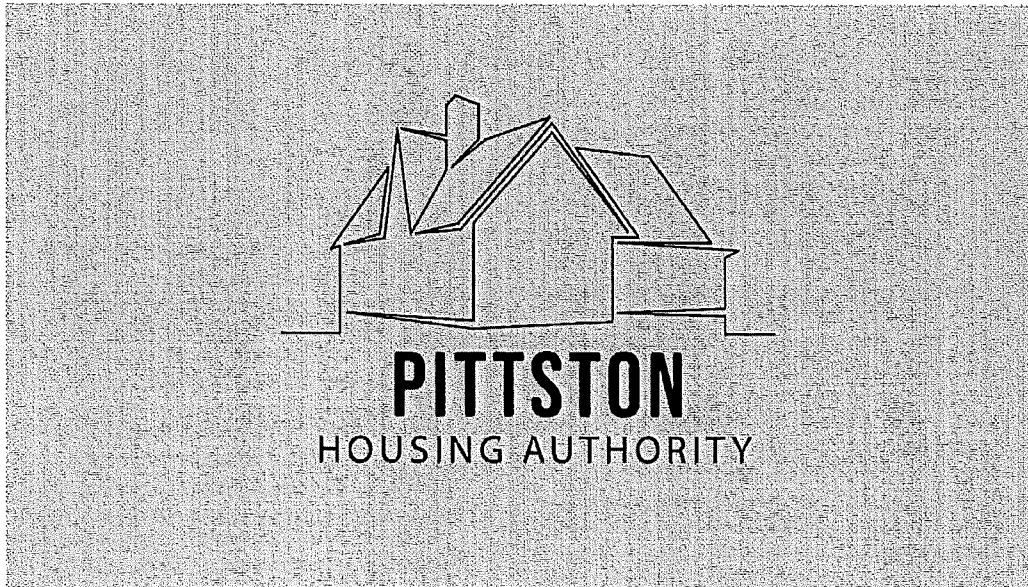
APPENDIX 1.

MTW NARRATIVE APPLICATION TO HUD

PART I - MTW PLAN

Narrative Section

CITY OF PITTSTON HOUSING AUTHORITY



1. Vision for City of Pittston's Local Move To Work Program

The Housing Authority of the City of Pittston is on a journey to be one of the most innovative, forward-thinking Public Housing Authorities in the state of Pennsylvania. The Authority will be joining forces with the City of Pittston Redevelopment Authority to administer programs that help to uplift the community, advocate for first time homebuyers, assist residents in transition periods, and leverage public/private partnerships to create new housing programs. The goal of the agency's MTW plan is to incentivize low-income families to gain self-sufficiency, increase cost-effectiveness by using funds more flexibly between programs, and provide better housing choices to residents. The Move to Work Plan will help the agency to formalize a merger with the City of Pittston Redevelopment Authority, which is currently planned to take place in the next year. The new agency will be the Pittston Housing Redevelopment Authority, known as the PHRDA.

2. Plan for Future Community/Resident Engagement

The implementation of the Move to Work Project will involve transformational programs that allow the housing authority operational flexibility to help those in public housing "break the cycle" of generational poverty and work towards rental and homeownership programs that serve as a catalyst for first time homebuyers and rent to own programs. The agency plans to form a Steering Committee that will help guide the agency through MTW initiatives which promote cost effectiveness, self-sufficiency, and housing choice options for residents. Stakeholders from area businesses, non-profit organizations, and work readiness programs will join forces to guide the organization through implementing a Family Self Sufficiency Program. The program's goal will be to assist households in achieving higher wages that can help to sustain a family. The program will also look at combating the most well-known barriers to homeownership which include wages and earning potential, credit counseling and financial literacy, and downpayment assistance. Pittston City and the Greater Pittston Region will work to deliver innovative solutions to local housing problems. The Resident Advisory Board and Housing Authority Board of Directors will play an instrumental role in providing insight that will help to guide the implementation of the Family Self Sufficiency Program alongside the Steering Committee. This project will engage the local YMCA and head start programs to discuss problems that families on low incomes face with the cost of childcare. The committee will also glean information from the Gabriel House, which implements housing programs for women fleeing domestic violence.

As part of the Move to Work Program, the Housing Authority will engage residents to be part of the Steering Committee which will guide the program. The authority will also notify area minority owned firms and community groups to seek input and ensure the program works to fulfill needs of the intended beneficiaries.

3. PHA Operating and Inventory Information & Demonstration of Innovation and Capacity

The Housing Authority has 300 public housing units and 147 housing choice vouchers. With the current housing crisis, the authority is working in conjunction with city officials to better anticipate affordable housing needs for the next 5-10 years. As part of these changes, the housing authority foresees expanding services to include case management for residents to obtain self-sustaining wages. The housing authority does not foresee major changes to the demographics or the special populations it

currently serves. The housing authority received a 2023 Safety & Security Grant from HUD to upgrade security cameras throughout the premises and is working in conjunction with The City of Pittston Police Department to deter drug-crimes in and around public housing property. Additionally, the Housing Authority works in partnership with the City of Pittston Police Department on a federal grant the Police Department received from the Department of Justice related to community policing initiatives catered toward being a visible presence in neighborhoods and working in tandem with community organizations to help proactively solve violent crimes. In November of 2023, the Housing Authority partnered with the City of Pittston, the Commission on Economic Opportunity, and the RISE (Readiness In Skilled Employment) to host a Job Ready Expo for housing authority residents and the public. The three-hour workshop focused on local tools and resources to help individuals “take the next step” to gain higher paying wages locally. The Housing Authority believes collaboration breeds innovation and works with other agencies to advance the safety, security, and well-being of its residents.

4. Plan for Local MTW Program

Cost Effectiveness

The PHA desires to both reduce cost and achieve greater cost effectiveness in federal expenditures. The program will be able to pull funding across programs, as programs change and evolve. For instance, our Section 8 Program will be able to pull funding from the Capital Fund when needs arise to support a new homeownership voucher program and implement housing choices. The Move to Work Plan will enable a more robust, cost-effective housing program. The MTW program will also be useful as the Housing Authority will be merging with the Redevelopment Authority to share staff, assets, and leverage other funding sources for projects. The MTW plan will allow greater leveraging of resources as well -- the Redevelopment Authority offers a menu of services that are beneficial for area residents including homeownership programs, home rehabilitation programs, weatherization programs, and a breadth and depth of project planning and project administration.

Self Sufficiency

Self Sufficiency is the primary goal of the agency’s Moving to Work Plan. The City of Pittston will be rolling out a Family Self Sufficiency Program for the first time through the MTW cohort. All tenants who are eligible (non-elderly and not-disabled) will be asked to participate in the program. The program will work in conjunction with RISE (Readiness in Skilled Employment) to go through a nine-month program that includes career coaching, and access to training, apprenticeships, and ultimately job placement in careers that pay “family sustaining wages” locally. Public Housing often works counter-intuitively as many residents become afraid of losing their housing-subsidy by earning too much and becoming “over-income.” This idea of housing becomes a barrier to earning potential as many receiving subsidies decide to work fewer hours or earn less when given the opportunity to earn more. To combat this, the housing authority will implement programs that look at financial literacy, budgeting, and a holistic approach to career development and personal achievement. The program will look to make exceptions to “over income” while in a Family Self Sufficiency Program to create a balance where residents feel encouraged to take the next step at work while also feeling comfortable that they will not lose housing.

Housing Choice

The effects of the housing crisis are seen daily at the City of Pittston Housing Authority. There is an unmatched shortage of housing stock, a growing number of applicants on the waiting list, and an unparalleled lack of affordable housing in the private market. The City of Pittston is a relatively small city with under 8,000 residents spanning only 1.5 miles. The Housing Authority has seen a growing number of applicants from outside of the city, nearby counties, and nearby states. To accommodate the demand for affordable housing in the City of Pittston, the housing authority will develop new housing stock using a "Mod Initiative" approach created to develop new modular homes with two partner agencies. The greatest benefits of modular homes are that they are relatively affordable and can be turned around in a period of 3-6 months. To create new housing choices, the City of Pittston Housing Authority will partner with both the City of Pittston Redevelopment Authority and the regional entity, the North East PA Land Bank to put modular homes on vacant lots already owned by the Land Bank. These modular homes will be maintained by the Redevelopment Authority and rented as Affordable Housing Units/Section 8 Rentals to the City of Pittston Housing Authority.

The City of Pittston Housing Authority also proposes to use MTW funding to develop a Housing Choice Voucher Program. Our Section 8 Coordinator is certified in the Housing Choice Voucher Program currently, but we find the program as it currently exists deficient as the subsidy ends abruptly at 15 years. Through our program, we would spread the subsidy out with tapering so that as the homeowner earns more and develops stability the subsidy covers less and less of the mortgage payment until the subsidy eventually diminishes.

The City of Pittston Housing Authority is undergoing a 10-year plan to transition one of its 90-unit housing sites to a new mixed-income facility that includes 30-40% of total units for low-moderate-income residents. This is fueled by the belief that mixed-income and targeted income create the most ideal housing results for residents. Segregating low-income residents into one or two sites is not a fair or just practice. The new mixed-income development will be an end to the goal of creating a more economically diverse housing development. This development will be the first of its kind in Pittston City.

5. Proposed Use of MTW Funds

The Housing Authority requests to use public housing and HCV funds flexibly to administer programs, develop new housing stock to be reserved for Section 8 rentals, and implement homeownership and family self-sufficiency programs. The Housing Authority intends to use all funds in a manner consistent with MTW policy, including using funds in a flexible manner across Section 8 and Section 9 Programs.

MOVE TO WORK CATEGORIES - SPECIFIC INITIATIVES	
Cost Effectiveness	Create flexibilities in funding between programs that allow us to better leverage dollars and create efficiencies between public housing and section 8
Self Sufficiency	Implement Family Self Sufficiency Program focused on workforce development with a number of area partners including RISE who work on career coaching, removal of barriers to education/training, and pathways to high wages locally
Administrative Policies	Develop policies that require participation in Family Self Sufficiency program as part of tenancy (unless excluded by age or ability)
Administrative Policies	Amend policies on over-income to make exceptions for those who start earning more through the FSS program so that housing subsidy is not lost and transition time is baked in for tenant to gain stable housing
Administrative Policies	Require 20 hours of work for all eligible applicants as part of housing eligibility
Partnerships	Work in conjunction with regional partners to develop affordable housing quickly – "Mod Initiative" with NEPA Land Bank (land/lots) Redevelopment Authority (Own Rentals) Housing Authority (Section 8 Housing)
Housing Choice	Develop homeownership voucher program in conjunction with partners and amend policy (current policy is that subsidy ends after 15 years)
Housing Choice	Acquire sites for new public housing or section 8 housing based on land availability and urgent need for affordable housing / target mixing incomes on project sites

6. Evidence of Significant Partnerships

RISE – Readiness in Skilled Employment

The Housing Authority proposes to partner with RISE (Readiness In Skilled Employment) which was developed by the Institute for Public Policy & Economic Development and the William G McGowan Charitable Fund. RISE has been a steady partner of the Housing Authority already, as a referral source for the program. With MTW designation, the City of Pittston will consult with professionals at RISE to inform the Self-Sufficiency Program and help to develop new pathways for residents to succeed in a comprehensive program aimed at hands-on job training, academic advising, career counseling, and case management.

Northeast PA Land Bank

The North East Pa Land Bank operates out of the City of Pittston. The land bank's mission is to return vacant and/or blighted properties to productive status in partnership with residents, community groups, and non-profit organizations. In order to provide better access to housing choice, the Housing Authority will partner with the NEPA Land Bank to turn vacant lots into new housing sites that will be rented out as affordable housing and section 8 units.

City of Pittston Redevelopment Authority

The City of Pittston Redevelopment Authority's mission is to redevelop residential and commercial districts in Pittston City to advance the City of Pittston's goals. The Redevelopment Authority will work in conjunction with the City of Pittston Housing Authority on the development of new and innovative housing. The Housing Authority will leverage funds that the Redevelopment Authority administers including CDBG (Community Development Block Grant) and Local Share Account (LSA Funds) granted through the state. It is critical that the two agencies work in conjunction with one another as

each focus on aligning residents with self-empowerment tools and services to improve quality of life. Resources afforded through the Redevelopment Authority also include grant writing, administration of resident-facing programs, and long-term planning.

Debt Reduction Services Hud-Approved Housing Counseling

The Housing Authority also plans to partner with Debt Reduction Services, a non-profit that aims to help residents navigate credit, debt consolidation, and establishing budgets for housing goals. We believe this service is critical to help residents who are in transition gain financial stability. Upward mobility is nearly impossible without this service.

The Gabriel House

The Gabriel House is a women's shelter that serves clients who have been victims of domestic abuse. The Gabriel House often refers clients to the Housing Authority for permanent housing after they have been in the shelter for 18 months. In the case of the MTW plan, the agency plans to utilize knowledge and experience of the Gabriel House leadership team to work on solutions for housing that address real and local needs related to shortages in housing availability for domestic violence victims.

Description of the experience and skills of the PHA personnel with the primary responsibility for the administration of the local MTW program.

Joe Chacke: Joe Chacke serves as the Housing Authority's Executive Director and has spent the past 20 years in government work. Joe is well-versed in overseeing federal and state grant programs including Community Development Block Grant Programs, Federal HOME programs, Local Share Account Grant Programs, PennDOT Infrastructure Projects, and several USDA and DCNR grants programs to create innovative projects, invest in new parks for the community, and develop mixed-use buildings and affordable housing. In his role as Executive Director of the City of Pittston Housing Authority, Mr. Chacke has implemented several new policies and is working on a master 10-year plan for the housing authority to partner with the Redevelopment Authority and form a new entity focused on ways to improve lives and advance affordable housing.

Shannon Bonacci: Shannon serves as the Deputy Director of the Housing Authority and oversees administrative initiatives. Shannon administers several projects to advance the housing authority including revising the Resident Advisory Board, facilitating software transitions, and enabling better ways to communicate with residents including digital newsletters, website forums for complaints, mobile work orders, and parking plans. Shannon works to progress the housing authority's mission of serving residents and innovating new ways to solve old problems.

Brian Swartwood: Brian has been working in public housing for more than 10 years. He serves as the authority's Section 8 Coordinator and works seamlessly to develop relationships with landlords, do the proper intake with applicants, and guide residents through the Section 8 Process. Brian is intimately familiar with overseeing the Section 8 program with a 97% utilization rate and 147 vouchers.

Jason Klush: Jason is the Deputy Director of Operations and oversees all maintenance for the Housing Authority. Jason has served the public for over 15 years. He understands the needs of residents and all aspects of operations. Jason has experience in all trades and will be the Project Manager on new site developments overseeing construction and working as the Owner's Representative.

Michael Lombardo: Michael is the Mayor of the City of Pittston and serves on the Housing Authority Board. He believes in making Pittston City one of the most progressive in the state and takes an ambitious approach to developing affordable housing quickly, effectively, and to meet a real need. Mayor Lombardo will play an integral role in both developing the Family Self Sufficiency Program and ensuring the Moving to Work plan advances the goal of the Housing Authority.

Statement of Fair Housing and other Civil Rights goals, strategies, and specific actions:

The PHRDA commits every April to community-minded activities that encourage Fair Housing and promote the laws/regulations associated with the Fair Housing Act. In the past several years, some of the activities the agency has undertaken include: the agency Fair Housing Essay Contest with the local public school, donated books related to fair housing to the Pittston Memorial Library and worked in conjunction community colleges to host a virtual mini-lesson on Fair Housing, created Fair Housing Bulletin Board displays at three agencies in Pittston City, and conducted a Fair Housing Reading Day with primary school students. The agency fully commits to serving residents, advocating for what is right, and being fully compliant with all Fair Housing and Civil Rights Certifications. The authority supports the PHA's civil rights certification and companies with 24 CFR 5.151, 903.7(o), and 903.15.

ADMINISTRATIVE FLEXIBILITIES INFORMATION

Assessment of Past and Existing Efforts to Achieve Administrative Efficiencies

- 1. Assessment of past and existing efforts of the PHA to achieve administrative efficiencies outside of the MTW Demonstration program. This assessment may include the achievements and limitations of those efforts, any challenges the PHA faced in trying to achieve administrative efficiencies, and any plans they PHA may have to achieve administrative efficiencies outside of MTW that they have not yet implemented.**

The City of Pittston Housing Authority has made several changes in the past three years to move the organization forward. These changes are mostly administrative in nature with the goal of modernizing operations and changing the culture of the organization. The agency launched their first website in 2021 which houses tenant information, contact forms, news, and newsletters. The agency also expanded operations and brought on a Deputy Director of Operations and a Deputy Director of Administration to help guide the organization through several technological enhancements. Currently the organization is working through a software conversion to enable better access for residents to make payments, allow for digital tax documents for landlords, and create mobile work orders and a better, more comprehensive inspections system all online. The Housing Authority is currently working closely with the local police department to increase safety and security and deter drug crimes that happen in or around housing authority property. The Housing Authority is also working through better enforcement of lease violations regarding unreported tenants. The rollout of a parking plan for the first time will happen in 2024 so that this can be more easily monitored and residents who are under-reporting income will be investigated. The Housing Authority is also working on understanding the breadth and depth of social challenges faced by residents. Monthly reporting shows a number of child-line referrals, but the office staff are not mandated reporters or versed in social work. One of the authority's biggest challenges is responding to incidents that happen which are generally related to social problems including poverty and a general lack of resources for upward mobility. As an office dedicated to the provision of affordable housing, it is critical that we look at options that include hiring an on-site caseworker or on-site family self-sufficiency coordinator who can help to fill in some of our largest skill gaps.

2. Assessment of Needed Administrative Efficiencies

There are several MTW waivers and associated activities the Housing Authority intends explore to achieve administration efficiencies, should designation be granted. From the list posted on page 13 of the notice, two waivers that would be explored would relate to housing choice and project-based vouchers. These would be in relation to relocation of tenants to a new housing site or targeted mixed income development.

- Project-Based Voucher Program Flexibilities - 9(c) Elimination of PBV Selection Process for PHA
- Project-BAsed Voucher Program Flexibilities - 9(d) Alternative PBV Selection Process (HCV)

APPENDIX 2.

MOVE TO WORK OPERATIONS NOTICE HYPERLINK

[Microsoft Word - Final Ops Notice Part VI for web 8.15.20.docx \(hud.gov\)](#)

**U.S. Department of Housing and
Urban Development**
Office of Public and Indian Housing

**Instructions to Bidders for Contracts
Public and Indian Housing Programs**

Instructions to Bidders for Contracts

Public and Indian Housing Programs

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1. Bid Preparation and Submission

(a) Bidders are expected to examine the specifications, drawings, all instructions, and, if applicable, the construction site (see also the contract clause entitled *Site Investigation and Conditions Affecting the Work of the General Conditions of the Contract for Construction*). Failure to do so will be at the bidders' risk.

(b) All bids must be submitted on the forms provided by the Public Housing Agency/Indian Housing Authority (PHA/IHA). Bidders shall furnish all the information required by the solicitation. Bids must be signed and the bidder's name typed or printed on the bid sheet and each continuation sheet which requires the entry of information by the bidder. Erasures or other changes must be initialed by the person signing the bid. Bids signed by an agent shall be accompanied by evidence of that agent's authority. (Bidders should retain a copy of their bid for their records.)

(c) Bidders must submit as part of their bid a completed form HUD-5369-A, "Representations, Certifications, and Other Statements of Bidders."

(d) All bid documents shall be sealed in an envelope which shall be clearly marked with the words "Bid Documents," the invitation for bids (IFB) number, any project or other identifying number, the bidder's name, and the date and time for receipt of bids.

(e) If this solicitation requires bidding on all items, failure to do so will disqualify the bid. If bidding on all items is not required, bidders should insert the words "No Bid" in the space provided for any item on which no price is submitted.

(f) Unless expressly authorized elsewhere in this solicitation, alternate bids will not be considered.

(g) Unless expressly authorized elsewhere in this solicitation, bids submitted by telegraph or facsimile (fax) machines will not be considered.

(h) If the proposed contract is for a Mutual Help project (as described in 24 CFR Part 905, Subpart E) that involves Mutual Help contributions of work, material, or equipment, supplemental information regarding the bid advertisement is provided as an attachment to this solicitation.

2. Explanations and Interpretations to Prospective Bidders

(a) Any prospective bidder desiring an explanation or interpretation of the solicitation, specifications, drawings, etc., must request it at least 7 days before the scheduled time for bid opening. Requests may be oral or written. Oral requests must be confirmed in writing. The only oral clarifications that will be provided will be those clearly related to solicitation procedures, i.e., not substantive technical information. No other oral explanation or interpretation will be provided. Any information given a prospective bidder concerning this solicitation will be furnished promptly to all other prospective bidders as a written amendment to the solicitation, if that information is necessary in submitting bids, or if the lack of it would be prejudicial to other prospective bidders.

(b) Any information obtained by, or provided to, a bidder other than by formal amendment to the solicitation shall not constitute a change to the solicitation.

3. Amendments to Invitations for Bids

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Bidders shall acknowledge receipt of any amendment to this solicitation (1) by signing and returning the amendment, (2) by identifying the amendment number and date on the bid form, or (3) by letter, telegram, or facsimile, if those methods are authorized in the solicitation. The PHA/IHA must receive acknowledgement by the time and at the place specified for receipt of bids. Bids which fail to acknowledge the bidder's receipt of any amendment will result in the rejection of the bid if the amendment(s) contained information which substantively changed the PHA's/IHA's requirements.

(c) Amendments will be on file in the offices of the PHA/IHA and the Architect at least 7 days before bid opening.

4. Responsibility of Prospective Contractor

(a) The PHA/IHA will award contracts only to responsible prospective contractors who have the ability to perform successfully under the terms and conditions of the proposed contract. In determining the responsibility of a bidder, the PHA/IHA will consider such matters as the bidder's:

- (1) Integrity;
- (2) Compliance with public policy;
- (3) Record of past performance; and
- (4) Financial and technical resources (including construction and technical equipment).

(b) Before a bid is considered for award, the bidder may be requested by the PHA/IHA to submit a statement or other documentation regarding any of the items in paragraph (a) above. Failure by the bidder to provide such additional information shall render the bidder nonresponsible and ineligible for award.

5. Late Submissions, Modifications, and Withdrawal of Bids

(a) Any bid received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it:

(1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);

(2) Was sent by mail, or if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the PHA/IHA that the late receipt was due solely to mishandling by the PHA/IHA after receipt at the PHA/IHA; or

(3) Was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and observed holidays.

(b) Any modification or withdrawal of a bid is subject to the same conditions as in paragraph (a) of this provision.

(c) The only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the bid, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, bidders should request the postal clerk to place a hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(d) The only acceptable evidence to establish the time of receipt at the PHA/IHA is the time/date stamp of PHA/IHA on the proposal wrapper or other documentary evidence of receipt maintained by the PHA/IHA.

(e) The only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, bidders should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and Failure by a bidder to acknowledge receipt of the envelope or wrapper.

(f) Notwithstanding paragraph (a) of this provision, a late modification of an otherwise successful bid that makes its terms more favorable to the PHA/IHA will be considered at any time it is received and may be accepted.

(g) Bids may be withdrawn by written notice, or if authorized by this solicitation, by telegram (including mailgram) or facsimile machine transmission received at any time before the exact time set for opening of bids; provided that written confirmation of telegraphic or facsimile withdrawals over the signature of the bidder is mailed and postmarked prior to the specified bid opening time. A bid may be withdrawn in person by a bidder or its authorized representative if, before the exact time set for opening of bids, the identity of the person requesting withdrawal is established and the person signs a receipt for the bid.

6. Bid Opening

All bids received by the date and time of receipt specified in the solicitation will be publicly opened and read. The time and place of opening will be as specified in the solicitation. Bidders and other interested persons may be present.

7. Service of Protest

(a) Definitions. As used in this provision:

"Interested party" means an actual or prospective bidder whose direct economic interest would be affected by the award of the contract.

"Protest" means a written objection by an interested party to this solicitation or to a proposed or actual award of a contract pursuant to this solicitation.

(b) Protests shall be served on the Contracting Officer by obtaining written and dated acknowledgement from —

[Contracting Officer designate the official or location where a protest may be served on the Contracting Officer]

(c) All protests shall be resolved in accordance with the PHA's/IHA's protest policy and procedures, copies of which are maintained at the PHA/IHA.

8. Contract Award

(a) The PHA/IHA will evaluate bids in response to this solicitation without discussions and will award a contract to the responsible bidder whose bid, conforming to the solicitation, will be most advantageous to the PHA/IHA considering only price and any price-related factors specified in the solicitation.

(b) If the apparent low bid received in response to this solicitation exceeds the PHA's/IHA's available funding for the proposed contract work, the PHA/IHA may either accept separately priced items (see 8(e) below) or use the following procedure to determine contract award. The PHA/IHA shall apply in turn to each bid (proceeding in order from the apparent low bid to the high bid) each of the separately priced bid deductible items, if any, in their priority order set forth in this solicitation. If upon the application of the first deductible item to all initial bids, a new low bid is within the PHA's/IHA's available funding, then award shall be made to that bidder. If no bid is within the available funding amount, then the PHA/IHA shall apply the second deductible item. The PHA/IHA shall continue this process until an evaluated low bid, if any, is within the PHA's/IHA's available funding. If upon the application of all deductibles, no bid is within the PHA's/IHA's available funding, or if the solicitation does not request separately priced deductibles, the PHA/IHA shall follow its written policy and procedures in making any award under this solicitation.

(c) In the case of tie low bids, award shall be made in accordance with the PHA's/IHA's written policy and procedures.

(d) The PHA/IHA may reject any and all bids, except other than the lowest bid (e.g., the apparent low bid is unreasonably low), and waive informalties or minor irregularities in bids received, in accordance with the PHA's/IHA's written policy and procedures.

(e) Unless precluded elsewhere in the solicitation, the PHA/IHA may accept any item or combination of items bid.

(f) The PHA/IHA may reject any bid as nonresponsive if it is materially unbalanced as to the prices for the various items of work to be performed. A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(g) A written award shall be furnished to the successful bidder within the period for acceptance specified in the bid and shall result in a binding contract without further action by either party.

9. Bid Guarantee (applicable to construction and equipment contracts exceeding \$25,000)

All bids must be accompanied by a negotiable bid guarantee which shall not be less than five percent (5%) of the amount of the bid. The bid guarantee may be a certified check, bank draft, U.S. Government Bonds at par value, or a bid bond secured by a surety company acceptable to the U.S. Government and authorized to do business in the state where the work is to be performed. In the case where the work under the contract will be performed on an Indian reservation area, the bid guarantee may also be an Irrevocable Letter of Credit (see provision 10, Assurance of Completion, below). Certified checks and bank drafts must be made payable to the order of the PHA/IHA. The bid guarantee shall insure the execution of the contract and the furnishing of a method of assurance of completion by the successful bidder as required by the solicitation. Failure to submit a bid guarantee with the bid shall result in the rejection of the bid. Bid guarantees submitted by unsuccessful bidders will be returned as soon as practicable after bid opening.

10. Assurance of Completion

(a) Unless otherwise provided in State law, the successful bidder shall furnish an assurance of completion prior to the execution of any contract under this solicitation. This assurance may be [Contracting Office check applicable items] —

[] (1) a performance and payment bond in a penal sum of 100 percent of the contract price; or, as may be required or permitted by State law;

[] (2) separate performance and payment bonds, each for 50 percent or more of the contract price;

[] (3) a 20 percent cash escrow;

[] (4) a 25 percent irrevocable letter of credit; or,

[] (5) an irrevocable letter of credit for 10 percent of the total contract price with a monitoring and disbursements agreement with the IHA (applicable only to contracts awarded by an IHA under the Indian Housing Program).

(b) Bonds must be obtained from guarantee or surety companies acceptable to the U.S. Government and authorized to do business in the state where the work is to be performed. Individual sureties will not be considered. U.S. Treasury Circular Number 570, published annually in the Federal Register, lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies listed in this circular is mandatory. Copies of the circular may be downloaded on the U.S. Department of Treasury website <http://www.fms.treas.gov/c570/index.html>, or ordered for a minimum fee by contacting the Government Printing Office at (202) 512-2168.

(c) Each bond shall clearly state the rate of premium and the total amount of premium charged. The current power of attorney for the person who signs for the surety company must be attached to the bond. The effective date of the power of attorney shall not precede the date of the bond. The effective date of the bond shall be on or after the execution date of the contract.

(d) Failure by the successful bidder to obtain the required assurance of completion within the time specified, or within such extended period as the PHA/IHA may grant based upon reasons determined adequate by the PHA/IHA, shall render the bidder ineligible for award. The PHA/IHA may then either award the contract to the next lowest responsible bidder or solicit new bids. The PHA/IHA may retain the ineligible bidder's bid guarantee.

11. Preconstruction Conference (applicable to construction contracts)

After award of a contract under this solicitation and prior to the start of work, the successful bidder will be required to attend a preconstruction conference with representatives of the PHA/IHA and its architect/engineer, and other interested parties convened by the PHA/IHA. The conference will serve to acquaint the participants with the general plan of the construction operation and all other requirements of the contract (e.g., Equal Employment Opportunity, Labor Standards). The PHA/IHA will provide the successful bidder with the date, time, and place of the conference.

12. Indian Preference Requirements (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

(a) HUD has determined that the contract awarded under this solicitation is subject to the requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450a(b)). Section 7(b) requires that any contract or subcontract entered into for the benefit of Indians shall require that, to the greatest extent feasible

(1) Preferences and opportunities for training and employment (other than core crew positions; see paragraph (h) below) in connection with the administration of such contracts or subcontracts be given to qualified "Indians." The Act defines "Indians" to mean persons who are members of an Indian tribe and defines "Indian tribe" to mean any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and,

(2) Preference in the award of contracts or subcontracts in connection with the administration of contracts be given to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452). That Act defines "economic enterprise" to mean any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, except that the Indian ownership must constitute not less than 51 percent of the enterprise; "Indian organization" to mean the governing body of any Indian tribe or entity established or recognized by such governing body; "Indian" to mean any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act; and Indian "tribe" to mean any Indian tribe, band, group, pueblo, or community including Native villages and Native groups (including

corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(b) (1) The successful Contractor under this solicitation shall comply with the requirements of this provision in awarding all subcontracts under the contract and in providing training and employment opportunities.

(2) A finding by the IHA that the contractor, either (I) awarded a subcontract without using the procedure required by the IHA, (II) falsely represented that subcontracts would be awarded to Indian enterprises or organizations; or, (III) failed to comply with the contractor's employment and training preference bid statement shall be grounds for termination of the contract or for the assessment of penalties or other remedies.

(c) If specified elsewhere in this solicitation, the IHA may restrict the solicitation to qualified Indian-owned enterprises and Indian organizations. If two or more (or a greater number as specified elsewhere in the solicitation) qualified Indian-owned enterprises or organizations submit responsive bids, award shall be made to the qualified enterprise or organization with the lowest responsive bid. If fewer than the minimum required number of qualified Indian-owned enterprises or organizations submit responsive bids, the IHA shall reject all bids and readvertise the solicitation in accordance with paragraph (d) below.

(d) If the IHA prefers not to restrict the solicitation as described in paragraph (c) above, or if after having restricted a solicitation an insufficient number of qualified Indian enterprises or organizations submit bids, the IHA may advertise for bids from non-Indian as well as Indian-owned enterprises and Indian organizations. Award shall be made to the qualified Indian enterprise or organization with the lowest responsive bid if that bid is -

(1) Within the maximum HUD-approved budget amount established for the specific project or activity for which bids are being solicited; and

(2) No more than the percentage specified in 24 CFR 805.175(c) higher than the total bid price of the lowest responsive bid from any qualified bidder. If no responsive bid by a qualified Indian-owned economic enterprise or organization is within the stated range of the total bid price of the lowest responsive bid from any qualified enterprise, award shall be made to the bidder with the lowest bid.

(e) Bidders seeking to qualify for preference in contracting or subcontracting shall submit proof of Indian ownership with their bids. Proof of Indian ownership shall include but not be limited to:

(1) Certification by a tribe or other evidence that the bidder is an Indian. The IHA shall accept the certification of a tribe that an individual is a member.

(2) Evidence such as stock ownership, structure, management, control, financing and salary or profit sharing arrangements of the enterprise.

(f) (1) All bidders must submit with their bids a statement describing how they will provide Indian preference in the award of subcontracts. The specific requirements of that statement and the factors to be used by the IHA in determining the statement's adequacy are included as an attachment to this solicitation. Any bid that fails to include the required statement shall be rejected as nonresponsive. The IHA may require that comparable statements be provided by subcontractors to the successful Contractor, and may require the Contractor to reject any bid or proposal by a subcontractor that fails to include the statement.

(2) Bidders and prospective subcontractors shall submit a certification (supported by credible evidence) to the IHA in any instance where the bidder or subcontractor believes it is infeasible to provide Indian preference in subcontracting. The acceptance or rejection by the IHA of the certification shall be final. Rejection shall disqualify the bid from further consideration.

(g) All bidders must submit with their bids a statement detailing their employment and training opportunities and their plans to provide preference to Indians in implementing the contract; and the number or percentage of Indians anticipated to be employed and trained. Comparable statements from all proposed subcontractors must be submitted. The criteria to be used by the IHA in determining the statement(s)'s adequacy are included as an attachment to this solicitation. Any bid that fails to include the required statement(s), or that includes a statement that does not meet minimum standards required by the IHA shall be rejected as nonresponsive.

(h) Core crew employees. A core crew employee is an individual who is a bona fide employee of the contractor at the time the bid is submitted; or an individual who was not employed by the bidder at the time the bid was submitted, but who is regularly employed by the bidder in a supervisory or other key skilled position when work is available. Bidders shall submit with their bids a list of all core crew employees.

(i) Preference in contracting, subcontracting, employment, and training shall apply not only on-site, on the reservation, or within the IHA's jurisdiction, but also to contracts with firms that operate outside these areas (e.g., employment in modular or manufactured housing construction facilities).

(j) Bidders should contact the IHA to determine if any additional local preference requirements are applicable to this solicitation.

(k) The IHA [] does [] does not [Contracting Officer check applicable box] maintain lists of Indian-owned economic enterprises and Indian organizations by specialty (e.g., plumbing, electrical, foundations), which are available to bidders to assist them in meeting their responsibility to provide preference in connection with the administration of contracts and subcontracts.

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

**Representations, Certifications,
and Other Statements of Bidders**
Public and Indian Housing Programs

Representations, Certifications, and Other Statements of Bidders Public and Indian Housing Programs

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1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (I) those prices, (II) the intention to submit a bid, or (III) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (I) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

[Insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization];

(II) As an authorized agent, does certify that the principals named in subdivision (b)(2)(I) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(III) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)(2) above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[] [Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" [] is, [] is not included with the bid.

2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1) [] has, [] has not employed or retained any person or company to solicit or obtain this contract; and

(2) [] has, [] has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.

APPENDIX 3.

REQUIRED STANDARD FORMS