

REQUEST FOR PROPOSAL (RFP)
PACKAGE
Of the City of Lancaster

The City of Lancaster, Pennsylvania is soliciting proposals for:

CONTRACT # 2022 - 30

For

Product/Services:

**AFFORDABLE HOUSING SOLUTIONS WITH AMERICAN RESCUE
PLAN ACT (ARPA) FUNDS OF THE CITY OF LANCASTER**

The deadline for submitting proposals is:

DATE: August 22, 2022

TIME: 11:00 a.m.

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INTRODUCTION AND PROBLEM STATEMENT

The City of Lancaster, Pennsylvania faces a housing cost burden¹ driven by a shortage in housing supply and generally low income of households throughout the City. Approximately one-third of the households are housing cost burdened, a condition that has become more precarious as a result of the COVID-19 pandemic. Further, the City's housing stock does not align with current household compositions in that most homes are single family, multi-bedroom dwellings while the majority of households are composed of just one or two people. It is the intention of the City of Lancaster to increase the supply, quality, and diversity of housing in the City with an emphasis on increasing and improving affordable housing for both rent and purchase. While housing development, as a practice, takes a great deal of time, painstaking effort and financial capital as well as effective coordination and collaboration with a variety of stakeholders, these problems are not insurmountable with proper funding, government support, and community partnership. Housing studies and planning show a need for a minimum of 300 additional affordable housing units and rehabilitation of a minimum of 1,000 existing affordable housing units within the City over the next five years.

In December 2021 City Council voted to authorize the allocation of \$5 million from the City's allotment of American Rescue Plan Act (ARPA) funds, which totaled \$39.5 million, and can be utilized to fight the pandemic and support families and businesses struggling with its public health and economic impacts; maintain vital public services, even amid declines in revenue resulting from the crisis; and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity, to address affordable housing needs in the City (and may consider allocating additional sums for the same purposes). Although the ARPA funds alone cannot resolve the affordable housing needs and associated targets in the City, they can have an important, appreciable impact on the challenge.

This procurement request seeks proposals from developers, not-for-profit-companies and other community partners interested in increasing the number and quality of affordable housing units within the City of Lancaster.² Utilizing the evaluation methods outlined in this document, an evaluation committee comprised of Lancaster City stakeholders will make recommendations to the Administration for subsequent submission to City Council for approval of awards of grant funding to meet the City's goals. The City reserves the right to determine the number of contracts awarded and the level of funding granted to each recipient to meet the City's goals and objectives subject to applicable law, including but not limited to ARPA.

While the problem statement outlining the City's objective is clear, no defined methods of achieving these goals are included in this proposal. The City of Lancaster welcomes any and all ideas about how to solve our collective challenge. As per ARPA guidelines, funding must be committed by December 31, 2024, with projects completed and funds expended by December 31, 2026.

¹ Cost burden means that the cost of housing in the City is more than 30% of the household gross income available for use on such housing.

² Any funds awarded pursuant to this Request for Proposals must qualify for funding under ARPA. For purposes of this solicitation, affordable housing is housing for individuals of income, at or below 185% of the federal poverty guideline for the size of its household or below 40% of the Area Median Income for Lancaster County, and Moderate Income, at or below 300% of the federal poverty guidelines for the size of the household or below 65% of the Area Median Income for Lancaster County, provided the project is proportional to the harm enacted upon those households by the impact of the COVID-19 Pandemic. The City notes that projects meeting the eligibility requirements for the Housing Trust Fund or the Home Investment Partnership Program are presumed to qualify under ARPA but proposals not meeting those program's eligibility requirement may nonetheless qualify for ARPA funding and funding under this Request for Proposals as set forth above.

INVITATION TO PROPOSERS

INVITATION TO PROPOSERS

As set forth in the advertisement for proposals, sealed proposals will be received on the Pennsylvania Electronic Document and Bid Management Website known as PennBid at <http://www.pennbid.net> by the City of Lancaster, Pennsylvania (City), 120 North Duke Street, Lancaster City, Lancaster County, Pennsylvania until August 22, 2022 at 11:00 a.m., at which time proposals will be opened on the website for the Affordable Housing Solutions with American Rescue Plan Act (ARPA) Funds of the City of Lancaster.

The terms of the introduction and project description are incorporated herein.

All proposals shall be effective for ninety (90) calendar days from the date of the proposal opening, unless an award of the Contract is delayed by the required approval of another governmental agency, the sale of bonds or the award of a grant, in which case all proposals will remain effective for One Hundred Twenty (120) calendar days from the date of the proposal opening.

Any Proposer awarded a contract under this Request for Proposal shall be required to assure protection against discrimination for employees, applicants for employment, and subcontractors on the grounds of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids, and any and all applicable laws or restrictions set forth by or in the American Rescue Plan Act (the uniform guidance provisions of which are summarized in an appendix to the materials) posted on the PennBid website.

The Contract documents for the Project can be obtained over the internet from the Pennsylvania Electronic Document and Bid Management Program known as PennBid at <http://www.pennbid.net>. Potential Proposers must register with PennBid online to have access to said documents. Registration is at no cost and the process takes only a few minutes. Once registered, potential Proposers can obtain all proposal documents for the Project and for any other PennBid-registered project (for free) and thereafter submit and update their confidential proposals online prior to the deadline for submitting a Proposal.

All proposals shall be submitted exclusively in electronic format to City through PennBid at <http://www.pennbid.net>. Proposals provided by any other means will not be accepted. All proposals must be labeled "Affordable Housing Solutions with American Rescue Plan Act (ARPA) Funds of the City of Lancaster" and submitted in PDF format. Incomplete proposals and those received after the specified date and time will not be considered. Hand delivered, mailed, courier, faxed and/or e-mailed responses will not be accepted.

Proposals, after having been submitted, may be withdrawn by the Proposer prior to the time set for the opening of proposals upon the written direction to City through PennBid at <http://www.pennbid.net> and at such other times as set forth in Article 5 of the Instructions to Proposers.

The City is not required to award any contracts under these proposals, although if it determines to award a contract to one or more Proposers, it need not award to the Proposer or Proposers providing the lowest dollar amount. The City will consider how and to what extent the Proposals meet the City's objectives, the quality of services supplied, responsiveness of the Proposers, past performance of the Proposers, compatibility of the Proposer's process with other City services, the Proposers ability to handle the work proposed and the specific criteria for making awards set forth in the Proposal materials.

The City reserves the right to reject any or all proposals and re-advertise if the best interest of the City will thereby be promoted. The City also reserves the right to waive technical defects if in its judgment, the interest of the City shall so require. The City further reserves the right to waive any informalities in the

proposals received and reject any or all proposals for any reason whatsoever. Included in its right to reject proposals, is the right for the City, in its sole discretion, to reject proposals which are deemed by the City to be incomplete, conditional, or obscure, or which contain additions, erasures, alterations, omissions or irregularities of any kind.

In reviewing the proposals, the City will review the Proposer's experience, necessary facilities and financial resources to furnish the items of this Contract, all as more particularly set forth in the Instructions to Proposers, and the City reserves the right to reject the Proposal of any Proposer not possessing satisfactory qualifications. The City may choose to interview Proposers. All proposals will be handled confidentially by the City during the pre-award process.

The City's Contract Representative is Barry N. Handwerger, Solicitor, City of Lancaster, PA, 120 North Duke Street, Lancaster, PA 17608.

OUTCOME GOALS FOR THESE PROPOSED USES OF AMERICAN RESCUE PLAN ACT AFFORDABLE HOUSING FUNDS

The City of Lancaster's Desired Outcome Goals:

1. Production of new affordable housing units meeting the income qualifications set forth in this request.³
2. Rehabilitation and improvement of quality of existing dwelling units for individuals meeting the affordability requirements set forth herein.
3. The creation of housing impact funds, partnerships, trusts and/or other similar structures or programs that help to subsidize and/or encourage land development projects including mixed income or affordable housing.

These goals are the City's desired outcomes for the projects selected for this solicitation. They are not contractual obligations. Rather, the proposals themselves along with their terms, conditions, performance criteria and other matters discussed in this solicitation will become contracted obligations for each awarded vendor. Proposers should be aware of, and address in their proposals, how and to what extent they will leverage and/or blend any funds issued to them hereunder with other funds or funding sources so as to maximize and impact the greatest number of affordable housing units.

³ In order to be eligible for funding under this Request for Proposals, the project must meet the criteria established for ARPA eligibility by United States Treasury.

SCOPE OF WORK

In order to meet the City's goal of enabling lower income households to live in quality homes they can afford without a housing cost burden or housing instability, the City seeks proposals that result in reaching the outcome goals previously described in this RFP. The scope of work for each proposal will vary based on the proposal submitted. Each proposal should address and contain the following:

I. Project Location.

- a. Address and description of the property and its improvements, if any.
- b. Current ownership
 1. If acquisition will be required by the proposer, information related to how the property will be acquired including, but not limited to, anticipated acquisition price, feasibility and/or conditions that would be tied to acquisition, and acquisition time frames.
- c. Current zoning and any anticipated zoning relief required.
- d. Description of how the proposed use relates to the existing community/neighborhood features.

II. Affordable Housing Units Description.

- a. Description of the types of units to be created and or rehabilitated.
- b. Number of units anticipated to be created and/or rehabilitated.

III. Financing Required.

- a. Description of the financing arrangements required for the proposal.
- b. A time frame for obtaining all necessary financing.
- c. A description of the partners involved in the financing.
- d. A description of any equity and/or other funding sources brought to the project by the proposer.
- e. A description and explanation of how any funds granted by the City of Lancaster will be used to leverage receipt of additional funding or will be partnered with other sources of funding and equity.
- f. A description and summary of how the funds requested from the City are necessary for the Project's success. Advise as to whether the Project can or will proceed without City funding.

IV. Construction.

- a. Description of the construction requirements for the proposed project, and the amount of funding requested from the City for each requirement.

- b. Proposed construction schedules for the project.
- c. Anticipated municipal planning process for the project.
- d. Any proposed community/neighborhood engagement to facilitate support for and/or to determine opposition to the project.

V. Community Partnerships.

- a. Description of all proposed community partnerships.
- b. Description of legal process required to form such partnerships.
- c. Time frames and/or schedules for the partners to begin working with one another.
- d. Description of any financing required for such partners to begin working with one another.

VI. Identity Of And Plan For Obstacles That May Arise With Respect To The Proposed Project.

- a. Identify any and all anticipated obstacles to successful completion of the project.
- b. Describe your plan to overcome those obstacles.
- c. A description of any and all municipal requests or requirements (including permitting and inspections) that might be needed in order to overcome any and all such obstacles and/or facilitate the timely completion of the project on or before December 31, 2026.

VII. Qualifications And History Of Success.

- a. Please provide a summary of the proposer's qualifications for completing the project and provide any and all information relevant to the City determining whether the proposer has the ability to complete the project and meet the goals set forth herein including resources, staff, certifications, organizational chart, and key personnel. Also provide a summary of experience with federal grants including but not limited to; financial management; knowledge of, and compliance with state and federal ethics rules; identification and reporting of waste, fraud and abuse; and oversight of disbursement and tracking of federal funds by state or federal agencies.
- b. Provide the summary of the history of the proposer with respect to projects of the type proposed herein.
- c. Provide a minimum of three professional references whom the City may contact regarding the Proposer's services.

VIII. Legal Requirements.

- a. The project will be required to comply with all applicable legal requirements. The proposal should address the Proposer's willingness and ability to comply with applicable state and city ordinances and policies and the federal requirements contained in the American Rescue Plan Act, and particularly those related to procurement, contracting and time of completion. The City anticipates that some of the United States Uniform Guidance Requirements as set forth in the Uniform Guidance Appendix included with these materials will apply and Proposers must be prepared and able to comply with them.
- b. Proposals should describe and explain how and why the project qualifies for ARPA funding and specify how the project is a program or service that addresses housing insecurity, or a lack of affordable housing suffered by impacted households. See, Frequently Asked Questions 2.14 and the Final Interim Rule at 87 Fed. Reg. 18, 4344, 4345, 4359 and 4365.

IX. Proposed Scope Of Work.

- a. Items 1-8 above do not constitute a comprehensive scope of work. The scope of work will need to be determined by the Proposers with the consent of the City and specifically tailored to the proposed project. The City requests that the proposal include a detailed scope of work prepared by the Proposer for the particular project being proposed. That scope of work should include, at a minimum, the information requested above, and any other information the Proposer deems relevant, along with a clear delineation of how the proposed project will result in meeting one or more of the following goals:
 1. Production of new affordable housing units meeting the income qualifications set forth in this request for proposals.
 2. Rehabilitation and improvement of existing dwelling units for individuals meeting the affordability requirements set forth above to assure that such individuals have quality housing; and/or
 3. Creation and management of housing impact funds and/or partnerships that help to subsidize and/or encourage land development projects including mixed income or affordable housing.
 4. Finally, the scope of work should include any and all other information the Proposer deems appropriate for reviewing the proposal to ensure that it meets the primary goal of enabling lower income households to live in quality homes they can afford without facing a housing costs burden or housing instability.

X. Phasing and Leveraging of Other Funds

- a. The City will consider proposals that provide for projects to be completed in phases and projects that leverage funding from other sources; and the City will consider requests for funding some or all of such phases.

- b. The City will consider such projects and notes that it strongly favors proposals that leverage other funding sources,
- c. Phases funded under this RFP must meet the completion deadlines required by ARPA.

XI. Proposed Measurement Tracking

- a. As there are no prescribed methods of reaching the goals outlined in this RFP, the proposal should include the proposer's suggested performance measures in line with the proposed project that achieve compliance with ARPA guidelines, as more particularly described on page 22 of this RFP.

XII. Other Factors:

- a. Proposers should address the following:
 - 1. The number of City residents anticipated to be employed as part of the project.
 - 2. The connection or proximity of the project or project site to public transportation.
 - 3. Workforce opportunities for City residents anticipated to be created or available as a result of or as part of the project.
 - 4. Minority, women and disadvantaged business opportunities offered by the funding of the project to either the proposer itself or to contractors and/or subcontractors.
 - 5. Whether the project is part of a partnership with other community organizations to increase affordable housing opportunities in the City.

MEASUREMENT TRACKING

Because each project proposed and awarded will be unique, the City, working in conjunction with the Proposer, will develop a set of measurements to track the performance of the project, the performance of the Proposer, and the impact of the proposal on the affordable housing goals set forth in the City of Lancaster's Housing Strategy. Those measurements may include, but are not limited to, some of the following:

1. Reporting regarding some or all of the following topics at regular intervals:
 - Land acquisition
 - Land development approvals
 - Financing requirements and approvals
 - Construction schedules and construction contracting
 - Lease strategies
 - Sale strategies
 - Lease and sales information
2. Existing property analysis related to rehabilitation including structural analysis, cosmetic repairs, necessary upgrades to make units more marketable, monthly reporting regarding topics including, but not limited to, unit by unit analysis, marketing strategies, construction schedules and construction data, and tenant surveys regarding the impacts of the rehabilitation of units on the community.
3. With respect to projects that serve to create impact housing funds or housing partnerships focusing on affordable housing, monthly reporting regarding dollars raised, number of affordable housing units impacted, marketing and community solicitation for support, and other similar matters.
4. For each project selected, the Proposer may be required to provide demographic information and other similar data collected by the Proposer such as ethnicity, family makeup and income level.
5. Proposers will also be asked to propose and work with the City on developing matrixes and measurement reporting to establish the impact and success for the particular project for which dollars were awarded to the Proposer.
6. Proposers are asked and should include within their proposal the timeframes and criteria for release of funds; it being expected that funds will only be released throughout the project as agreed upon criteria are met.

SCORING CRITERIA

The following criteria will be utilized in reviewing ad scoring proposals:

I. PRODUCTION OF NEW AFFORDABLE HOUSING UNITS

| CRITERIA | PERCENTAGE |
|---|------------|
| Number of affordable units to be produced. | 25% |
| Ratio of Grant Fund Dollars provided to new units produced. | 25% |
| Affordability Protections. <ul style="list-style-type: none"> • Years units to remain affordable • AMI levels used to determine affordability (i.e., “depth” of affordability) | 10% |
| Compatibility of Unit Production with City of Lancaster’s Housing Study and Objectives <ul style="list-style-type: none"> • Location of units • Type of units (number of bedrooms, etc...) • Leverage of funds with other funding sources | 10% |
| Ability to complete prior to December 21, 2026. <ul style="list-style-type: none"> • Real estate acquisition • Municipal approvals • Financing requirements and funding sources • Construction and demolition schedules • Contractor availability • Supply and material availability • Employee scaling • Project readiness | 15% |
| Proof of ability to complete project in accordance with proposal. <ul style="list-style-type: none"> • Qualifications and experience • Organizational capacity • Community partnership proposals and opportunities • Federal grant management reporting experience • Does the project support strong neighborhoods? | 15% |

II. REHABILITATION OF EXISTING AFFORDABLE HOUSING UNITS

| CRITERIA | PERCENTAGE |
|---|------------|
| Number of affordable units to be rehabilitated. | 25% |
| Ratio of Grant Fund Dollars provided to rehabilitated units produced. | 25% |
| Affordability Protections. <ul style="list-style-type: none"> • Years to remain affordable • AMI levels used to determine affordability (i.e. “depth” of affordability) | 10% |
| Compatibility of Unit Production with City of Lancaster’s Housing Study and Objectives. <ul style="list-style-type: none"> • Location of units • Type of units (number of bedrooms, etc...) • Leverage of funds with other funding sources | 10% |
| Ability to complete prior to December 21, 2026. <ul style="list-style-type: none"> • Financing requirements and funding sources • Construction and demolition schedules • Contractor availability • Supply and material availability • Employee scaling • Project readiness | 15% |
| Proof of ability to complete project in accordance with proposal. <ul style="list-style-type: none"> • Qualifications and experience • Organizational capacity • Community partnership proposals and opportunities • Federal grant management reporting experience • Nature and quality of improvements • Compatibility with City Housing Study | 15% |

III. CREATION OF HOUSING IMPACT FUNDS AND/OR PARTNERSHIPS

| CRITERIA | PERCENTAGE |
|---|------------|
| Number of affordable units or households that would receive new affordable units; upgraded affordable units or otherwise benefit from the Program. | 25% |
| Ratio of Grant Fund Dollars provided to the number of units and/or households effected. | 25% |
| Affordability Protections. <ul style="list-style-type: none"> • Years units remain affordable • AMI levels used to determine affordability (i.e. “depth” of affordability) | 10% |
| Compatibility of Program with City of Lancaster’s Housing Study. | 5% |
| Cross-Sector Impact. <ul style="list-style-type: none"> • Contributions towards workforce development, community services, business/job growth, transportation or other similar matters that impact need for affordable housing • Partnerships with other community organizations to • Increase community capacity to improve affordable • Housing • Leverage of funds with other funding sources | 15% |
| Ability to complete prior to December 21, 2026. <ul style="list-style-type: none"> • Partnership Agreements • Procurement • Creation of Program policies and procedures | 10% |
| Proof of ability to complete project in accordance with proposal. <ul style="list-style-type: none"> • Qualifications and experience • Organizational capacity • Community partnership proposals and opportunities • Federal grant management reporting experience • Nature and quality of improvements • Compatibility with City Housing Study • Longevity – ability to have impact over time | 10% |

IV. OVERALL SCORING AND RANKING OF ALL PROPOSALS

| CRITERIA | PERCENTAGE |
|---|------------|
| Number of affordable units to be produced. | 40% |
| Ratio of Grant Fund Dollars provided to the new units produced. | 40% |
| Ratio of Grant Fund Dollars to units or households impacted. | 20% |

Once the proposals are ranked based on the above stated criteria, the City will make an award or awards of contracts that maximize the use of funding to meet the goals set forth herein and in ARPA. The City reserves the right not to award any contracts. The City prefers projects or combination of projects that will leverage and maximize the use of the City's ARPA funds with other funding sources to produce or rehabilitate the highest number of affordable housing units.

RELEVANT DOCUMENTS TO REVIEW AND ANALYZE
PRIOR TO SUBMITTING AN RFP

- (1) City of Lancaster Interim Housing Strategy
- (2) Housing Availability Study: *Housing Availability in the City of Lancaster and Implications for Housing Affordability*
- (3) Comprehensive Plan Housing Market Analysis
- (4) Uniform Guidance for American Rescue Plan (ARPA) Act Requirements Appendix
- (5) Coronavirus State and Local Recovery Fund Final Rule: Frequently Asked Questions

CITY OF LANCASTER ITERIM HOUSING STRATEGY

Attached PDF – 8 Pages

**HOUSING AVAILABILITY IN THE CITY OF LANCASTER
AND IMPLICATIONS FOR HOUSING AFFORDABILITY
PREPARED BY CENTER FOR REGIONAL ANALYSIS AT
ECONOMIC DEVELOPMENT OF LANCASTER COUNTY**

Attached PDF – 21 Pages

COMPREHANSIVE PLAN HOUSING MARKET ANALYSIS

Attached PDF - 125 pages

**UNIFORM GUIDANCE FOR AMERICAN RESCUE PLAN (ARPA) ACT
REQUIREMENTS APPENDIX**

APPENDIX: UNIFORM GUIDANCE FOR AMERICAN RESCUE PLAN (ARPA) ACT REQUIREMENTS

The City, as a pass-through-entity, is responsible, in its sole discretion, for determining whether an organization awarded a Contract as a result of this RFP is a Subrecipient as that term is defined in 2 CFR § 200.331.

Subrecipients are responsible for compliance with ARPA requirements including, but not limited to:

- 31 CFR Part 35, *Coronavirus State and Local Fiscal Recovery Funds*
- The U.S. Department of Treasury's *Compliance and Reporting Guidance*, as periodically updated and available at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities>

Subrecipients are generally subject to the requirements of 2 CFR Part 200 (the Uniform Guidance), including, but not limited to:

- Compliance with ARPA's eligible and restricted uses of funds, including implementation of effective controls to ensure that each expenditure of funds is an eligible use and to maintain adequate documentation to each such expenditure.
- Implementation of internal controls and effective monitoring to ensure compliance with 2 CFR Part 200, including generally identifying direct and indirect costs and treating each cost consistently in like circumstances.
- Maintenance of records and financial documents for five years after all funds have been expended or returned to Treasury and providing or making available such records to any authorized oversight body upon request.
- Ensuring that procurement using ARPA funds or payment under procurement contracts using such funds, are consistent with procurement standards set forth in the Uniform Guidance at 2 CFR § 200.317 through 2 CFR § 200.327, as applicable.
- Obtaining and submitting an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F, if the organization expends more than \$750,000 in Federal awards during its fiscal year. For-profit Subrecipients are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury and Treasury's Office of Inspector General.
- Compliance with legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds.

Subrecipients are also required to provide timely, accurate information as requested by the City to comply with the City's reporting obligations, and to permit the City and auditors to have access to records and financial statements as necessary to fulfill the City's monitoring responsibilities under 2 CFR § 200.232.

**CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FINAL RULE:
FREQUENTLY ASKED QUESTIONS**

Attached PDF – 50 pages

INSTRUCTIONS TO PROPOSERS

INSTRUCTIONS TO PROPOSERS

ARTICLE 1 – DEFINED TERMS

- 1.01 Terms used in these Instructions to Proposers have the meanings indicated below:
- A. ISSUING OFFICE – this term shall have the same meaning as City and refer only to the office which issues the Proposal Documents.
 - B. CITY – the City of Lancaster.
 - C. PROPOSER – any natural person or legally-recognized entity which is sui juris.
 - D. LOWEST RESPONSIBLE PROPOSER – the Proposer to whom the project is awarded.
 - E. RESERVED.
 - F. CONTRACT DOCUMENTS – All documents included in or supplied pursuant to this RFP Package.

ARTICLE 2 – PROPOSAL DOCUMENTS

- 2.01 The Proposal Documents are those documents required to be submitted as part of any Proposal and are a subset of, and can be found within, the Proposal Package.
- 2.02 Complete sets of Proposal Documents shall be used in preparing Proposals; City does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Proposal Documents.
- 2.03 City, in making copies of the Proposal Package, including the Proposal Documents, available on the above terms, does so only for the purpose of obtaining Proposals for the Project and does not authorize or confer a license for any other use. As set forth herein, the City reserves the right to award multiple contracts and not award any contracts. The Contract Documents in the form of an RFP Package for the Project can be obtained over the internet from the Pennsylvania electronic document and proposal management program known as PennBid at <http://www.pennbid.net>. Potential Proposers must register with PennBid online to have access to said documents. Registration is at no cost and the process takes only a few minutes. Once registered, potential Proposers can obtain all project documents for this Project and any other PennBid-registered project and submit and update their confidential proposals online prior to the deadline for submitting a Proposal. All Proposals shall be submitted exclusively in electronic format to City through PennBid at www.pennbid.net. Proposals provided by any other means will not be accepted. All proposals must be submitted in PDF format. Incomplete proposals and those received after the specified date and time will not be considered. Hand delivered, mailed, courier, faxed and/or emailed responses will not be accepted.

ARTICLE 3 – QUALIFICATIONS OF PROPOSERS AND PROPOSAL REQUIREMENTS

3.01 Qualifications

The qualifications are set forth above.

3.02 Submission Requirements

- 3.03 A Proposer's failure to submit required qualification information within the times indicated may disqualify Proposer from receiving an award of the Contract.

- 3.04 No requirement in this Article 3 to submit information will prejudice the right of City to seek additional pertinent information regarding Proposer's qualifications.
- 3.05 RESERVED.
- 3.06 RESERVED.

ARTICLE 4 – **PROPOSER'S REPRESENTATIONS**

- 4.01 It is the responsibility of each Proposer before submitting a Proposal to:
 - A. examine and carefully study the Proposal Documents, and any data and reference items identified in the Proposal Documents (including the Scope of Work and all Appendices).
 - B. Reserved.
 - C. become familiar with and satisfy itself as to all Laws and Regulations (including all ARPA regulations and guidelines), including applicable City Ordinances and regulations, that may affect cost, progress, and performance of the Work.
 - D. Reserved.
 - E. Reserved.
 - F. Reserved.
 - G. become aware of the general nature of the work to be performed by City as it relates to the Work indicated in the Proposal Documents (including the Scope of Work and all Appendices).
 - H. promptly give City written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer discovers in the Proposal Documents (including the Scope of Work and all Appendices) and confirm that the written resolution thereof by the City is acceptable to Proposer.
 - I. agree that the submission of a Proposal will constitute an incontrovertible representation by Proposer that Proposer has complied with every requirement of this Article, that without exception the Proposal and all prices in the Proposal are premised upon performing and furnishing the Work required by the Proposal Documents (including the Scope of Work and all Appendices), and that Proposer has no claim for compensation, reimbursement for fee and costs, and/or any other benefit for having devoted time and materials in evaluating or submitting a Proposal.

ARTICLE 5 – **RESERVED.**

ARTICLE 6 – **INTERPRETATIONS AND ADDENDA**

- 6.01 All questions about the meaning or intent of the Proposal Documents are to be submitted through the PennBid website to City's contract representative identified in the Invitation to Proposers in writing. Such questions shall be addressed prior to Proposal opening by memoranda or formal Addenda and shall be made available to all Proposers on the PennBid website for the Project. It is the responsibility of each potential Proposer to be continuously aware of any interpretations rendered by memoranda and/or Addenda made available on the PennBid website for the Project without notice from City. Questions received less than seven days prior to the date for opening of Proposals may not be answered. Only questions answered by Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- 6.02 Addenda may be issued to clarify, correct, supplement, or change the Proposal Documents.

ARTICLE 7 – REVIEW AND EVALUATION

- 7.01 The City will check responses against the mandatory criteria. Responses not meeting all mandatory criteria will not be considered for review. Qualified respondents may be contacted for interviews.
- 7.02 The RFP is not a binding agreement to purchase goods or services. Responders to this RFP will be assessed in light of the qualification review criteria.
- 7.03 The proposals shall be evaluated and scored as set forth above in this Request for Proposal.
- 7.04 The City reserves the right to require one, some or all of the Proposers to make oral presentations.
- 7.05 Should the City elect to interview more than one Proposer; the Proposers will be ranked by a weighted average of the written Proposal and interview with 70% applied to the Proposal and 30% to the Interview.
- 7.06 The proposals selected by the City will be deemed to respond most favorably to the requirements of this Request for Proposal. The City reserves the right to issue one or more contracts in order to meet the goals and objectives set forth above or to choose not issue any contracts.
- 7.07 In evaluating Proposals, City will consider whether or not the Proposals comply with the prescribed requirements.
- 7.08 City may conduct such investigations (including interviews) as City deems necessary in its sole and absolute discretion to assist in the evaluation of Proposals and to establish the responsibility, qualifications, and financial ability of Proposers to perform and furnish the Project in accordance with the Contract Documents to City's satisfaction within the prescribed time.

ARTICLE 8 – RESERVED

ARTICLE 9 – RESERVED.

ARTICLE 10 – RESERVED.

ARTICLE 11 – RESERVED.

ARTICLE 12 – PREPARATION OF PROPOSAL

- 12.01 RESERVED.
- 12.02 A Proposal by a corporation shall be executed in the corporate name by a corporate officer (whose title must appear under the signature), accompanied by evidence of authority to sign. The corporate address and state of incorporation shall be shown. The corporate seal shall be affixed and attested by the corporate secretary or an assistant corporate secretary.
- 12.03 A Proposal by a partnership shall be executed in the partnership name and signed by a partner (whose title must appear under the signature), accompanied by evidence of authority to sign. The partnership's address for receiving notices shall be shown.
- 12.04 A Proposal by a limited liability company shall be executed in the name of the firm by a member or other authorized person and accompanied by evidence of authority to sign. The state of formation of the firm and the firm's address for receiving notices shall be shown.
- 12.05 A Proposal by an individual shall show the Proposer's name and address for receiving notices.
- 12.06 A Proposal by a joint venture shall be executed by an authorized representative of each joint venture in the manner indicated on the Proposal Form. The joint venture's address for receiving notices shall be shown.

- 12.07 All names shall be printed below the signatures.
- 12.08 The Proposal shall contain an acknowledgment of receipt of all Addenda, the numbers of which shall be filled in on the Proposal Form.
- 12.09 Postal and e-mail addresses and telephone number for communications regarding the Proposal shall be shown.
- 12.10 The Proposal shall contain the information required by Article 3

ARTICLE 13 – BASIS OF PROPOSAL

- 13.01 Proposers shall submit a Proposal containing all of the information required herein. There is no specified form for those proposals, although failure to include all information set forth in this RFP Package may eliminate the Proposer from consideration.
- 14.02 Reserved.
- 14.03 Reserved.
- 14.04 Reserved.

ARTICLE 14 – SUBMITTAL OF PROPOSAL

- 14.01 A Proposal shall be received no later than the date and time prescribed and, in the manner, and at the place indicated in the Invitation to Proposers.
- 14.02 Reserved.
- 14.03 Proposals received after the date and time prescribed for the opening of proposals, or not submitted at the correct location or in the designated manner, will not be accepted.
- 14.04 By submitting a Proposal, the Proposer acknowledges that they have:
 - A. Read and will comply with all the terms found within the RFP Package, including these Instructions to Proposers, and insurance amounts and coverages to be provided by Lowest Responsible Proposer in the event a Notice of Award is issued.
 - B. Thoroughly read and understood all the Contract Documents found within the RFP Package, including these Instructions to Proposers and other data and forms so as to become familiar with all conditions that may affect cost, performance and ability to provide the Work required.
 - C. Considered all Federal, state, and local laws and regulations that may affect cost, performance, and ability to provide the Work required, including but not limited to those set forth in ARPA and in the Federal Uniform Guidance for Procurement
 - D. Found no errors, ambiguities, conflicts, or other matter in the Proposal Documents and the remaining Contract Documents found within the RFP Package, including these Instructions to Proposers, and other data and forms, and site conditions that may affect cost, performance, and ability to provide the work required.
 - E. Acknowledges and understands that its Proposal may be rejected for failure to submit the Proposal and other Proposal Documents on the forms included in the RFP Package, failure to complete and/or sign any required documentation, failure to furnish the required Proposal Security, failure to include a unit/lump sum price for each item on the Proposal Form, including alternates, inclusion by Proposer of conditions or qualifications not provided for in the Proposal Requirements and Proposal Documents, submission of an incomplete Proposal Form or other required documents, should the Proposal Form contain any omissions, erasures, alterations, additions not called for, or irregularities of any kind, should any Proposal prices be unbalanced, debarment by a Commonwealth agency,

political subdivision or federal agency, being declared in default on other prior projects, and generally not meeting the conditions for award set forth in this RFP Package, including, without limitation the advertisement for Proposal.

ARTICLE 15 – MODIFICATION AND WITHDRAWAL OF PROPOSAL

- 15.01 A Proposal may be withdrawn from consideration on the PennBid website by the Proposer at any time prior to Proposal opening.
- 15.02 If a Proposer wishes to modify its Proposal prior to Proposal opening, Proposer may do so on the PennBid website prior to the time designated for opening proposals.
- 15.03 If within 24 hours after Proposals are opened any Proposer files a duly signed written notice with City and promptly thereafter demonstrates to the reasonable satisfaction of City that there was a material and substantial mistake in the preparation of its Proposal, that Proposer may withdraw its Proposal.

ARTICLE 16 – OPENING OF PROPOSALS

- 16.01 Proposals will be opened at the PennBid website electronically by City at the time indicated in the Invitation to Proposers.

ARTICLE 17 – PROPOSALS TO REMAIN SUBJECT TO ACCEPTANCE

- 17.01 Except as hereinafter provided, all Proposals will remain subject to acceptance for a period of sixty (60) days after the date specified for the opening of proposals or the issuance of a Notice of Award, whichever occurs first, unless stated otherwise on the Proposal Form. In the event an award of the contract is delayed by the required approval of another government agency, the sale of bonds or the award of a grant, in which case all proposals shall remain subject to acceptance for a period of one hundred twenty (120) calendar days from the date of the Proposal opening. City may, in its sole discretion, release any Proposal prior to the issuance of a Notice of Award or the expiration of the applicable ninety (90) or one hundred twenty (120) day period.

ARTICLE 18 – AWARD OF CONTRACT

- 18.01 City reserves the right to reject any or all Proposals, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Proposals. City will reject the Proposal of any Proposer that City finds, after reasonable inquiry and evaluation, to not be responsible. If Proposer purports to add terms or conditions to its Proposal, takes exception to any provision of the Proposal Documents, or attempts to alter the contents of the Contract Documents for purposes of the Proposal, then the City will reject the Proposal as nonresponsive; provided that City also reserves the right to waive all minor informalities not involving price, time, or changes in the Project.
- 18.02 Evaluation of Proposals
 - A. Reserved.
 - B. Reserved.
 - C. Reserved.
 - D. If a contract(s) is to be awarded, City will give the Successful Proposer(s) a Notice of Award within ninety (90) days after the date specified for the opening of proposals. In the event an award of the contract is delayed by the required approval of another government agency, the sale of bonds or the award of a grant, in which case City will give a Successful Proposer a Notice of Award within one hundred twenty (120) calendar days from the date of the Proposal opening. Such “Notice of Award” shall describe the nature, scope and facial amount stated in dollars of the Project awarded to

Proposer and direct the Proposer submit the following truthful and accurate documents in the manner stated within a specified period of time:

1. Proposer-executed Agreement (to be negotiated by the City and successful Proposer).
2. Reserved.
3. Reserved.
4. Certificate of Insurance.
5. Affidavit Accepting Provisions of the Workers Compensation Act.

ARTICLE 19 – INSURANCE

19.01 Proposers should be prepared and will be required to carry general liability insurance with insurers and in amounts satisfactory to the City.

ARTICLE 20 – SIGNING OF AGREEMENT

20.01 When City issues a Notice of Award to a Successful Proposer, it shall be accompanied by an unexecuted copy of the Agreement along with the other Contract Documents as identified in the Agreement. Within 10 days thereafter, or as otherwise specified by City in the Notice of Award, s Successful Proposer shall execute and deliver the documents required by this RFP Package along with proof that it is qualified to do business in the Commonwealth of Pennsylvania.

ARTICLE 21 – RESERVED

ARTICLE 22 – SALES AND USE TAXES

To the maximum extent permitted by Pennsylvania law, City is exempt from state sales and use taxes on materials and equipment to be incorporated in the Project. Said taxes shall not be included in the Proposal to the extent of the exemption permitted by Pennsylvania law. Proposer is solely responsible for determining the applicability of such exemption to such materials and services to be provided when setting forth the prices or totals comprising its Proposal. Proposer is not permitted to rely on any formal or informal or official or unofficial representation(s) by City or its representatives concerning the scope of materials and equipment which may or may not be exempt from sales or use taxes. No price adjustments or allowances will be made for Proposer’s pricing or overall Proposal in the event Proposer failed to include, or properly calculate, sales or use taxes applicable to materials or equipment for which the exemption does not apply. For further information, go to the following web page:

<http://www.revenue.pa.gov/GeneralTaxInformation/TaxLawPoliciesBulletinsNotices/Pages/Act%2045.aspx#.V9fw40zD-M9>.

ARTICLE 23 – ASSIGNMENTS

23.01 Absent the written consent of City, the assignment of any Proposal by any Proposer or any contract by a Successful Proposer is strictly prohibited and shall be grounds for declaring a breach of such Proposer’s obligations hereunder and/or the Agreement to perform the Project. In such event, City shall have recourse against Proposer’s Proposal Security or Proposer’s performance bond and/or such other remedies as may be allowed by the RFP Package.

ARTICLE 25 –RESERVED.

END OF INSTRUCTIONS TO PROPOSERS

PROPOSAL TAB

NON-COLLUSION AFFIDAVIT

AFFIDAVIT OF PROPOSER

State of)
)ss.
 County of)

_____ ; being first duly sworn, deposes and says that:

(1) He is _____ *(owner, partner, officer, representative, or agent)* O _____, the
 F _____
 Proposer that has submitted the attached Bid;

(2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Proposer;

(3) Such Proposal is genuine and is not a collusive or sham Bid:

(4) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed directly or indirectly with any other Proposer, firm or person to submit a collusive or sham Proposal in connection with the Contract for which the attached Proposal has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly sought by agreement or collusion or communication or conference with any other Proposer, firm or person to fix the price or prices in the attached Proposal or of any other Proposer, or to fix any overhead, profit or cost element of the Proposal price or the bid price of any other Proposer, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the **CITY OF LANCASTER** (Local Public Agency) or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

Title

Subscribed and sworn to before me

this ____ day of _____, _____

Title

My commission expires _____.

SAM.GOV REGISTRATION AND UNIQUE ENTITY ID

UNIQUE ENTITY ID

For contracts over \$25,000, service providers and subcontractors are required to have a Unique Identity ID, a 12-character alphanumeric ID assigned to an entity by **SAM.gov**.

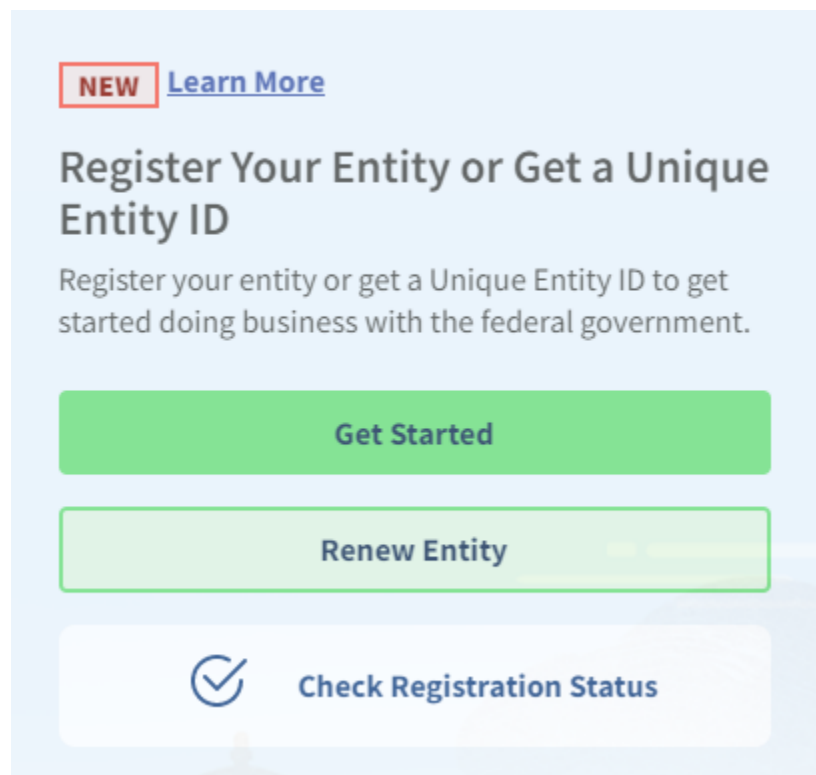
On **April 4, 2022**, the federal government stopped using the DUNS Number to uniquely identify entities. Now, entities doing business with the government should use the **Unique Entity ID** created in **SAM.gov**. You no longer have to go to a third-party website to obtain your identifier. This transition allows the government to streamline the entity identification and validation process, making it easier and less burdensome for entities to do business with the government.

If your entity is registered in **SAM.gov**, your Unique Entity ID has already been assigned and is viewable in **SAM.gov**. The **Unique Entity ID** is located on your entity registration record. You must be signed in to your **SAM.gov** account to view entity records.

A registration allows you to bid on government contracts. As part of registration, you will be assigned a **Unique Entity ID**. Subcontractors may only need a **Unique Entity ID**, without having to register.

To Register your entity and/or obtain a **Unique Entity ID**, go to **SAM.gov** and click “Get Started.”

For help, click “Learn More.”



The image shows a screenshot of the SAM.gov website interface. At the top left, there is a red box with the word "NEW" and a blue link "Learn More". Below this, the main heading reads "Register Your Entity or Get a Unique Entity ID". Underneath the heading is a sub-heading: "Register your entity or get a Unique Entity ID to get started doing business with the federal government." There are three prominent buttons: a green button labeled "Get Started", a light green button labeled "Renew Entity", and a white button with a blue checkmark icon and the text "Check Registration Status".

AGREEMENT
(to be drafted, completed and negotiated upon award of the proposal)

MWDB COMPLIANCE

**CITY OF LANCASTER
MINORITY, WOMEN, AND DISADVANTAGE BUSINESS
SUBCONTRACTOR'S COMPLIANCE FORM**

Business Name: _____
Contact Person: _____
Mailing Address: _____

City/State/ZipCode: _____
Telephone Number (____) _____ - _____
Federal ID Number: _____ Unique Entity ID # _____
___ Minority Business ___ Womens Business ___ Disadvantage Business
Percent Participation in this contract, _____%

Business Name: _____
Contact Person: _____
Mailing Address: _____

City/State/ZipCode: _____
Telephone Number (____) _____ - _____
Federal ID Number: _____ Unique Entity ID # _____
___ Minority Business ___ Womens Business ___ Disadvantage Business
Percent Participation in this contract, _____%

Business Name: _____
Contact Person: _____
Mailing Address: _____

City/State/ZipCode: _____
Telephone Number (____) _____ - _____
Federal ID Number: _____ Unique Entity ID # _____
___ Minority Business ___ Womens Business ___ Disadvantage Business
Percent Participation in this contract, _____%

Business Name: _____
Contact Person: _____
Mailing Address: _____

City/State/ZipCode: _____
Telephone Number (____) _____ - _____
Federal ID Number: _____ Unique Entity ID # _____
___ Minority Business ___ Womens Business ___ Disadvantage Business
Percent Participation in this contract, _____%

Note: Use Additional Sheets for more sub-contractors. If any subcontractors are added throughout the duration of the project, please forward their info to attn: Nancy Miller, Procurement Office, 120 N. Duke Street, PO Box 1599, Lancaster, Pa 17608-1599

SELF-CERTIFICATION

Self-Certification of No Disbarment, Suspension or Ineligibility
(One Self -Certification form for Agency AND EACH Sub-Agency)

Date: _____

I certify that _____ is not disbarred, suspended, or otherwise declared ineligible by the Department of Labor and Industry pursuant to the Pennsylvania Prevailing Wage Act of August 15, 1961, as amended, or by any agency of the Commonwealth of Pennsylvania under any other Act.

Furthermore, I certify that _____ has no tax liabilities or outstanding Commonwealth obligations at this time and agree to notify the City of Lancaster if, at any time during the term of that Contract, if _____ becomes delinquent. Such notification shall be made within 15 days of the date of suspension or disbarment.

****For contracts over \$25,000, service providers are required to have a UNIQUE ENTITY ID AND maintain a current registration in SAM.GOV.****

UNIQUE ENTITY ID _____ Expiration date: _____

Signed: _____

Printed Name: _____ Title: _____

Address: _____

COMMONWEALTH OF PENNSYLVANIA:

:SS

COUNTY OF _____

On this, the ___ day of _____, 20___, before me, the undersigned officer, personally appeared _____, who being sworn according to law, deposes and states that he/she is the _____, known to me (or satisfactorily proven) to be the person who name is subscribed to the within instrument and acknowledged that he/she, being authorized to do so executed the same for the purpose therein contained, and desires the same to be recorded as such.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

SUBMISSION CHECKLIST



SUBMISSION CHECKLIST

2022-30
AFFORDABLE HOUSING
SOLUTIONS WITH ARPA FUNDS

| SCOPE OF WORK | REVIEW OF RELEVANT DOCUMENTS |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Project Location <input type="checkbox"/> Affordable Housing Units Description <input type="checkbox"/> Financing Required <input type="checkbox"/> Phasing and Leveraging of other Funds <input type="checkbox"/> Construction <input type="checkbox"/> Community Partnerships <input type="checkbox"/> Identity of and Plan for Obstacles <input type="checkbox"/> Qualification and History of Success <input type="checkbox"/> Legal Requirements <input type="checkbox"/> Proposed Scope of Work <input type="checkbox"/> Proposed Measuring Tracking <input type="checkbox"/> Other Factors | <ul style="list-style-type: none"> <input type="checkbox"/> City of Lancaster Interim Housing Strategy <input type="checkbox"/> Housing Availability Study <input type="checkbox"/> Comprehensive Plan Housing market Analysis <input type="checkbox"/> Uniform Guidance for ARPA Appendix <input type="checkbox"/> Coronavirus Recovery Final Rule: FAQ <div style="background-color: #cccccc; padding: 5px; text-align: center;">DOCUMENTS</div> <ul style="list-style-type: none"> <input type="checkbox"/> Proposal <input type="checkbox"/> Non-Collusion Affidavit (p. 33-34) <input type="checkbox"/> SAM.gov Registration and Unique Entity ID (p. 36) <input type="checkbox"/> MWDB Compliance (p. 39) <input type="checkbox"/> Self-Certification of No Disbarment, Suspension, or Ineligibility (p. 41) |