

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Request for Proposals

from Massachusetts Local Housing Authorities

For Designation as a

Regional Service Agency

A. Overview

The Massachusetts Department of Housing and Community Development (the "Department") has issued this Request for Proposals from Massachusetts Local Housing Authorities (LHAs) to operate a Regional Service Agency (RSA). Initially, the RSA Program will be operated on a three (3) year pilot phase basis. The program and the pilot phase are described in detail below.

Designation as an RSA for this pilot phase will carry two (2) distinct advantages for the LHA or LHAs which are designated: (1) a one-time award of funds to defray startup expenses; and (2) modified technical oversight protocols that will allow the RSA to operate largely independently of the Department. The funding is limited and the special oversight provisions require that the RSA be proficient at managing its own and other LHAs' portfolios. In order to select from the LHAs that make proposals ("Applicant") to serve as RSAs in the pilot program, the Department will conduct a two (2) part process to determine the most cost effective way to use the seed funds and to assure that the RSA is qualified to provide services to other LHAs.

Part I of the selection process will pre-qualify Applicants to participate in the second Part by determining: (1) that the Applicant has demonstrated by its past performance that it has the ability to perform the duties and responsibilities of an LHA based on DHCD's Accelerated Independent Management and Modernization (AIMM) program; and (2) that the Applicant has described a service plan for its Regional Service Agency (RSA) that will produce the desired RSA Program objectives and outcomes including, but not limited to: increased capacity of local administrators, net cost savings and efficiencies in management, maintenance, water and energy use, and innovative and replicable methods of collaboration and service delivery.

Applicants that pre-qualify will be provided with initial funding (\$2,500) in order to prepare more detailed plans and model agreements between the RSA and its Partner LHAs for submission in Part II.

Part II will be the process of further evaluating the capacity of the Applicant to perform as an RSA and evaluating those detailed plans and model documents submitted under Part II in order to determine the technical and financial feasibility of the Applicant's service plan. DHCD will then compare the Applicants, their service plans and their seed funding requests with one another in order to make optimal use of the budget available for this pilot program.

B. The Regional Service Agency (RSA) Program

The Regional Service Agency Program is intended to supplement and expand LHA capacity so as to realize operational economies of scale through formalized voluntary partnerships between larger, more broadly staffed and experienced LHAs and smaller LHAs. The RSA Program promotes and provides for these partnerships by providing RSA collaborations with modified technical support and, if necessary, some seed funding to pay for startup costs. Partnerships will exist between a qualified and interested LHA, which the Department selects and designates as an RSA, and LHAs that elect to contract with the RSA for services. Such LHAs are referred to as "Partner LHAs." Although not a response requirement, it is anticipated that many of these RSA partnerships will be based on geographic proximity.

1. **Statutory Framework:** These partnerships will operate pursuant to MGL §121B, including but not limited to §§11(n) and 26.
2. **LHA Independence:** The services provided by an RSA to its Partner LHA will in no way replace the executive functions or powers and decision-making and financial responsibilities of an individual Partner LHA, its board or executive director. The services to be provided and the business relationship between the RSA and Partner LHA will be memorialized in a written agreement to be executed by both parties and approved by DHCD as to form.
3. **Seed Funding:** DHCD will provide seed funding to each RSA to pay for specific start-up costs but intends that the program will result in sufficient cost savings through economies of scale to be self-supporting based on mutually agreeable fees for service or such other exchange mechanisms as the parties may agree to.
4. **Regulatory Relief: Public Housing Innovation Demonstration Program (PHIDP):** In addition to modifications and waivers of its own regulations, as requested and justified by the Applicant, the Department intends to take advantage of the provisions of the Public Housing Innovation Demonstration Program legislation and allow Applicants relief from specific statutory requirements as follows:
 - a. PHIDP was enacted in 2008 to give the Department flexibility to grant specific relief from MGL c.121B and from MGL c. 7 in order to test modernization approaches that provide for outcomes listed below:
 - i. a marketing, management, construction or rehabilitation project or use for state-aided family and/or elderly/handicapped public housing that is a financially feasible project;
 - ii. demonstrate innovative and replicable solutions to the management, marketing or capital needs of state-aided family and/or elderly/handicapped state-aided public housing; and
 - iii. contribute to the continued viability of the housing as a resource for public housing eligible residents
 - b. When reviewing a request pursuant to PHIDP, the Department shall give preference to eligible projects, programs or plans that demonstrate one (1) or more features as follows:
 - i. Regional collaboration among LHAs;
 - ii. Efforts to reduce the need for future state modernization funding;
 - iii. Incorporation of cost-effective revitalization methods; or
 - iv. Preservation of housing for existing residents to the maximum extent feasible.
 - c. The Department will, on a case by case basis, designate funding for projects administered by an RSA as Public Housing Innovation Demonstration Program (PHIDP) funding. Any capital funded project administered by an RSA may apply for and receive designation of previously awarded formula funding as PHIDP funds conditioned on the RSA demonstrating how the project and specific statutory relief requested addresses one (1) or more of the PHIDP statutory objectives.

Formula funding allocated through PHIDP will not increase either the RSA or the partner LHA's formula funding allocation. Designation of formula funding as PHIDP funds simply provides a mechanism for an LHA to access targeted regulatory and statutory relief. See 760 CMR 63.00 for additional PHIDP information.

- d. Requests made pursuant to PHIDP in accordance with 760 CMR 63.00 should also be addressed separately from a response to this RFP to: Lizbeth A. Heyer, Acting Associate Director for Public Housing & Rental Assistance, Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, MA 02114.
5. **Allowable Administrative Fees:** The maximum allowable administrative fee for RSA administered formula funding projects is set at 13% of the awarded formula funding amount. The RSA and its Partner LHA will negotiate the actual administrative fee amount and its distribution within the maximum allowed.
6. **Capital Project Flexibility and Autonomy:** The Department will provide RSAs and the projects that they undertake greater flexibility and autonomy in capital planning and capital projects, thereby expediting project schedules and lowering transaction costs, as listed below. However, the Department reserves the right to conduct a post completion audit review following construction completion.
 - a. Expedited and simplified CIP5 review consisting of a two (2) week Department review turnaround provided the proposed CIP5 does not propose to take units off line;
 - b. The Department's project management involvement will be limited to processing invoices;
 - c. Simplified architectural and engineering review consisting of one (1) review at schematic design; and one (1) review at 95% construction documents to verify adherence to the Department's guidelines and standards and statutory procurement rules.
7. **Reporting Requirements:** The RSA will annually submit an operating budget for its RSA operations and provide the Department with a written report assessing the effectiveness the RSA operation with respect to the objectives of the RSA program, identifying deficiencies and providing recommendation for improvements. This report may include requests for additional regulatory relief and seed funding but the Department is under no obligation to provide either.
8. **Tenant Participation:** All responses to this RFP must provide for effective tenant participation, pursuant to 760 CMR 6.09 prior to submission of a proposal and then throughout the time of operation of the RSA. Each responding LHA, whether as an individual response or as a member of a joint venture team response, must consult with all affected LTOs in accordance with 760 CMR 6.09 (g) and (l) and as may otherwise be provided for in the agreement for tenant participation negotiated between the LHA and affected LTO(s).
9. **Insurance Coverages:** Responding LHAs should be aware of the following provisions that apply to RSAs regarding insurance coverage and claims made thereunder.
 - a. **Auto.** Any vehicle used for RSA related work should be insured by the LHA that owns and registers that vehicle. The auto policy should include coverage for all uses of the vehicle appropriate for RSA related work, including potential multiple drivers not employed by that LHA. The LHA will be responsible for covering the cost of this insurance.
 - b. **Crime/Fidelity Bond.** RSA work related crime, such as employee theft or other claims covered by a fidelity bond are covered by the Department procured Crime Insurance/Fidelity Bond covering all LHAs' state-aided housing programs. The LHA where such an incident occurs should report the occurrence to Robert Carreiro, Risk Management Specialist, Bureau of Housing Management by phone: 617-573-1229; fax: 617-573-1340; or email: Robert.Carreiro@state.ma.us.
 - c. **General Liability.** General liability coverage for all RSA related liability claims are covered in the same manner and extent as any LHA liability claim made pursuant to state-aided housing

programs, by the Department administered Retained Risk General Liability Program. Any claims or incidents should be reported immediately by the LHA where the incident occurred to Robert Carreiro, Risk Management Specialist, Bureau of Housing Management by phone: 617-573-1229; fax: 617-573-1340; or email: Robert.Carreiro@state.ma.us.

- d. **Property.** RSA work related property, such as unregistered heavy equipment or an off-line housing unit used as an office is covered by the Department procured Property Insurance Policy that covers all LHAs' state-aided housing property. The RSA designated LHA is responsible for the cost of insurance for any off-line unit(s) used for RSA related work at that RSA.
- e. **Workers' Compensation.** Each employee performing RSA related work should continue to be covered for Workers' Compensation Insurance by the LHA that is the employee's employer. LHAs should ensure that the job description for any employee performing RSA related work reflects this work appropriately, including the likelihood of travel to, and work at, other locations. LHAs seeking RSA designation should contact their Workers' Compensation Insurance carrier to verify whether any additional information or action is required.

10. **Required Services to be Delivered by an RSA to each of its Partner LHAs:** In all instances an RSA will provide capital planning, development, and project management services to its Partner LHAs.

a. **Capital Planning Services**

- i. Confirm or correct data on Partner's CPS "LHA Info," "Development Info" and "Facility Info" tabs;
- ii. Confirm or correct Capital Improvement Plan projects' priorities, scope, schedules and cost estimates in CPS;
- iii. All functions necessary to prepare, submit and obtain Department approval of the CIP including future amendments as necessary; and
- iv. On-going utilization and updating of CPS database.

b. **Project Management of Capital Jobs:** Assist the Partner LHA or act on its behalf to implement projects in accordance with the Department's program guidelines for AIMM Project Implementation. Among other tasks, accomplish the following with respect to each project in the Partner LHA's approved CIP:

- i. Based on the current conditions and circumstances of the property, precisely identify the problem that generated the project, its causes, available resources and intended schedule. Provide such information together with a general description of the solutions to be investigated, sufficient for engagement of design services or design-build services for small jobs or the preparation of a Request for Services (RFS) or Work Orders (WO) for larger jobs. Include an initial estimate of scope of work, design and construction schedule and budget; identify types of professional technical expertise that will be required;
- ii. Select a designer for each project including, where appropriate, using the Designer Selection Committee process or proper procurement of a designer for a smaller project;
- iii. Hold a project kickoff meeting;
- iv. Assure that the selected designer makes a complete and timely Conceptual Design submission;
- v. Review the Conceptual Design submission and act as necessary (approve, approve with conditions or disapprove with comments) to achieve an approved conceptual design while keeping the entire project on schedule;
- vi. Assure that the designer makes a complete and timely Schematic Design submission;

- vii. Review the Schematic Design submission and act as necessary to achieve an approved schematic design while keeping the entire project on schedule;
- viii. If a Design Development Phase is required in the design contract due to the size or complexity of the project, assure that the designer makes a complete and timely Design Development submission;
- ix. Review the Design Development submission and act as necessary to achieve an approved Design Development phase while keeping the entire project on schedule;
- x. Assure that the designer makes a complete and timely 50% Construction Document submission;
- xi. Review the 50% Construction Document submission and act as necessary to achieve an approved 50% Construction Document phase while keeping the entire project on schedule;
- xii. Assure that the designer makes a complete and timely 95% Construction Document submission;
- xiii. Review the 95% Construction Document submission and act as necessary to achieve an approved 95% Construction Document phase while keeping the entire project on schedule;
- xiv. Assure that the designer makes a complete and timely 100% Construction Document submission;
- xv. Review the 100% Construction Document submission and act as necessary to achieve an approved 100% Construction Document phase while keeping the entire project on schedule;
- xvi. Assure that the designer makes a complete and timely Bid Package submission, coordinating advertisements, dates for submission of filed sub-bids and general bids with bid openings and LHA meetings;
- xvii. Process the various bid documents as required by statute including addenda and extensions and bid openings, reference checks and LHA award vote;
- xviii. Create a proper contract for construction and execute once the contractor has supplied all require documents and insurances and once the Department has approved same;
- xix. Conduct the Preconstruction Meeting and issue a Notice to Proceed (NTP), if appropriate;
- xx. Oversee construction to be certain that the plans and specifications are followed in accordance with the Department's construction guidelines and standards. Approve payment requisitions only when fully satisfied that the work has been properly completed;
- xxi. Review proposed change orders for appropriateness to the scope, schedule and budget of the project and conformance with the Department's construction handbook and its guidelines and standards. Approve only when satisfied that they are necessary and appropriate and that there are sufficient funds to pay for the change;
- xxii. Review and issue certificates of Substantial and Final completion when the work has reached the appropriate stage of completion;
- xxiii. Assure that correct and accurate as-built drawings in an appropriate format are filed with the LHA, that all warranties, instruction manuals, etc. are submitted by the contractor and that the CPS inventory is properly updated and the project is put in the "inactive" status; and
- xxiv. Provide Department with quarterly report on LHA capital plan progress.

c. **Development Services**

- i. Assist Partner LHAs in assessing housing development projects for appropriateness for mixed-finance projects.

11. **Partial List of Suggested Additional RSA Services.** In addition to required services, RSAs are encouraged to provide additional operating, administrative, maintenance or modernization services to Partner LHAs that promote program efficiencies and improved program delivery. Below is a partial listing of areas that would be suitable for an RSA to provide services to Partner LHAs.

- a. Regional unit turn-over team;
- b. Co-purchasing professional services (legal, design, etc.);
- c. Joint hiring of licensed trades (plumbers, electricians, etc.);
- d. Aiding LHAs in accessing other resources;
- e. Supplementing administrative functions;
- f. Maintenance delivery system;
- g. Writing grant applications;
- h. Energy performance contracting;
- i. Reporting;
- j. Bulk supply purchasing; and
- k. Cross training and resource exchange (materials and ideas) across LHAs.

C. The Pilot Program

1. **Number of RSAs:** Based upon this RFP process, the Department would like to select at least five (5) but not more than ten (10) qualified and interested LHAs or joint venture teams of LHAs across the state to serve as RSAs in this Pilot Program. The Department will commit to seed funding and modified technical assistance frameworks for a three (3) year pilot period at which point it is intended that the arrangements be self-sustaining.
 - a. Partner LHAs are encouraged to participate fully during the entire three (3) year pilot term, and must commit to a partnership with the RSA for a period of not less than twelve (12) consecutive months, or the balance of the RSA's remaining operating term, whichever is less.
 - b. In recognition of the potential for change in an RSA's base of Partner LHAs, the RSA will only be expected to provide annual operating budgets reflective of its Partner LHAs then under contract together with a listing of the services being provided.
 - c. The Department reserves the right to revise the number of selected RSAs as well as the length of time, either shorter or longer, that the RSA Program is piloted in response to funding availability and business needs. In exercising this right the Department will fulfill its contractual obligation to an RSA unless there is a basis for termination for cause.
2. **Interested LHAs.** With the issuance of this RFP, the Department will provide all LHAs with a survey form to register the LHA's interest in seeking RSA designation or in participating as a Partner LHA. The Department will update and maintain a listing of responses received that will be posted on the Department's web site (www.mass.gov/dhcd/). The listing will serve two (2) purposes: notification, and a means of potential match of providers (RSA) and clients (Partner LHAs). Each LHA registering its interest in seeking RSA designation, either independently or as a member of a joint venture team, by responding to the survey will receive all applicable Department updates, addendums and mailings, if any, pertaining to this RFP as they become available. Otherwise, updated information will be posted on the Department's web site. Reviewing the listing will provide those LHAs either considering participation in the RSA program as an RSA or as a Partner LHA with information on possible area service needs and services which may be provided. Failure to register interest does not preclude an LHA from participating in the RSA Program as either an RSA or a Partner LHA, nor does it affect its ability to respond to this RFP.

D. The Request for Proposal Process

1. **Authority.** Pursuant to Chapter 119 of the Acts of 2008, the Department requests proposals from qualified LHAs to be designated as an RSA in their areas to provide services to Partner LHAs. This solicitation is not subject to MGL Chapter 30B.
2. **Two-Part Process:** The Department is requesting proposals that specify qualifications, service plans, and operating pro forma showing fee proposals and operating seed fund needs from any qualified and interested LHAs to provide services to other LHAs. The Department may then designate qualified and selected LHAs as Regional Service Agencies ("RSA") conditioned on the successful negotiation and execution of a contract specifying the terms and conditions of its operation of an RSA. Upon execution of such contracts RSAs will then participate in the Department-sponsored Regional Service Agency Program.
 - a. **Part I.** The pre-qualification process requires the submission of the components noted below. Pre-qualification proposals will not be considered if any of the information entered into the forms appended to this RFP is incomplete, conditional, or contains any material not called for. Applicants whose pre-qualification proposals meet the minimum standards will be offered due diligence funding and invited to submit full proposals for consideration in Part II of the selection process.
 - b. **Due Diligence Funding.** Each LHA receiving the Department's written notice of a determination of pre-qualification and a viable plan, which is invited to submit a comprehensive detailed service plan pursuant to Part II of this RFP, will be awarded up to \$2,500 as a reimbursable to compensate for legal costs incurred in developing contractual client terms and documents. The Department will execute a CFA with each such LHA, or in the case of a joint venture team response, one (1) of the LHA team members, in the amount of \$2,500. Those funds will be payable following the Department's reimbursable method of payment that currently exists for capital funding.
 - c. **Part II.** The selection process of qualified LHA(s) to be designated as RSA(s) requires the submission of the components noted below. Only those LHAs having received the Department's written notice of pre-qualification status pursuant to Part I of this RFP may submit such plans. Plans submitted pursuant to Part II of this RFP will not be considered if any of the information entered into the forms appended to this RFP is incomplete, conditional, or contains any addition not called for.
3. **Response Rounds.** The Department will accept responses to this RFP in a series of successive Response Rounds until a sufficient number of RSAs is found or the seed funding budget is exhausted. Only responses received by the published deadline date for submission of a response for an applicable Response Round will be considered during that round. Submissions received later than the deadline for any particular round will be considered in the following round, provided a future round is held. The following table identifies three (3) Response Rounds and the deadlines for submission of responses for each Response Round. Responses must be received at the Department delivered by hand or by mail by 3:00 PM Eastern Time on the noted deadline date to Maura J. Hamilton, Bureau of Housing Management, Massachusetts Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, MA 02114 to be considered for the applicable Response Round.

Response Round	Deadline Date for Response Submission
Round #1	June 6, 2011
Round #2	September 12, 2011

Round #3	December 13, 2011
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The Department reserves the right to increase or decrease the number of Response Rounds.

4. **Opening Proposals.** Proposals will be opened on the first business day following the deadline date for response submission. Only those proposals received by the Department by the published deadline date for submission of a response to this RFP for a given Response Round will be opened. At the opening of each proposal, the Department shall prepare a register of proposals for public inspection identifying the name of each individual LHA submitting a proposal or, if appropriate, the names of each LHA that is part of a joint venture team submitting a proposal. Responses received after the deadline date will not be opened or considered until the next Opening, if any. Responses received after the final published deadline date, as may be amended, are considered late proposals and will not be accepted or considered at all.
5. **Inquiries.** All inquiries from prospective Applicants concerning this RFP must be submitted in writing and addressed to Maura J. Hamilton, Bureau of Housing Management, Massachusetts Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, MA 02114 or by email at Maura.Hamilton@state.ma.us. All responses to questions received by the deadline date for inquires, shall be in writing and, if warranted, in the opinion of the Department, issued as an addendum to this RFP and will be simultaneously distributed to all LHAs having registered with the Department as being interested in seeking RSA designation pursuant to this RFP and not having previously been designated as an RSA. Additionally, all responses will be posted on the Department's web site.

Response Round	Deadline Date for Written Inquiries
Round #1	April 27, 2011
Round #2	August 1, 2011
Round #3	October 31, 2011

6. **Solicitation Cancellation.** The Department reserves the right to cancel this solicitation at any time before a contract between the Department and an RSA is executed. In the event that sufficient funds are no longer available the Department will reject all pending proposals received in response to this RFP.
7. **Evaluation: Minimum Criteria.** To be considered for designation as an RSA, an LHA must have the Department's designation of Accelerated Independent Modernization and Management (AIMM) status. AIMM designation is not required at the time of submission of a response under Part I of this RFP, but must be secured no later than the anticipated date of the Department's determination on pre-qualification. The anticipated date for such determination is thirty (30) working days from the Department's opening of a response under Part I of this RFP. Each LHA member of a joint venture team response must possess designation of AIMM status. For further AIMM program information please refer to <http://www.mass.gov/Ehed/docs/dhcd/ph/formula/acceleratedindependent.pdf>.
8. **Evaluation: Comparative Criteria.** The following are the criteria and standards which will be used to evaluate and rate all proposals in both Application Parts. Such ratings will then be used, in addition to other factors, to compare Applicants and make a determination as to whether to pre-qualify an Applicant or to designate an Applicant as an RSA.
 - a. **Leadership Experience:** Number of years of experience the organization and its current senior staff team has managing a state-aided public housing portfolio consisting of units in both family and elderly housing programs, including consulting and collaborating with other local government entities or non-profit organizations; and contributing through its management expertise and ability to analyze problems and implement needed changes and innovative practices to achieve high standards of performance and integrity and to achieve fiscal stability. Staff experience need not be at this particular LHA.

- i. **Highly Advantageous**: At least eight (8) years.
 - ii. **Advantageous**: Fewer than eight (8) but more than three (3) years.
 - iii. **Not Advantageous**: Less than three (3) years.
 - iv. **Unacceptable**: No relevant experience or record of success.
- b. **Compliance with Applicable Public Bidding Requirements**: Expertise in capital planning and project management; proficiency in the analysis of capital needs and resources.
- i. **Highly Advantageous**: More than one individual with expertise and at least one (1) individual is a Massachusetts Certified Public Purchasing Official (MCCPO) for Design and Construction
 - ii. **Advantageous**: At least one individual with expertise and at least one (1) individual is a Massachusetts Certified Public Purchasing Official (MCCPO).
 - iii. **Not Advantageous**: At least one individual with expertise and at least one is scheduled to complete the Massachusetts Inspector General's certification training for Massachusetts Certified Public Purchasing Official (MCCPO) within six (6) months of submission of a proposal in response to Part I this RFP.
 - iv. **Unacceptable**: All other cases.
- c. **Staffing Plan and Methodology**. Personnel, organization, management structure, schedule, equipment, space and business systems
- i. **Highly Advantageous**: Credible and highly efficient scheme; identifies probable Partner LHAs supported by letters of commitment; commences no later than sixty (60) days from execution of the RSA contract.
 - ii. **Advantageous**: Credible scheme; commences later than sixty (60) days after execution of the RSA contract.
 - iii. **Not Advantageous**: Not sufficiently detailed, incomplete scheme.
 - iv. **Unacceptable**: All other cases.
- d. **Plan of Services**. Proposed services address all of the required and some portion of the suggested Services, both capital and operating:
- i. **Highly Advantageous**: Clear, coherent and comprehensive.
 - ii. **Advantageous**: Clear, coherent plan addresses most of the objectives.
 - iii. **Not Advantageous**: Plan not clear or complete.
 - iv. **Unacceptable**: All other cases.
- e. **Capital Projects Completed as Planned Successfully Within Budget in a Timely Manner**.
- i. **Highly Advantageous**: Most projects completed on time and budget with change order rate of not more than 3%.
 - ii. **Advantageous**: Minimal delays with change order rate between 3 and 5%.
 - iii. **Not Advantageous**: Minimal delays with change order rate between 5 and 8%.
 - iv. **Unacceptable**: All other cases.
- f. **Interview, if any**: Effective communication, ability to listen and to keep focus on objectives
- i. **Highly Advantageous**: Effective, clear and well organized plan and comprehensive and well documents understanding of Partner LHA needs and can relate the two to motivate the Partner LHA to cooperate; also focused on RSA Program objectives.
 - ii. **Advantageous**: Effective, clear plan; basic understanding of plan and its relationship to Partner LHA needs; plan is targeted to RSA Program objectives.

- iii. **Not Advantageous**: Not particularly effective, disorganized and did not demonstrate an understanding of the Partner LHA's needs; plan not related to RSA Program objectives.
 - iv. **Unacceptable**: All other cases.
- g. **Ability to Independently Produce Effective Modernization and Management Outcomes** (AIMM score)
- i. **Highly Advantageous**: AIMM score of 100%.
 - ii. **Advantageous**: AIMM score of less than 100% but at least 90%.
 - iii. **Not Advantageous**: AIMM score of less than 90% but at least 80%.
 - iv. **Unacceptable**: All other cases.
- h. **Ability to Deliver Regional Services**. Past experience assisting other LHAs or working collaboratively with other public agencies; working under contract or managing contracted services; quality of service delivery plan.
- i. **Highly Advantageous**: Positive references on past performances; long record of successful contracts with vendors; complete and thoughtful plan specifying services to be delivered, logistics of delivery and cost calculations.
 - ii. **Advantageous**: Some past experience providing services or working collaboratively; good references from vendors; complete service plan.
 - iii. **Not Advantageous**: Little experience working outside the LHA itself; no track record with vendors demonstrating ability to manage contract relationships; plan for service delivery shows minimal understanding of logistics, cost factors.
 - iv. **Unacceptable**: All other cases.
- i. **Effective Capital Planning and Project Management**. Based on Facility Condition Index (FCI) for Applicant's state-aided public housing portfolio and improvement to FCI where a history is available.
- i. **Highly Advantageous**: (FCI) of not more than 5%.
 - ii. **Advantageous**: (FCI) greater than 5% but not more than 7.5%.
 - iii. **Not Advantageous**: (FCI) greater than 7.5% but not more than 15%.
 - iv. **Unacceptable**: (FCI) greater than 15%.

E. Part I: Pre-Qualification of LHA or Applicable LHA Joint Venture Team and Determination of Viable Conceptual Plan

Submittals for Part I: Determination of Pre-Qualification of LHA or Applicable LHA Joint Venture Team and determination of Viable Conceptual Plan shall be in accordance with the following requirements

1. Proposal Submission Instructions.

- a. Every proposal must be submitted in a sealed envelope, clearly marked with the following:
 - i. Applicant's name that should clearly identify all member LHAs of a joint venture team.
 - ii. RFP Title:
**Department of Housing and Community Development
RFP from Massachusetts Local Housing Authorities for Designation as a Regional
Service Agency (Part I Response)**
 - iii. Every Applicant must submit one (1) original and nine (9) copies. It is the responsibility of the Applicant to deliver complete sets of all required copies. Delivery is accepted by mail, delivery service or by hand.
- b. The original proposal letter of submittal must be signed in blue ink by an LHA official authorized to bind the Applicant LHA. In the case of a joint venture team proposal a separate letter from each team member, signed in blue ink by an official of the applicable LHA authorized to bind the LHA is also required.
- c. Proposal must be address to:
Maura J. Hamilton
Bureau of Housing Management
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
- d. Please note that no exceptions to the RFP requirements or any special stipulations attached to the submitted proposal will be accepted.

2. Proposal Submission Components and Forms. The proposal submission must consist of the following components and forms. It is the responsibility of the Applicant to be certain that the information submitted is sufficient to satisfy the Department of the Applicant's suitability to be an RSA when measured using the **Evaluation: Comparative Criteria** listed above:

- a. **Letter of Submittal.** A letter signed by an individual authorized to bind the Proposal contractually, certifying that the Applicant will, if accepted for a contract award, in accordance with the terms of this proposal execute and submit within ten (10) working days of the notice of award executed contracts and related forms.
 - i. Included in the letter should be a narrative describing the level of tenant participation that was provided for by the Applicant in the process of submitting a response to this RFP.
- b. **Relevant Experience of Applicant and/or Proposed Project Staff.** The Applicant shall show how it and its proposed project staff have performed capital planning, development and project management functions, and where applicable, relevant operating management functions so as to achieve high standards of performance and integrity. Applicant and project staff should have a thorough familiarity with all aspects of capital planning, development, project management and public housing and the management of such housing programs.
- c. **Staffing Plan.** Applicants must submit a staffing plan for the RSA identifying the lead staff person, the name, title and/or position, and role of each individual who will work for the RSA. For

- each individual attach: a current resume; job description; copies of relevant certifications, designations and licenses; and an indication whether the position is covered by a collective bargaining agreement. Where the Applicant will be hiring staff to perform RSA duties, the Applicant should submit a detailed job description and required qualifications for the planned staff. The staffing plan should address what actions, if any, the Applicant has taken or those that it plans to undertake and a timeline for doing so, that will insure its ability to meet its staffing plan.
- d. **Plan of Services & Methodology.** The Proposal must set forth a concise plan and methodology as to how the Applicant and, if applicable, each member of its joint venture team, and its project staff will manage the RSA and will provide services to its Partner LHAs while maintaining high performance of its own operations. The Proposal must include a sound business plan. The plan should depict organization structure specific to the roles, responsibilities and decision making capacities in the execution of the plan. Such plan should detail how the Applicant will identify and secure a client base of Partner LHAs; services to be offered and a three (3) year pro forma showing anticipated requested seed funds with a strategy to achieve financial independence at the end of the term. It is suggested that the conceptual plan narrative should not exceed a length of six (6) typed letter sized sheets of paper.
- e. **Capital Projects Experience.** Where the Applicant has experience managing and completing capital and or development projects with funding other than that provided by the Department the Applicant and, if applicable, each member of its joint venture team shall provide applicable information showing change order rate and timeliness of project completion for each applicable project.
- f. **Analysis and Risk Mitigation.** The Applicant should include in its response a narrative on the analysis performed identifying any questions, obstacles and need for Department assistance in executing its plan.
- g. **Business Reference Form, if applicable.** Where the Applicant has experience providing regional services or working collaboratively in any regional partnerships, public or private, the Applicant shall provide applicable references indicating the outcome and experience of such partnership(s). These references shall include the name of the entity, contact person, address and phone number submitted on Form A appended to this RFP. No other form shall be accepted.
- h. **Letters of Commitment.** The Applicant should include copies of any letters of commitment of probable Partner LHAs.
- i. **Legal Counsel.** Applicant shall include in its response the name of its intended legal counsel(s) and a statement of qualification for providing the LHA legal services developing proposed terms and agreement form between the RSA and its Partner LHAs pursuant to the Department's written notification to the LHA of a Determination of Pre-Qualification and invitation to submit a proposal pursuant to Part II of this RFP.
- j. **Certification for Professional Practice.** The Applicant must certify that it and, if applicable, each member of its joint venture team, has not been debarred, suspended or otherwise prohibited from professional practice by a federal, state, or local agency within two (2) years of the date the Applicant submits its proposal in response to this RFP. This form must be signed and submitted on Form B appended to this RFP. No other form shall be accepted.
- k. **Disclosure of Pending Claims or Litigation.** The Applicant and, if applicable, each member of its joint venture team, must identify and detail any open and pending claim or litigation against it.
- l. **Local Tenant Organization's Opinion.** Where applicable, the Applicant and, if applicable, each member of its joint venture team should submit a written statement from affected LTO(s) indicating its opinion on the Applicant's proposal.

- m. **LHA Board Vote.** Each submitted proposal must include a certified extract of the minutes of the board meeting at which Applicant's board, and that of each member of a joint venture team, voted approval to seek RSA designation pursuant to this RFP.

3. **Submission Evaluation and Decision:** Having met the mandatory pre-qualification selection criteria (AIMM designation), Applicants shall be further evaluated based on the evaluation criteria listed above in section 8, titled Evaluation: Comparative Criteria and their qualifications under each of those criteria will be determined to be "highly advantageous," "advantageous," "not advantageous," and/or "unacceptable." In accordance with the standards specified.

- a. **The Evaluation Committee.** The Department will create an Evaluation Committee to determine which Applicants will be pre-qualified and invited to submit a proposal for Part II: Designation as an RSA in each Response Round. The Evaluation Committee will be comprised of officials from the Department representing a cross section of disciplines to ensure a thorough and comprehensive analysis of the proposals. Disciplines represented include project management, housing management, capital and housing finance, facilities management, construction management, design services, program development and legal. The evaluations under Part I will be made by the Committee to ensure that the qualitative assessments are fair and consistent. Proposals will be evaluated using the criteria and standards set forth in this RFP (section D, paragraph 8, Evaluation: Comparative Criteria). The Evaluation Committee may also take into consideration other information and reports on file at the Department. Each responsive proposal will receive a rating for each criteria listed above together with a single summary composite rating.
- b. The Evaluation Committee may identify revisions necessary to change a rating on a particular criterion from unacceptable to advantageous and shall specify such revisions in its written decision. An Applicant may take necessary action and/or make any such revision or other revision and submit a new plan for consideration in a subsequent, if any, Response Round in accordance with this RFP.
- c. Each composite rating shall be detailed in writing. After a composite rating has been assigned for each proposal on the basis of the evaluation criteria above, the Evaluation Committee shall compare all of the proposals and determine the most advantageous proposal(s), taking into consideration the: proposal ratings; amount of requested seed funding (cost); proposed client base; and planned services. If the Evaluation Committee selects a proposal other than the lowest-cost proposal, the Evaluation Committee shall explain in writing why the added benefits of the selected proposal justify its anticipated higher funding requirements.
- d. **Interviews:** The evaluation process may include interviews conducted by the Evaluation Committee during the pre-qualification evaluation phase.
- e. **Determination of Pre-Qualification Status:** The Department shall make a determination on pre-qualification status by written notice to each Applicant no later than thirty (30) working days from its receiving a responsive proposal unless the time for such determination is extended by mutual agreement between the Department and the Applicant.
- f. **Proposal Amendments or Modifications.** An Applicant may correct, modify, or withdraw a proposal by written notice received in the office designated herein for proposal submission prior to the time initially set for determination of pre-qualification of the Applicant. A responding Applicant may change the requested level of seed funds or any other provision of the proposal only in a manner that is not prejudicial to the interest of the Department or to fair competition.
- g. **Appeal of Determination of Pre-Qualification Status.** Applicants may submit a written appeal of the Department's determination on pre-qualification to its Director of the Bureau of Housing

Development & Construction, Massachusetts Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, MA 02114 providing reasons and documentation showing why the determination made should be changed. If information that the Applicant submits on appeal is information that was contained in the proposal but which the Evaluation Committee did not consider, then the appeal may be referred to the Evaluation Committee for reconsideration. If the Applicant's appeal is based on belief of incorrect determination or incorrect application of evaluative criteria, the Director of the Bureau Housing Development & Construction will be responsible for the Department's review of a decision on the written appeal. New or additional information not contained in the proposal will not be considered in connection with an appeal. The decision of the Director is final and made without prejudice. The Applicant may submit a new response for consideration pursuant to the Response Round schedule.

4. **Pre-Qualification of an LHA:** If the decision of the Department is to pre-qualify the LHA and award Due Diligence funding, the Department and Pre-Qualified LHA will enter into a contract as follows:

5. **Contract Documents.** The following conditions, together with this RFP and the proposal submission by the LHA, form the Contract and all are as fully a part of the contract as if attached to this RFP or repeated herein:
 - a. **Contract for Financial Assistance (CFA),** Commonwealth of Massachusetts – Standard Contract Form, Terms and Conditions, and all addenda and modifications issued before and after the execution of the Contract. (See Form C appended to this RFP.)
 - b. **Contract Award.** The award and execution of the contract will be made upon the Department's determination of a Applicant's pre-qualification and plausibility of its submitted conceptual RSA business plan pursuant to Part I of this RFP. That contract award will result in an executed CFA for the maximum \$2,500 due diligence funds.
 - c. **Contract Effective Start Date.** Notwithstanding verbal or other representations by the parties, or an earlier start date indicated in a Contract, the effective start date of performance under this Contract shall be the date a Contract has been executed by an authorized signatory of the pre-qualified Applicant and the Department.
 - d. **Payments and Compensation.** The pre-qualified Applicant shall only be reimbursed for up to \$2500 for performance of legal services delivered upon receipt of an invoice for services rendered broken down by the service, the individual performing the service and the hourly rate charged. Invoices shall be submitted every thirty (30) days to the Department for approval and payment.
 - e. **Contract Termination or Suspension.** This Contract shall terminate on the date specified in the Contract, when the work is completed and a fully detailed proposal pursuant to Part II of this RFP is submitted to the Department, or unless terminated or suspended under this section upon prior written notice to the pre-qualified Applicant. The Department may terminate the Contract without cause and without penalty, or may terminate or suspend the Contract if the pre-qualified Applicant breaches any material term or condition or fails to perform or fulfill any material obligation required by the Contract. This initial contract may subsequently be amended pursuant to Part II of this RFP.
 - f. **Written Notice.** Any notice shall be deemed delivered and received when submitted in writing in person or when delivered by any other appropriate method evidencing actual receipt by the Department.

- g. **Termination or Suspension:** Any written notice of termination or suspension delivered to the pre-qualified Applicant shall state the effective date and period of the notice, the reasons for the termination or suspension, if applicable, any alleged breach or failure to perform, and shall specify a reasonable period to cure any alleged breach or failure to perform, if applicable, and any instructions or restrictions concerning allowable activities, costs or expenditures by the pre-qualified Applicant during the notice period.
- h. **Confidentiality.** The pre-qualified Applicant shall comply with M.G.L. c. 66A if the RSA becomes a "holder" of "personal data" of a prospective Partner LHA client. The Applicant shall also protect the physical security and restrict any access to personal or prospective Partner LHA client data in the Applicant's possession, or used by the Applicant in the performance of the Contract, that shall include, but is not limited to the prospective Partner LHA client's public records, documents, files, software, equipment or systems
- i. **Assignment.** The Applicant may not assign or delegate, in whole or in part or otherwise transfer any liability, responsibility, obligation, duty or interest under the Contract.

F. **Part II: Selection of LHA or Applicable LHA Joint Venture Team to Be Designated as an RSA**

The Department is inviting only those LHAs that have received written notice of pre-qualification under Part I of this RFP to submit final proposals under this Part II Selection Process within sixty (60) days of the date of such notification and in accordance with the following requirements. Proposals received after that date will not be accepted or considered.

1. **Proposal Submission Instructions.**

- a. Every proposal must be submitted in a sealed envelope, clearly marked with the following:
 - i. Applicant's name that should clearly identify all member LHAs of a joint venture team.
 - ii. RFP Title:
Department of Housing and Community Development
RFP from Massachusetts Local Housing Authorities for Designation as a Regional Service Agency (Part II Response)
 - iii. Every Applicant must submit one (1) original and nine (9) copies. It is the responsibility of the Applicant to deliver complete sets of all required copies. Delivery is accepted by mail, delivery service or by hand.
- b. The original proposal letter of submittal must be signed in blue ink by an LHA official authorized to bind the Applicant LHA. In the case of a joint venture team proposal a separate letter from each team member, signed in blue ink by an official of the applicable LHA authorized to bind the LHA is also required.
- c. Proposal must be address to:
Maura J. Hamilton
Bureau of Housing Management
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
- d. Please note that no exceptions to the RFP requirements or any special stipulations attached to the submitted proposal will be accepted.
- e. **Proposal Submission Components and Forms.** The proposal submission must consist of the following components and forms: It is the responsibility of the Applicant to be certain that the information submitted is sufficient to satisfy the Department of the Applicant's suitability to be an RSA when measured using the **Evaluation: Comparative Criteria** listed above together with the supplemental criteria below: Note that whereas Part I of this RFP requested a conceptual summary of the RSA business plan, Part II of this RFP now seeks well constructed, documented and precise business operating plans for evaluation. Such plans should specify qualifications of key personnel, detailed service plans, identified committed partners, fees or other considerations, proposed program agreements that memorialize the partnerships between an RSA and its Partner LHAs, and operating pro formas showing fee proposals and operating seed fund needs and that demonstrate how the RSA will achieve financial independence by the end of the three (3) year Pilot Period.
- f. **Letter of Submittal.** A letter signed by an individual authorized to bind the Proposal contractually, certifying that the Applicant will, if accepted for a contract award, in accordance

with the terms of this proposal execute and submit within ten (10) working days of the notice of award executed contracts and related forms.

- i. Included in the letter should be a narrative describing the level of tenant participation that was provided for by the Applicant in the process of submitting a response to this RFP.
- g. **Relevant Experience of Applicant and/or Proposed Project Staff**. The Applicant shall show how it and its proposed project staff have performed capital planning, development and project management functions, and where applicable, relevant operating management functions so as to achieve high standards of performance and integrity. Applicant and project staff should have a thorough familiarity with all aspects of capital planning, development, project management and public housing and the management of such housing programs.
- h. **Staffing Plan**. Applicants must submit a staffing plan identifying the lead staff person, the name, title and/or position, and role of each individual who will substantially contribute to this contract. For each such individual, attach a current resume; job description; copies of relevant certifications, designations and licenses; and an indication whether the position is covered by a collective bargaining agreement. Where the Applicant will be hiring staff to perform RSA duties, the Applicant should submit a detailed job description and qualifications for the planned staff. The staffing plan should address what actions, if any, the Applicant has taken or those that it plans to undertake and a timeline for doing so, that will insure its ability to meet its staffing plan.
- i. **Plan of Services & Methodology, Pro forma & Sample Agreements**. The Proposal must set forth a detailed, substantiated business plan and methodology as to how the Applicant and its project staff will manage and operate the RSA and will provide for delivery of the required services and any additional services to be offered to its Partner LHAs while maintaining high performance of its own operations. The Proposal must include a credible, sound business plan that can demonstrably be determined to be feasible. The plan should depict organization structure specific to the roles, responsibilities and decision making capacities for key resources in the execution of the plan. Such plan should detail the Applicant's identified client base, Partner LHAs, the contracted for services and fees for each Partner LHA and the Applicant's marketing plan for securing additional clients and strategy for retaining client Partner LHAs. The plan should include the suite of services to be offered generally and the relative fees; a three (3) year pro forma detailing requested seed funds with a strategy showing financial independence at the end of the term; first year operating budget; and all proposed forms including form service agreements that will be used to execute the plan. The Applicant's plan must account for changes in client base, methods for quality assurance, customer satisfaction, dispute resolution, necessary enforcement procedures, and loss control program and practices.
- j. **Capital Projects Experience**. Where the Applicant has experience managing and completing capital and or development projects with funding other than that provided by the Department the Applicant and, if applicable, each member of its joint venture team shall provide applicable information showing change order rate and timeliness of project completion for each applicable project.
- k. **Analysis and Risk Mitigation**. The Applicant should include in its response a narrative on the analysis performed identifying any questions, obstacles and need for Department assistance in executing its plan.
- l. **Business Reference Form, if applicable**. Where the Applicant has experience providing regional services or working collaboratively in any regional partnerships, public or private, the Applicant shall provide applicable references indicating the outcome and experience of such partnership(s). These references shall include the name of the entity, contact person, address and phone number submitted on Form A appended to this RFP. No other form shall be accepted.

- m. **Reporting Sample.** For each service Applicant will be providing to each Partner LHA, the Applicant shall submit a sample of its proposed reporting form(s) or format that would be used.
 - n. **Letters of Commitment.** The Applicant should include copies of all letters of commitment of identified Partner LHAs.
 - o. **Legal Documents.** Applicant shall include in its response the proposed legal forms and documents it intends to execute with its Partner LHAs. Such document(s) should represent the entire agreement between the parties.
 - p. **Certification for Professional Practice.** The Applicant must certify that it and, if applicable, each member of its joint venture team, has not been debarred, suspended or otherwise prohibited from professional practice by a federal, state, or local agency within two (2) years of the date the Applicant submits its proposal in response to this RFP. This form must be signed and submitted on Form B appended to this RFP. No other form shall be accepted.
 - q. **Disclosure of Pending Claims or Litigation.** The Applicant and, if applicable, each member of its joint venture team, must identify and detail any open and pending claim or litigation against it.
 - r. **Local Tenant Organization's Opinion.** Where applicable, the Applicant should submit a written statement from each affected LTO indicating its opinion on the Applicant's proposal. A statement from each affected LTO(s) of each Partner LHA should be submitted as well.
 - s. **LHA Board Vote.** Each submitted proposal must include a certified extract of the minutes of the board meeting at which Applicant's board, and that of each member of a joint venture team, voted approval to seek RSA designation pursuant to this RFP. A certified extract of minutes of each board meeting for each Partner LHA at which the LHA board voted to enter into participation as a Partner LHA with the RSA should be submitted.
2. **Evaluation: Part II Supplemental Comparative Criteria.** The following are criteria and standards which will be used in addition to those criteria in section D, paragraph 8 above to evaluate and rate proposals in Part II. Such ratings will then be used, in addition to other factors, to compare Applicants and make a determination as to whether to designate an Applicant as an RSA.
- a. **Evaluation of a Reporting Product.**
 - i. **Highly Advantageous:** The reporting format and sample is well organized, clear, and concise, relevant and material with few or no significant analytical, grammatical, or typographical errors.
 - ii. **Advantageous:** The reporting format and sample is clear and concise, relevant and material with minor analytical, grammatical, or typographical errors.
 - iii. **Not Advantageous:** The reporting format and sample is not well organized, clear, concise or relevant, or contains numerous significant analytical, grammatical, or typographical errors.
 - iv. **Unacceptable:** All other cases.
 - b. **Evaluation of an Oral Presentation and Interview.**
 - i. **Highly Advantageous:** The Applicant's oral presentation was clear and well organized and demonstrated the Applicant's ability to communicate effectively its plan for successful operation of the RSA and its delivery of services to meet its client Partner LHAs' needs.
 - ii. **Advantageous:** The Applicant's oral presentation was clear and demonstrated the Applicant's ability to communicate effectively its plan for successful operation of the RSA and its delivery of services to meet most of its client Partner LHAs' needs.
 - iii. **Not Advantageous:** The Applicant's oral presentation was unclear and disorganized and did not demonstrate the Applicant's ability to communicate effectively its plan for

successful operation of the RSA and delivery of service to meet its client Partner LHAs' needs.

iv. Unacceptable: All other cases.

c. **Evaluation of Applicant's Pro forma Assumptions to Support Inclusion and Exclusion of Factors That Could Impact Proposed Contract Time or Cost Requirements.**

i. Highly Advantageous: Applicant demonstrates experience and in depth knowledge of operation of this size and nature and has made reasonable and appropriate provision for potential dependencies that likely pose delivery impact.

ii. Advantageous: Applicant demonstrates experience and knowledge of operation of this size and nature and has made reasonable and appropriate provision for potential dependencies that likely pose delivery impact.

iii. Not Advantageous: Applicant demonstrates capacity but lacks experience in operation of this size and nature and has made reasonable and appropriate provision for potential dependencies that likely pose delivery impact.

iv. Unacceptable: Applicant clearly does not possess either experience or requisite knowledge to anticipate such factors. Likely would introduce change resulting in impact on operation and cost.

3. **Submission Evaluation and Decision.** The Department will consider only a responsive proposal from a responsible and pre-qualified Applicant invited to submit a proposal for consideration for RSA designation and seed funding contract award. A responsive proposal is a proposal that complies with requirements stated in section E, paragraph 1 above and that addresses all of the evaluation criteria listed in section D, paragraph 8, titled Evaluation: Comparative Criteria, above plus the supplemental criteria listed above in this paragraph (section E, paragraph 2, titled Evaluation: Part II Supplemental Comparative Criteria. Proposals will not be considered if any information contained in the appended forms to this RFP is incomplete, conditional, or contain any addition not called for.

a. **The Evaluation Committee.** The Evaluation Committee will determine which LHAs will be selected to receive seed funding and to participate in the RSA Program as RSAs. The evaluations under Part II will be made by the Committee to ensure that the qualitative assessments are fair and consistent. Proposals will be evaluated on the criteria set forth in this RFP that includes standards by which acceptability will be determined and any other measures used to evaluate the proposals. For each selection criterion, proposals will be given one of four ratings: highly advantageous, advantageous, not advantageous, or unacceptable. The Evaluation Committee may take into consideration information and reports on file at the Department's offices. Each responsive proposal will receive a rating for each criteria listed above together with a single summary composite rating.

b. The Evaluation Committee may identify any revisions necessary to change a rating on a criterion from unacceptable to advantageous and shall specify such changes in writing. An Applicant may take necessary action and/or make any such revision or other revision and submit a new plan for consideration in a new round in accordance with this RFP.

c. Each composite rating shall be detailed in writing. After a composite rating has been assigned for each proposal on the basis of the evaluation criteria above, the Evaluation Committee shall review all of the proposals and determine the most advantageous proposals, taking into consideration the: proposal ratings; amount of requested seed funding (cost); proposed client base; and planned services. If the Evaluation Committee selects a proposal other than the lowest-cost proposal, the Evaluation Committee shall explain in writing why the added benefits of the proposal justify its higher funding requirements.

- d. **Interviews and Presentation.** Interviews will be conducted by the Evaluation Committee at the Department's offices during the evaluation process of a proposal submitted pursuant to Part II of this RFP. The Interview will afford the Applicant an opportunity to make a clear and convincing presentation of not more than twenty (20) minutes presentation to show how the plan is feasible and can reasonably be expected to be executed on time with the intended value.
 - e. **Proposal Amendments or Modifications.** An Applicant may correct, modify, or withdraw a proposal by written notice received in the office designated herein for proposal submission prior to the time set for determination of selection of RSA designation of the Applicant. A responding Applicant may change the requested level of seed funds or any other provision of the proposal only in a manner that is not prejudicial to the interest of the Department or to fair competition.
 - f. **Appeal of Decision not to Designate an Applicant as an RSA.** Applicants may submit a written appeal of the Department's determination on Designation to its Director of the Bureau of Housing Development & Construction, Massachusetts Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, MA 02114 providing reasons and documentation showing why the decision not to Designate should be reversed. If information that Applicant submits on appeal is information contained in the proposal that the Evaluation Committee did not consider then the information will be referred to the Evaluation Committee for consideration. If the Applicant's appeal is based on belief of incorrect determination or incorrect application of evaluative criteria, the Director of Housing Development & Construction will be responsible for the Department's review of a decision on the written appeal. New or additional information not contained in the proposal will not be considered. The outcome of the decision will be final and made without prejudice.
4. **Determination of Selection of RSA, Conditional Designation.** If the decision of the Department is to select a particular LHA to act as an RSA under the RSA Program, it will give written notice to the Applicant no later than thirty (30) working days from its receiving a responsive proposal unless the time for such determination is extended by mutual agreement between the Department and the Applicant.
 5. **Contract Documents.** The following conditions, together with this RFP and the proposal submissions by the LHA, form the Contract and all are as fully a part of the contract as if attached to this RFP or repeated herein:
 - a. **Contract for Financial Assistance (CFA),** Commonwealth of Massachusetts – Standard Contract Form, Terms and Conditions, and all addenda and modifications issued before and after the execution of the Contract.
 - b. **Contract Award.** The award and execution of the contract will be made upon the Department's determination of selection of RSA following evaluation and determination of a feasible business plan providing value to the program and Partner LHAs. That contract award will result in an executed CFA for an agreed to amount following negotiation of program operating budget that considers finalized pro forma and executed Partner LHA agreements. The Department may elect to amend the CFA executed under Part I of this RFP for this purpose.
 - c. **Contract Effective Start Date.** Notwithstanding verbal or other representations by the parties, or an earlier start date indicated in a Contract, the effective start date of performance under this Contract shall be the date a Contract has been executed by an authorized signatory of the Contractor (RSA) and the Department.
 - d. **Payments and Compensation.** The Department will forward fund 25% of the annual award at the commencement of the Contract to the successful applicant (Pilot RSA). Thereafter, following a quarterly settlement process funds will be provided to the Pilot RSA on a reimbursable basis, consistent with the Department's payment of capital funds to an LHA, for performance of services delivered pursuant to the Contract upon receipt of an invoice for services rendered broken down

by the service, the individual performing the service and the hourly rate charged. Invoices shall be submitted monthly to the Department for approval and payment.

- e. **Contract Termination or Suspension**. The Contract shall terminate on the date specified in the Contract, or when the work is completed, or may be terminated or suspended under this section upon prior written notice to the Pilot RSA. The Department may terminate the Contract without cause and without penalty, or may terminate or suspend a Contract if the Contractor breaches any material term or condition or fails to perform or fulfill any material obligation required by the Contract.
- f. **Written Notice**. Any notice shall be deemed delivered and received when submitted in writing in person or when delivered by any other appropriate method evidencing actual receipt by the Department.
- g. **Termination or Suspension**: Any written notice of termination or suspension delivered to the Pilot RSA shall state the effective date and period of the notice, the reasons for the termination or suspension, if applicable, any alleged breach or failure to perform, and shall specify a reasonable period to cure any alleged breach or failure to perform, if applicable, and any instructions or restrictions concerning allowable activities, costs or expenditures by the Pilot RSA during the notice period.
- h. **Confidentiality**. The Pilot RSA shall comply with M.G.L. c. 66A if the RSA becomes a "holder" of "personal data" of a prospective Partner LHA client. The Pilot RSA shall also protect the physical security and restrict any access to personal or prospective Partner LHA client data in the Pilot RSA's possession, or used by the Pilot RSA in the performance of the Contract, that shall include, but is not limited to the prospective Partner LHA client's public records, documents, files, software, equipment or systems
- i. **Assignment**. The Pilot RSA may not assign or delegate, in whole or in part or otherwise transfer any liability, responsibility, obligation, duty or interest under the Contract.

Form A: Applicant's Business Reference Form

Where the Applicant has experience providing regional services or working collaboratively in any regional partnerships, public or private, the Applicant Proposer shall provide applicable references indicating the outcome and experience of such partnership(s). These references shall include the name of the entity, contact person, address and phone number submitted on Form A appended to this RFP.

Applicant: _____

RFP Name/Title: Department of Housing and Community Development RFP from Massachusetts Local Housing Authorities for Designation as a Regional Service Agency

(1) Reference Entity Name: _____

Contact Name: _____

Address: _____

Phone: _____

Email: _____

Description, outcome and date(s) of work: _____

(2) Reference Entity Name: _____

Contact Name: _____

Address: _____

Phone: _____

Email: _____

Description, outcome and date(s) of work: _____

(3) Reference Entity Name: _____

Contact Name: _____

Address: _____

Phone: _____

Email: _____

Description, outcome and date(s) of work: _____

(4) Reference Entity Name: _____

Contact Name: _____

Address: _____

Phone: _____

Email: _____

Description, outcome and date(s) of work: _____

References may be contacted to confirm the Applicant's abilities and qualifications as stated in the Applicant's response. The Department may deem the Applicant's response unresponsive if a reference is not obtainable from a listed reference after reasonable attempts.

Form B: Certification for Professional Practice

Applicant: _____

RFP Title: Department of Housing and Community Development RFP from Massachusetts Local Housing Authorities for Designation as a Regional Service Agency

The undersigned being duly authorized hereby certifies that neither it nor any member of its joint venture or team, has been debarred, suspended or otherwise prohibited from professional practice by an federal, state, or local agency within two (2) years of the date the Applicant submits its proposal in response to this RFP.

The information submitted herein is certified by the Applicant to be accurate under the pains and penalties of perjury.

Signature of Authorized Signatory for Applicant: _____
(date)

Name of Authorized Signatory for Applicant: _____

Title of Authorized Signatory for Applicant: _____

LHA: _____