

REQUEST FOR PROPOSALS

BY

THE

CITY OF BIRMINGHAM

DEPARTMENT OF COMMUNITY DEVELOPMENT

**Room 1000
710 North 20th Street
Birmingham, Alabama 35203**

**NEIGHBORHOOD STABILIZATION PROGRAM (NSP)
NON-PROFIT/ FOR-PROFIT
AFFORDABLE HOUSING DEVELOPER**

**CITY OF BIRMINGHAM
FEBRUARY 11, 2009**

DUE DATE: 4:30PM ON March 2, 2009

FEBRUARY 11, 2009

RE: Neighborhood Stabilization Program (NSP)
Request for Proposals
For-Profit/Non-Profit
Affordable Housing Developers

Proposing Entities:

The City of Birmingham is a Participating Jurisdiction in the United States Department of Housing and Urban Development's Neighborhood Stabilization Program (NSP). Funds for this Program must be spent inside designated priority areas located inside the City limits of Birmingham under this program.

The RFP is for Non-Profit Developers or For-Profit Developers with background and experience in similar program areas involving Federal Grants and affordable housing. The City of Birmingham is willing to consider proposals for the development of affordable housing in the City of Birmingham under this program.

Additional information or clarification about this request can be obtained by calling Mr. James F. Fenstermaker or Mr. Kenneth H. Knox of Community Development at 254-2475. Sealed proposals must be submitted to Community Development (in-hand) by no later than 4:30 p.m. on March 2, 2009.

I appreciate your time and effort in responding to this proposal and look forward to working with you in the future.

Sincerely,

James F. Fenstermaker, Director

Enclosure

PURPOSE OF REQUEST FOR PROPOSALS

The RFP is for Non-Profit Developers or For-Profit Developers with a history and demonstrated experience in similar program areas involving Federal Grants and affordable housing. The City of Birmingham is willing to consider proposals for the acquisition, rehabilitation, resale, lease, or disposition of affordable housing in the City of Birmingham. .

Selected developer(s) will receive funding from the City of Birmingham to purchase foreclosed single family detached housing units for rehabilitation, resale or rental. Priority is to be given to HUD foreclosed units. Beneficiaries must have a household income that does not exceed 120% of median income. Twenty-Five percent of all beneficiaries must have household incomes of 50% or less of median.

(Median Income/Income Limits are adjusted annually by the U.S. Department of Housing and Urban Development.)

BASIC MINIMUM REQUIREMENTS

The City of Birmingham Office of Community Development requires that for-profit and non-profit developers submitting proposals do so in the manner prescribed below. This information should substantiate the capacity and ability of the developers to provide financing, marketing and management capacity for affordable housing for low and moderate income households. It is also important to list projects completed of a similar nature that demonstrate this capability. Priority will be given to proposals submitted by developers who have a strong history of experience in administering substantial amounts of Federal funding and demonstrated experience in successfully completing and marketing affordable housing for low income homebuyers. All units must be affordable for and/or transferred to households with a combined household income not to exceed 120% of median income as established by HUD or to organizations committed to permanent occupancy by individuals with incomes below 50% of median income. A significant number of households (25%) must have income within the 50% of median income range or less.

Any proposal submitted without all of the information requested below will be considered as non-responsive. Note that the proposed development cannot be located in the designated floodway nor can it be located within the 100 year flood plain.

- A. Executive Summary should contain a description of your proposal in as much detail as possible.

- B. Project Budget including all Sources and Uses of Funds.
- C. Letter of Commitment from private lender for development costs (construction financing), if any.
- D. Provide resume of experience of the development team;
- E. If CHDO, provide proof of CHDO Status;
- F. Provide letter agreeing to comply with all of the provisions of the NSP Program;
- G. Provide proof of IRS Non-profit Status or if a For-Profit Corporation documentation of corporate status;
- H. Provide certified copies of all of the organizational documents of all the entities involved in the project including Articles of Incorporation and/or Partnership Agreements;
- I. Identity of Interest: List each project-related professional or technical team member of your organization who will work on this project and for other professionals and technical personnel who will assist on the project. If any of the listed individuals have any direct or indirect interest in the project, provide details of the relationship;
- J. Provide a copy of most recent audit by independent accounting firm/financial statements;
- K. Fair Housing Affirmative Marketing Plan;
- L. Developers Certification;
- M. Certification Regarding Displacement, Relocation & Acquisition;
- N. Certification Regarding Prohibition of the Use of NSP Funds for Lobbying & Bribes;
- O. Certification Regarding Affirmative Marketing Procedures; and
- P. Certification Regarding Conflict of Interest.

NOTE: This list may not be all inclusive. Additional documentation may be required.

MINIMUM UNIT REQUIREMENTS

1. Units may not be located within the designated floodway or floodplain.

2. Units acquired may not have major structural defects (i.e. foundation problems, water damage, mold, active termite infestation/termite damage, etc.)
3. Units must be free of lead-based paint hazards. All units must be tested (whole house inspection) by a State of Alabama Health Department certified lead inspector/risk assessor prior to purchase;
4. Units must have a pitched roof.
5. All units acquired will be inspected, prior to acquisition and rehabilitation work, by the City of Birmingham Office of Community Development, Housing Division. The Housing Division must review and approve all work write-ups required to rehabilitate units acquired.
6. Each unit shall have a minimum of 2 bedrooms (3 or more preferred).
7. ADA rules apply.
8. Each unit must have permissive zoning at the time of acquisition.
9. Each unit must be within reasonable access (i.e. CARTS, public bus route) to shopping, entertainment, education, and health services.
10. Each site shall be served by public water, and a public road.
11. Each unit shall have a fully landscaped yard with emphasis on low maintenance plants.
12. Each unit shall have a minimum allowable floor area of heated space: 1-story and 1,000 square feet.
15. Each unit must be on public sewer or septic tank (septic tanks must meet the requirements of the Jefferson County Health Department.

MINIMUM AFTER REHABILITATION UNIT REQUIREMENTS

1. Permitted Exterior Materials and Finishes:
 - A. Walls: Brick, Stone, Wood, Vinyl, Cement Fiberboard;
 - B. Glazing: Glass, Glass Blocks;
 - C. Trim: Metal Clad (enamel finish), Vinyl, wood, cement fiberboard;
 - D. Roofing: Slate, concrete tile, clay tile, asphalt shingles (textured and non-

- textured), metal;
 - E. Chimney: Stone, brick, metal (cowling & spark arrestor only); and
 - F. Foundation: Brick, cinder block, or stucco.
- 2. Driveway and Sidewalk Materials:
 - A. Sidewalk(s): Concrete, asphalt
 - B. Driveway: Concrete, asphalt
- 3. Appliances: Oven/stove, dishwasher and refrigerator (15CF or bigger).
All appliances must have the Energy Star designation (EPA/HUD).
- 5. HVAC Requirements (Energy Star):

HVAC Unit:

All HVAC units 10 years of age or older, or other units not heating or cooling the home properly, must be replaced with an Energy Star qualified model.

6. Accessibility/Visitability:

Where feasible/cost effective, each unit must be fully adaptable, visitable, and fully accessible if required.

CODE OF CONDUCT

The developer covenants that no person who presently exercises any functions or responsibilities in connection with the program has any personal financial interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The developer further covenants that in the performance of this Agreement no person having any conflict of interest shall be employed. Any interest on the part of the Developer or its employees must be disclosed to the City. This paragraph shall be interpreted in such a manner so as not to unreasonably impede the statutory requirements that maximum opportunity be provided for employment of and participation by low and moderate income residents of the area.

SERVICE AREA

The Service Area for this Agreement is the City of Birmingham

SELECTION CRITERIA

The preliminary funding award resulting from this Request for Proposals shall be determined by analysis of, but not necessarily limited to, the factors shown below. Points will be designated for each factor of consideration with a maximum score of 200 points.

- A. Demonstrated Experience (minimum 5 years) of the Primary Partner in administering/managing complex Federally Funded grant programs including grant submittal, grant reporting.
_____ 40 points

- B. Demonstrated Experience of Primary Partner on staff in the areas of affordable housing development rehabilitation and/or management of affordable housing.
_____ 40points

- C. Demonstrated Experience within the team in the area of financing affordable housing development
_____ 15 points

- D. Demonstrated Experience within the team at providing Housing Counseling Services in conjunction with affordable housing.
_____ 15 points

- E. Demonstrated Experience within the team in the area of real estate property management.
_____ 15 points

- F. Demonstrated Experience within the team in the area of real estate sales, particularly in the ability to identify buyers and sell affordable housing.
_____ 10 points

- G. Minimum of 5 years Demonstrated ability to provide for proper accounting and reporting for management of Federal funds.
_____ 15 points

- H. Demonstrated knowledge of the community being served - - especially Birmingham neighborhoods - - and especially low-moderate income residents in Birmingham neighborhoods:
_____ 20 points

- I. Plans to attract qualified buyers and/or renters.
_____ 10 points

- J. Minority participation in the proposal.
_____ 10 points
- K. Section 3 Certified Business.
_____ 10 points

SUBMITTAL SCHEDULE

All proposals must be received in the Office of Community Development at the below address by no later than 4:30 p.m. on March 2, 2009. No fax or e-mail proposals will be accepted.

Room 1000 – (10th Floor)
City Hall
710 North 20th Street
Birmingham, Al. 35203

MBE/WBE PARTICIPATION

Firms are encouraged to utilize the skills and services of minority businesses in the fulfillment of the contractual responsibilities pertaining to this project.

The City of Birmingham, in carrying out projects as authorized under the Housing and Community Development Act of 1974, is required under 1365 of Title 24, Housing and Urban Development Act of 1968, to take affirmative action to assure that employable persons and businesses in our project area (City of Birmingham) are utilized to the greatest extent feasible with particular emphasis being placed upon the hiring of women and minorities as both employees and, where applicable, subcontractors. City of Birmingham is sincere in its effort to insure that both the letter and intent of the regulations are complied with and the City of Birmingham will monitor your firm's efforts in this area.

APPENDIX “A”

Request for Proposals Advertisement

Legal Advertisement

Request for Proposals (RFP) Non-Profit/For-Profit Developers Affordable Housing

The City of Birmingham, through its Office of Community Development is soliciting Non-Profit and For-Profit Housing Developers to submit proposals for the implementation of its Neighborhood Stabilization Program to include acquisition, rehabilitation, and re-sale of foreclosed properties within the City of Birmingham.

All proposals must be received in the Office of Community Development at the below address by no later than 4:30 p.m. on March 2, 2009. No fax or e-mail proposals will be accepted.

Room 1000 – (10th Floor)
City Hall
710 North 20th Street
Birmingham, Al. 35203

Copies of the complete Request for Proposals can be picked up at the above-address or requested via e-mail or fax. All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to James F. Fenstermaker or Kenneth H. Knox at 254-2475.

Run Dates: Birmingham Times 2/19/09

APPENDIX B CERTIFICATIONS

CERTIFICATION REGARDING

CONFLICT OF INTEREST

The undersigned certifies to the City of Birmingham through its Office of Community Development that it and its principals are in compliance with the Conflict of Interest provision of the Neighborhood Stabilization Program (NSP):

- In the procurement of property and service 24 CFR 85.36 and OMB Circular 110 Rules Regarding Conflict of Interest apply.
- In all cases not governed by those rules, conflicts of interest are not permitted. The following applies:

If a person is:

An employee, agent, consultant, officer, elected official or appointed official of a PJ, State recipient or sub recipient of NSP,

AND have NSP-related responsibilities or access to inside information.

That person may NOT:

Obtain a financial benefit or interest from any NSP activity for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

Organization Name

By: _____

Its: _____

Date: _____

**DEVELOPERS CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

1. The undersigned certifies to the City of Birmingham through its Office of Community Development that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds;
 - (b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more public projects (Federal, State or local) terminated for cause of default.

2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
DISPLACEMENT,
RELOCATION AND ACQUISITION**

The undersigned, hereby, certifies to the City of Birmingham through its Office of Community Development that if its application is selected for funding, it and its principals will:

1. Take all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms).
2. Provide relocation assistance at the levels described in, and in accordance with the requirements of 24 CFR part 92 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR Part 24.
3. Advise all displaced persons of their rights under the Fair Housing Act (42 U.S.C. 3601-19).

Organization Name

By: _____

Its: _____

Date: _____

CERTIFICATION REGARDING

**PROHIBITION OF THE USE OF NSP FUNDS
FOR LOBBYING AND BRIBES**

I, _____, the _____

Of _____ (“Owner”) authorized to act on behalf of Owner certify to the City of Birmingham through its Office of Community Development that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Owner, to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement;
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Owner will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
- (3) The Owner shall require that this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Name

Title

Date

**CERTIFICATIONS REGARDING
AFFIRMATIVE MARKETING PROCEDURES**

The undersigned applicant certifies to the City of Birmingham through its Office of Community Development (“the County”) that it will continue to further Equal Opportunity and Fair Housing by:

1. Establishing affirmative marketing procedures to be utilized so that no person shall, on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity funded in whole or part with funds made available under City of Birmingham’s NSP Program.
2. Complying with the requirements of the Fair Housing Act and the Age Discrimination Act of 1975.
3. Displaying the Fair Housing logo on its advertisements for those units and at the leasing or sales office. At a minimum, a Fair Housing poster will be displayed at the leasing or sales office.
4. Submitting in writing to the City its plans to solicit applications from persons in the community who are unlikely to apply without special outreach.
5. Maintaining a list of the characteristics of the tenants renting NSP assisted units and will assess and report annually the results of these efforts to the City.
6. Section 3 of the Housing and Urban Development Act of 1968. Will submit HUD Form 60002, Section 3 Summary Report which is used to report annual accomplishments regarding employment opportunities to low-and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968.
7. Affirmative Marketing in Resale: You will submit to the City for approval and Affirmative Fair Housing Marketing Plan (AFHMP) in accordance with 24 CFR Part 200, Subpart M.

Signature of Authorized Certifying Official:

Title:

Applicant Organization:

Date:
