



**Indiana Housing & Community Development Authority**

**REQUEST FOR QUALIFICATIONS**

for

**Housing Counseling Services for the HOME Investment Partnerships  
Program**

**INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY  
30 South Meridian Street, Suite 900**

**Indianapolis, IN 46204**

**<http://www.in.gov/ihcda/>**

**317-232-7777**

**ISSUE DATE: April 12, 2021**

**RESPONSE DEADLINE: May 24, 2021 at 5:00 PM Eastern Time**

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## PART 1

## SCOPE OF THIS REQUEST

### 1. PURPOSE OF THIS REQUEST FOR QUALIFICATIONS (“RFQ”)

The Indiana Housing and Community Development Authority (IHCDA) is seeking to engage a U.S. Department of Housing and Urban Development (“HUD”) Approved Housing Counseling Agency to provide housing counseling on an as needed basis to households participating in IHCDA’s HOME Investment Partnerships Program (“HOME”) Homebuyer program.

### 2. ABOUT THE INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

#### VISION

IHCDA envisions an Indiana with a sustainable quality of life for all Hoosiers in the community of their choice.

#### MISSION

The Indiana Housing and Community Development Authority’s (“IHCDA”) mission is to provide housing opportunities, promote self-sufficiency, and strengthen communities.

#### OVERVIEW (for more information visit <http://www.in.gov/ihcda/>)

IHCDA was created in 1978 by the Indiana General Assembly and is a quasi-public financially self-sufficient statewide government agency. IHCDA’s programs are successful in large part because of the growing network of partnerships IHCDA has established with local, state, and federal governments, for-profit businesses and not-for-profit organizations. For-profit partners include, but are not limited to, investment banks, mortgage lenders, commercial banks, corporate investment managers and syndicators, apartment developers, investors, homebuilders, and realtors. Not-for-profit partners include, but are not limited to, community development corporations, community action agencies, and not-for-profit developers.

### 3. BACKGROUND

IHCDA administers the HOME Investment Partnerships Program Homebuyer Program (“the Program”), an award through the U.S. Department of Housing & Urban Development (“HUD”). The Program provides funding to development affordable housing for low to moderate income residents, including the new construction or rehabilitation of units to support homeownership. IHCDA’s Homebuyer Program funding is available on a rolling basis to non-profits and local units of government for the construction of units for purchase.

The HOME regulations at 24 CFR 92.254(a)(3) require that each homebuyer that receives HOME assistance or purchases a unit that was developed with HOME funding must receive housing counseling. HUD’s Office of Housing Counseling established housing counseling certification requirements that apply to all housing counseling funded by or provided in connection with HUD programs. Under the rule, all homebuyers assisted under the HOME program must receive housing counseling that is performed by a certified housing counselor who has passed the HUD certification examination and is also employed by a HUD-approved housing counseling agency.

### 4. SCOPE OF SERVICES

The Respondent, if selected through this RFQ will be required ensure each of its housing counselors (“Housing Counselor(s)”) will provide independent, expert-housing counseling that is customized to the needs of each HOME homebuyer to address the homebuyer’s housing barriers and to help

each homebuyer to achieve their housing goals. The housing counseling must include the following processes: Intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with each client, when possible. The Housing Counselor(s) will be required to provide the housing counseling to eligible households on an as-needed basis. IHCDA and its HOME homebuyer award recipients will identify the eligible households. The Respondent and its Housing Counselor(s) must be available to provide these services either statewide or at the very least, within their service area.

IHCDA's 2020 HOME Homebuyer Policy requires both pre-purchase and post-purchase counseling. The delivery method may be flexible (in-person or by phone or virtually), but the counseling education must be specific to the homebuyer. The Housing Counselor(s) must ensure that, at a minimum, that the homebuyer must receive eight hours of training; at least six of which must be pre-purchase.

The Housing Counselor(s) must also provide counseling that is readily accessible to and usable by persons with disabilities. The Housing Counselor(s) must give priority to methods that provide physical success to individuals with disabilities in accordance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the American with Disabilities Act of 1990. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs.

All adult household members who will hold title to the home and/or are a party to the senior loan are required to complete housing counseling.

At a minimum, the housing counseling must include the following processes:

- Intake;
- Financial and housing affordability analysis;
- An action plan specific to each homebuyer; and
- A reasonable effort to have follow-up communication with the homebuyer when possible.

The content and process of housing counseling must meet the standards outlined in 24 CFR part 214. The housing counseling must be individualized to the specific potential homebuyer. The housing counseling must address all homeownership topics relevant to the homebuyer, including:

- The decision to purchase a home;
- The selection and purchase of a home;
- IHCDA's lending standards;
- Resale and Recapture requirements;
- Issues arising during and affecting the period of ownership of a home (including financial, refinancing, default, and foreclosure and other financial decisions); and
- The sale or other disposition of a home.

The Housing Counselor(s) must also ensure that the housing counseling activities that are provided are consistent with the obligation to affirmatively further fair housing, which include, but are not limited to:

- Providing persons with counseling, education or information on discriminatory housing and mortgage lending practices, in accordance with IHCDA's Homebuyer Policy and the rights and remedies.

- Providing persons with accessible housing opportunities for Limited English Proficient persons, or persons with disabilities.

In addition, the Housing Counselor(s) er must communicate the importance of obtaining an independent third-party home inspection using the materials available. All homebuyers must be given the two HUD brochures referenced below regarding the importance of home inspections. The Housing Counselor(s) must ensure that each homebuyer signs a receipt acknowledging they were given these items. Both items may be accessed here: <https://www.hudexchange.info/resource/4747/for-your-protection-get-a-home-inspection/>

Eligible housing counseling **does not include** services that provide only housing information, placement or referral services, routine administrative activities (such as intake), case management that provides housing series as incidental to a larger case management and does not fund housing counseling, fair housing advice and advocacy (such as filing claims), or group education without individualized services.

The Housing Counselor must provide IHCDA and the homebuyer a certificate of completion; the certificate must be valid for one year after completion of the training. IHCDA may change this delivery method and the number of hours required at its discretion.

Neither the Respondent nor the Housing Counselor(s) may not charge the homeowner servicing, origination, processing, inspection, or other fees related to the costs of providing Homebuyer program assistance. The Respondent, if selected will be responsible for ensuring that the Housing Counselor(s) comply with the requirement set forth in this RFQ.

IHCDA may select any number of respondents under this RFQ to ensure statewide coverage.

## 5. RFQ TENTATIVE TIMELINE

April 12, 2021	RFQ released to the general public
May 24, 2021	Responses due to IHCDA by 5:00 p.m. Eastern Time
June 7, 2021	Tentative selection(s) of respondent(s) made by IHCDA

## PART 2 RFQ PROCESS

### 1. SELECTION PROCESS

Evaluation of all qualifications will be completed by a selection committee consisting of staff from IHCDA. Respondent must be responsive and responsible as described in Sections 2 and 4 below. Selection is at the sole discretion of the selection committee.

### 2. MINIMUM REQUIREMENTS/RESPONSIVE RESPONDENT

Respondent must be a nonprofit corporation recognized as tax exempt under Section 501(c)(3) of the U.S. Internal Revenue Code of 1986. Additionally, Respondent must meet the following minimum requirements to be deemed responsive to this RFQ.

### **Qualifications**

Qualifications as demonstrated by following items and explained in more detail in Section 3 below are required for consideration under this RFQ:

- Documentation that Respondent's organization is a HUD approved housing counseling agency;
- Documentation regarding eligible, and licensed counselors on staff at Respondent's organization.

### **Experience with IHCDA and HUD Programs, and/or other home-purchasing, or housing counseling programs**

Experience pertaining to the following items, as explained in more detail in Section 3 below, will be weighed heavily in the selection process:

- Demonstrated knowledge of administering grant programs through HUD, including, but not limited to, the HOME Investment Partnerships Program Grant, the Comprehensive Housing Counseling Grant Program, Community Development Block Grant, other housing purchasing programs, or other related housing counseling programs;
- Demonstrated knowledge of the HUD Final Housing Counseling Rule;
- Demonstrated knowledge of HOME Homebuyer regulations at 24 CFR Part 92; and
- Demonstrated experience meeting production benchmarks and reporting to federal, state or local agencies.

### **Program Design**

Program Design, as demonstrated by the following items and explained in more detail in Section 3 below, will be weighted heavily in the selection process:

- Geographic service area;
- Service delivery model for housing counseling and education (online, in-person, hybrid method);
- Outline of homeownership topics to be included in the counseling; and
- Program design to ensure access to programs and activities usable by persons with disability and persons with Limited English proficiency.

### **Capacity and Readiness to Proceed**

Capacity and Readiness, as demonstrated by the following items and as explained in more detail in Section 3 below, will be weighed heavily in the selection process:

- Demonstrated capacity to manage federal funding, which involves regulatory complexity;
- Sufficient qualified personnel;
- Financial capacity to undertake the award; and
- When applicable, IHCDA will take into consideration the Respondent's past performance administering other federal funding, including but not limited to HOME, Community Development Block Grant/ other federal HUD funding through IHCDA's Real Estate Department.

### **Commitment**

The Respondent must commit to meeting all benchmarks as required by IHCDA and HUD, submitting monthly and quarterly reports to IHCDA, and attending all future meetings and trainings, if selected.

### **3. QUALIFICATIONS EVALUATION CRITERIA**

The following will be the primary considerations in the selection process:

1. Compliance with RFQ: Respondent's compliance with submission requirements of this RFQ.
2. Certification: Respondent must be certified as a HUD-approved housing counseling agency and must have at least one staff member who has passed the HUD certification examination.
3. Ability: An assessment of the Respondent's ability to deliver the indicated services in accordance with the specifications described in the RFQ.
4. Eligible Entity: Respondent must be recognized as tax exempt under 501(c)(3).
5. Respondent's Experience: Please submit a narrative describing the programmatic experience of the Respondent. The narrative cannot exceed 3 pages and must include the following information:
  - a. Experience with administering grant programs through HUD, including, but not limited to, the HOME Investment Partnerships Program Grant, the Comprehensive Housing Counseling Grant Program, the Community Development Block Grant other homebuyer programs, or other related housing counseling programs.
  - b. Knowledge of the HUD Final Housing Counseling Rule and the HOME Homebuyer regulations at 24 CFR Part 92.
6. Program Design: Please provide an outline and narrative describing the program design of the counseling to be provided, and the process that will be used to deliver the counseling. This includes:
  - a. An outline of the housing counseling education curriculum (not to exceed 3 pages) identifying counseling topics for both pre-purchase and post-purchase counseling;
  - b. A separate narrative (not to exceed 3 pages) identifying the delivery method or methods of the counseling education, the geographic service area, and an explanation of how the counseling process and method will be provided to persons who are either disabled or LEP.
7. Readiness to Proceed: The Respondent must submit a narrative not to exceed three pages demonstrating readiness to proceed. This must include the following information:
  - a. List of each housing counselor who has passed the HUD certification examination;
  - b. A description and identification of how the Respondent has or has access to the appropriate technology, training platform, and expertise to provide the program design as mentioned above.
8. Resumes of Key Staff: Please identify key staff who will provide the housing counseling. For each counselor identified in this response, provide an up to date resume.
9. Financial Capacity: Submit 2020 financial statements and 2021 year-to-date balance sheet, income statements, and cash flow statements for the Respondent.
10. Proposed Fee Schedule: Please provide the cost/fee per client, itemize costs to show the cost of the Housing Counselor(s), travel, if included as part of the service delivery

method, supplies, any IT equipment, if applicable or any other components related to the actual cost of providing the housing counseling. All costs (including but not limited to travel, time, and supplies must be rolled into the fee).

11. Past Award Performance: Past award performance, including history of complying with federal, state and local guidelines, meeting benchmarks, and quality of work performed and services provided will be considered. Any entity currently suspended or debarred by or in default with IHCDA will be disqualified.

#### **4. RESPONSIBLE RESPONDENT REQUIREMENTS**

IHCDA shall not award any contract until the selected respondent has been determined to be responsible. A responsible respondent must:

1. Have adequate financial resources to perform the project, or the ability to obtain them;
2. Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the Respondent's existing commercial and governmental business commitments;
3. Have a satisfactory performance record with IHCDA;
4. Have a satisfactory record of integrity and business ethics;
5. Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
6. Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them;
7. Have supplied all requested information;
8. Be legally qualified to contract in the State of Indiana and if it is an entity described in IC Title 23, and must be properly registered, and owe no outstanding reports to the Indiana Secretary of State (There is a fee to register with the Secretary of State); and
9. Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended or debarred. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official file for this RFQ, and the Respondent shall be advised of the reasons for the determination.

#### **5. RFQ SUBMISSION ITEMS**

Respondent must submit documentation in response to the requirements listed in each category heading summarized below. All of these requirements are described more fully in Section 3 of Part 2 of this RFQ, entitled "Qualifications Evaluation Criteria". Therefore, Respondent must review Section 3 of Part 2 of this RFQ very carefully before submitting its responses. The Respondent must also submit the Qualifications Coversheet and the Certification of Company located at the end of this RFQ Document.

##### **Checklist of Submission Requirements**

- Qualifications Coversheet (required template included in Section 4 of Part 3 of this RFQ)
- Certification of Company (required template included in Section 5 of Part 3 of this RFQ)
- Certification that the Company is a certified a HUD-approved housing counseling agency (Subsection 2 of Section 3 of Part 2 of this RFQ)
- Certification of all staff members who has passed the HUD certification examination (Subsection 2 of Section 3 of Part 2 of this RFQ)

- Verification of 501(c)(3) status if applicable (Subsection 4 of Section 3 of Part 2 of this RFQ)
- Narrative summary of Respondent's experience and Resumes of lead staff (Subsections 5 and 8 of Section 3 of Part 2 of this RFQ)
- Narrative summary of Respondent's program design and counseling education outline (Subsection 6 of Section 3 of Part 2 of this RFQ)
- Narrative summary of applicant's readiness to proceed (Subsection 7 of Section 3 of Part 2 of this RFQ)
- Financials of the Respondent (Subsection 9 of Section 3 of Part 2 of this RFQ)
- Proposed fee schedule (Subsection 10 of Section 3 of Part 2 of this RFQ)

## **6. FORMAT FOR SUBMISSION, MAILING INSTRUCTIONS, AND DUE DATE**

Responses must be submitted via email. All documents must be submitted in PDF only.

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**The deadline for submission is May 24, 2021 at 5:00 PM Eastern Time.** Applications that do not contain all of the required forms/documents as listed in this RFQ may be determined ineligible for further consideration.

## PART 3

## TERMS AND CONDITIONS

### 1. STATE POLICIES

- A. **ETHICAL COMPLIANCE:** By submitting a proposal, the Respondent certifies that it shall abide by all ethical requirements that apply to persons who have a business relationship with the State, as set forth in Indiana Code § 4-2-6 et seq., Ind. Code § 4-2-7, et seq., the regulations promulgated thereunder, and Executive Order 04-08, dated April 27, 2004. Respondent will be required to attend online ethics training conducted by the State of Indiana.
- B. **EMPLOYMENT ELIGIBILITY VERIFICATION.** The Respondent cannot knowingly employ an unauthorized alien. The Respondent shall require its contractors who perform work for the Respondent pursuant to the project must certify to the Respondent that the contractor does not knowingly employ or contract with an unauthorized alien.
- C. **PAYMENTS:** Any payments for services under any contract awarded pursuant to this RFQ shall be paid by IHCDA in arrears in conformance with State fiscal policies and procedures and, as required by IC §4-13-2-14.8, the direct deposit by electronic funds transfer to the financial institution designated by the successful respondent in writing unless a specific waiver has been obtained from the IHCDA Controller. No payments will be made in advance of receipt of the goods or services that are the subject of any contract except as permitted by IC §4-13-2-20.
- D. **CONFIDENTIALITY OF STATE INFORMATION.** The Respondent understands and agrees that data, materials, and information disclosed to the Respondent may contain confidential and protected information. The Respondent covenants that data, material, and information gathered, based upon or disclosed to the Respondent for the purpose of this project will not be disclosed to or discussed with third parties without the prior written consent of the IHCDA. In addition to the covenant made above in this section and pursuant to 10 IAC 5-3-1(4), the Respondent and IHCDA agree to comply with the provisions of IC §4-1-10 and IC §4-1-11. If any Social Security number(s) is/are disclosed by Respondent, Respondent agrees to pay the cost of the notice of disclosure of a breach of the security of the system in addition to any other claims and expenses for which it is liable under the terms of this contract.
- E. **ACCESS TO PUBLIC RECORDS:** Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (“APRA”), IC 5-14-3 et. seq., and the entire response may be viewed and copied by any member of the public. Respondents claiming a statutory exemption to disclosure under APRA must place all confidential documents (including the requisite number of copies) in a sealed envelope marked “Confidential”. Respondents should be aware that if a public records request is made under APRA, IHCDA will make an independent determination of confidentiality, and may seek the opinion of the Public Access Counselor. Prices are not considered confidential information. The following information shall be subject to public inspection after the contract award:
  - A. The RFQ.
  - B. A list of all vendors who received the RFQ.
  - C. The name and address of each respondent.
  - D. The amount of each offer.
  - E. A record showing the following:
    - a. The name of the successful respondent.

- b. The dollar amount of the offer.
  - c. The basis on which the award was made.
- F. The entire contents of the contract file except for proprietary information that may have been included with an offer, such as:
  - a. trade secrets;
  - b. manufacturing processes;
  - c. financial information not otherwise publicly available; or
  - d. other data that does not bear on the competitive goals of public procurement that was not required by the terms of the RFQ itself to be made available for public inspection.
- F. **TAXES, FEES AND PENALTIES:** By submitting a proposal Respondent certifies that neither it nor its principal(s) is presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State of Indiana or the United States Treasury. Respondent further warrants that it has no current, pending or outstanding criminal, civil, or enforcement actions initiated by either the State or Federal Government pending against it, and agrees that it will immediately notify IHCDA of any such actions.
- G. **CONFLICT OF INTEREST:** Respondent must disclose any existing or potential conflict of interest relative to the performance of the services resulting from this RFQ, including any relationship that might be perceived or represented as a conflict. By submitting a proposal in response to this RFQ, Respondent affirms that it has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or any employee or representative of same, in connection with this procurement. Any attempt to intentionally or unintentionally conceal or obfuscate a conflict of interest will automatically result in the disqualification of the Respondent's proposal or immediate termination of an awardee's contract. An award will not be made where an actual conflict of interest exists. IHCDA will determine whether a conflict of interest exists and whether an apparent conflict of interest may reflect negatively on IHCDA, should IHCDA select Respondent. Further, IHCDA reserves the right to disqualify any respondent on the grounds of actual or apparent conflict of interest. The decision of the Compliance Attorney is final.
- H. **APPEALS/PROTEST:** Respondent may appeal/protest the award of this contract based on alleged violations of the selection process that resulted in discrimination or unfair consideration. The appeal/protest must include the stated reasons for the Respondent's objection to the funding decision, which reasons must be based solely upon evidence supporting one (1) of the following circumstances:
  - a. Clear and substantial error or misstated facts which were relied on in making the decision being challenged;
  - b. Unfair competition or conflict of interest in the decision-making process;
  - c. An illegal, unethical or improper act; or
  - d. Other legal basis that may substantially alter the decision.

The appeal/protest must be received within ten (10) business days after the Respondent receives notice of the contract award, or the appeal/protest will not be considered. All protests shall be in writing, submitted to the Compliance Officer, who shall issue a written decision on the matter. The Compliance Officer may, at his/her discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant. The Respondent will receive written acknowledgement of receipt of the appeal/protest within five (5) business days of its receipt, noting the day the appeal/protest was received.

Any appeal/protest regarding the funding decision made by IHCDA will be examined and acted upon by the Compliance Officer within thirty (30) days of its receipt.

## **2. FEDERAL REQUIREMENTS**

Respondent agrees to comply with the following concepts reflected in the federal regulations listed below:

- a. Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- b. All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- c. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- d. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- e. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is

permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- f. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- g. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- h. Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- i. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

### **3. RFQ TERMS AND CONDITIONS**

This request is issued subject to the following terms and conditions:

- A. This RFQ is a request for the submission of qualifications, but is not itself an offer and shall under no circumstances be construed as an offer.
- B. IHCDAs expressly reserves the right to modify or withdraw this request at any time, whether before or after any qualifications have been submitted or received.
- C. IHCDAs reserves the right to reject and not consider any or all respondents that do not meet the requirements of this RFQ, including but not limited to: incomplete qualifications and/or qualifications offering alternate or non-requested services.

- D. IHCDA reserves the right to reject any or all companies, to waive any informality in the RFQ process, or to terminate the RFQ process at any time, if deemed to be in its best interest.
- E. In the event the party selected does not enter into the required agreement to carry out the purposes described in this request, IHCDA may, in addition to any other rights or remedies available at law or in equity, commence negotiations with another person or entity.
- F. In no event shall any obligations of any kind be enforceable against IHCDA unless and until a written agreement is entered into.
- G. The Respondent agrees to bear all costs and expenses of its response and there shall be no reimbursement for any costs and expenses relating to the preparation of responses of qualifications submitted hereunder or for any costs or expenses incurred during negotiations.
- H. By submitting a response to this request, the Respondent waives all rights to protest or seek any remedies whatsoever regarding any aspect of this request, the selection of another respondent or respondents with whom to negotiate, the rejection of any or all offers to negotiate, or a decision to terminate negotiations.
- I. IHCDA reserves the right not to award a contract pursuant to the RFQ.
- J. All items become the property of IHCDA upon submission and will not be returned to the Respondent.
- K. IHCDA reserves the right to split the award between multiple applicants and make the award on a category by category basis and/or remove categories from the award.
- L. The Respondent certifies that neither it nor its principals, contractors, or agents are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from utilizing federal funds by any federal or state department or agency.
- M. If the Respondent is selected pursuant to this RFQ it will be required to enter into IHCDA's HOME Investment Partnerships Program Sub-Recipient Agreement, which terms are non-negotiable.

#### **4. QUALIFICATION COVER SHEET**

Name of Individual,  
Firm or Business:

Address:

Phone Number:

Fax Number:

Web Site Address:

#### **QUALIFICATION**

Contact Person:

Title:

Email Address:

Phone:

Contract Signatory

Authority:

Title:

## INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

### 5. CERTIFICATION OF RESPONDENT

I hereby certify that the information contained in these qualifications and any attachments is true and correct and may be viewed as an accurate representation of proposed services to be provided by this organization. I acknowledge that I have read and understood the requirements and provisions of the RFQ and agree to abide by the terms and conditions contained herein.

I \_\_\_\_\_ am the \_\_\_\_\_ of the (type name of signatory authority) corporation, partnership, association, or other entity named as company and the Respondent herein, and I am legally authorized to sign this and submit it to the Indiana Housing and Community Development Authority on behalf of said organization.

18 U.S.C. § 1001, “Fraud and False Statements,” provides among other things, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, anyone who knowingly and willfully: (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, and/or imprisoned for not longer than five (5) years.

Respondent:

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Firm name: \_\_\_\_\_