



Build HOPE: Investing in People and Place

**HOUSING AUTHORITY
OF
THE CITY OF LOS ANGELES**

SECTION 8 DEPARTMENT

**2600 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90057**

**PROJECT BASED VOUCHER (“PBV”) NOTICE OF FUNDING
AVAILABILITY (“NOFA”)
PBV NOFA No. HA-2021-146 (2021 Round 2)**

Key Dates:

Issue Date:	August 31, 2021	
Training for New Submission System	September 2, 2021	
Written Questions Due Electronically:	September 17, 2021	5:00pm
Electronic Submission Deadline:	October 12, 2021	11:59pm



Build HOPE: Investing in People and Place

August 31, 2021

**SUBJECT: PROJECT BASED VOUCHER NOTICE OF FUNDING AVAILABILITY
("PBV NOFA") No. HA-2021-146 (2021 Round 2)**

Ladies/Gentleman:

In collaboration with the City of Los Angeles' Housing Department ("LAHD", formerly known as "HCID"), the Housing Authority of the City of Los Angeles ("HACLA") invites proposals from qualified developers under the Project Based Voucher ("PBV") Program for Permanent Supportive Housing projects that serve extremely and very low income homeless and chronically homeless special needs disabled individuals, families, transition aged youth ("TAY"), seniors and veterans. The contract awards are for twenty (20) year terms.

Through this PBV Notice of Funding Availability ("PBV NOFA"), HACLA proposes to make available PBV's to provide operating subsidies to eligible projects that will begin construction soonest, have secured public capital funding commitments and that are sufficient to maximize applications to the California Department of Housing and Community Development ("HCD"), and the California Tax Credit Allocation Committee ("TCAC") March 2022 Round. It is estimated that the number of PBV's available will be 700. HACLA makes those units available subject to funding availability. HACLA will have the sole and absolute discretion to award conditional commitments, including for those proposals with Proposition HHH, NPLH, or HCD Program funds, for all or part of the estimated number of available PBVs.

This PBV NOFA can be found at www.labavn.org and at <https://www.unofa.org/#/homepage>. All proposers are required to submit the electronic application to apply for PBVs. Please note all proposals submitted in response to this PBV NOFA must utilize the new submission portal at: <https://www.unofa.org>. A training on how to submit applications will be offered on September 2, 2021.

No pre-proposal conference will be held for this RFP due to COVID-19 restrictions. Electronic applications must be submitted no later than **October 12, 2021 by 11:59 pm (PST)**. Offers received after this date and time may, at the discretion of HACLA, be rejected without consideration.

Instructions for completing the electronic application are contained on-line on the UNOFA website. All NOFA-related questions shall be submitted through the FAQ tab of the PBV NOFA application on the UNOFA website. Questions of a procedural nature may be directed to Swan Lam, Contract Administration Manager at Swan.Lam@hacla.org.

Sincerely,

Marlene Garza
Chief Administrative Officer

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OF
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EXHIBITS

All the necessary exhibits and narrative shall be submitted electronically on the UNOFA website at <https://www.unofa.org/#/homepage>. Please go to this website for further instructions.

Attachment A	Acknowledgement of Labor Compliance and Monitoring Fees
Attachment B	Developer Experience Worksheet
Attachment C	Experience with Davis Bacon / Public Works Compliance Worksheet
Attachment D	Affirmative Action Program Certification
Attachment E	Certification and Representation of Offerors
Attachment H	Contractor Workforce Profile
Attachment I	PBV Threshold Questionnaire
Attachment J	Code of Conduct
Attachment K	Non-Collusion Declaration
Attachment L	Diversity Outreach Requirement
Attachment M	Conflict of Interest and CA Prevailing Wages & Davis Bacon
Attachment N	Fair Housing and Equal Opportunity Certification
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Attachment Q	License Permit Certification
Attachment R	Insurance Requirement Certification
Attachment S	Development Timeline
Attachment W	Notice Regarding Disclosure of Proposal Contents
Attachment Y	Due Diligence Affidavit
Attachment Z	Disclosure of Lobby Activities
Exhibit 1	PBV AHAP Contract Template
Exhibit 2	PBV HAP Contract Template
Exhibit 3	Federal Regulations 24 CFR 983
Exhibit 4	HACLA Section 8 Administrative Plan
Exhibit 5	Instruction to Offerors Non-Construction Form HUD 5369-B
Exhibit 6	General Conditions for Construction Contracts Form HUD 5370

I. INTRODUCTION

A. Purpose of this Notice of Funding Availability (PBV NOFA)

The Housing Authority of the City of Los Angeles (HACLA) and the Los Angeles Housing Department (“LAHD”, formerly called HCID) are coordinating resources to provide capital and operating subsidy via an electronic application process.

This PBV NOFA can be found at <https://www.unofa.org/#/homepage>. All proposers must submit the complete electronic application to apply for Project-Based Vouchers (PBVs).

The purpose of this Project Based Voucher (PBV) NOFA is to announce the anticipated availability of funding from the HACLA to assist in the creation of affordable housing. The goal, through making Project Based Vouchers available, is to create permanent supportive housing for extremely and very low income homeless and chronically homeless special needs disabled individuals, families, transition aged youth (TAY), seniors and veterans.

Through this PBV NOFA, the HACLA proposes to make available PBV’s to provide operating subsidy for eligible projects that will begin construction soonest, have secured public capital funding commitments including Measure HHH and/or No Place Like Home (NPLH), and maximize applications to the California Department of Housing and Community Development (HCD), and applications to California Tax Credit Allocation Committee (TCAC) March 2022 Round. It is estimated that the number of PBV’s available will be 700. HUD-VASH PBVs are not available in this NOFA round.

Please note that this is a competitive NOFA. An award of capital funding, including HHH funding or NPLH funding, does not guarantee an award of PBVs from HACLA.

This PBV NOFA will seek to prioritize projects that have already secured capital funding resources, and are able to be placed in service soonest. HACLA anticipates that projects submitted under this PBV NOFA will be structured utilizing 9% Low Income Housing Tax Credits in the March 2022 round, Measure HHH funding, and / or bond deals immediately available. If tax credits are not secured and other adequate funding sources are not identified, the PBV commitment may be rescinded.

Developers responding to this solicitation will be placed on an availability list for potential selection. The HACLA intends to select qualified vendors from the list. It is the HACLA’s intent to execute a contract for a term of twenty (20) years to provide the voucher subsidy to the project. The contract awards are subject to the Board of Commissioners’ approval.

The HACLA reserves the sole and exclusive right to award conditional commitments, for all or part of the estimated number of available vouchers, and distribute them between PBV categories as is most advantageous to the Authority. Moreover, HACLA retains the right to NOT issue vouchers to projects not meeting threshold requirements.

Your firm is invited to submit an electronic application outlining your organization’s ability and willingness to provide a project that is in an advanced stage of preparation

such that there is a reasonable expectation that all necessary funding and entitlements will be in hand, and an AHAP contract will be executed by December 31, 2022, or the award may be rescinded.

B. Profile of HACLA

The Authority was established in 1938 by City of Los Angeles Resolution No. 1241, and has since grown to become one of the nation's largest and leading public housing authorities, providing the largest supply of quality affordable housing to residents of the City of Los Angeles. The Authority currently owns and manages a citywide portfolio of 9,405 housing units, administers monthly housing assistance payments for more than 56,000 families, and provides a wide range of programs and services.

The Authority's funds are derived from five main sources: HUD's annual operating subsidy, HUD's annual public housing Capital Fund, Section 8 rental subsidies, rents from the Authority's public housing units, and other public (federal and non-federal) and private sources. The Authority's annual budget exceeds \$1 billion.

C. Information About Other Procurement Opportunities

Information about other procurement opportunities currently open for response at the Authority can be obtained by visiting the Authority's website at www.hacla.org/opensolicitations and by accessing the Los Angeles Business Assistance Virtual Network (LABAVN), a service provided by the City of Los Angeles and the Mayor's Office of Economic Development, at www.labavn.org. Access requires registration, which is free.

D. Procurement Policy

All procurement activities of the Authority are conducted in accordance with the Authority's Procurement Policy, applicable state and federal laws and regulations, including 2 CFR at Part 200, particularly sections 200.318 through 200.326 (procurement standards), all as may be amended from time to time. The Authority's Procurement Policy may be viewed at the Authority's Forms, Documents and Policies page at <http://www.hacla.org/forms>.

E. Service Providers Providing Services Related to this Solicitation are Not Eligible

Any individual or business who provided services relating to studies or specifications prepared for this solicitation is not eligible to compete for these Services. To learn more, see the Organizational Conflicts of Interest section of the Authority's Procurement Policy, which may be viewed at <http://www.hacla.org/forms>.

II. SCOPE OF WORK

A. Project Based Voucher Program

Rental assistance (which is based on each family's or individual's income) is provided while the units are occupied by eligible families or individuals. An eligible family or individual must meet HUD-established Very Low Income (50% of Area Median Income) Limits (additional income limits may apply for tax credit properties). In addition, 75% of units receiving PBV's must be reserved for families and individuals at the extremely low income limits (30% of Area Median Income). A family or individual that resides in a project-based unit for at least one year may move with continued rental assistance to the tenant-based Section 8 Program, if there is available funding in that program. The Project-Based unit the family or individual vacated must be rented to an eligible family or individual from the appropriate coordinated assessment system available in the community.

Under the PBV Program, selected projects cannot begin construction or rehabilitation until all post-selection requirements such as an Environmental Review by LAHD, and Subsidy Layering Review by HUD are met and the Housing Authority and the developer(s) have executed an Agreement to Enter into Housing Assistance Payments Contract ("AHAP"), as attached in the electronic application. The AHAP stipulates the conditions under which the developer agrees to construct or rehabilitate the units to be subsidized and the HACLA agrees to subsidize the units upon satisfactory completion of construction or rehabilitation. As attached in the electronic application, the HACLA will execute a Section 8 Housing Assistance Payments (HAP) Contract with the project owner after construction or rehabilitation is completed, a Certificate of Occupancy has been issued and all units pass HUD-established Housing Quality Standards. The HAP Contract is executed for the specified units for a term of 20 years and establishes the initial rents for the units and describes the responsibilities of the HACLA and the developer.

B. Funding

HUD does not allocate separate funding for project-based voucher assistance. Funding for project-based assistance comes from funds already obligated by HUD to a Housing Authority's Housing Choice Voucher Program Annual Contributions Contract (ACC). Housing Authorities may use a limited number of their voucher allocation for a PBV program.

C. Estimated Number of Project Based Vouchers Available

HACLA proposes to make available PBV's sufficient to maximize applications to the TCAC, and the State of California HCD, and leverage funding from LAHD. It is estimated that the number of PBV's will be 700. HUD-VASH PBVs are not available in this NOFA round.

No changes to the financial structuring of the project may be made without prior written approval by HACLA, which shall be made at the HACLA's sole discretion. Failure to meet this requirement will result in rescission of the award.

D. Occupancy and Vacant PBV Units

All project-based units must be leased to eligible families or individuals for the term of the HAP Contract. Both initial and ongoing vacancies will be filled using the appropriate coordinated assessment systems available in the community.

E. Project Eligibility

In order to be considered under this PBV NOFA, all proposals submitted must meet the following conditions:

1. All Projects must be located in the City of Los Angeles.
2. 100% of the assisted units in ALL PROJECTS must serve homeless households. The appropriate coordinated assessment system must first be accessed and homeless mid-acuity clients, as determined by the HACLA at the time the building is placed into service, must be selected. LAHSA's CES for Families serves families and would need to be accessed for these applicants to be eligible for assistance. A coordinated assessment system for Transition Age Youth (TAY) is being developed as well and would need to be accessed for these applicants to be eligible for assistance. The community goal is to ultimately have all target populations served by a universal coordinated assessment system that would be accessed to fill all permanent supportive housing vacancies.
3. IN PROJECTS SERVING SINGLE INDIVIDUALS: A minimum of 50% of assisted units must serve individuals with special needs (i.e. mental/physical/development disability, substance abuse, HIV/AIDS) who are chronically homeless with high acuity, as determined by the HACLA at the time the building is placed into service, in collaboration with the County health departments. Additional points will be awarded to these projects which reserve a minimum of 75% of assisted units for individuals with special needs who are chronically homeless with high acuity. The remainder of assisted units in these projects must serve homeless mid-acuity clients as noted in #2 above
4. ALL OTHER PROJECTS: Must serve families (where at least one household member is a minor) or TAY (ages 18 to 24) and access the appropriate coordinated assessment system noted in #2 above. NOTE: Further delineation of individual or family populations is allowable to target seniors (age 62 or older) or veterans with less than an honorable discharge status and should be noted in the application. All projects must clearly note the target population to be housed by bedroom size in the appropriate section of the electronic application.
5. Projects must provide supportive services to all households. The Los Angeles County Department of Health Services (DHS), Department of Mental Health (DMH), and Department of Public Health (DPH) will collaborate with selected Projects to develop a high quality and comprehensive service plan and to assist the applicant with identifying leveraged, in-kind, or other funding resources to fill any service gaps. Projects serving chronically homeless high

acuity individuals with special needs are subject to the requirements of Section F.

6. Projects must submit a Management Plan describing staffing, budget, tenant selection (utilizing appropriate coordinated assessment systems available in the community), tenant outreach procedures including coordination between property management and supportive service providers and documenting outreach efforts to PBV tenants, and ongoing property management procedures including rent collection, maintenance, grievance policy, tenant retention and eviction policy.
7. SRO units are not eligible. The smallest bedroom size allowable are single units with a minimum of 220 square feet and containing a bathroom and kitchen or kitchenette.
8. Contract units are expected to be furnished. Applicants must provide a description of how the units will be furnished in their online application.
9. Projects must be new construction or rehabilitation projects. Conversion of units from other structure types, such as motels and hospitals is also allowable.
10. Projects cannot begin construction until all post-award conditions, such as an Environmental Review by LAHD, and Subsidy Layering Review by HUD, are met and an AHAP contract is executed. **Applications for projects that have already begun construction will be rejected without being scored.**
11. Projects must meet program accessibility requirements of 24 CFR 983.102, the accessibility requirements of Section 504 of the Rehabilitation Act (Section 504) and Title II of the Americans with Disabilities Act (ADA), as well as the design and construction requirements of the Fair Housing Act, as applicable. 24 CFR part 8 (Section 504); 24 CFR part 100 (Fair Housing Act); 28 CFR part 35 (Title II of the ADA).
12. Applicant must have site control or control is likely to be obtained and will not delay the project. Control of site is through Fee Simple ownership, Disposition & Development Agreement or Contract of sale. An executed Exclusive Negotiation Agreement (ENA) with LAHD is acceptable proof of site control for projects to be developed on city-owned sites.
13. HACLA seeks to prioritize eligible projects that will begin construction soonest, are fully funded, or are applying for California Department of Housing and Community Development (HCD) funding in FY 2021-22. Projects must meet "Readiness" criteria such that all funding has been committed, all pre-contractual requirements such as the Environmental Review and Subsidy Layering Review have been completed, and an AHAP Contract is executed by December 31, 2022. Projects that do not meet this Readiness requirement must provide written notice to HACLA within 30 days of the December 31, 2022 deadline outlining the reasons for the delay and including a revised schedule acceptable to HACLA. HACLA reserves the right to rescind the PBV commitment to projects that fail to meet this Readiness criteria.

14. The status of a project's placement in the managed pipeline, or any funding application sponsored by LAHD or the Los Angeles County Development Authority (LACDA) will be confirmed with those agencies.
15. The proposed project shall be permitted by current zoning ordinances and/or regulations.
16. Projects located in Los Angeles Service Planning Areas (SPA) underrepresented in previous Permanent Supportive Housing PBV rounds—SPAs 5, 6, and 8, will earn maximum points for project location in the Project Design scoring area.
17. Projects must meet all PBV program requirements.

F. Support Service Requirements for Projects Serving Chronically Homeless High Acuity Individuals with Special Needs

HACLA, LAHD and the Los Angeles County Department of Health Services (DHS), Department of Mental Health (DMH), and Department of Public Health (DPH) (hereafter referred to as the County Departments) are jointly working to increase access to supportive housing for people experiencing homelessness. People who will be served in these projects will be high acuity individuals who are in the Coordinated Entry System (CES).

Integrated services funding from the County Departments includes Intensive Case Management Services (ICMS) - DHS, Housing Full Service Partnership (FSP) - DMH, and Substance Use Disorders (SUD) assessment and service navigation - DPH. Developers seeking ICMS funding through the County will need to partner with community based agencies who are on, or plan to apply to be on, the DHS Supportive Housing Services ICMS master agreement vendor list. DHS will work with the developer to match the Housing FSP and SUD services to the project when an eligible ICMS service provider is selected for the project. The services plan will be defined in the contracts that the service providers have with the County Departments.

County Departments will collaborate with selected Projects to develop a high quality and comprehensive service plan and to assist the applicant with identifying leveraged, in-kind, or other funding resources to fill any service gaps.

1. Target Population

The target population for the PBVs dedicated to serving chronically homeless high acuity individuals with special needs are people who are "high acuity" in the CES. High acuity in the CES may include people who are chronically homeless with a variety of special needs including severe mental illness, substance use disorder, are on the County's 5% list, are frequent users of the County health system, etc. Due to the complex nature of these conditions it creates multiple and serious barriers to housing stability.

2. Supportive Services Requirements

The final supportive services plan to serve chronically homeless high acuity individuals will be defined in the contracts between the service providers and the

County Departments. Projects that serve a combination of chronically homeless high acuity individuals and homeless individuals, families, and/or TAY will also have supportive services provided by the County Departments.

ICMS forms the core of the on-site services and includes a mutually-agreed-upon plan of action to address multiple life challenges for each tenant. Case management services are provided through a harm reduction and housing first approach and will include such things as intensive case management; budgeting and money management; life skills training; assistance and linkage to applying for public benefits (SSI/SSDI, VA benefits application assistance through CBEST); linkage to primary healthcare for all participants; linkage to mental health and substance use disorder services as indicated by assessments completed by the onsite provider(s); access to basic needs such as food and clothing; mental health counseling; domestic violence counseling and safety planning; transportation to and from appointments; medication management assistance; accompaniment to doctor visits; tracking of clients who have been hospitalized and timely visits after hospital discharge; eviction prevention counseling and advocacy; etc. A critical component of intensive case management is ensuring linkage to community-based health, mental health, and substance use disorder services and low rates of eviction.

Supportive services may be provided by one or more service providers. The lead service provider should have a history of providing services in Los Angeles County and have knowledge of service providers in the community where the project is located.

3. Funding and Leveraging of Resources

Supportive service providers should be able to leverage federal, state, and/or local funding streams and resources for supportive services through collaborative partnerships with programs such as Federally Qualified Health Centers, Department of Health Services, Department of Mental Health directly operated or contract providers, certified substance use disorders providers, etc. Support service providers must work closely with members of the target population to establish eligibility for benefits such as SSI/SSDI, Medi-Cal, etc.

G. Income Limitations

Preference is shown for projects with deepest subsidy. All projects must provide units at 50% AMI. In addition, 75% of units receiving Project Based Vouchers must be reserved for persons at 30% AMI or lower. Income levels are summarized in the table below.

Number of Persons	Extremely Low Income 30% of Median (\$)	Very Low Income 50% of Median (\$)
1	24,850	41,400
2	28,400	47,300
3	31,950	53,200
4	35,450	59,100
5	38,300	63,850

6	41,150	68,600
7	44,000	73,300
8	46,800	78,050

H. Ineligible Units

Certain special housing types are NOT eligible for project-based assistance. These include, Section 202 housing, Section 236 housing (exception made for units subsidized with Section 236 interest reduction HACSC PBV NOFA 6/13/2007 payments) and units occupied by families who are not eligible for participation in the PBV program. Please see 24 CFR 983.53 for a complete list of ineligible housing types.

I. Proposer's Eligibility

The proposer shall complete the Vendor Application in the electronic application if they currently do not have a vendor number with the Authority. The HACLA purchasing team will conduct a thorough vetting process of all proposals to ensure that firms have not been debarred or are in default. Included in the vetting process is a review of documents related to the proposer's organizational structure and financial condition. The vetting includes searches of good standing with the Department of Corporations and Better Business Bureau, etc.

Any changes regarding the borrowing entity or changes to the project's design, including but not limited to unit count, unit configuration, and/or financial structure of either the applicant or the project subsequent to the submittal of the AHTF application must receive HACLA's written approval, otherwise, HACLA reserves the right to withdraw its commitment. In the event misrepresentations of any kind are made regarding either the borrowing entity or the project, HACLA's commitment will be cancelled.

J. Anti-Lobbying

If it comes to the attention of HACLA, that any proposer and/or representative of the proposer have resorted to unfair lobbying in the form of solicitation to a member of the City Council, a member of a City Board, or any other official, employee or agent of the City, State or Federal Government, to influence the selection process, their proposal will be deemed non-responsive.

All proposers shall submit a completed Certification of Payments to Influence Federal Transactions, which is attached hereto as **Attachment Z**

Additionally, any proposer who has made payments to an individual to influence or attempt to influence an officer or member of any Federal agency, a Member of Congress, or an employee of a Member of Congress in connection with a covered federal action shall submit to the Authority a completed Disclosure of Lobbying Activities (form SF LLL) along with their proposal. (See 31 U.S.C. 1352) A copy of the form SF LLL.

K. Rent Limits

The gross rent (contract rent plus utility allowance) charged may not exceed the HACLA’s Voucher Payment Standard as published in the HACLA Administrative Plan at the time the unit is placed in service or HUD’s Fair Market Rent at that time, whichever is higher. In addition, rents must be reasonable in relation to rents charged in the private market for comparable unassisted units. Note: SRO units are not eligible for HACLA project-based vouchers.

10/2020 PBV Contract Rent Maximums By Unit Bedrooms					
	Zero-Bedroom	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
	\$1,369	\$1,765	\$2,263	\$2,735	\$2,982

*Regardless of its location, or whether the unit is providing a reasonable accommodations, the unit’s rent can never be higher than the comparable rents determined by the Housing Authority.

Projects utilizing Low Income Housing Tax Credits (LIHTC) have additional requirements for calculating rent amounts: however, projects eligible under this PBV NOFA will comply with conditions that allow the rent to be calculated in accordance with the paragraph above. The only exception will be for projects where the LIHTC rent is GREATER than 110% of FMR. In those cases, the maximum gross rent shall not exceed the lower of the LIHTC rent or the rent charged for unassisted comparable units in the private market.

L. Subsidy Standards

The HACLA’s subsidy standards do not include consideration of the age or sex of members of the household as a means of determining bedroom size. The family, not the HACLA, determines who will use or share a bedroom/sleeping room. Subsidy standards are applied when issuing or reissuing a voucher, at the time of any annual reexamination of family income and composition and at the time of approval of a new or revised lease. A voucher is issued to an applicant within the Section 8 or other assisted housing programs in accordance with the following table.

Size of Family	Number of Bedrooms to be subsidized (Family Unit Size)
1	0-bedroom
1-2	1-bedroom
3-4	2-bedroom
5-6	3-bedroom
7-8	4-bedroom
9-10	5-bedroom
11-12	6-bedroom

M. HUD and HACLA Requirements for the Project Based Voucher Program

All proposals must meet all HUD and Authority requirements regarding the PBV program as noted in 24 CFR Part 983 and the HACLA Section 8 Administrative Plan, Chapter 17, both attached in the electronic application. Proposals should clearly demonstrate how the requirements are being met in all applicable sections. The statements in this Section are not intended to convey all the requirements of 24 CFR part 983 or of the Section 8 Administrative Plan, but serve merely to highlight key elements of the PBV program.

1. Regulatory Requirements

Federal regulations allow a PHA that already administers the tenant-based voucher program under an Annual Contributions Contract with HUD to attach a certain portion of its tenant-based assistance to project-based housing. The PHA enters into a Housing Assistance Payments (HAP) contract with an owner for existing housing units or for newly constructed or rehabilitated housing units.

During the term of the HAP contract, which shall be twenty years, the PHA makes housing assistance payments to the owner for units leased and occupied by eligible families. Family eligibility is determined by the PHA.

2. Newly Constructed and Rehabilitated Units

In the case of newly constructed or rehabilitated housing, the housing is developed under an Agreement to enter into a HAP Contract (AHAP) between the owner and the PHA (See Exhibit A-1). In the Agreement, the PHA and owner agree to execute a HAP contract (See Exhibit A-2) after the owner completes the construction or rehabilitation in accordance with the requirements of the Agreement.

For new construction or rehabilitated housing, the AHAP must require that the owner submit a City of Los Angeles Certificate of Occupancy for all units covered by the AHAP as evidence of housing completion.

All proposals should be for projects that will be available for use within two years of the effective date of the AHAP Contract. The completion date of the project must be noted in the proposal.

3. Tenancy

Tenancy in a PBV unit is limited to families and individuals who are extremely low and very low income as defined by The United States Department of Housing and Urban Development (HUD). The HACLA will accept referrals from the appropriate coordinated assessment systems available in the community. Where those systems are not in place, site lists will be maintained for applicants, but the list must be managed by the PHA. The HACLA will determine whether referred families and individuals are eligible for participation.

The HACLA will conduct residency and criminal history screening to determine whether proposed tenants will be admitted or denied admission to the project-based voucher program.

Families enter into a one-year lease with the owner. The lease may specify that the family participate in specified supportive service programs as a condition of tenancy. Families that reside in excepted units designated for families receiving supportive

services will be required to sign a statement of family responsibility with the HACLA. Failure of the family to fulfill its service obligation(s) will require the PHA to terminate PBV assistance for the family.

Families may terminate their tenancy at any time after the first year of occupancy and receive tenant-based assistance to locate an acceptable unit anywhere in the country in the jurisdiction of any PHA that provides tenant-based assistance provided that the family is in good standing and that funding is available.

4. Rent

In accordance with 24 CFR 983.301, the rent to owner for PBV must be reasonable as determined by the HACLA. The gross rent (contract rent plus utility allowance) charged may not exceed the HACLA's Voucher Payment Standard as published in the HACLA Administrative Plan at the time the unit is placed in service or HUD's Fair Market Rent at that time, whichever is higher.

All tax credit units are subject to the above rent requirements except if:

- a) A contract unit receives a Low Income Housing Tax Credit (LIHTC); and
- b) the unit is **NOT** located in a qualified census tract; and
- c) there are comparable tax credit units of the same bedroom size in the building that **do not** have rental assistance other than the tax credit; and
- d) the tax credit rent exceeds the fair market rental (or exception payment standard) minus any utility allowance for tenant paid utilities as determined for units without tax credits above;

Then, the rent to owner must not exceed the lowest of:

- 1) the tax credit rent minus the utility allowance;
- 2) the reasonable rent as determined by the HACLA, or
- 3) the rent requested by the owner.

The "tax credit rent" is the rent charged for comparable units of the same bedroom size in the building that also receive the low income tax credit but do not have any additional rent assistance (e.g., such as tenant-based assistance).

Rents may additionally be limited by the requirements of other subsidies.

5. Limitations on PBV Assistance - Excepted Units

PBV assistance may be attached to only 25 percent of the number of dwelling units in a building. However, "excepted" units are not counted toward this cap.

In determining the 25 percent per building cap on PBV assistance (24 CFR 983.56 and amended by 82 FR 5458), units in a building that are designated specifically as manager units and units specifically dedicated to the provision of supportive services or for use solely by supportive service staff shall not be counted toward the number of dwelling units in a building.

"Excepted units" are units specifically designated (by unit number) in the PBV HAP contract to be occupied by qualifying families.

A qualifying family means:

- Units exclusively serving elderly families, or
- Units housing households eligible for supportive services available to all families receiving PBV assistance in the project.

A PHA is not limited with respect to the number of units in a project it can make available for an excepted category or categories. A PHA may designate 100 percent of the units in a project for occupancy by an excepted category (or categories).

6. Waivers

If a proposal requires a waiver of HUD regulations, the proposer shall be solely responsible for documenting the need for and appropriateness of the waiver request and for composing and documenting the request for the HUD waiver. The proposer shall submit the written waiver request to the HACLA for review and forwarding to the appropriate HUD officials. The HACLA shall award negative points for any proposal that requires a HUD waiver unless HUD grants the waiver prior to the completion of the evaluation of the PBV proposal by the HACLA's Evaluation Panel.

7. PBV Assistance Combined With Other PBV NOFA Elements - Safeguards

If the award of vouchers to a successful applicant is based, wholly or in part, on capital funding or tax credits awarded, offered or guaranteed on the basis of participation in this PBV NOFA, or by other provisions of this PBV NOFA that require specific performance of the successful applicant (such as, but not limited to, having an approvable Supportive Services Plan, meeting architectural design, zoning or other requirements), and the applicant is later disqualified or defaults upon or otherwise fails to comply with the requirements stipulated by this PBV NOFA or by any contract, loan or other award or disbursement made as a result of this PBV NOFA, such disqualification, default or noncompliance shall be sufficient grounds for immediate denial or termination of any HACLA award of project-based voucher assistance. The HACLA shall be the sole determiner of whether the offer or award of project-based assistance should be withdrawn or terminated.

If a successful applicant of this PBV NOFA later fails to meet any of the federal or PHA requirements of the project-based voucher program, or the award to an initially successful applicant is for any reason withdrawn or terminated, the HACLA reserves the right to award project-based voucher assistance to the applicant (s) of this PBV NOFA having the next highest overall rank provided that the number of vouchers awarded shall not exceed the number approved by the HACLA Board of Commissioners. The HACLA may also, at its sole discretion, decline to award such project-based vouchers to any applicant.

8. Subsidy Layering and Environmental Review

The HACLA may not award PBV assistance until a subsidy layering review has been completed (See 24 CFR 983.55.) and the PHA has received environmental approval (See 24 CFR 983.58.). Documentation necessary for HUD Subsidy Layering Review must be submitted to HACLA within 60 days of notification of TCAC Award. Failure to provide subsidy layering review may result in rescission of the award. Any costs associated with the completion of the Subsidy Layering Review or Environmental Review are the responsibility of the Developer.

9. Timeframes for Executing an AHAP or HAP Contract

An applicant that applies for project-based vouchers in conjunction with a proposal for rehabilitation or new construction of units must enter into an Agreement to enter into a HAP contract (AHAP) with the HACLA within 60 days of the date the entity is mailed a written notice of the award of project-based vouchers as a result of successful completion of HUD's subsidy layering review. A single extension of 30 days may be granted at the sole discretion of the HACLA. Failure to enter into an AHAP within 90 days after the award of project-based vouchers shall be sufficient cause for the HACLA to withdraw the award.

The HACLA may condition its award of PBV assistance on the applicant's success in obtaining capital funds through LAHD, tax credits, or bonds or in meeting other requirements of this PBV NOFA. Any such condition(s) will be indicated in the award letter to the successful PBV applicant.

The HACLA reserves the right to award project-based vouchers made available by the failure of an applicant to execute an AHAP or PBV HAP contract within the above time frames to the applicant(s) of this PBV NOFA having the next highest overall rank provided that the number of vouchers awarded shall not exceed the number approved by the HACLA Board of Commissioners. The HACLA may also, at its sole discretion, decline to award such project-based vouchers to any applicant.

10. HACLA's Right to Independently Award Project Based Vouchers

The HACLA may make an award of project-based vouchers without regard to whether an applicant responding to this PBV NOFA is in need of, or applies for, tax credits, or other capital funding. If, however, an entity responding to this PBV NOFA is also applying for tax credits or sources of capital, any HACLA award of project-based vouchers will be conditioned on the successful award of such tax credits or funding. The HACLA will review those proposals to ensure that adequate development funding is in place.

Under the PBV regulations the initial 25 percent of a building's units may receive PBV assistance without providing supportive services and without dedicating units to the elderly or disabled (24 CFR 983.56). However, the general purpose of this PBV NOFA is to create permanent supportive housing for chronically homeless special needs individuals and homeless families, TAY, seniors, veterans and the disabled.

To that end, the HACLA will view any application for PBV that does not meet these requirements for ALL units of the proposal to be non-responsive.

11. Selection Criteria - Minimum (Threshold) Requirements

The applicant for project-based vouchers must meet certain federal and PHA program requirements.

12. General Requirements

The following are general minimum requirements as expressed in Section 17.4 of the HACLA Section 8 Administrative Plan. A proposal must certify that it meets or will meet all of the following criteria.

- a. The property must be eligible housing in accordance with 24 CFR 983.53 *Prohibition of assistance for ineligible units* and 983.54 *Prohibition of*

assistance for units in subsidized housing (including Section 811 project-based supportive housing for persons with disabilities); and

1. The property must comply with the cap on PBV units per building (24 CFR 983.56) including the provisions concerning excepted units as additionally defined in Section 17.9 and 17.40 of the HACLA Section 8 Administrative Plan; and
2. The property must meet the site selection standards required by HUD at 24 CFR 983.57, and the HACLA site selection standards provided in Chapter 17 (Section 17.14 and Section 17.15) of the HACLA Section 8 Administrative Plan, (See Exhibit C of this PBV NOFA below); and
3. The property must meet the environmental review requirements of 24 CFR 983.58; and
4. HUD, or an independent entity approved by HUD, must have conducted any required subsidy layering review in accordance with 24 CFR 983.55 and determined that the PBV assistance is in accordance with HUD subsidy layering requirements; and
5. Prior to signing a PBV contract, the HACLA must determine that units to be covered by the contract or contract stage have passed an HQS inspection performed by HACLA staff.

Other Federal requirements are located at 24 CFR 983.4.

13. HACLA Site Selection Criteria

The project must meet one or more of the seven site selection criteria established by Section 17.15 of the HACLA Section 8 Administrative Plan. The applicant must describe how the project meets the criteria. The HACLA may base its determination of whether an applicant meets one or more of the proposed criteria on written certification by the LAHD or by the CRA that the criteria have been met.

The statutory goals of the PBV program are to de-concentrate poverty and to expand housing opportunities.

- a) The census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.
- b) The proposed PBV development is located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.
- c) The census tract in which the proposed PBV development will be located is undergoing significant revitalization. A site will meet these criteria if the census tract is located wholly or partially in, or is immediately adjacent to, one of the following areas:
 1. A Federal Empowerment Zone
 2. A State of California Enterprise Zone

3. A Community Redevelopment Project Area, Earthquake Assistance Project or Revitalization Project designated by the Community Redevelopment Agency of the City of Los Angeles;
 4. Any designated Brownfield Initiative site or Showcase Community site or successors to these designated sites;
 5. Any other federal, state or locally designated areas whose purpose is to revitalize the community.
- d) State, local or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement.
- e) New market rate units are being developed in the same census tract in which the proposed PBV site will be located and the owner can establish the likelihood that such market rate units will positively impact the poverty rate in the area.
- f) The poverty rate in the census tract in which the proposed PBV development will be located, or the City Planning Area in which the PBV development will be located, is less than 20 percent according to the latest Decennial Census or is less than the City-wide poverty rate as set forth in Section 2.12.2, *Areas of Poverty Concentration*, of the Section 8 Administrative Plan, whichever is greater. The poverty rate noted in Section 2.12.2 is currently 22.1 percent.
- g) If the poverty rate in both the census tract in which the PBV development will be located and the City Planning Area in which the PBV development will be located is greater than 20 percent according to the latest Decennial Census, whether a more recent federal, state or local determination of the poverty rate shows that the poverty rate has declined over the past five years.

The owner must additionally indicate whether there are meaningful opportunities for educational and economic advancement in the census tract or any contiguous census tracts.

14. Additional Requirements for all PBV Housing

The owner must certify and the HACLA must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 (see 24 CFR part 1), Title VIII of the Civil Rights Act of 1968 (see 24 CFR parts 100 through 199), Executive Order 11063 (see 24 CFR part 107), and the section 504 site selection requirements described in 24 CFR 8.4(b) (5).

15. Additional Requirements for Existing and Rehabilitated Housing

For existing and rehabilitated housing the owner must establish that the proposed PBV site meets all the site and neighborhood standards of 24 CFR 983.57(d) in addition to meeting the other criteria of Section 17.14, *Site Selection Policy and Compliance with PBV Goals of the Section 8 Administrative Plan*.

With regard to 24 CFR 983.57(d)(4), the HACLA considers one-way travel time of one hour for public transportation and of 45 minutes for private automobile not to be excessive in the City of Los Angeles. (Cf. Section 17.16 of the S8AP)

16. Additional Requirements for New Construction

For new construction the owner must establish that the proposed site meets the standards of 24 CFR 983.57(e) *new construction site and neighborhood standards* in addition to meeting the other criteria of Section 17.14, *Site Selection Policy and Compliance with PBV Goals of the Section 8 Administrative Plan*.

With regard to 24 CFR 983.57(e)(7), the HACLA considers one-way travel time of one hour for public transportation and of 45 minutes for private automobile not to be excessive in the City of Los Angeles. (Cf. Section 17.16 of the S8AP)

17. HACLA Determinations for Existing and Rehabilitated Housing

In accordance with the requirements of 24 CFR 983.57(d), the HACLA must determine by physical inspection of the site that it is adequate in size, exposure and contour to accommodate the number and type of units proposed and that adequate utilities and streets are available to service the site. To meet this requirement, the HACLA may rely upon the inspection and review performed by LAHD.

The HACLA must determine by examining the owner's proposal, and based on its knowledge of the proposed site and area, that selection of the site will promote greater choice of housing opportunities.

The HACLA will ensure that the site will avoid an undue concentration of assisted persons in areas that contain a high proportion of low-income persons. The HACLA must, however, take into consideration that areas designated as revitalization, redevelopment, enterprise and empowerment zones as well as HUD designated Enterprise Zones, Economic Communities, or Renewal Communities will more than likely already contain a large number of low-income persons and that providing affordable housing that is decent, safe and sanitary in these areas can leverage such families out of poverty and expand housing and economic opportunities especially if the PBV site will provide supportive services.

The HACLA will ensure that the site is accessible to social, recreational, educational, commercial, and health facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

The HACLA will evaluate whether travel time and cost via public transportation or private automobile to places of employment providing a range of jobs for low income workers is excessive. The HACLA considers one-way travel time of one hour for public transportation and of 45 minutes for private automobile not to be excessive in the City of Los Angeles.

18. Prohibition of Duplicative Subsidy and Prohibition to Make Changes without HACLA Approval

In accordance with 24 CFR 983.54, A PHA may not attach or pay PBV assistance for certain types of subsidized housing including Section 811 project-based supportive housing for persons with disabilities.

No changes to the financial structuring of the project may be made without approval by HACLA, which shall be made at the HACLA's sole discretion.

All applicants shall review 24 CFR 983.54 requirements and certify that the project under consideration for PBV will not employ any prohibited duplicative subsidy.

19. Housing Accessibility For Persons With Disabilities

In accordance with 24 CFR 983.102, PBV housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The percentage of accessible units must comply with the requirements of Section 504 as implemented by HUD's regulations at 24 CFR part 8, subpart C.

Housing first occupied after March 13, 1991 must comply with design and construction requirements of the Fair Housing Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable.

20. Requirements for Rehabilitated and Newly Constructed Units

Applicants requesting PBV assistance for newly constructed or rehabilitated housing must meet the requirements of 24 CFR part 983, subpart D.

Applicants are required to provide the information required by 24 CFR 983.152(d) with their application.

21. Tenant Selection Criteria

The HACLA will perform residency and criminal history screening on all families and individuals proposed for project-based assistance in accordance with the policies of the HACLA's Section 8 Administrative Plan contained in Chapter 13, *Terminations and Denials*, and Section 5.20, PBA, MRP, MRP-SRO, HOPWA and Tenant-based Section 8 Screening. Families that do not meet the HACLA's admission requirements of Chapter 13 will be denied participation in the PBV program unless they qualify for a reasonable accommodation under Section 504 of the Rehabilitation Act of 1973 and the HACLA grants an accommodation in accordance with its policies.

The owner is responsible for adopting and providing to the HACLA written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to perform the lease obligations (See 24 CFR 983.253), along with incorporating use of appropriate coordinated assessment systems available in the community.

The owner should be aware of the requirements of the Section 8 Administrative Plan Sections 17.30 through 17.40 governing family eligibility, selection of participants, the use of appropriate coordinated assessment systems available in the community for referrals, the use of site-based waiting lists that will be managed by the HACLA where those systems are not in place, terminations, and other policies including the right of the family to terminate its tenancy at any time after the first year of occupancy and receive tenant-based assistance in accordance with 24 CFR 983.261 if the family is in good standing and funding is available.

The HACLA must determine income eligibility for all program applicants. To participate in the PBV program a family must be a very low income family as defined by HUD. In addition, HUD income targeting requirements require that at least 40% of families admitted to its tenant-based and project-based voucher programs during the HACLA fiscal year (the calendar year) must be extremely low income families.

22. Environmental Review

For new construction or rehabilitation property, all developers must be aware that the HACLA may not enter into an AHAP or HAP contract with an owner and that the PHA, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish or construct real property or commit or expend program or local funds for PBV activities unless the environmental requirements of 24 CFR 983.58 *Environmental review*, have been met. Costs incurred in the completion of the Environmental review are the responsibility of the developer.

23. Subsidy Layering Review

The HACLA may not enter into an AHAP or a HAP contract until HUD or an independent entity approved by HUD has conducted a subsidy layering review in accordance with 24 CFR 4.13 and 24 CFR 983.55.

In the HAP contract, the owner must certify that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development or operation of the housing other than the assistance disclosed in the subsidy layering review.

24. Displacement and Relocation Assistance

The HACLA will deduct points for any project that requires displacement of families and individuals, regardless of whether relocation assistance payments are made.

All applicants are governed by the regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), the implementing regulations at 49 CFR part 24 and the PBV program requirements of 24 CFR 983.7. Applicants may have additional requirements under local law.

The HACLA will not provide relocation assistance or reimburse any relocation costs associated with the provision of project-based voucher assistance.

25. Requirements for Rehabilitated and Newly Constructed Units

Applicants must meet all requirements of 24 CFR part 983, subpart D once the project has been approved and an AHAP has been executed.

Projects must meet all Federal, HACLA and LAHD requirements for zoning, siting, design and construction as may be required including the provisions of the Davis-Bacon Act.

HACLA reserves the right to monitor compliance with labor standards, Section 3 and MBE/WBE requirements and compliance with local and federal construction and design standards in addition to any monitoring performed by the LAHD or any other local agencies especially, but not limited to, the performance requirements of any AHAP.

26. Inspection of Units

Inspection of units is covered by 24 CFR 983.103 and 983.156. The HACLA shall not enter into a HAP contract covering any unit until the unit has been inspected by a qualified HACLA inspector who indicates in writing that the unit fully complies with HUD's HQS standards.

For newly constructed or rehabilitated units, a final HQS inspection will not be conducted until the HACLA has received a certification of occupancy indicating that the unit complies with all local requirements. An architect's or another's certification that the housing complies with the HQS shall not take the place of a HACLA physical inspection of each unit prior to signing a HAP contract.

III. **GENERAL INSTRUCTIONS**

A. **Proposal Submittal**

The proposer shall submit **an electronic application by October 12, 2021 at 11:59pm (PST)** through the UNOFA website at <https://www.unofa.org/#/homepage>. All proposers are required to submit the electronic application to apply for PBVs.

Proposals received after may at the sole discretion of the HACLA, be rejected as non-responsive. It is the practice of the HACLA not to consider late offers unless it is determined that a selection cannot be made from among the proposals received on time. All proposals shall be firm offers subject to acceptance by the HACLA and may not be withdrawn for a period of 120 calendar days following the last day to accept proposals. Proposals may not be amended after the due date except by the consent of the HACLA.

B. **Pre-Proposal Conference**

No pre-proposal conference will be held for this RFP due to COVID-19 restrictions.

C. **Questions from Proposers**

Questions or comments regarding this PBV NOFA must be submitted through the FAQ tab on the PBV NOFA page of the UNOFA website at <https://www.unofa.org/#/homepage> no later than **September 17, 2021 at 5:00 p.m. (Pacific Standard Time)**.

HACLA shall not be obligated to answer any questions received after the above-specified deadline or any questions submitted in a manner other than as instructed above.

D. **PBV NOFA Addenda/Clarifications**

If it becomes necessary for the Authority to revise any part of this PBV NOFA or to provide clarification or additional information after the proposal documents are released, a written addendum will be posted to the City of Los Angeles website at www.labavn.org and on the UNOFA website. It shall be the responsibility of the proposers to inquire of the Authority as to any addenda issued. This may be done by emailing the Contracts Administrator prior to the proposal submittal deadline. All addenda issued shall become part of the PBV NOFA. In addition, responses to written questions received by the specified deadline will be incorporated in an addendum.

E. **Pre-contractual Expenses**

Pre-contractual expenses are defined as any expenses incurred by the proposer in: (1) preparing its proposal in response to this PBV NOFA; (2) submitting that proposal to the HACLA; (3) negotiating with the HACLA any matter related to this PBV NOFA, including a possible contract; or (4) engaging in any other activity prior to the effective date of award, if any, of a contract resulting from this PBV NOFA. The HACLA shall not, under any circumstance, be liable for any pre-contractual expenses incurred by

proposers, and proposers shall not include any such expenses as part of their proposals. This includes any expenses related to the completion of the environmental review or subsidy layering review.

F. No Commitment to Award

Issuance of this PBV NOFA and receipt of proposals does not commit the Authority to award a contract. The Authority expressly reserves the right to postpone proposal opening for its own convenience, to accept or reject any or all proposals received in response to this RFP, to waive any irregularities or informalities in the offers received, and to negotiate with more than one proposer concurrently, or to cancel all or part of this RFP.

G. Due Diligence and Regulatory Compliance

Proposers are required to provide information regarding the financial condition and principal agents of the organization and project partners. Financial condition is evidenced by recent Balance Sheets, or Income Statements, while principal agent information is evidenced by resumes for all key principals/partners of the organization. In order to ensure regulatory compliance, HACLA will perform due diligence on all proposals to verify the accuracy of the information provided.

H. Conflicts of Interests

The Contractor affirms that to the best of its knowledge, there exists no actual or potential conflict between the Contractor's business or financial interests and either the services to be provided under the Contract or any Commissioner, Officer, employee, or agent of the HACLA. In the event of a change in either private interest or services under the Contract, any questions regarding possible conflicts of interests that may arise as a result of such change shall be brought to the immediate attention of the Los Angeles City Attorney. For the duration of the Contract, the Contractor shall refrain from undertaking any work for any individual, business, or legal entity in which direct conflict of interests regarding the services to be provided there under or herein may arise.

I. Joint Offers

Where two or more proposers desire to submit a single proposal in response to this PBV NOFA, they should do so on a prime-subcontractor basis rather than as a joint venture or informal team. The HACLA intends to contract with a single firm and not with multiple firms doing business as a joint venture.

J. Proposed Contract

The proposer selected for the PBV Program award will be required to enter into two (2) written agreements with the HACLA which are presented in Exhibit A. The first is the AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT ("AHAP"), attached as Exhibit A. The second is the SECTION 8 HOUSING ASSISTANCE PAYMENTS CONTRACT ("HAP") which will be entered into after construction of the selected housing developments is completed and is attached as Exhibit A.

Any changes regarding the borrowing entity, project ownership or project design, including but not limited to unit count, unit configuration, and/or financial structure of either the applicant or the project subsequent to the submittal of the proposal must receive HACLA's written approval, otherwise, HACLA reserves the right to withdraw its commitment. **In the event misrepresentations of any kind are made regarding either the borrowing entity or the project, HACLA's commitment will be cancelled.**

K. Protests

Protests must be in writing and delivered electronically (i.e., via email) or by mail to the attention of the Contract Administrator in accordance with the Authority's Procedures for Competitive Solicitation Protests ("Protest Procedures"). The Protest Procedures may be viewed at the Authority's Forms, Documents and Policies page at <http://www.hacla.org/forms>.

L. Notice Regarding Disclosure of Proposal Contents

All proposals received by the Authority will become the property of the Authority and be considered "public records" as defined by Government Code section 6252 of the California Public Records Act (Government Code section 6250 et. seq.). After contract award, all proposals are subject to public inspection and/or copying except as provided herein. Exception is made for proposers' financial information, which is expressly excluded from disclosure under Government Code section 6254.15 and proposers' private information (i.e., social security and tax identification numbers), which are protected under Government Code section 6254(c). Exception is also made for any portion of a proposal that contains Trade Secret Records, as defined under the Uniform Trade Secrets Act (Civil Code sections 3426 et. seq.), provided such information is clearly identified as a trade secret and is submitted in a separate binder marked "Trade Secret" which must be accompanied by an Acknowledgement of Trade Secrets Form, which will be provided by the Authority upon request. The Authority will not be liable or in any way responsible for the determination of or disclosure of Trade Secret Records that are not so identified and segregated, or if submitted without the Acknowledgement of Trade Secrets Form, or if disclosure is required under the Public Records Act. Proposer agrees that by submitting a proposal containing trade secrets, proposer agrees to indemnify and hold harmless the Authority, its officers, employees and agents from any judgment, fines, penalties, and attorneys fees awarded against the Authority in favor of the party requesting the Trade Secret Records, and any and all costs connected with the Authority's defense of said action. Further, in submitting a proposal containing trade secrets, proposer agrees this obligation survives until proposer provides a written statement or similar notice to the Authority stating that it no longer wishes to exempt the Trade Secret Records from public disclosure, or the Trade Secret Records are destroyed and disposed of in accordance with the Authority's Record Retention and Disposition Schedule.

M. Insurance Requirements

The insurance coverages and amounts required for the Services are:

Workers' Compensation (statutory)/Employer's Liability (the Authority as a certificate holder and	\$1,000,000
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no exclusions for lead or asbestos)	
Comprehensive General Liability (the Authority as an additional insured) (X) Premises and Operations (X) Contractual Liability, Oral and Written (X) Independent Contractors (X) Products/Completed Operations (X) Broad Form Property Damage Incl. Completed Operations (X) Personal Injury, Excl. C, deleted (X) Broad Form Liability Endorsement (X) Fire Legal Liability	\$1,000,000/occurrence \$2,000,000/aggregate
Automobile Liability (the Authority an additional insured) (X) Owned Automobiles (X) Non-Owned/Hired Automobiles	\$500,000/occurrence
Errors and Omissions (Professional Liability) (the Authority an additional insured)	\$1M/claim \$2M/aggregate

Proposers submitting Proposals are required to submit proof of insurance with their Proposals. The Service Provider awarded the Contract will be required to provide Certificates of Insurance and endorsements naming the Authority as an additional insured party prior to commencing the Services or within 10 days of the Authority's request, whichever is sooner.

N. Vendor Registration

Any proposer submitting a proposal must complete vendor registration on Oracle iSupplier at <http://www.hacla.org/becomeavendor>. Proposers who are already registered vendors shall review and update their accounts for accuracy at iSupplier.

O. Supplemental Instructions

The instructions set forth herein are in addition to and supplement the instructions set forth at Instructions to Offerors (Non-Construction) (HUD Form 5369-B), attached hereto as Exhibit L. In the event of a conflict between the Instructions set forth herein and the requirements of HUD Form 5369-B, the requirements of HUD Form 5369-B shall control.

P. Minimum Acceptance Period

“Acceptance period” as used in this provision means the number of calendar days available to the Authority to award a contract, which is calculated commencing upon the day the Proposal is due. The Authority requires a minimum acceptance period of a period of 120 days. Any Proposal allowing less than the Authority’s minimum acceptance period will be rejected.

IV. PROPOSAL FORMAT AND CONTENT

A. Presentation

All the necessary exhibits and narrative shall be submitted electronically on the UNOFA website: <https://www.unofa.org/#/homepage>. Please go to this website for further instructions. Lengthy narrative is discouraged; presentations should be brief.

V. PROPOSAL EVALUATION AND CONTRACT AWARD

A. Evaluation Panel

An Evaluation Panel consisting of Authority staff will be responsible for reviewing, analyzing and evaluating the proposals received. The Panel may also conduct contract negotiations with the highest rated proposer(s) or assign this task to the staff of the General Services Department. Depending on the dollar amount of the contract award(s), the Evaluation Panel will also either select the successful proposer(s) or make recommendations to the President & CEO and Board of Commissioners regarding contractor selection.

In addition to its own staff, the Authority may utilize the unpaid services of one or more individuals from other agencies in the evaluation of proposals.

B. Evaluation Criteria

By use of numerical and narrative scoring techniques, proposals will be evaluated by the Evaluation Panel against the factors specified below. Within each evaluation criterion listed, the sub criteria to be considered are those described in the electronic application available on the UNOFA website <https://www.unofa.org/#/homepage>.

1. Qualifications, Related Experience and References (15 pts)
2. Project Design (36 pts)
3. Project Feasibility/Readiness (43 pts)
4. Vendor Diversity Outreach Requirement (3 pts)
5. Due Diligence (3pts)

To be considered for an award of Project Based Vouchers, the proposal must receive a minimum overall score of 70 points or the application shall be rejected.

Upon selection of the most qualified proposers, the Authority may require the finalists to make an oral presentation to the Evaluation Panel and/or the Board of Commissioners to further explain their proposals. If such interviews are conducted, the Authority's appraisals of the presentations will also be factored into the final scores assigned the proposals. However, proposers are advised that award may be made without interviews or further discussion.

The Authority reserves the right to award less than 100% of vouchers requested by selected proposers.

The Authority expressly reserves the right to reject any or all proposals, with or without giving a reason, and to waive any irregularities or informalities in the offers received. In the event of any such rejection, or in the event a proposer's offer is not rejected but does not result in a contract award, the Authority shall not be liable for any costs incurred by the proposer in connection with the preparation and submittal of the proposal.

C. Contract Award

In order to (1) maximize housing product and developer diversity and (2) minimize developer concentration risk, HACLA reserves the right to cap the number of applications each Applicant Entity, as defined in Section VI- Definitions, page 28, can submit in this PBV NOFA round. The maximum number of applications each Applicant Entity can submit in response to this PBV NOFA is two (2). If more than two applications are submitted by an Applicant Entity approval of HACLA is required. Such request(s) should be directed to HACLA's Contracting Officer in a cover letter accompanying the particular application exceeding the first two application submittals. However, HACLA's NOFA submittal instructions should not be construed or understood to mean that HACLA intends to grant any exceptions to the two (2) applications limit. Consideration of such requests will only be made after all proposals have been received and may include such factors as location, project readiness, project type, or unit mix. HACLA reserves the right, in its sole discretion, to grant or deny such requests and all such decisions are final and not appealable. Otherwise the first two applications received in the application portal will be considered and all subsequent applications received from that Applicant Entity in this NOFA round will be rejected.

The Authority may award either a single contract as the result of this PBV NOFA, or may apportion the requirements of this PBV NOFA among multiple contractors if this is determined to be in the Authority's best interests. Depending on the dollar amount of the award(s), the contract(s) resulting from this PBV NOFA may be required to be approved by the Authority's Board of Commissioners and the U.S. Department of Housing and Urban Development.

At any time after the award, the successful proposer must obtain approval from the Authority for any proposed change in the membership, ownership or composition of the proposer, including a change in the proposer's partnership or partnership structure. The Authority will rescind its award of Project Based Vouchers if such approval is not obtained from the Authority. The Authority may include the number of Project Based Vouchers previously awarded in subsequent rounds of competitive proposals or award the rescinded Project Based Vouchers to another qualified proposer to this PBV NOFA.

If a project fails to receive an award of any of its proposed additional funding sources, the Authority reserves the right to rescind its award of Project Based Vouchers and to include the number of Project Based Vouchers previously awarded in subsequent rounds of competitive proposals.

A project which has its Project Based Voucher award rescinded is free to compete in subsequent rounds but will not be awarded selection criterion points based on its previous award.

D. QUALIFICATIONS, EXPERIENCE, REFERENCES AND RESPONSIBILITY

Overview: The Authority awards Contracts only to responsible prospective Proposers who meet the following requirements:

- 1) are able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments;
- 2) have a satisfactory record of performance or past performance with HACLA, *if applicable*. For development entities that have received a previous PBV commitment but have not yet executed an AHAP Contract, HACLA will evaluate progress toward meeting the timeliness deadline of the applicable NOFA, or the HACLA-approved project development timeline submitted in that NOFA. (If those deadlines have not been met, please explain the circumstances surrounding the delay including, but not limited to, any and all actions taken to identify and address project delays and efforts to communicate the circumstances to HACLA. HACLA will evaluate those circumstances and actions taken to address the delay in determining scoring in the Qualifications, Related Experience, and References category.) Development entities include the underlying owners, partnerships, instrumentalities and affiliates of partnerships that comprise the development entity.
- 3) are otherwise qualified and eligible to receive an award under applicable laws and regulations; have the necessary capacity and organizational experience - this is evaluated by examination of a variety of resources, including but not limited to Proposer's proposal, responses to Attachments B – Developer Experience Worksheet and C – Experience with Davis Bacon/Public Works Compliance Worksheet for example, for new development entities, the experience of the principal(s) of the development entity will be considered, and descriptions of permanent supportive housing projects completed in last ten (10) years should be provided; and proposer licensing, insurance requirements, state and federal lists of debarred, suspended or ineligible businesses or individuals, commercial credit rating reports, such as Dun and Bradstreet.

VI. DEFINITIONS

Applicant Entity: Includes the underlying owners, partnerships, instrumentalities and affiliates of partnerships or corporations that will function as one of the lead developers of the proposed project.

CES for Families: Formerly known as “Homeless Family Solution System” is LAHSA’s Coordinated assessment system for families.

Coordinated Assessment System: Community developed system to more efficiently connect homeless individuals and families searching for permanent housing to the most appropriate housing resource.

Coordinated Entry System (CES): Coordinated assessment system primarily for individuals.

Chronically Homeless: An unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years. Disabling condition is defined as “a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.” To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (e.g., living on the streets) and/or in an emergency homeless shelter during that time.

Homeless: shall have the same meaning as provided by the McKinney Act at 42 U.S.C. 11302. The HACLA uses the following clarified definition of homeless:

Any person or family that:

1. Lacks a fixed, regular, and adequate nighttime residence; or which
2. Has a primary nighttime residence that is:
 - a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - c) A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term "*Homeless Individual or Homeless Family*" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law. (42 U.S.C. 11302 - Part of the McKinney-Vento Homeless Assistance Act)

The *HACLA* considers families (or portions of families) that have been displaced due to domestic violence and which are residing in temporary housing to be homeless.

HQS: Housing Quality Standards - the HUD minimum quality standards for housing assisted under the PBV program. See 24 CFR 982.401.

Senior: An individual who is 62 years old or older.

Supportive services: has the same meaning as in 24 CFR part 582 - Shelter Plus Care - and means (1) assistance that addresses the needs of eligible persons; and (2) provides appropriate services or assists such persons in obtaining supportive services, including health care, mental health treatment, alcohol and other substance abuse services, child care services, case management services, counseling, supervision, education, job training and other services essential for achieving and maintaining independent living.

Transition Age Youth (TAY): an individual between the ages of 18 to 24.

VII. DIVERSITY OUTREACH REQUIREMENT

Overview: It is the policy of the Authority to utilize Minority Business Enterprises (MBEs), Women's Business Enterprises (WBEs) and Labor Surplus Area Businesses (collectively, MBE/WBE/LSA) to the extent possible.

Minority Business Enterprise" means a certified business which is at least 51% is owned and controlled by one or more minority group members, or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to, African/Black Americans, Hispanic/Latino Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans and Hasidic Jewish Americans.

"Women Business Enterprise" (WBE) means a certified business which at least 51% is owned and controlled by one or more women, or, in the case of publicly held corporation, 51% of the stock is owned by one or more women and whose management and daily business operations are controlled by one or more such individuals.

"Small Business Enterprise" (SBE) means a business that is: independently owned; not dominant in its field of operations; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards is 13 CFR Part 121 should be used to determine business size.

"Labor Surplus Area" (LSA) business means a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment. For more information on labor surplus areas, including a listing of local labor surplus areas, please see the Authority's page at <http://www.hacla.org/mbewbe>.

Proposers are required to make sufficient "good-faith" efforts to help the Authority achieve its anticipated levels of participation by conducting outreach to MBEs, WBEs, SBEs and LSAs for subcontract or supply opportunities related to this contract, to the extent possible. All proposers are required to complete and submit with their proposals the Declaration of Compliance with Vendor Diversity Outreach Requirements, attached hereto as **Attachment L**, which documents outreach efforts.

VIII. DAVIS BACON AND RELATED ACTS REQUIREMENTS

A. Davis Bacon and Related Acts Compliance

Contractor and Subcontractors awarded construction projects in connection with the awarding of Section 8 tenant based assistance that is project-based by the Authority (e.g. Project Base Vouchers (PBV), HUD-VASH Project Base Vouchers, etc.) must comply with the requirements of 29 CFR Part 5 to include the Davis Bacon and Related Acts (the "Acts") where the project consists of nine (9) or more assisted units. Where applicable, the Owner must comply and enforce compliance with the Acts.

When the Acts are triggered, the Davis Bacon wage determination in effect at the time

of AHAP execution will apply to the project, except where construction commences more than 90 days from AHAP award, in which case the wage determination effective on the construction start date will apply. Davis Bacon wages are available for download at: <https://wdolhome.sam.gov/> .

Owner shall attend a labor compliance meeting with the Authority Labor Compliance Administrator prior to commencement of project construction.

During project construction, Contractor shall submit weekly project certified payrolls to the Owner (or its Designee), who shall ensure weekly reporting of payrolls and related records are submitted to the Authority in accordance to Authority direction.

The Owner, Contractor and Subcontractors shall allow Authority and its agents to conduct on-site employee interviews and shall post information concerning the Acts as required by federal and state laws and as requested by the Authority.

For more information on Contractor Davis-Bacon and Related Acts responsibilities, refer to *A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects*, which can be reviewed at <http://portal.hud.gov/huddoc/4812-LRguide.pdf>

B. Labor Compliance and Monitoring Fees

In accordance with Resolution No. 9567 adopted by the Housing Authority of the City of Los Angeles' (HACLA) Board of Commissioners on January 23, 2020, PBV applicants awarded nine or more vouchers will be responsible for the payment of HACLA's expenses incurred in connection with HACLA's labor compliance and monitoring activities performed for the project. Awardees will be required to remit \$20,000 to HACLA to cover HACLA's costs associated with monitoring the project for Davis-Bacon and Related Acts (Davis-Bacon) compliance and related activities (the "Labor Compliance Monitoring Fee"). The Labor Compliance Monitoring Fee shall be due and payable in full to HACLA on or before AHAP execution.

The Labor Compliance Monitoring Fee assumes full Davis-Bacon compliance on the part of Awardee, Awardee's prime contractor and all subcontractors, and includes without limitation, the timely submittal of complete and accurate payroll records, fringe benefit forms, letters of payroll authorizations, employee authorizations for payroll deductions, Department of Labor ("DOL") issued Apprentice Certificates, and DOL-approved Apprentice Program Standards.

In the event of intentional or prolonged non-compliance, Awardee will be responsible for all additional costs incurred by HACLA to compel compliance ("Noncompliance Fees"). Any and all Noncompliance Fees shall be due and payable in full to HACLA on or before Housing Assistance Payments Contract ("HAP") contract execution. The failure to pay all such amounts when due will result in the delay of HAP contract execution and/or may result in revocation of the project based vouchers ("PBVs") awarded by HACLA.

The Labor Compliance Monitoring Fee and Noncompliance Fees are separate and apart from any other fees that may be imposed by other public agencies and/or fees

incurred by Awardee to ensure it is meeting its Davis-Bacon and other responsibilities. All applicants are required to acknowledge the imposition of said fees by completing, executing and submitting the Acknowledgment of Labor Compliance and Monitoring Fees, which is attached hereto as **Attachment A**.

C. Compliance with other Laws

Contractors and subcontractors must agree to comply with all applicable federal and state laws, regulations and policies, as amended, including those regarding discrimination, unfair labor practices, the Copeland Act (Anti-kickback Act), collusion, the provisions of the Americans with Disability Act, Fair Labor Standards Act, and where the prime construction contract exceeds more \$100,000 the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

D. Project Funding Awarded by Other Agencies

Where other agencies have awarded project funding that triggers Davis Bacon Wages and/or California Prevailing Wages, Contractors and Subcontractors shall, in accordance with 8 Cal. Code of Regs. 16001, pay the higher rate of the applicable wages.

When known, but no later than AHAP award, the developer must inform HACLA whether or not the project is subject to Measure JJJ. For more information on measure JJJ, visit the following Department of Public Works - Bureau of Contract Administration (BCA) website: <https://bca.lacity.org/measure-JJJ>.

Questions regarding labor compliance, notifications on commencing projects subject to the Acts and requests for wage extension(s) shall be directed to the Labor Compliance Administrator at: LaborCompliance@hacla.org.

EXHIBITS

All the necessary exhibits and narrative shall be submitted electronically on the UNOFA website at <https://www.unofa.org/#/homepage>

Please visit this website for further instructions.