



**REQUEST FOR PROPOSALS**

**For**

**Marion County Service Territory of the  
Low Income Home Energy Assistance 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: January 17, 2020**

**RESPONSE DEADLINE: February 24, 2020, 5:00 PM Eastern Time**

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## **PART 1**

## **SCOPE OF THIS REQUEST**

### **1. PURPOSE OF THIS REQUEST FOR PROPOSALS (“RFP”)**

The Indiana Housing and Community Development Authority (“IHCDA”) seeks to contract with a community-based nonprofit organization to provide administration of the Low Income Home Energy Assistance Program (“LIHEAP”) for the Marion County Service Territory as detailed in the Scope of Services section of this RFP.

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

#### **MISSION STATEMENT**

To provide housing opportunities, promote self-sufficiency, and strengthen communities.

#### **VISION**

An Indiana with a sustainable quality of life for all Hoosiers in the community of their choice. To accomplish this we will: create and preserve housing for Indiana’s most vulnerable population; enhance self-sufficiency initiatives in existing programs; promote a value-driven culture of continuous improvement; and promote place-based initiatives that will allow Hoosiers opportunities to improve their quality of life.

#### **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 investment banks, mortgage lenders, commercial banks, corporate investment managers and syndicators, apartment developers, investors, homebuilders, and realtors. Not-for-profit partners include community development corporations, community action agencies, and not-for-profit developers.

### **3. SCOPE OF SERVICES**

The U.S. Department of Health and Human Services (HHS) created LIHEAP, pursuant to the LIHEAP Act of 1981, to assist low income households at or below 60 percent of the state median income or 150 percent of the federal poverty level, particularly those with the lowest incomes that pay a high proportion of household income for home energy, in meeting their immediate home energy needs. LIHEAP funding can also be used to provide crisis assistance, home cooling, weatherization, and/or energy-related minor home repairs.

If selected through this RFP, the Respondent will receive a portion of Indiana’s allotment of the LIHEAP Block Grant in order to provide LIHEAP services to low-income households in Marion County. For PY 2020, this portion amounted to \$9,423,019.00; However, this amount may change in future program years based on the amount of the Block Grant and on changes to Indiana’s allocation formula based on data from the next census. The successful Respondent, in consultation with IHCDA, will be responsible for coordinating and managing the administration of LIHEAP in the following ways:

- A.** Conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy;
- B.** Intervene in energy crisis situations;
- C.** Plan, develop, and administer LIHEAP including leveraging programs;
- D.** Conduct eligibility activities for households with one (1) or more persons and ensure that they are at or below the higher of 60 percent of state median income or 150 percent of the federal poverty guidelines as well as other eligibility guidelines set by the state of Indiana;
- E.** Conduct outreach activities designed to ensure that eligible households, especially households with elderly, disabled individuals, veterans, or children under the age of six, or households with high home energy burdens, are made aware of the assistance available as well as other similar energy-related assistance;
- F.** Provide in a timely manner the highest level of assistance to eligible households with the lowest incomes and highest energy costs in relation to income, taking into account family size;
- G.** Notify each eligible household of the amount of assistance to be paid on its behalf;
- H.** Notify the household if a portion or all of the benefit was revoked due to internal monitoring;
- I.** Ensure that homeowners and renters are treated equitably;
- J.** Ensure that the eligible entity has adequate systems for fiscal control and fund accounting for tracking the proper disbursement of funds;
- K.** Provide an opportunity for a fair administrative hearing or appeal to individuals whose claims for assistance have been denied or not acted upon with reasonable promptness;
- L.** Ensure that the agency conducts accurate and timely data collection and cooperates with federal reporting requirements;
- M.** Use up to five percent (5%) of the funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors.

#### 4. **RFP TIMELINE**

January 17, 2020	RFP released to the general public.
February 03, 2020	Questions from potential Respondents concerning RFP due to IHCDA by 5:00 p.m. Eastern time. Questions may be submitted via e-mail to <a href="mailto:liheap@ihcda.in.gov">liheap@ihcda.in.gov</a> with the subject line "RFP Questions."
February 10, 2020	IHCDA will post Q&A to website based on Respondent questions received.
February 24, 2020	Respondent must submit proposal by 5:00 p.m. Eastern Time in PDF format.
March 23, 2020	Respondents may be notified of the day and time for the required presentation.
April 06-09, 2020	Agency presentations must be completed.
April 17, 2020	Tentative selection is made for Board Approval.
April 23, 2020	Tentative selection is taken to the Board for approval.

## **PART 2**

## **RFP PROCESS**

### **1. SELECTION PROCESS**

Evaluation of all qualifications will be completed by IHCDA. The Respondent must also be responsive and responsible as described in Sections 2 and 4 of Part 2 of this RFP. Selection of a Respondent is at the sole discretion of IHCDA.

### **2. MINIMUM REQUIREMENTS/RESPONSIVE RESPONDENT**

The Respondent must meet the following minimum requirements to be deemed responsive to this RFP.

#### **A. CREDENTIALS FOR ELIGIBLE ENTITIES**

According to LIHEAP Statute 2605(b)(15), outreach and intake functions for providing heating and cooling assistance, including the distribution of crisis assistance, must be administered by state and governmental entities or community-based organizations. Such community-based organizations may include, but not limited to:

- community action agencies,
- area agencies on aging
- not-for-profit neighborhood-based organizations

The Respondent must demonstrate eligibility by providing a designation by the Governor as a community action agency or documentation from the Secretary of State's office and the IRS indicating not-for-profit status.

The Respondent must also submit copies of its audited financial statements for the last three (3) years.

#### **B. EXPERIENCE IN ADMINISTERING LARGE-SCALE ASSISTANCE PROGRAMS (TOTAL: 10 POINTS)**

The Respondent must demonstrate its experience in administering large-scale assistance programs. The information should demonstrate:

- Extensive experience in administering large-scale assistance programs including a summary of client eligibility processes and procedures it has used for similar assistance programs. (5 points)
- Experience in developing and implementing internal controls to protect program funds from fraud, waste, and abuse. (5 points)

#### **C. FEDERAL PROGRAM AWARD PERFORMANCE (TOTAL: 10 POINTS)**

- The Respondent must Provide a list of any federal programs the Respondent has experience administering within the last five (5) years.
- The Respondent must Provide a list of any federal programs the Respondent has been terminated from operating within the last five (5) years.
- The Respondent must include any monitoring documentation indicating past performance in other programs administered by IHCDA or other federally-

funded programs, including copies of monitoring reports from other state or federal authorities.

- If the Respondent has previously participated in LIHEAP, IHCDA will take into consideration the Respondent's past performance under LIHEAP to determine whether the Respondent has a history of complying with the policies, procedures, or directives associated with LIHEAP. This would be indicated by the number of findings and concerns that were noted on IHCDA awards that have closed over the past five (5) years.

#### **D. PROGRAM MANAGEMENT AND STAFF DEVELOPMENT (TOTAL: 20 POINTS)**

The Respondent must describe the overall program management and staff development of the program.

- The Respondent must describe all levels of program management (from executive members to front line staff) within the agency and their roles and responsibilities associated with the program. It is highly recommended that the Respondent demonstrate the estimated percent of time each staff person will spend on LIHEAP if the program is not the staff person's sole job responsibility. (5 points)
- The Respondent must provide a hiring plan that demonstrates the estimated number of seasonal workers that it will hire and how the Respondent will remain fully staffed. In addition, the methodology used to determine staffing levels in order to provide adequate county-wide coverage. (5 points)
- The Respondent must also include its comprehensive staff development plan that includes training and technical assistance regarding the client eligibility process for new or seasonal staff members as well as a performance management plan for correcting performance issues. The staff development plan must include a training timeline that will ensure all front-line staff is trained prior to September 1, 2020. It should also include a process to provide for ongoing monitoring of staff's proper use of processes in order identify and mitigate deficiencies related to staff needing additional training or retraining. (5 points)
- The Respondent must provide a management plan to demonstrate how it will be fully operational in all areas of the county by the start of the energy assistance season. (5 points)

#### **E. COMMUNITY OUTREACH WITH AT-RISK POPULATIONS (TOTAL: 15 POINTS)**

According to LIHEAP Statute 2605(b)(1) and (b)(3), eligible entities must demonstrate the capacity to ensure that eligible households, specifically households with elderly and disabled individuals, are made aware of assistance and any other similar energy related assistance available. Indiana defines "elderly" as age sixty (60) and over. Indiana defines "disabled" as receiving benefit assistance from Social Security Administration or deemed incapacitated from working by medical professional. Indiana also includes households with individuals age five (5) and under or veterans in the definition of at-risk populations. The Respondent must describe its county-wide marketing and communications strategies for the program. (5 points)

The Respondent must provide a community outreach strategy for at-risk populations that ensures applicants without access to transportation have access to multiple avenues to submit an application. (5 points)

All eligible entities must coordinate an application process for at-risk clients who are unable to submit an application at the entity's offices. Historically, Indiana has conducted community outreach with at risk populations by hosting onsite application days or coordinating mail process for applications. All outreach applications must be processed within fifty-five (55) days of receipt of the application. The Respondent must describe intake activities within the community as well as the mail application process. The plan must detail dates and tentative locations of community-based intake activities, a timeline for distributing and completing mail applications including which at-risk categories will receive an application, and a process for following up with clients who submit incomplete applications during those intake activities. (5 points)

#### **F. DISTRIBUTION OF REGULAR AND CRISIS ASSISTANCE (TOTAL: 15 POINTS)**

The eligible entity is responsible for coordinating an appointment schedule that will ensure that appointments, walk-in requests, and crisis clients receive assistance in a timely fashion. Walk-in requests come from clients that request immediate assistance at the agency without a scheduled appointment. Some households may request assistance due to an energy emergency, or energy crisis. Indiana defines a "crisis" as: service that is scheduled for disconnection or already disconnected, a bulk fuel tank that is below 25% full or completely out of fuel, a household that heats with biofuel and has less than a 10-day supply of fuel on hand based on typical daily usage, or a household that has a prepaid electric service and whose account has 10 days or fewer funds based on average daily usage. According to LIHEAP Statute 2604 (c)(1) and (2), eligible entities must mitigate a crisis situation no later than forty-eight (48) hours after the household applies (no later than eighteen (18) hours for a life-threatening situation) and provide some form of assistance that will resolve the energy crisis. Respondent must detail its appointment scheduling process/plan. The plan must detail the estimated number of regular appointments per day and the number of available slots per day for crisis and walk-in requests. The plan must also ensure that energy crises are mitigated according the guidelines set forth in the LIHEAP Statute.

This plan should include a customer service component for answering incoming calls to set up appointments, providing follow up with clients that have submitted incomplete applications, and responding to voicemails within 24-48 hours.

#### **G. CAPACITY TO COORDINATE WITH LOCAL COMMUNITY RESOURCES (TOTAL: 25 POINTS)**

According to LIHEAP Statute 2605 (b)(4), the Respondent must demonstrate the capacity to coordinate service delivery with other local community resources. Respondent must demonstrate the capacity to coordinate the following activities with local community resources:

- Identify central and satellite intake sites; (5 points)
- Provide efficient and responsive customer service including posting information on the entity's website, providing a phone service that answers and responds to



incoming calls and voicemails, timely mail processing, and electronic mail response; (5 points)

- Provide county-wide outreach and energy education activities; (5 points)
- Coordinate with local utility vendors and provide utility-funded assistance. (5 points)

The Respondent may consider including a map or geographic presentation of service delivery with service providers throughout the county.

The Respondent must also include letters or memoranda of agreement from all community-based organizations that are planning to assist/collaborate with Respondent in administering the EAP program. (5 points)

#### **H. FISCAL ACCOUNTING AND REPORTING (TOTAL: 15 POINTS)**

According to LIHEAP Statute 2605 (b)(7), the eligible entity will be responsible for ensuring that:

- participating households are notified about the amount to be paid on their behalf;
- home energy suppliers will charge the eligible household through the normal billing process.

Fiscal accounting and reporting are coordinated through the EAP Transmittal Payment process. The Respondent must describe their internal procedures to address:

- how eligible households will be notified of approval or denial of benefits; (2 point)
- how the benefits will be remitted to the home energy suppliers; (1 point)
- how the home energy supplier and Respondent will approve the requests for payment of the benefits; and (1 point)
- how the requests for payments will be remitted to IHCDA. (1 point)

In this section, the Respondent must describe all parties and performance standards that will be implemented to ensure timely remission of payment to eligible households. The vendor payment process is outlined in Section 13 of the EAP Program Operations Manual (located in Appendix A).

The Respondent must demonstrate the ability to maintain fiscal records and coordinate financial accounting for transactions outside of the vendor payment process. These transactions include, but are not limited to, the monthly submission of administrative claims, capacity to accurately estimate the amount of carryover funds, capacity to accurately budget financial expenses and revenues, ability to follow procurement procedures, and the ability to document time spent on family development and energy education reporting. (10 points)

#### **I. INTERNAL CONTROLS FOR PROGRAM INTEGRITY (TOTAL: 15 POINTS)**

The Respondent must outline its integrity plan for LIHEAP or set of internal controls it will use to protect the funds from fraud, waste, and abuse during the client eligibility process. The Respondent's program integrity plan must at a minimum include the following:

- the verification of social security numbers for household applicants;
- verification of zero-income claimants;

- verification of utility bills in a household member's name;
- verification of household income;
- verification of at-risk status; and
- process for handling application for relatives, employees, board members, and subcontractors. (Total 10 points)

According to Section 15 of the EAP Program Operations Manual, if the Respondent is selected through this process, it will be required to monitor at least fifteen percent (15%) of its client eligibility files within forty-five (45) days of approval. The Respondent must provide an internal monitoring plan. The plan should describe the following: (1) the Respondent's staff members that are responsible for completing the internal monitoring process; (2) a summary of the Respondent's procedures for conducting internal monitoring; (3) the Respondent's tentative schedule for conducting internal monitoring before the end of the program year (September 30) and meeting the aforementioned performance standards; and (4) a process for notifying clients if a portion or all of their benefits have been revoked. (total 5 points)

Section 13 of the EAP Program Operations Manual details how each eligible entity must implement internal controls at the agency level. Once the Respondent has been selected, it must have systems in place and is required to participate in the state's annual comprehensive monitoring session, which requires state officials to monitor up to three percent (3%) of the Respondent's client files for eligibility during the first year, assess its fiscal tracking system, test the internal controls, review training plans, and conduct claims testing. Future monitorings will be adjusted based upon the entity's overall performance score.

**J. PRESENTATION OF COORDINATED SERVICE DELIVERY STRATEGY  
(TOTAL: 10 POINTS)**

The Respondent may be selected to provide a presentation that will outline all aforementioned requirements for completing the RFP process. The presentation must describe all of its plans in detail. The presentation must include the Respondent's key staff members that will coordinate service delivery, a presentation from program partners about their contributions to the process, and the Respondent's comprehensive service delivery strategy for covering all of Marion County. The Respondent must have program partners and key stakeholders present during the presentation.

**3. QUALIFICATIONS EVALUATION CRITERIA**

The following will be IHCD's primary consideration in the selection process:

- A. Credentials for Eligible Entities
- B. Experience in Administering Large-Scale Assistance Programs (10 points)
- C. Previous IHCD Award Performance (10 points)
- D. Program Management and Staff Development (20 points)
- E. Community Outreach with At-Risk Populations (15 points)

- F. Distribution of Regular and Crisis Assistance (15 points)
- G. Coordination with Local Community Resources (25 points)
- H. Fiscal Accounting and Reporting (15 points)
- I. Internal Controls for Program Integrity (15 points)
- J. Presentation of Coordinated Service Delivery Strategy (10 points)
- K. Compliance with requirements of this RFP

#### **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, it must be properly registered with the Indiana Secretary of State (There is a fee to register with the Secretary of State), and owe no outstanding reports to the Indiana 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 RFP, and the Respondent shall be advised of the reasons for the determination.

#### **5. RFP SUBMISSION ITEMS**

The 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 2 of Part 2** of this RFP, entitled "**Minimum Requirements/Responsive Respondent**". Therefore, the Respondent must review **Section 2 of Part 2** of this RFP 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 RFP.

##### **A. Credentials**

- a) Documentation from the Governor indicating designation as a community action agency or documentation from the Secretary of State's office and the IRS indicating not-for-profit status;
- b) Copies of the audited financial statements for the last three years.

**B. Experience in Administering Large Scale Assistance Programs**

- a) Describe experience in administering a large-scale assistance program and summary of processes and procedures Respondent has used or will use to determine client eligibility;
- b) Describe internal controls Respondent has in place or will have in place to protect LIHEAP funds from fraud, waste, and abuse by clients.

**C. Federal Program Award Performance**

- a) Provide a list of any Federal programs the Respondent has experience in administering within the last five (5) years;
- b) Provide a list of any Federal programs the Respondent has been terminated from operating within the last five (5) years;
- c) Provide documentation concerning past performance in other IHEDA programs or other federally funded programs, including copies of monitoring reports from other state or federal authorities.

**D. Program Management and Staff Development**

- a) Describe all levels of program management staff;
- b) Provide hiring plan for full-time, part-time, and seasonal staff to provide county-wide coverage;
- c) Provide comprehensive staff development plan that including training timeline, technical assistance, and performance monitoring process;
- d) Provide management plan to demonstrate how it will be fully operational in all areas of the county by the start of the program year.

**E. Community Outreach**

- a) Describe county-wide Marketing and Communications Plan to make eligible households aware of LIHEAP;
- b) Describe Outreach Strategy, including dates and locations for community intake activities, process for distributing and reviewing mail applications and determining which at-risk categories will receive an application, process for following up with clients regarding incomplete applications;
- c) Application plan for at-risk clients who lack transportation.

**F. Distribution of Regular and Crisis Assistance**

Describe process for scheduling regular appointments, walk-in requests, crisis assistance, life threatening situations, answering incoming calls and voicemails, following up with clients regarding incomplete applications, etc.

**G. Capacity to Coordinate with Local Community Resources**

- a) Provide list of intake sites;
- b) Provide customer service plan for web, phone, and electronic communication;
- c) Describe county-wide outreach and energy education activities;
- d) Describe process to coordinate with local utility vendors and provide utility-funded assistance;
- e) Provide letters or memoranda of understanding from any community

partners that intend to assist/collaborate with the Respondent.

**H. Fiscal Accounting and Reporting**

- a) Describe internal process to notify households regarding benefits;
- b) Describe internal process to remit benefits;
- c) Describe internal process for approval of benefits with utility;
- d) Describe internal process to remit approval to IHCDA;
- e) Describe performance standards that will be utilized/adopted;
- f) Demonstrate capacity to accurately develop fiscal budgets, track program funds, expenses, and maintain fiscal records.

**I. Internal Controls for Program Integrity**

Describe the Respondent's program integrity plan and the Respondent's plan for internal monitoring of client files. Provide the organizations current Internal Controls and Fraud procedures.

**J. Presentation of Coordinated Service Delivery Strategy**

The Respondent must coordinate presentation and Respondent's program partners and key stakeholders must attend the presentation.

**K. Organizations Financial Documents**

- a) Single Audit for the last three (3) years
- b) Current year end financial statement
- c) Current Cost Allocation Plan

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

The Respondent's proposal must be submitted via email to [liheap@ihcda.in.gov](mailto:liheap@ihcda.in.gov) with the subject line "Marion County LIHEAP Proposal." All proposals must be submitted in a single PDF. The Respondent's proposal must be no longer than 50 pages, exclusive of letters of designation, financial documents, or other supporting documents included as attachments.

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**The deadline for submission is February 24, 2020 at 5:00 PM Eastern Time.**

Applications that miss the submission deadline, do not contain all of the required forms/documents as listed in this RFP, and/or do not follow submission instructions as outlined may be determined ineligible for further consideration.

## **PART 3**

## **TERMS AND CONDITIONS**

### **1. STATE POLICIES**

1. **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.
2. **PAYMENTS:** Any payments for services under any contract awarded pursuant to this RFP shall be paid by IHCD 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 IHCD 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.
3. **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.
4. **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 IHCD. In addition to the covenant made above in this section and pursuant to 10 IAC 5-3-1(4), the Respondent and IHCD 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.
5. **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, IHCD will make an independent determination of confidentiality, and may seek the opinion of the Indiana Public Access Counselor. Prices are not considered confidential information. The following information shall be subject to public inspection after the contract award:
  - A. The RFP.
  - B. A list of all vendors who received the RFP.
  - 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 RFP itself to be made available for public inspection.
6. **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.
7. **CONFLICT OF INTEREST:** Respondent must disclose any existing or potential conflict of interest relative to the performance of the services resulting from this RFP, including any relationship that might be perceived or represented as a conflict. By submitting a proposal in response to this RFP, 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.
8. **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 Attorney, who shall issue a written decision on the matter.

The Compliance Attorney 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 IHCDCA will be examined and acted upon by the Compliance Attorney within thirty (30) days of its receipt. The decision of the Compliance Attorney is final.

## **2. FEDERAL REQUIREMENTS**

Respondent agrees to comply with the following federal regulations:

- 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 affected 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.

- j. OMB Circular A-122.
- k. 45 CFR Part 73b – Debarment and Suspension from Eligibility for Financial Assistance.
- l. 45 CFR Part 80 - Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964.
- m. 45 CFR Part 80 and Title VI of the Civil Rights Act of 1964 - Measures to ensure that services and programs are accessible to persons with limited English proficiency.
- n. 45 CFR Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance.
- o. 45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- p. 45 CFR Part 87 – Equal Treatment for Faith-Based Organizations.
- q. 45 CFR Part 91 – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance.
- r. 45 CFR Part 93 – New Restrictions on Lobbying.
- s. OMB Circular A-133.
- t. 41 U.S.C. 10a-10d, the “Buy American Act.”
- u. The Pro-Children Act of 1994 (20 U.S.C. § 6081 et seq.).
- v. Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).
- w. The Federal Financial Accountability and Transparency Act 2006 (FFATA).

### 3. RFP TERMS AND CONDITIONS

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

- A. This RFP 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. IHCDA 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. IHCDA reserves the right to reject and not consider any or all Respondents that do not meet the requirements of this RFP, 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 RFP process, or to terminate the RFP 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 RFP.
- 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. The Respondent understands that IHCDA will enter into contract preparation activities with the Respondent whose RFP appears to be the most advantageous to IHCDA. If at any time the contract preparation activities are judged to be ineffective, the state may do the following:
  - i. Cease all activities with that Respondent.
  - ii. Begin contract preparation activities with the next highest ranked Respondent.
- N. A copy of IHCDA's most recent Contract Boilerplate is attached as an Exhibit to this RFP. By submitting a response to this RFP, Respondent acknowledges the acceptance of IHCDA's Contract Boilerplate and the understanding that such Boilerplate is non-negotiable.
- O. Additionally, IHCDA will not agree to any of the following terms or conditions:
  - a. Any provision requiring IHCDA to provide insurance
  - b. Any provision requiring IHCDA to provide indemnity
  - c. Any provision providing that this Contract be construed in accordance with laws other than those of the State of Indiana
  - d. Any provision providing that suit be brought in any state other than Indiana
  - e. Any provision providing for resolution of contract disputes
  - f. Any provision requiring IHCDA to pay any taxes

- g. Any provision requiring IHCDA to pay penalties, liquidated damages, interest or attorney's fees
- h. Any provision modifying the applicable Indiana statute of limitations
- i. Any provision relating to the time within which a claim must be made
- j. Any provision requiring payment of consideration in advance unless authorized by an exception listed in IC 4-13-2-20
- k. Any provision limiting disclosure of this Agreement in violation of the Access to Public Records Act, IC 5-14-3
- l. Any provision providing for automatic renewal
- m. Any provision requiring IHCDA to agree to limit the liability of the Respondent

<<TYPE SERVICE>>

#### 4. QUALIFICATIONS COVER SHEET

Name of Individual,  
Firm or Business:

Address:

Phone Number:  
Fax Number:  
Web Site Address:

QUALIFICATIONS  
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 RFP 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: \_\_\_\_\_