Request for Proposals
for
Low Income Housing Tax Credit Compliance
Trainings

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
30 South Meridian Street, Suite 1000
Indianapolis, IN 46204
http://www.in.gov/ihcda/

Issue Date: July 6, 2018
Response Extended Deadline: August 17, 2018 at 5:00 PM EST
TABLE OF CONTENTS

PART 1  SCOPE OF THIS REQUEST

1.1 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)
1.2 ABOUT THE INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
1.3 MINIMUM REQUIREMENTS
1.4 TENANT FILE WORKSHOP SESSIONS
1.5 PHYSICAL INSPECTION WORKSHOP SESSION
1.6 FORMAT FOR SUBMISSION, MAILING INSTRUCTIONS, AND DUE DATE

PART 2  RFP PROCESS

2.1 SELECTION PROCESS
2.2 QUALIFICATION EVALUATION CRITERIA
2.3 RESPONSIBLE RESPONDENT REQUIREMENTS
2.4 RFP SUBMISSION ITEMS
2.5 CONTACT INFORMATION

PART 3  TERMS & CONDITIONS

3.1 STATE POLICIES
3.2 RFP TERMS AND CONDITIONS
3.3 QUALIFICATION COVER SHEET
3.4 CERTIFICATION OF BIDDER
PART 1 SCOPE OF THIS REQUEST

1.1 PURPOSE OF THIS REQUEST FOR PROPOSALS (RFP)

The Indiana Housing and Community Development Authority (IHCDA) is requesting proposals to conduct in-person and interactive web-based rental housing compliance trainings for the calendar years 2018 and 2019. These trainings provide instructional opportunities for participants in the Section 42 program (referred to as the Low Income Housing Tax Credit or LIHTC Program in Indiana). The trainings should incorporate information contained in IHCDA’s Low Income Housing Tax Credit Compliance Manual and Chapter 5 of the U.S. Department of Housing and Urban Development (“HUD”) Handbook 4350.3. The target audience includes, but is not limited to, management companies, owners, onsite property managers and IHCDA staff.

The successful respondent to this request for proposals will contract with IHCDA to conduct up to three (3)– two day Compliance for Property Management –Basics in-person trainings, up to three (3) – one day Compliance for Property Management - Advanced in-person trainings, up to two (2) Blended Occupancy in-person trainings, and up to two (2) one day Fair Housing Essentials in-person trainings.

The Respondent can also contract with IHCDA to provide interactive web-based trainings on the following topics: Compliance for Property Management –The Basics, Compliance for Property Management- Advanced, Blended Occupancy, and Fair Housing Essentials. The Respondent may opt to respond to the web-based training modules or in-person trainings or both. The final number of trainings to be contracted will be at IHCDAs’s sole discretion based upon pricing and scheduling availability.

1.2 ABOUT THE INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

A. Overview of IHCDA (for more information, visit http://www.in.gov/myihcda)

At IHCDA, we believe that growing Indiana's economy starts at home. Everyone can agree that all Hoosiers should have the opportunity to live in safe, affordable, good-quality housing in economically stable communities. That's the heart of IHCDA's mission. Our charge is to help communities build upon their assets to create places with ready access to opportunities, goods, and services. We also promote, finance, and support a broad range of housing solutions, from temporary shelters to homeownership.

IHCDA’s work is done in partnership with developers, lenders, investors, and nonprofit organizations that use our financing to serve low- and moderate-income Hoosiers. We leverage government and private funds to invest in financially sound, well-designed projects that will benefit communities for many years to come. And our investments bear outstanding returns. The activities that we finance help families
become more stable, put down roots, and climb the economic ladder. In turn, communities grow and prosper, broadening their tax base, creating new jobs, and maximizing local resources. IHCDA’s work is truly a vehicle for economic growth, and it all starts at home.

B. Overview of the Real Estate Department

IHCDA’s Real Estate Department provides capital funding, technical assistance and training for property owners and management companies participating in the Low Income Housing Tax Credit and HOME Investment Partnerships Program.

The Real Estate Department also monitors rental properties for compliance with the following program requirements, as applicable: Section 42 of the Internal Revenue Code, Home Investment Partnerships Program guidance (“HOME”), Community Development Block Grant (“CDBG”), Neighborhood Stabilization Program (“NSP”) and the Affordable Housing and Community Development Fund (“Development Fund”) requirements. The Real Estate Department also works with owners who are out of compliance to provide them guidance on how to correct compliance issues and maintain the affordability of the development.

1.3 MINIMUM REQUIREMENTS

The Respondent must meet the following minimum requirements in order to be deemed responsive to this RFP and be considered for the contract. The Respondent must provide IHCDA with a copy of the following:

A. Application packet (see Section 2.4 for more details).

B. Training outline for LIHTC Compliance for Property Management- Basics File Workshop Session with a short sample of the PowerPoint presentation to be used at each type of workshop session and the supporting instructional material for workshop sessions, including but not limited to, examples of class exercises and sample tenant files for class review.

C. Training outline for LIHTC Compliance for Property Management - Advanced Workshop Session with a short sample of the PowerPoint presentation to be used at each type of workshop session and the supporting instructional material for workshop sessions, including but not limited to, examples of class exercises and sample tenant files for class review.

D. Training outline for LIHTC Blended Occupancy Workshop Sessions with a short sample of the PowerPoint presentation to be used at each type of workshop session and the supporting instructional material for workshop sessions, including but not limited to, examples of class exercises and sample tenant files for class review.

E. Training outline for LIHTC Fair Housing Workshop Sessions with a short sample of the PowerPoint presentation to be used at each type of workshop session and the
supporting instructional material for workshop sessions, including but not limited to, examples of class exercises and sample tenant files for class review.

1.4 TRAINING SESSIONS

The successful respondent will be responsible for conducting training sessions throughout the state during the 2018-2019 calendar year, beginning with the first set of workshops in late October 2018, then conducting a set of workshops no less than every three months until November 2019. The focus of these training sessions will be to teach “best-practices” for Section 42 and Compliance with Federal Programs using hands-on activities and real-world compliance case studies.

A. The LIHTC Compliance for Property Management- Basics workshop will include up to four (4) two-day sessions. The first day will cover the basics of Section 42 Compliance and the second day will cover the unique rules of Section 42 Compliance.

B. The LIHTC Compliance for Property Management -Advanced (3) – one day sessions.

C. LIHTC Blended Occupancy workshop will include up to two (2) one-day sessions covering compliance when the development has combined funding sources, including but not limited to, Rural Development, HOME, CDBG, and Development Fund.

D. The Fair Housing Workshop will be a up to two (2) one-day sessions covering an in depth review of the fair housing laws and compliance related to reasonable modifications and reasonable accommodations.

IHCDA will identify the developments where the sessions will be held, secure the locations, and determine the training dates. IHCDA will be responsible for selecting the locations for each set of trainings and coordinating with the development for the final set-up of the space. Furthermore, IHCDA will be responsible for handling registrations for all sessions and communicating all registration information to the trainer via reports. These trainings are meant to be interactive and as such registration should be capped at around 40 participants each. Trainings will last from 8:30 a.m. to 4:30 p.m. with a one-hour lunch break. Lunch will not be provided to participants as part of the training costs.

The LIHTC Compliance for Property Management- Basics workshop sessions should include a PowerPoint Presentation that reviews general compliance topics and the unique program rules. These topics include but are not limited to:

1. Section 42 Program for beginners
2. Income and Rent Restrictions
3. Lease Requirements
4. Utility Allowances
5. Steps for qualifying residents for LIHTC units
6. Instructions for organizing and maintaining a tenant file
7. Income and asset calculations
8. LIHTC Compliance Rules (Next Available Unit/140% Rule, Student Status & Exemptions, Unit Transfers, Unit Vacancy, etc.).
9. Tenant Good Cause for Eviction
10. Brief discussion of ihcdaonline.com

The remainder of the sessions should include hands-on activities and interactive learning opportunities. The interactive portions of the sessions should involve having participants review fake tenant files. These files are to be created by the trainer and should demonstrate both common and unusual compliance issues that property managers may face. Another suggested activity is role-playing in which participants play the parts of tenants, property managers, and IHCDA Compliance Auditors.

A final recommended activity is to conduct an afternoon session in which participants share real-life compliance issues/scenarios and discuss appropriate ways to resolve these issues. It is suggested that for this type of activity that all participants be directed to bring at least one case study with them as a preparatory homework.

While IHCDA may provide a few suggested scenarios, it will primarily be the responsibility of the trainer to create these tenant files and compliance simulations.

The LIHTC Compliance for Property Management- Advanced Workshop sessions should include a PowerPoint Presentation that reviews more advanced topics related to compliance at the on-site property management level. These topics include but are not limited to:

1. Tenant Selection Criteria including Criminal Background Checks
2. VAWA- policy and forms
3. Maintaining Applicable Fraction and Set Asides
4. Common Non-compliance Issues and how to resolve them
5. Physical Inspections- UPCS or Local Inspection Standards
6. Reasonable Modifications and Reasonable Accommodations
7. Extended Use- Requirements
8. Breakdown of IRS Form 8823 and how to avoid it
9. IHCDA’s monitoring processes and procedures
10. Managing Tenant Complaints

The LIHTC Blended Occupancy workshop sessions should include a PowerPoint Presentation that discusses how to remain in compliance at properties who receive funding from multiple federal sources (ie. LIHTC with HOME, CDBG, Housing Choice Voucher, Section 8 PBV). While there are areas where HUD, LIHTC, HOME, or CDBG rules are identical or complement each other, there are instances of conflict. These topics include but are not limited to:

1. Introduction of each program
2. Affordability periods
3. Eligibility requirements and differences
4. Income and Rent Restrictions Conflicts
5. Lease language requirements and/or prohibitions
6. Student Eligibility Requirements
7. Determining Household Income conflicts
8. Conquering non-compliance issues with one or more programs

The Fair Housing Essentials workshop sessions should include a PowerPoint Presentation that
provides an in-depth review of the Federal and Local Fair Housing Laws and describes how to ensure onsite staff avoid violating them. These topics include but are not limited to:

1. Brief overview of Fair Housing Act and corresponding acts
2. Protected Classes
3. Reasonable Accommodations
4. Reasonable Modifications
5. Statistical information on most common violations
6. Responsibility of Owners to education Property Management Staff
7. Handling complaints of discrimination

1.5 FORMAT FOR SUBMISSION, MAILING INSTRUCTIONS, AND DUE DATE

Qualifications and sample items must be submitted in complete original form by mail or messenger to the following address:

Devyn Smith  
Director of Real Estate Compliance  
Indiana Housing and Community Development Authority  
30 South Meridian, Suite 1000  
Indianapolis, IN 46204

Responses are due no later than 5:00 pm (EST) on Friday, August 17, 2018. Respondents must provide one (1) electronic copy and an original hard copy of the proposal and supporting materials. IHCDA will time and date stamp proposals to evidence timely receipt.

PART 2 RFP PROCESS

2.1 SELECTION PROCESS

Evaluation of all applicants will be performed by an internal IHCDA committee consisting of members of the Real Estate Compliance Department. Applicants will be scored based on the evaluation criteria listed below. After this initial process, the highest ranked applicants may be selected to present a demonstration of their qualifications. Separate negotiations will then be conducted with each selected applicant. At the conclusion of these negotiations, IHCDA will establish a deadline for final offers from each of the selected applicants. Final selection will be at the discretion of IHCDA and must be submitted for approval to the IHCDA Board of Directors.

2.2 QUALIFICATION EVALUATION CRITERIA

The following will be IHCDA’s primary considerations in the selection of an Ongoing Rental Compliance Trainer:

A. Compliance with the requirements of this RFP;
B. Demonstrated experience with the following programs: Low Income Housing Tax Credits, HOME, CDBG, HUD Section 8, Development Fund;
C. Past performance with IHCDA;
D. Innovative training methods as evidenced by sample activities and curriculum;
E. Minority Business Enterprise (MBE) and/or Women Business Enterprise (WBE) Certification;
F. Strength of client references;
G. Price per session;
H. An assessment of the Respondent’s ability to deliver the training in accordance with the specifications set out herein;
I. Quality of Presentation; and
J. Good standing with the Indiana Secretary of State.

2.3 RESPONSIBLE RESPONDENT REQUIREMENTS

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

A. Have adequate financial resources to perform the project, or the ability to obtain them;
B. 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;
C. Have a satisfactory performance record with IHCDA;
D. Have a satisfactory record of integrity and business ethics;
E. Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
F. Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them;
G. Have supplied all requested information;
H. Be legally qualified to contract in the State of Indiana and if it is an entity described in IC Title 23, is properly registered, and owes no outstanding reports to the Indiana Secretary of State (There is a fee to register with the Secretary of State); and
I. 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.

2.4 RFP SUBMISSION ITEMS

Please address each item applicable to your experience under each category heading. Attach sheets as necessary with the name of your company shown on each page. The Certification of Company at the end of this RFP must be completed and should accompany your written attachments.

A. General Information: Provide information regarding the organization and structure of the company including, but not limited to:
   1. Number of offices and locations
   2. Brief descriptions of staff
B. Company: Provide information regarding the experience of the company including, but not limited to:
   1. Number of Compliance trainings conducted in the last three years
   2. Types of LIHTC Compliance Trainings conducted in the last three years with sample materials
   3. Types of HOME Investment Partnerships Compliance Trainings conducted in the last three years with sample materials
   4. Company resume
   5. Any other unique qualifications

C. Personnel: Provide information regarding the experience of the company including, but not limited to:
   1. Names and brief resumes of potential trainer(s), including applicable Section 42, HOME, Section 8 voucher and Section 8 PBV, and Rural Development experience and LIHTC, HOME, Section 8 voucher and Section 8 PBV, and Rural Development Compliance certifications
   2. List of housing clients served by or proposed to be served by the personnel assigned to this account

D. Quote and explanation of price per session. All costs (travel, time, supplies, materials etc.) related in each session must be rolled into and reflected in the per session price for that session

E. Submit Business References

F. Submit Items requested in Section 1.3, entitled Minimum Requirements

Please limit all narrative portions of the proposal to no more than 5 pages

2.5 CONTACT INFORMATION

Any questions or comments about this RFP should be directed to Devyn Smith (devynsmith@ihcda.in.gov).
PART 3 TERMS & CONDITIONS AND REQUIREMENTS

3.1 STATE POLICIES

C. 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.

D. Payments: Any payments for services under any contract awarded pursuant to this RFP shall be paid by IHCDA in arrears in conformance with State fiscal policies and procedures and, as required by IC §4-13-2-14.8, the direct deposit by electronic funds transfer to the financial institution designated by the successful Respondent in writing unless a specific waiver has been obtained from the IHCDA Controller. No payments will be made in advance of receipt of the goods or services that are the subject of any contract except as permitted by IC §4-13-2-20.

E. 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.

F. Confidentiality of State Information. The Respondent understands and agrees that data, materials, and information disclosed to the Respondent may contain confidential and protected information. The Respondent covenants that data, material, and information gathered, based upon or disclosed to the Respondent for the purpose of this project will not be disclosed to or discussed with third parties without the prior written consent of the IHCDA. In addition to the covenant made above in this section and pursuant to 10 IAC 5-3-1(4), the Respondent and IHCDA agree to comply with the provisions of IC §4-1-10 and IC §4-1-11. If any Social Security number(s) is/are disclosed by Respondent, Respondent agrees to pay the cost of the notice of disclosure of a breach of the security of the system in addition to any other claims and expenses for which it is liable under the terms of this contract.

G. Access to Public Records: Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (“APRA”), IC 5-14-3 et. seq., and the entire response may be viewed and copied by any member of the public. Respondents claiming a statutory exemption to disclosure under APRA must place all confidential documents (including the requisite number of copies) in a sealed envelope marked “Confidential”. Respondents should be aware that if a public records request is made under APRA, IHCDA will make an independent determination of confidentiality, and may seek the opinion of the Indiana Public Access Counselor. Prices are not considered confidential information. The following information shall be subject to public inspection after the contract award:
   1. The RFP.
   2. A list of all vendors who received the RFP.
   3. The name and address of each Respondent.
   4. The amount of each offer.
   5. 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.

6. The entire contents of the contract file except for proprietary information that may have been included with an offer, such as:
   7. trade secrets;
   8. manufacturing processes;
   9. financial information not otherwise publicly available; or
   10. 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.

H. **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.

I. **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.

J. **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 IHCDA 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.

3.2 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. 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.
3.3 QUALIFICATION COVER SHEET

Name of Company: ____________________________________________

Address: ____________________________________________________

Phone Number: ______________________________________________

Fax Number: _________________________________________________

Web Site Address: ____________________________________________

Qualifications

Contact Person: ______________________________________________

Title: ______________________________________________________

Email Address: ______________________________________________

Contract Signatory Authority

Signatory: __________________________________________________

Title: ______________________________________________________
3.4 CERTIFICATION OF BIDDER

ONGOING RENTAL COMPLIANCE TRAINING INDIANA HOUSING AND
COMMUNITY DEVELOPMENT AUTHORITY
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: ___________________________