



Terry McKee, Procurement Director
 901 N. Broadway • Knoxville, TN 37917-6699
 865.403.1133 • Fax 865.594.8858
 procurementinfo@kcdc.org
 www.kcdc.org

Request for Proposals	
Solicitation name and number	Project Based Vouchers Q2305
Upload responses by	11:00 a.m. on October 4, 2022 (as KCDC's clocks show)
Upload your responses (<i>as one document</i>) to	https://vrapp.vendorregistry.com/Account/LogOn (Can also be accessed via KCDC's webpage)
Questions about this solicitation	KCDC will not accept questions via telephone. Submit questions to procurementinfo@kcdc.org by 6:00 p.m. on September 27, 2022.
Award results	KCDC posts the award decision to its web page at: http://www.kcdc.org/procurement/.
Open Records/Public Access to Documents	All document provided to KCDC are subject to the Tennessee Open Meetings Act (TCA 8-44-101) and open records requirements.
Check KCDC's webpage for addenda and changes before submitting your response	



General Information

1. Background and Intent

- a. Knoxville's Community Development Corporation (KCDC) is the public housing and redevelopment agency for the City of Knoxville and for the County of Knox in Tennessee. In addition to operating its public housing apartments, KCDC oversees approximately 4,112 Section 8 Vouchers and 76 Moderate Rehabilitation units.
- b. This RFP is pursuant to Title 24, Part 983 of the Code of Federal Regulations Project Based Voucher program and Section 3 of the KCDC Housing Choice Voucher (HCV) Administrative Plan. Only those proposals that further KCDC's mission and preserve existing affordable housing or create new affordable housing within Knoxville, Knox County will be considered.
- c. KCDC is seeking to award up to 60 Section 8 Project-Based Vouchers (PBVs) for new housing units to promote affordable housing opportunities for persons in the City of Knoxville and/or Knox County.
- d. Under the PBV program, HUD allows PHAs to attach up to 20% of its Section 8 Housing Choice Voucher program units to specific housing units. The housing subsidy will remain connected to the units after a tenant moves out of the unit. The owner must agree to rent the unit to eligible tenants for the duration of the Housing Assistance Payments (HAP) contract, which may range from 10- 20 years.
- e. This RFP solicits the participation of owners who request PBV assistance for newly constructed units. KCDC may select multiple projects under this RFP so long as the total number of vouchers committed does not exceed 60.
- f. KCDC will accept proposals through the due date and time on the cover sheet or until the issuance of up to 80 vouchers. However, KCDC may begin evaluating proposals at any point after they are received and proceed with an award at that point. KCDC may reject any or all proposals and terminate the RFP process at any time if deemed by KCDC to be in its best interest.
- g. Activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. Under 24 CFR, part 58, a unit of general local government, a county or a state (the "responsible entity" or "RE") is responsible for the federal environment review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and related applicable federal laws and authorities in accordance with 24 CFR 58.5 and 58.6.
- h. Subject to funding availability, the initial term of the proposed contract(s) is not less than 10 years and not more than 20 years, with an option at KCDC's discretion, to extend the contract(s) up to an additional 20 years.
- i. KCDC will establish a Project Based Voucher waiting list once selection of one or more properties have been selected in response to this RFP. Selection from the waiting list will be in accordance with the Section 8 Administrative Plan. The Section 8 Administrative Plan is located at: <http://www.kcdc.org>.
- j. KCDC intends for this solicitation to result in the selection of one or more property owners in Knoxville and/or Knox County to provide affordable housing. Project Based Voucher (PBV) assistance provides rental subsidies paid on behalf of eligible families who live in units contracted under the program.

This RFP seeks proposals from owners/developers who will commit the greater of 25 units in a project or 25 percent of the units in a project through project-based vouchers. See paragraph 13C-2 for additional details about excepted units.

- k. To maximize the supply of decent, safe and affordable housing KCDC will select a location that is consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities. If the site is located in an area that has a concentration of poverty that is greater than 20%, KCDC will determine there are other activities on or around the site that will further the goals of de-concentration of poverty, such as the development of additional market-rate housing or that the site is located within a HUD-designated Enterprise Zone, Economic Community or Renewal Community. KCDC will select areas in which families will benefit from access to good schools and nearby employment opportunities. KCDC will provide PBV's for newly constructed housing developments. If the site is located in a minority concentrated area, KCDC will need to determine the project is necessary to meet overriding housing needs which cannot feasibly be met in the housing market area. To prioritize housing to the most vulnerable Knoxvilleans, KCDC will provide project-based vouchers to new construction projects that include permanent supportive housing serving formerly homeless individuals and families.
 - l. In accordance with the PBV Program regulations, 24 CFR Section 983.56 (b), KCDC will enter a Housing Assistance Payments (HAP) Contract (Attachments) with selected property owner(s) for designated rental units. The HAP contract establishes the initial rents for the units and describes the responsibilities of KCDC and the owner. KCDC will pay rental assistance (based on each household's income) to the owner of rental units that meet PBV program standards and are occupied by eligible families. The initial term of the HAP contract may be up to 20 years. HAP contract renewal after the initial term may occur at the sole option of KCDC for a period (not exceeding 20 years) as KCDC determines appropriate to expand housing opportunities and to achieve long-term affordability of assisted housing. All HAP contracts and subsequent renewals are contingent upon the future availability of appropriated HUD funds for the KCDC Housing Choice Voucher Program.
 - m. The Project-Based Voucher (PBV) Program regulations are set forth in Code of Federal Regulations, Title 24, Part 983. A copy of the regulations is available at:
https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project
 - n. KCDC will not execute a HAP contract or an AHAP until all required reviews are completed.
3. **Contact Policy**
- Only** contact KCDC's Procurement Division about this solicitation from the issuance of this RFP until award. Information obtained from an unauthorized officer, agent, or employee will not affect the risks or obligations assumed by the proposer or relieve the proposer from fulfilling any of the conditions of the resulting award for the purpose of this project. Such contact can disqualify the proposer from the solicitation process.
- j. If there are not enough project-based vouchers available to fully fund a proposal, KCDC may offer proposers the opportunity to accept a lesser number of vouchers than requested or to decline all vouchers.

7. General Instructions to Suppliers

KCDC’s General Instructions to Suppliers are at www.kcdc.org. Click on “Procurement” and the link to the instructions. The supplier’s submittal means acceptance of the terms and conditions set forth in KCDC’s “General Instructions to Suppliers.” The following sections of the General Instructions to Suppliers do not apply to this solicitation: 4, 15, 16, 18, 25, 30, 33, 39, 41, 42, 43, 44a, 44b, 44d, 49, 52, 53, 64, 65, 67 and 69.

8. Proposer’s Representation

The proposer represents and warrants that it is:

- a. Familiar with all pertinent federal, state, municipal and county laws, ordinances and regulations, which may in any way affect the operation and management of affordable housing; and
- b. Financially solvent; and
- c. Experienced in and competent to perform affordable housing management in compliance with all regulations applicable to affordable housing with supportive services.

Scope of Work

9. General

KCDC’s intention is for this solicitation to help maximize the supply of affordable housing in Knoxville/Knox County. KCDC will provide Project-Based Vouchers (PBV) for selected newly constructed housing developments willing to designate a portion of their units to the creation of new housing units. KCDC will prioritize new construction projects creating permanent supportive housing for formerly homeless individuals and families.

- a. In accordance with the PBV Program regulations, 24 CFR Section 983.56 (b), KCDC will enter a Housing Assistance Payments (HAP) Contract (Attachments) with selected property owner(s) for designated rental units. The HAP contract establishes the initial rents for the units and describes the responsibilities of KCDC and the owner. KCDC will pay rental assistance (based on each household’s income) to the owner of rental units that meet PBV program standards and are occupied by eligible families. The initial term of the HAP contract may be up to 20 years but not less than 10 years. HAP contract renewal after the initial term may occur at the sole option of KCDC for a period (not exceeding 20 years) as KCDC determines appropriate to expand housing opportunities and to achieve long-term affordability of assisted housing. All HAP contracts and subsequent renewals are contingent upon the future availability of appropriated HUD funds for the KCDC Housing Choice Voucher Program.
- b. KCDC will consider Newly Constructed units which are units that do not exist on the proposal selection date and are developed after the date of selection for use under the PBV program for their proposal per an agreement between the owner and KCDC, for use under the PBV program. KCDC will enter an “Agreement to Enter into a Housing Assistance Payment (AHAP) Contract,” after proposal selection and all required documents have been accepted and approved by HUD such as the Subsidy layering review, environmental review and site selection plan.

10. Project-Based Voucher Program Overview

- a. A PHA that already administers the tenant-based voucher program has the discretion to operate a PBV program. The PBV program is funded with a portion of the appropriated funding available under the PHA's tenant-based voucher program. There is no special or additional funding for project-based vouchers. In the PBV program, the assistance is "attached to the unit" rather than the tenant. Certain types of housing units and/or developments are not eligible for PBV assistance including:
- Shared housing
 - Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution
 - Units that are owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution
 - Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care. However, KCDC may approve assistance for a dwelling unit in an assisted living facility that provides home health care service such as nursing and therapy for residents of the housing
 - Manufactured homes
 - Cooperative housing
 - Transitional housing
 - High-rise elevator projects for families with children
 - Owner-occupied housing units
 - Units occupied by an ineligible family at the time of proposal submission or prior to execution of the Housing Assistance Payment (HAP) contract
 - Subsidized housing unit types determined ineligible in accordance with HUD regulations. These include, but are not limited to:
 - Public housing units
 - Units subsidized with any other form of Section 8 assistance
 - Units subsidized with any governmental subsidy that covers all or part of the operating costs of the housing; units subsidized with rental assistance under Section 236, Section 521 or Section 101 units subsidized under Section 202 including supportive housing for the elderly
 - Units subsidized under Section 811

- Units subsidized with any form of tenant-based rental assistance as defined by 24 CFR 982.1(b)(2) including units subsidized with such assistance under the HOME program
 - Units with any other duplicative federal, state or local housing subsidy as determined by HUD or KCDC
- b. Relocation Requirements (24 CFR 983.7): Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and implementing regulations at 49 CFR part 24. The cost of required relocation assistance is responsibility of the owner.
- c. This RFP seeks proposals to maximize the supply of decent, safe and affordable housing. KCDC will select a location that is consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities. If the site is located in an area that has a concentration of poverty that is greater than 20%, KCDC will be required to determine there are other activities on or around the site that will further the goals of de-concentration of poverty, such as the development of additional market-rate housing or that the site is located within a HUD-designated Enterprise Zone, Economic Community or Renewal Community. KCDC will select areas in which families will benefit from access to good schools and nearby employment opportunities. If the site is located in a minority concentrated area, KCDC is required to determine the project is necessary to meet overriding housing needs which cannot feasibly be met in the housing market area. To prioritize housing to the most vulnerable Knoxvilleans, KCDC will provide project-based vouchers to new construction projects that include permanent supportive housing serving formerly homeless individuals and families.

Apart from Excepted Units, KCDC may not select a proposal to provide PBV assistance or enter into an Agreement or HAP contract for the greater of 25 units or 25% of the number of dwelling units (assisted or unassisted) in the building. The exception allows for Excepted Units for qualifying families to include:

- (1) Units in a single-family building.
 - (2) Units in a multi-family building that are “excepted units” specifically made available for Qualifying Families defined as:
 - a. Elderly families; or
 - b. Families receiving or eligible for qualifying supportive services as defined in the RFP
 - (3) If the project contains 25 or fewer units, KCDC may place every unit in the project under the PBV HAP Contract.
- d. Supportive Services Requirements: For Excepted Units for occupancy by a Qualifying Family, the selected proposer(s) must:
- (1) Provide, on a regular basis, services by qualified providers targeted to the needs of the Qualifying Family; and

- (2) Locate at least one qualified case manager onsite or offsite, and
 - (3) Provide a qualified service provider to respond to emergency supportive services needs twenty-four hours per day, seven days per week.
- e. Qualifying Supportive Services: At least one member of the Qualifying Family must receive, qualify to receive or be offered one or more of the following Qualifying Supportive Services as agreed to in the family responsibility statement. Medical or disability-related services must be available, but KCDC will not require a Qualifying Family to participate in such services other than drug and alcohol treatment in the case of current abusers. Required Qualifying Supportive Services include:
- (1) Case management services
 - (2) Mental health services
 - (3) Medical and dental care
 - (4) Substance abuse counseling and treatment
 - (5) Household management training, such as housekeeping skills and money management
 - (6) Job training and employment services, such as preparation and counseling, training, job development and placement, follow-up assistance after job placement.
 - (7) Educational or vocational services, such as literacy courses, vocational training, courses to complete secondary or postsecondary school.
- f. Monitoring of Qualifying Supportive Services: KCDC will monitor Qualifying Supportive Services on an annual basis. Such monitoring will include:
- (1) Review of agreements with property owner(s) and/or service providers that include recordkeeping and reporting obligations; and
 - (2) Personal interviews with property owner(s) and/or service providers and members of families receiving Qualifying Supportive Services; and
 - (3) Other appropriate means of monitoring.
- g. Statement of Family Responsibility: At the time of initial lease execution, a family receiving Qualifying Supportive Services will be asked to enter into a Statement of Family Responsibility or other appropriate agreement with the property owner(s) and/or supportive service provider with KCDC as a subsidiary party. The agreement must state the family is eligible to participate in one or more Qualifying Supportive Services and achieve certain goals specified in the agreement.

- (1) Completion of Services Obligation: If a family receiving Qualifying Supportive Services successfully continues its supportive services obligation, the family may continue to reside in the excepted unit provided the family continues to comply with other obligations under the PBV Program. In such case, the unit continues to count as an excepted unit.
 - (2) Termination for Failure to Fulfill Services Obligation: If a family receiving Qualifying Supportive Services fails, without good cause, to complete its supportive services obligation, KCDC will terminate rental assistance for the family and the family will be required to vacate the unit within the time established by KCDC. If the property owner terminates the family's lease and rents the vacated unit to a Qualifying Family, the unit will continue to count as an excepted unit.
- h. Proposed projects must be able to meet all the HUD requirements of the Project-Based voucher program under 24 CFR 983, including but not limited to applicable environmental review requirements (see <https://www.hudexchange.info/programs/environmental-review/>), prevailing wage requirement and subsidy layering requirements (see <https://www.federalregister.gov/documents/2014/09/26/2014-22971/administrative-guidelines-subsidy-layering-reviews-for-section-8-project-based-voucher-housing>). Applicants must become familiar with these requirements.
- i. If a project requiring a waiver from HUD does not receive the waiver, the project will not be considered unless the applicant can change their proposal to meet the HUD requirements. If this change would alter the ranking points assigned to the application, KCDC will re-score and rank the proposal.
- j. For a project to be eligible to receive project-based vouchers, it must meet the threshold items listed below. If the project fails to meet any of the items listed, the proposal is non-responsive.
1. The property must be located within Knoxville and/or Knox County.
 2. The minimum project size is 12 units. KCDC may waive this requirement if there are an insufficient number of units to reach up to 12 units in the proposals received. Projects may be one or more buildings on a single site, or multiple sites that are or will be under common ownership, management and financing.
 3. Owner/Developer must demonstrate site control as evidenced by deed, sales contract, or option agreement.
 4. Owner/Developer, including its principals, member(s), and contractors, must be current in all financial obligations to KCDC. KCDC will not award funds to an organization or agency with outstanding disallowed costs, defaulted loans, debarment actions, and/or is behind schedule on any currently KCDC-funded project, or any other legal encumbrances.
 5. This RFP seeks proposals for newly constructed units to maximize the supply of decent, safe and affordable housing. KCDC will select a location that is consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities. If the site is located in an area that has a concentration of poverty that is greater than 20%, KCDC will be required to determine there are other activities on or around the site that will further the goals

of de-concentration of poverty, such as the development of additional market-rate housing or that the site is located within a HUD-designated Enterprise Zone, Economic Community or Renewal Community. KCDC will select areas in which families will benefit from access to good schools and nearby employment opportunities. If the site is located in a minority concentrated area, KCDC is required to determine the project is necessary to meet overriding housing needs which cannot feasibly be met in the housing market area.

11. **Property Management/Leasing**

The property owner(s) selected to receive PBVs are responsible for oversight of property management to ensure compliance with PBV regulations, federal, state, municipal and county laws, ordinances and regulations that may, in any way, affect the operation and management of affordable housing. KCDC's Section 8 Program will maintain a waiting list for occupancy of a unit assisted under the PBV Program. Owners of PBV properties must maintain a site-based waiting list of families for referral to KCDC for eligibility determination and placement on the PBV waiting list. An applicant may choose to be simultaneously listed on the PBV project waiting list as well as the KCDC tenant-based waiting list if eligible.

The Section 8 Program Administrative Plan applies to managing the waiting list and selection of applicants from the waiting list to fill vacancies at the PBV properties. KCDC's published subsidy standards will determine the appropriate unit size for the family based on family composition.

12. **Property Standards**

All properties must meet the following standards:

- a. The project must meet all applicable state and local codes, rehabilitation standards (if applicable) and ordinances.
- b. The project must meet the accessibility requirements of the Fair Housing Act and, for rehabilitation projects, Section 504 of the Rehabilitation Act of 1973 (See Exhibit 3).
- c. The project must meet minimum HUD housing quality standards or subsequent standards adopted by HUD.

13. **Other Federal Requirements**

Other federal requirements may also apply. These include:

- **Davis-Bacon Requirements**
The Davis-Bacon Act applies to every contract for construction of housing (new or rehabilitation) that consists of nine or more units assisted.
- **Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations**
- **Section 3**
Development activity at § 983.152 is subject to Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135.

- **Equal employment opportunity**
Equal employment opportunity requirements of Executive Orders 11246 as amended (3 CFR, 1964-1965 Comp., p. 339). 11625 (3 CFR, 1971-1975 Comp., p. 616). 12432 (3 CFR, 1983 Comp., p. 198). and 12138 (3 CFR, 1977 Comp., p. 393)
- **Environmental Review Requirements (See Appendix A)**
New Construction and Substantially Rehabilitated Projects receiving an award are subject to environmental review. Work may not be undertaken, including work undertaken with other sources of funds, or funds committed or expended (federal or other) effective when Owner/Developer submits its proposal to KCDC until KCDC executes an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract.
- **Fair Housing and Equal Opportunity** and implementing regulations at 24 CFR 100.205; the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR 8.22 and 8.23; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131- 12134) and implementing regulations at 28 CFR part 35, including §§ 35.150 and 35.151 apply to development activity at § 983.152. A description of any required work item resulting from these requirements must be included in the Agreement (if applicable) as specified in § 983.155(d)(9).
- **Broadband infrastructure**
Any development activity under § 983.152(a) that constitutes substantial rehabilitation as defined by 24 CFR 5.100 of a building with more than 4 rental units and where the date of the notice of proposal selection or the start of the development activity while under a HAP contract is after January 19, 2017, must include installation of broadband infrastructure, as this term is defined in 24 CFR 5.100.
- **Lead-Based Paint (24 CFR part 35, subparts A, B, J, and R)**
- **Uniform Relocation Act (if applicable)**
- **Section 504 Requirements (See Appendix 3)**
- **Subsidy Layering Review Requirements (See Appendix 4)**
- **24 CFR-part 983.57 (d) and (e) (Posted on KCDC’s webpage)**

14. **Submittal Structure Information**

Submit your information, as one document, in the order indicated below:

Document Number	Title	Form Provided by
Solicitation Document A	General Response Section	KCDC
Solicitation Document B	Affidavits	KCDC
Solicitation Document C	HUD Form 5369A	KCDC
Solicitation Document D	Proposer’s Staff & Project Team	Proposer
Solicitation Document E	Proposer’s Housing Management Experience and State & Federal Low-Income Experience	Proposer
Solicitation Document F	Proposer’s PBV Plan	Proposer

[This and the Previous Pages Do Not Need to be Returned](#)

Solicitation Document A	General Information about the Proposer
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Note: Complete all cells even if the answer is "Does not apply"

Sign Your Name to the Right of the Arrow

If completing this document in Adobe, an electronic signature is acceptable to KCDC.

Your signature indicates you read and agree to "KCDC's General Instructions to Suppliers" (www.kcdc.org) and that you are authorized to bind the supplier or are submitting the response on behalf of and at the direction of the suppliers' representative authorized to contractually bind the supplier. I represent that the supplier or its applicable representative(s) has reviewed the information contained in this Solicitation Package and that the information submitted is accurate.

Printed Name and Title

Legal Corporate Name

Street Address

City/State/Zip

Contact Person (Please Print Clearly)

Telephone Number

Cell Number

E-Mail Address (Please Print Clearly)

Addenda

Addenda are at www.kcdc.org. Click on "Procurement" and then on "Open Solicitations" to find addenda. Please check for addenda prior to submitting a proposal.

Acknowledge addenda have been issued by checking below as appropriate:

None <input type="checkbox"/>	Addendum 1 <input type="checkbox"/>	Addendum 2 <input type="checkbox"/>	Addendum 3 <input type="checkbox"/>	Addendum 4 <input type="checkbox"/>	Addendum 5 <input type="checkbox"/>
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Statistical Information (Check a box in each of the next four lines)

1. This business is at least 51% owned and operated by a woman	Yes <input type="checkbox"/> No <input type="checkbox"/>					
2. This business qualifies as a small business by the State of Tennessee <i>Total gross receipts of not more than \$10,000,000 average over a three-year period</i> <i>OR employs no more than 99 persons on a full-time basis</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>					
3. This business is at least 51% owned and operated by a veteran	Yes <input type="checkbox"/> No <input type="checkbox"/>					
4. This business is owned & operated by persons at least 51% of the following ethnic background:						
Asian/Pacific <input type="checkbox"/>	Black <input type="checkbox"/>	Hasidic Jew <input type="checkbox"/>	Hispanic <input type="checkbox"/>	Native American <input type="checkbox"/>	White <input type="checkbox"/>	Publicly Owned <input type="checkbox"/>

Conflict of Interest

1. No commissioner or officer of KCDC or other person whose duty it is to vote for, let out, overlook or in any manner superintend any of the work for KCDC has a direct interest in the award or the supplier providing goods or services.
2. No employee, officer or agent of the grantee or sub-grantee will participate in selection, or in the award or administration of an award supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the supplier selected for award.
3. The grantee's or sub-grantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from suppliers, potential suppliers, or parties to sub-agreements.
4. By submission of this form, the supplier is certifying that no conflicts of interest exist.

Drug Free Workplace Requirements

5. Private employers with five or more employees desiring to contract for construction services attest that they have a drug free workplace program in effect in accordance with TCA 50-9-112.

Eligibility

6. The supplier is eligible for employment on public contracts because no convictions or guilty pleas or pleas of nolo contendere to violations of the Sherman Anti-Trust Act, mail fraud or state criminal violations with an award from the State of Tennessee or any political subdivision thereof have occurred.

General

7. Supplier fully understands the preparation and contents of the attached offer and of all pertinent circumstances respecting such offer.
8. Such offer is genuine and is not a sham offer.

Iran Divestment Act

9. Concerning the Iran Divestment Act (TCA 12-12-101 et seq.), by submission of this bid/quote/proposal, each supplier and each person signing on behalf of any supplier certifies, and in the case of a joint bid/quote/proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each supplier is not on the list created pursuant to § 12-12-106.

Accuracy of Electronic Copies

10. If the supplier provides electronic copies of the bid/proposal/quote to KCDC, the supplier certifies that the information provided on paper and in the electronic format is identical unless specifically noted otherwise.

General

- 11. Neither the said supplier nor any of its officers, partners, owners, agents, representatives, employees or parties interest, including this affiant, has in any way colluded conspired, connived or agreed, directly or indirectly, with any other responder, supplier, or person to submit a collusive or sham offer in connection with the award or agreement for which the attached offer has been submitted or to refrain from making an offer in connection with such award or agreement, or collusion or communication or conference with any other supplier, or, to fix any overhead, profit, or cost element of the offer price or the offer price of any other supplier, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against KCDC or any person interested in the proposed award or agreement.

- 12. The price or prices quoted in the attached offer are fair, proper and not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the supplier or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

No Contact/No Advocacy Affidavit

- 13. After this solicitation is issued, any contact initiated by any supplier with any KCDC representative concerning this solicitation is strictly prohibited-except for communication with the Procurement Division. My signature signifies that no unauthorized contact occurred.

- 14. To ensure the integrity of the review and evaluation process, respondents to this solicitation nor any firm representing them, may not lobby or advocate to KCDC staff or Board members. My signature signifies that no unauthorized advocacy occurred.

Non-Boycott of Israel Affidavit

- 15. Concerning the Non-Boycott of Israel Act (TCA 12-4-1 et seq.), by submission of this bid/quote/proposal, each supplier and each person signing on behalf of any supplier certifies, and in the case of a joint bid/quote/proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each supplier is not boycotting Israel pursuant to § 12-4-1 and will not during the term of any award. Note: Applicable only to contracts of \$250,000 or more and to suppliers with 10 or more employees.

The undersigned hereby acknowledges receipt of these affidavits and certifies that the submittal in response to this solicitation is in full compliance with the listed requirements. Failure to properly acknowledge issues concerning the above is grounds for bid rejection and may subject the signer to penalties as directed by the appropriate laws.

Signed by		
Printed Name		
Title		

Representations, Certifications, and Other Statements of Bidders Public and Indian Housing Programs

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1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law, and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) Is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

insert

full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization;

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000) in Solicitation Document B attached

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" [] is, [] is not included with the bid.

2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1) [] has, [] has not employed or retained any person or company to solicit or obtain this contract; and

(2) [] has, [] has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities;" and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
- (b) Impair the bidder's objectivity in performing the contract work.

In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

- (1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,
- (2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

6. Minimum Bid Acceptance Period

(a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.

(b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.

(c) The PHA/IHA requires a minimum acceptance period of 90 calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.

(e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.

(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

7. Small, Minority, Women-Owned Business Concern Representation

The bidder represents and certifies as part of its bid/ offer that it --

(a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) is, is not a women-owned business enterprise. "Women-owned business enterprise," as used in this provision, means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) is, is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- | | |
|---|---|
| <input type="checkbox"/> Black Americans | <input type="checkbox"/> Asian Pacific Americans |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans |
| <input type="checkbox"/> Native Americans | <input type="checkbox"/> Hasidic Jewish Americans |

9. Certification of Eligibility Under the Davis-Bacon Act

Act (applicable to construction contracts exceeding \$2,000)

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

10. Certification of Nonsegregated Facilities (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

(1) Obtain identical certifications from the proposed subcontractors;

(2) Retain the certifications in its files; and

(3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

Note: The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

11. Clean Air and Water Certification (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract [] is, [] is not listed on the Environmental Protection Agency List of Violating Facilities;

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

12. Bidder's Signature

The bidder hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

(Signature and Date)

(Typed or Printed Name)

(Title)

(Company Name)

(Company Address)

Using as many pages as needed, provide the following information for each employee whose project responsibilities are considered to be significant for these projects.

1. Present two organizational charts:
 - a. The entire organization
 - b. One which identifies the key individuals and their proposed roles.
2. The names of the principal-in-charge and any other key lead personnel.
3. A paragraph summary of the person assigned as KCDC's main contact. Include their background, education information and current position with the firm. There should be a particular focus on prior experience in affordable housing management and/or supportive services. Substitutions for key personnel listed to complete task must be with equally qualified persons. KCDC must be notified immediately of any substitutions.
4. A statement of the years of experience for each proposed employee:
 - a. Years with current firm (list titles and start dates)
 - b. Years in the industry (list titles, dates and companies)
5. A list of three major accounts/projects that the person has been involved in, using the following format:

Employee Name

Name of Project	Role the employee played	Description of project
Name of Project	Role the employee played	Description of project
Name of Project	Role the employee played	Description of project

6. Any current certifications applicable to the professional services the employee will provide.
7. Other explanatory information.

A. Provide the following information about the firm:

1. A narrative history including the date of inception or incorporation.
2. A narrative about the resources of the firm.
3. Names of Principal Owners (or indicate publicly owned).
4. Number of years in business.
5. Location of the office to service KCDC.
6. Knowledge of State and/or Federal Low Income Housing Programs.
7. Evidence of the financial capacity to deliver the completed project in accordance with the commitments made in the proposal. Such evidence shall include audited financial statements of the proposer (or such other entities or individuals who will guarantee the proposer's performance) for the most recent audited period.
8. Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program.
9. Owner experience and capability to build newly constructed housing.
10. References of three to five similar projects. Indicate:
 - Customer Name
 - Customer Address
 - Nature of the Service Provided
 - Contact Person
 - Contact Person's Email Address and Telephone Number

B. Provide information detailing your experience with housing management and supportive services.

1. Your experience in developing and administering the type of project being proposed, including constructing, marketing, renting and managing similar projects.
2. A detailed list of projects completed/managed in the last five years, indicating the start date, time required, completion date, key elements of the project, initial and final budgets.
3. A list of projects (regardless of type) funded through any other federal program (through either KCDC or another entity) within the past ten years, the funds award date and the status of each project.
4. Experience in providing housing with supportive services-if applicable.
5. Other explanatory information you wish to provide.

Use this section to fully explain your proposed project. Include the following items:

1. A narrative description of the proposed project including:
 - Project type
 - Project location(s): address(es) and map(s)
 - Total number of units and number of units to be assisted with project-based voucher assistance
 - Project amenities
 - Energy efficient/green features
2. The persons who will benefit from the project, particularly special populations (i.e., elderly, disabled, families receiving supportive services, et cetera) -if applicable.
3. The need for the project and how you determined the need.
4. The geographic area from which you expect the project to draw the majority of its residents.
5. Demographic information such as, median household and family income; vacancy rates, populations trends, et cetera.
6. Information on other projects or available inventory that would compete with your project. Cite the sources of information used to provide the data.
7. The target market includes characteristics and income levels of households likely to be attracted to the development. Provide information on any waiting lists, as applicable.
8. Efforts (or plans) to gather community input for the project.
9. For new construction projects, address how the project meets the Site and Neighborhood requirements of 24 CFR 983.57.
10. How you will market your Project to potential tenants, particularly those least likely to apply.
11. The extent to which the project furthers the goals of de-concentrating poverty and expanding housing and economic opportunities.
12. The extent to which services for special populations are provided on site or in the immediate area for occupants of the property.
13. The project's readiness. Provide a schedule for implementation, including a timeline for projected milestones, such as:

For New Construction:

- Environmental assessments
 - Complete design
 - Begin construction
 - Complete construction
 - Anticipated lease-up date
14. Potential impediments to the project's readiness, such as zoning issues, relocation requirements, environmental concerns, infrastructure needs, et cetera.
 15. Environmental review requirements (When developing the project schedule see Exhibit 1; <https://www.hudexchange.info/programs/environmental-review/> and see <https://www.hudexchange.info/resource/3140/part-58-environmental-assessment-form/>)
 16. Provide evidence of site control, such as a deed, option agreement, or sales contract.
 17. Evidence of funds adequate to meet construction expenses. The proposer must have firm financial commitments for all funding sources before KCDC will enter into an agreement. Attach documentation of all funds listed as committed in the Project-Based Voucher Application.
 18. A 20-year operating pro forma for the proposed project.
 19. A detailed contractor's cost estimate for the type of needed work. Proposers should consider the Davis-Bacon wage rates for Knox County when preparing the cost estimate if the project will consist of 9 or more contract units. See [SAM.gov](https://www.sam.gov) | [Wage Determinations](#) for details.

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state and local environmental standards. The environmental review process is triggered when HUD, a HUD program participant, or a HUD grantee purchases, or intends to purchase, property with HUD funds. All properties to be developed with HUD assistance (including HOME funds) must have an environmental review to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself is safe for development. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be compliant with the National Environmental Protection Act (NEPA) and other related Federal and state environmental laws.

A responsible entity will commence the environmental review process upon execution of a Conditional Commitment Agreement with the Owner/Developer. Until the completion of the environmental review process additional funds (federal, private, or other) cannot be committed or expended and no work (including property acquisition) can be undertaken on the project until the responsible entity completes the environmental review and has received a Release of Federal Funds (ROFF) from HUD. Where a project is in progress (regardless of the source of funds), actions must cease until the environmental review process is completed.

The extent of the environmental review and time required to complete depends upon the activity and its scope. If a Project includes multiple activities, such as acquisition and new construction of 5 or more units, the highest level of environmental review required will be performed. KCDC will not consider proposed projects in a floodplain. The table on the following page summarizes the level of environmental review required for the eligible activities that may be undertaken through this Application and estimated timeframes for completion.

Estimated Environmental Review Timeframes

Eligible Activity	Environmental Review Level	Estimated Timeframes
Relocation	Highest level required for the project	Highest level required for the Project
Rehabilitation of Multi-family Housing Unit density not changed more than 20% Project does not involve changes in land use from residential to non-residential; and Estimated cost of rehab is less than 75% of the total estimated cost of replacement after rehab	Categorical exclusion subject to 24 CFR §58.5	90 days

“Individual Action” Acquisition, new construction or individual action on a project of 5 or more units developed on scattered sites when sites are more than 2000 feet apart and there are not more than 4 units on any site	Categorical exclusion subject to 24 CFR § 58.5	90 days
Acquisition	Highest level for required the Project	Highest level for required the Project
New Construction – Multifamily 5 or more units	Environmental Assessment	120 days

Appendix C | Site and Neighborhood Standards

See the attached HUD regulations for Existing and Rehabilitated Housing Site and Neighborhood Standards 24 CFR 983.57(d) and New Construction Site and Neighborhood Standards 24CFR983.57(e).

The Site Selection Plan must be provided with this RFP by an independent entity.

The proposer is responsible for all review cost.

Appendix D | Subsidy Layering Review Requirements

When KCDC selects a new construction or rehabilitation project, pursuant to program regulations at 24 CFR Part 983 and the project combines other forms of governmental assistance, KCDC must request a subsidy layering review by HUD and the review must be completed before entering into an Agreement to Enter a Housing Assistance Payments (AHAP) Contract.

As part of the selection process, KCDC must receive information regarding all HUD and/or other federal, State, or local governmental assistance to be disclosed by the project owner. Form HUD 2880 (<http://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf>) may be used for this purpose.

Owners/Developers must complete and submit a disclosure statement even if no other governmental assistance has been received or is anticipated. The statement must be submitted with the owner’s application for project-based vouchers. If any information changes on the disclosure, either by the addition or deletion of other governmental assistance, the project owner must submit a revised disclosure statement. If before or during the HAP contract, the owner receives additional HUD or other governmental assistance for the project that results in an increase in project financing in an amount that is equal to or greater than 10 percent of the original development budget, the owner must report such changes to KCDC so KCDC may inform HUD that a further subsidy layering review is required.

Determining the Number of Units That Must Be Made Accessible

The table below summarizes the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and the implementing regulations of 24 CFR Part 8. Frequently asked questions regarding section 504 requirements are available online at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq

Additional resources pertaining to housing for persons with disabilities is available at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_main

Project Type	Accessibility Requirement
New construction of multifamily rental housing	For projects with five (5) or more units: A minimum of 5% of the total number of dwelling units in a project (but not less than one unit) must be accessible to individuals with mobility impairments in accordance with the Uniform Federal Accessibility Standards (UFAS). An additional 2% of the dwelling units (but not less than one unit) must be accessible to individuals with hearing or vision impairments. This is based on the total number of units in the project, not just the assisted units.
Rental housing with substantial alterations	For projects with 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed development: A minimum of 5% of the total number of dwelling units in a project (but not less than one unit) must be accessible to individuals with mobility impairments in accordance with the UFAS. An additional 2% of the dwelling units (but not less than one unit) must be accessible to individuals with hearing or vision impairments. This is based on the total number of units in the project, not just the assisted units.
Rental housing with other alterations	For multi-family projects in which the cost of alterations is less than 75% of the replacement cost of the completed development: Alterations to the dwelling units shall be made readily accessible to and usable by individuals with disabilities, to the maximum extent feasible. All alterations must meet the applicable sections of the UFAS that govern alterations. Alterations that require removing of altering load-bearing structural member are not required. If alterations to single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, then the entire unit must be made accessible.