

# **REQUEST FOR QUALIFICATIONS (RFQ) No. 001**

**Architectural/Engineering Services**

**For Milton Young Tower Renovation**

Revised - August 27, 2019



## Milton Young Tower Renovation RFQ Document

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## **INTRODUCTION**

The Minot Housing Authority (hereinafter, “the Agency”) is a public entity providing federally subsidized housing and housing assistance to low-income families in Minot, North Dakota. The Agency is headed by an Executive Director (ED) and is governed by a Five- person Board of Commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, “CFR”) and the Agency’s procurement policy.

Currently, the Agency manages the following detailed housing units: (a) 260 Low-income Public Housing (PHA) units and (b) 633 Housing Choice Vouchers. The Agency currently has approximately 21 full-time and 2 part-time employees.

In keeping with its mandate to provide efficient and effective services, the Agency is now soliciting proposals from qualified, licensed, and insured entities to provide the services noted herein. All proposals submitted in response to this solicitation must conform to all the applicable federal requirements and specifications for the US Department of Housing and Urban Development, Community Development Block Grant – NDR program. It is the responsibility of the proposer to determine all relevant and applicable regulations.

### **Project Description:**

In 2016, the City of Minot was awarded funding from the US Department of Housing and Urban Development National Disaster Resilience Competition (NDR). The funds for the renovation of Milton Young Tower comes from NDR funds. Milton Young Tower was built in 1969-1971. The structure lacks many of the resilience features common in affordable multifamily housing today including: fire suppression systems, building security systems, plumbing fixtures that are water efficient, and energy-efficient lighting systems. The MHA has made investments to improve this building in the past few years including installation of a new roof, new boiler system, some window improvements, and renovations within individual apartments however, additional capital investments should be made to assure this affordable housing is truly resilient for the future.

Currently there are 221 affordable apartments and 2 offices in Milton Young Tower (MYT). The 14-story structure, located in downtown Minot, is the tallest building in the City of Minot. MYT is on the Minot Transit route and is walkable to many downtown services including Trinity Hospital. The housing and services provide by MHA in the Milton Young Tower are essential to some of the city’s most vulnerable residents.

Assessing risks and potential threats to the MYT building and evaluating options to improve the resilience of the structure and the residents provided a foundation for determining needed improvements to the building and developing a rehabilitation program. As part of this assessment beyond the normal capital repair and improvements, MHA desired to improve the building’s resilience to extend the useful life of this building, the largest affordable multifamily housing development in the city.

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## RFQ INFORMATION AT A GLANCE

[Table No. 2]

AGENCY CONTACT PERSON (NOTE: Unless otherwise specified, any reference herein to “Contracting Officer” or “(CO)” shall be a reference to Mr. Alexander.)	Tom Alexander, Executive Director Telephone: (701) 852-0485 E-mail: <a href="mailto:tom.alexander@minothousing.com">tom.alexander@minothousing.com</a> TDD/TTY: (800)3666889
PRE-PROPOSAL CONFERENCE	NONE SCHEDULED
QUESTION SUBMITTAL DEADLINE	September 9, 2019
HOW TO FULLY RESPOND TO THIS RFQ BY SUBMITTING A PROPOSAL SUBMITTAL	As instructed within Section 3.0 of the RFQ document, submit 1 copy of the required “hard copy” proposal to the Agency Administrative Office.
PROPOSAL SUBMITAL RETURN & DEADLINE	*September 13, 2019 108 Burdick Expressway East, Minot, ND 58701. (*The “hard copy” documentation must be received in-hand and time-stamped by the Agency by no later than 4:00 PM CEST on this date).

### 1.0 THE AGENCY’S RESERVATION OF RIGHTS. The Agency reserves the right to:

- 1.1 Right to Reject, Waive, or Terminate the RFQ.** Reject any or all proposals, to waive any informality in the RFQ process, or to terminate the RFQ process at any time, if deemed by the Agency to be in its best interests.
- 1.2 Right to Not Award.** Not award a contract pursuant to this RFQ.
- 1.3 Right to Terminate.** Terminate a contract awarded pursuant to this RFQ, at any time for its convenience upon 10 days written notice to the Contractor(s).
- 1.4 Right to Determine Time and Location.** Determine the days, hours, and locations that the successful proposer (hereinafter, “Contractor”) shall provide the services called for in this RFQ.
- 1.5 Right to Retain Proposals.** Retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the Agency Contracting Officer (CO).
- 1.6 Right to Negotiate.** Negotiate the fees proposed by the proposer entity.
- 1.7 Right to Reject Any Proposal.** Reject and not consider any proposal or proposer that does not meet the requirements of this RFQ, including but not necessarily limited to incomplete proposals and/or proposers offering alternate or non-requested services.

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- 1.8 No Obligation to Compensate.** Have no obligation to compensate any proposer for any costs incurred in responding to this RFQ.
- 1.9 Right to Prohibit.** At any time during the RFQ or contract process, prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By requesting this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and further agrees that he/she will inform the CO in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the Agency that he/she feels needs to be addressed. Failure to abide by this time-frame shall relieve the Agency, but not the prospective or actual proposer, of any responsibility pertaining to such issue.
- 1.10 Right to Reject – Obtaining Competitive Solicitation Documents.** The Agency reserves the right to reject any and all proposals and to waive any informalities in the procurement process.

### **2.0 SCOPE OF WORK/TECHNICAL SPECIFICATIONS.**

The Minot Housing Authority is soliciting qualification statements for architectural/engineering services to assist the Minot Housing Authority with the resilient renovation of Milton Young Tower project in compliance with City of Minot and the Community Development Block Grant (CDBG) NDR requirements. The agreement will be on a fixed price basis (or cost reimbursement “not to exceed” basis) with payment terms to be negotiated with the selected Respondent. Reimbursement for services will be contingent on funding from the City of Minot NDR grant. The maximum amount of architect and engineering fees that can be paid with CDBG funds will be determined by the Agency and may require adjustments in the proposed contract amount.

The services to be provided will include, but not be limited to:

1. Pre-design investigations and evaluations including structural, mechanical, electrical and civil engineering
2. Building Systems including HVAC, Ventilation, Plumbing, Fire Protection, Electrical, Lighting Acoustics, and Structural Systems.
3. Architectural and engineering design services, must meet all required Green Energy standards and other construction requirements in the City of Minot NDR program
4. Preparing necessary plans and specifications for project construction
5. Cost estimating
6. Assisting the Minot Housing Authority with the construction bid package in conformance with applicable federal requirements including Davis Bacon and other federal labor standards provisions and supervising the bid advertising, tabulation, and award process, including preparing the advertisements for bid solicitation, conducting the bid opening, and issuing the notice to proceed.
7. Bidding and Award Phase
8. Assist in conducting the preconstruction conference.

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9. Assist the Agency in developing a process to minimize inconvenience to tenants during the construction process including evaluation and preparation of a temporary relocation plan that will be reviewed by the City of Minot or their representatives and by the Agency.
10. Field staking, on-site supervision of construction work, and preparing inspection reports.
11. Construction inspection services
12. Reviewing and approving all contractor requests for payment and provide necessary data for the draw requests to be submitted by the Minot City Council
13. Providing reproducible plan drawings for the City of Minot upon project completion.
14. Conducting final inspection and testing.
15. Evaluate the need for any change order, assess the best and most cost efficient solution, prepare the change order documentation, and review all work performed in conjunction with a change order and approve payment for work completed under any/all change orders

**2.1 General Service Areas.** The Agency intends to award a contract to a firm to provide architectural and engineering services (A/E) for the Milton Young Tower Renovation project. Services will include, but are not limited to, typical A/E services pertaining to the resilient renovation of Milton Young Tower.

**2.2 Design Product.** Any design product shall meet all state and local code requirements and shall conform to all applicable local codes, ordinances, regulations, and standards, including HUD's Section 504 program; UFAS; ADA; and ANSI requirements. The design may also include coordination for the abatement of hazardous materials that may include lead based paint, asbestos, or other regulated hazardous substances encountered and any approved demolition of existing structures.

### **3.0 REQUEST FOR QUALIFICATION STATEMENTS**

The following information should be included under the title "Request for Qualification Statements for Architectural and Engineering Services for the Milton Young Tower Renovation Project CDBG Program":

1. Name of Respondent.
2. Respondent address.
3. Respondent telephone number.
4. Respondent federal tax identification number.
5. Name, title, address, telephone number, fax number, and email address of contact person authorized to contractually obligate the Respondent.

#### **Contents of Qualifications Submittal**

Respondents should letter and number responses exactly as the questions are presented below. Interested Respondents are invited to submit qualifications that contain the following information:

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1. Introduction (transmittal letter).
2. Background and Experience.
3. Specialized Knowledge.
4. Personnel/Professional Qualifications.

### **1. Introduction (transmittal letter)**

By signing the letter, the Respondent certifies that the signatory is authorized to bind the Respondent. The RFQ response should include:

- a. A brief statement of the Respondent's understanding of the scope of the work to be performed;
- b. A certification that the Respondent meets the appropriate state licensing requirements to practice in the State of North Dakota;
- c. Certification that the respondent is not on the federal debarred contractors list
- d. A certification that the Respondent has not had a record of substandard work within the last five years;
- e. A certification that the Respondent has not engaged in any unethical practices within the last five years;
- f. A certification that, if awarded the contract, the Respondent acknowledges its complete responsibility for the entire contract, including payment of any and all charges resulting from the contract;
- g. Any other information that the Respondent feels is appropriate;
- h. The signature of an individual who is authorized to provide information of this nature in the name of the Respondent submitting the qualifications.

### **2. Background and Experience**

Respondents should:

- a. Describe Respondent's firm by providing its full legal name, date of establishment, type of entity and business expertise, short history, current ownership structure, and any recent or materially significant proposed change in ownership.
- b. Describe any prior engagements in which Respondent's firm assisted a governmental entity in dealings with CDBG and any other projects relating to CDBG. Respondent should include all examples of work on similar projects as described in Part One. Respondent should provide a list of completed CDBG projects dating back, five (5) years from the release date of this RFQ.  
Respondent should provide the names, phone numbers, and emails of contact persons in the organizations for whom any projects referenced in this section were conducted. Respondent should include written references (letters or forms are acceptable) from previous clients attesting to the quality of work and compliance with performance schedules Respondent cites in this section.
- c. Describe the firm's workload and current capacity to accomplish the work in the required time.
- d. Describe any issue the characteristics of which would be uniquely relevant in evaluating the experience of Respondent's firm to handle the proposed project(s).
- e. Describe Respondent's firm's presence in commitment to Minot, North Dakota

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- f. Provide current information on professional errors and omissions coverage carried by Respondent's firm, including amount of coverage.
- g. The City of Minot reserves the right to request any additional information to assure itself of a Respondent's financial status.

### 3. Specialized Knowledge

Respondents should:

- a. Describe their knowledge and experience in the particular types of projects described in the project description.
- b. Describe their knowledge of HUD's requirements for the CDBG.

### 4. Personnel/Professional Qualifications

Respondents should:

- a. Identify staff members who would be assigned to act for Respondent's firm in key management and field positions providing the services described in the Scope of Services, and the functions to be performed by each.
- b. Include resumes or curriculum vitae of each such staff member designated above, including name, position, telephone number, fax number, email address, education, and years and type of experience. Describe, for each such person, the projects relevant to CDBG on which they have worked.
- c. Estimate the number of persons to be assigned to this project, indicating the number working in North Dakota and the number working elsewhere.

**Tabbed Proposal Submittal.** The Agency intends to retain the Contractor pursuant to a "Best Value" basis, not a "Low Bid or Proposal" basis. Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFQ must be formatted in accordance with the sequence noted within the table below.

[Table No. 3]

RFQ Section	Tab No.	Description
3.1.1	1	form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i> . This Form <a href="https://www.hud.gov/sites/documents/DOC_12132.PDF">https://www.hud.gov/sites/documents/DOC_12132.PDF</a> . This 2-page Form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal
3.1.2	2	<b>Proposed Services.</b> As more fully detailed within Section 2.0, <i>Scope of Proposal/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail within the information submitted under this tab documentation showing:
3.1.2.1		As detailed within Section 4.1, Evaluation Factor No. 1, herein, Evidence of the proposers <b>ABILITY TO PERFORM THE WORK</b> as indicated by profiles of the principals' and staffs' professional and technical competence and experience, and their facilities.



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3.1.2.2		As detailed within Section 4.1, Evaluation Factor No. 2, herein, Evidence of the proposers <b>CAPABILITY TO PROVIDE PROFESSIONAL SERVICES</b> in a timely manner.
3.1.2.3		As detailed within Section 4.1, Evaluation Factor No. 3, herein, Evidence of the proposers <b>PAST PERFORMANCE</b> in terms of cost control, quality of work, and compliance with performance schedules, and utilization of green design and technologies.
3.1.2.4		As detailed within Section 4.1, Evaluation Factor No. 4, herein, the proposer's <b>DEMONSTRATED KNOWLEDGE/Experience</b> with Low-Rent Public Housing Program and local building codes.
3.1.2.5		A fully completed copy of <a href="https://www.wbdg.org/FFC/VA/VAAEINFO/330.pdf">https://www.wbdg.org/FFC/VA/VAAEINFO/330.pdf</a> Standard Form 330 (6/2004), <i>Architect-Engineer Qualifications</i> .
3.1.2.6		If appropriate, how staff are retained, screened, trained, and monitored.
3.1.2.7		The proposed quality control program.
3.1.2.8		An explanation and copies of forms that will be used and reports that will be submitted and the method of such reports (i.e. written; fax; internet; etc.).
3.1.2.9		A complete description of the products and services the firms provide.
3.1.3	5	<b>Managerial Capacity/Financial Viability/Staffing Plan.</b> The proposer entity must submit under this tab a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified. Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm.
3.1.4	6	<b>Client Information.</b> The proposer shall submit a listing of former or current clients, including any other Public Housing Authority, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.4.1		The client's name;
3.1.4.2		The client's contact name;
3.1.4.3		The client's telephone number and email address;
3.1.4.4		A brief description and scope of the service(s) and the dates the services were provided.
3.1.5	7	<b>Equal Employment Opportunity/Supplier Diversity.</b> The proposer must submit under this tab a copy of its Equal Opportunity Employment Policy and a complete description of the positive steps it will take to ensure compliance, to the greatest extent feasible, with the regulations detailed within the following Section 3.6 herein pertaining to supplier diversity (e.g. small, minority-, and women-owned businesses).

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3.1.6	8	<b>Subcontractor/Joint Venture Information (Optional Item).</b> The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the preceding tabs must also be included for any major subcontractors (10% or more) or from any joint venture.
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**3.0 Fees.** The Agency will, as detailed within the following Sections 4.0 and 5.0 herein, negotiate such fees with the top-rated proposer.

**3.0.1 No Deposit/No Retainer.** The Agency will NOT pay any deposits or retainer fees as a result of award of the ensuing contract. This means that the Agency will pay the successful proposer(s) for actual work performed only.

**3.0.2 No Travel Expense Allowed.** As there are a suitable number of qualified firms in the Minot, ND region, the Agency will not be negotiating any travel expense (e.g. airfare; rental cars; lodging; per diem; etc.), except, at the Agency's discretion, mileage, for the successful proposer to provide the services. Any mileage allowed will be at the current IRS rate only; the Agency will negotiate limited "windshield time" based upon a reasonable amount of time that it may take the chosen proposer to get to the Agency.

**3.1 Proposal Submission.** All "hard-copy" proposals must be submitted and time- stamped received in the designated Agency office by no later than the submittal deadline stated herein (or within any ensuing addendum). One original signature copy (marked "ORIGINAL") of the "hard copy" proposal must be submittal and 5 copies (copies shall be bound or secured with a clip or stapled) and shall be placed unfolded in a sealed package and addressed to:

**Minot Housing Authority  
Attention: Tom Alexander, Executive Director  
108 Burdick Expressway East, Minot, ND 58701**

- 3.1.1 Exterior of Sealed Hard-copy Submittal Package.** The package exterior must clearly denote the above noted RFQ number and must have the proposer's name and return address. Proposals received after the published deadline will not be accepted.
- 3.1.2 Submission Conditions.** DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS, OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the Agency by the proposer, such may invalidate that proposal. By submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFQ.
- 3.1.3 Submission Responsibilities.** It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by the Agency, including the RFQ document and any addenda and required attachments submitted by the proposer. By virtue of completing, signing, and submitting the completed documents, the proposer is stating his/her agreement to comply with all conditions and requirements set forth within those documents.

- 3.2 Proposer's Responsibilities — Contact with the Agency.** Until the RFQ Question deadline shown above, any questions regarding this RFQ must be submitted in writing to the Minot Housing Authority Executive Director. Questions will be answered in writing within 5 business days of receipt of the question. All questions and answers will be posted on the MHA web site in the Milton Young Tower Renovation tab. After the question deadline, no additional questions will be responded to.

Proposers must not make inquiry or communicate with any other Agency staff member or officials (including members of the Board of Commissioners) pertaining to this RFQ. Failure to abide by this requirement may be cause for the Agency to not consider a proposal submittal received from any proposer who has not abided by this directive.

**Addenda.** Any addenda to the RFQ will be posted in the MHA web site in the Milton Young Tower Renovation tab. It is the responsibility of the proposer to monitor the MHA website for any relevant addenda to the RFQ

**Proposer's Responsibilities — Equal Employment Opportunity and Supplier Diversity.**

Both the Contractor and the Agency have, pursuant to HUD regulation, certain responsibilities pertaining to the hiring and retention of personnel and subcontractors.

**3.2.1** Within Federal Regulation **2 CFR §200.321** it states:

**3.2.1.1** Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

**3.2.1.2** (a) The non-federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

**3.2.1.3** (2) Affirmative steps must include:

**3.2.1.3.1** (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

**3.2.1.3.2** (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

**3.2.1.3.3** (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

**3.2.1.3.4** (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

**3.2.1.3.5** (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

**3.2.1.3.6** (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

3.2.2 Within **HUD Procurement Handbook 7460.8 REV 2** it states:

3.2.2.1 Section 15.5.A, Required Efforts. Consistent with Presidential Orders 11625, 12138, and 12432, the [Agency] shall make every effort to ensure that small businesses, MBEs, WBEs, and labor surplus area businesses participate in [Agency] contracting.

3.2.2.2 Section 15.5.B, Goals. [The Agency] is encouraged to establish goals by which they can measure the effectiveness of their efforts in implementing programs in support of . . . contracting with disadvantaged firms. It is important to ensure that the means used to establish these goals do not have the effect of limiting competition and should not be used as mandatory set-aside or quota, except as may otherwise be expressly authorized in regulation or statute.

3.2.3 **Requirements.** Accordingly, please see Section 3.1.7 within Table No. 3 herein which details the information pertaining to this issue that the proposer must submit in response to this proposal showing compliance, to the greatest extent feasible, with these regulations.

3.3 **Pre-proposal Conference.** There is not a pre-proposal conference scheduled as a part of this RFQ.

3.4 **Future Attachments.** Prior to implementing a signed agreement all applicable HUD forms will need to be completed. A sample agreement is available upon request.

**Project Requirements**

To be considered for NDR funding, the applicant must show that they will comply with the applicable requirements that follow. Applications that do not meet/adhere to these requirements cannot be considered for NDR funding.

City of Minot NDR and U.S. Department of Housing and Urban Development Requirements:

- The Agency will verify that the development team members are not on the U.S. Department of Housing and Urban Development (HUD) “debarred” contractor’s list
- The application must provide evidence of their readiness to proceed.
- The applicant must comply with all applicable federal regulations including but not limited to Fair Housing, Equal Opportunity, Section 3, Lead Based Paint and Environmental Review requirements.
- The applicant must be registered with no active exclusions in the System for Award Management at [www.sam.gov](http://www.sam.gov).
- Displacement of tenants is prohibited unless the developer submits a detailed relocation plan that complies with applicable HUD and federal URA regulations and the cost of the relocation is fully captured in the total development costs.
- At a minimum ten percent (10%) of the units must be accessible for persons with disabilities.
- All work on Milton Young Tower must also meet all applicable state and local codes, ordinances, and requirements including FHA minimum property standards and applicable HUD property standards.
- Any conflict of interest requirements for the Agency, the State of North Dakota and the US Department of Housing and Urban Development must be adhered to.
- The Agency reserves the right to review and reject any and all proposals.

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## 4.0 PROPOSAL EVALUATION.

**4.1 Evaluation Factors.** The following factors will be utilized by the Agency to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal:

[Table No. 5]

Factor No.	Max Point Value	Factor Type	Factor Description
1	20 points	Subjective (Technical)	Evidence of the proposers <b>DEMONSTRATED ABILITY TO PERFORM THE WORK</b> as indicated by profiles of the principals' and staffs' professional and technical competence and experience, and their facilities.
2	20 points	Subjective (Technical)	Evidence of the proposers <b>DEMONSTRATED CAPABILITY TO PROVIDE PROFESSIONAL SERVICES</b> in a timely manner.
3	30 points	Subjective (Technical)	Evidence of the proposers <b>DEMONSTRATED SUCCESSFUL PAST PERFORMANCE</b> in terms of cost control, quality of work, and compliance with performance schedules, and utilization of green design and technologies.
4	30 points	Subjective (Technical)	The proposer's <b>DEMONSTRATED KNOWLEDGE</b> of and <b>EXPERIENCE</b> with various aspects of CDBG-NDR and Public Housing Program and their applicability to the project requirements and local building codes.
	100 points	Total Points	

## 5.0 CONTRACT AWARD.

**5.1 Contract Award Procedure.** If a contract is awarded pursuant to this RFQ, the following detailed procedures will be followed:

**5.1.1** By completing, executing, and submitting the Form of Proposal, Attachment A, the "proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFQ as issued by the Agency including required contract clauses. Accordingly, the Agency has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

**5.2 Contract Conditions.** The following provisions are considered mandatory conditions of any contract award made by the Agency pursuant to this RFQ:

**5.2.1 Contract Form.** The Agency will not execute a contract on the Contractor's form—contracts will only be executed on the Agency form and by submitting a proposal the Contractor agrees to do so (please note that the Agency reserves the right to amend this form as the Agency deems necessary).

**5.2.1.1 Mandatory HUD Forms.** Please note that the Agency has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFQ.

**5.2.2 Assignment of Personnel.** The Agency shall retain the right to demand and receive a change in personnel assigned to the work if the Agency believes that such change is in the best interest of the Agency and the completion of the contracted work.

**5.2.3 Unauthorized Sub-Contracting Prohibited.** The Contractor shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFQ (including, but not limited to, selling, or transferring the contract) without the prior written consent of the Agency. Any purported assignment of interest or delegation of duty, without the prior written consent of the Agency shall be void and may result in the cancellation of the contract with the Agency, or may result in the full or partial forfeiture of funds paid to the Contractor as a result of the proposed contract; either as determined by the Agency.

**5.3 Contract Period.** The Agency anticipates awarding a contract for completion of the scope of work outlined in this RFQ, however, the selected firm will be required to provide a detailed schedule to assure the Agency their work will be completed in a timely manner to enable the Minot Housing Authority to meet the schedule requirements contained in the Subrecipient agreement between the Minot Housing Authority and the City of Minot.

**5.4 Licensing and Insurance Requirements.** Prior to award (but not as a part of the proposal submission) the *Contractor* will be required to provide:

**5.4.1 Workers Compensation Insurance.** An original certificate evidencing the proposer's current industrial (worker's compensation) insurance carrier and coverage amounts (NOTE: Workers Compensation Insurance will be required of any Contractor that has employees other than just the owner working on-site to provide the services);



- 5.4.2 **General Liability Insurance.** An original certificate evidencing General Liability coverage, naming the Agency as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the Agency as an additional insured under said policy (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a maximum deductible amount of \$5,000;
- 5.4.3 **Automobile Insurance.** An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$2,000,000. For every vehicle utilized during the term of this program, when not owned by the entity, each vehicle must have evidence of automobile insurance coverage with limits of no less than \$250,000/\$500,000 and medical pay of \$5,000.
- 5.4.4 **City/County/State Business License.** If applicable, a copy of the proposer's business license allowing that entity to provide such services within the City of Minot, Ward County, and/or the State of North Dakota.
- 5.4.5 **Profile of Firm Form.** Pertaining to the (within Sections 5.4.1 through 5.4.5) insurance certificates and licenses, each proposer is required to enter related information where provided for on the Profile of Firm Form (do not attach or submit copies of the insurance certificates or licenses within the proposal submittal—we will garner the necessary documents from the successful proposer prior to contract execution).
- 5.5 **Right to Negotiate Final Fees.** The Agency shall retain the right to negotiate the amount of fees that are paid to the Contractor, meaning the fees proposed by the top-rated proposer may, at the Agency's options, be the basis for the beginning of negotiations. Such negotiations shall begin after the Agency has chosen a top-rated proposer. The Agency shall also retain the right to terminate negotiations with the top-rated proposer and then commence negotiations in the same manner with the second and then the third rated proposer until a satisfactory contract has been negotiated.
- 5.6 **Contract Service Standards.** All work performed pursuant to this RFQ must conform and comply with all applicable local, state, and federal codes, statutes, laws, and regulations.
- 5.7 **Prompt Return of Contract Documents.** Any and all documents required to complete the contract, including contract signature by the successful proposers, shall be provided to the Agency within 10 work days of notification by the Agency.