

**TOWN OF YARMOUTH, MASSACHUSETTS**  
**AFFORDABLE HOUSING TRUST**  
Town Hall, 1146 Route 28  
South Yarmouth, Massachusetts 02664

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**Notice of Request for Proposals**  
**For an Affordable Housing Consultant and Lottery Administrator to**  
**Administer the Yarmouth Affordable Housing Buy Down Program**  
**YARMOUTH MAHT-2021-102**

Date: August 20, 2021

The Town of Yarmouth Municipal Affordable Housing Trust is seeking proposals from qualified consultants, developers and project proponents to implement and administer the Affordable Housing Buy Down Program where market-rate homes are subsidized with public funds and sold to first-time homebuyers at an affordable price with an affordable deed restriction. The program budget is \$475,000.

Copies of the Request for Proposals (RFP) may be obtained at the Town of Yarmouth Department of Community Development, 1146 Route 28, South Yarmouth, MA beginning at 8:30 am on August 26, 2021. Contact the Department of Community Development at 508-398-2231 ext 1275 or [mwaygan@yarmouth.ma.us](mailto:mwaygan@yarmouth.ma.us) to request a copy.

Minimum requirements and selection criteria are included and detailed in the RFP. Proposals must be received at the Town of Yarmouth Department of Community Development, 1146 Route 28, South Yarmouth, MA by 4:30 pm on October 1, 2021. **Late submissions will not be accepted.**

This RFP has been issued by the authority granted the Town by Massachusetts General Law, Chapter 30B, Uniform Procurement Act, Section 6. Proposers should familiarize themselves with the provisions of this Act.

A response to a Request for Proposal requires a separate Technical Proposal and a separate Price Proposal, both submitted in separate, sealed envelopes. Please follow the submission requirements and instructions contained within this RFP, failure to do so may result in the response being considered nonresponsive. Proposals should be submitted in the required format(s), and received by the due date, contained within the RFP document.

The Town reserves the right to reject any or all proposals which are not responsive, in whole or in part, or which are not deemed in the best interest of the Town, in accordance with Massachusetts General Laws. The Town reserves the right to waive any informality in the proposals received, and to accept the proposal which is most advantageous to the Town. The Trust may support more than one proposal. The Trust is the Evaluation Committee and Awarding Body for this RFP. The preparation of the RFP response shall be at the expense of the respondent. It is the sole responsibility of the respondent to fully examine this RFP's attachments and referenced documents.

Robert L. Whritenour, Jr., Town Administrator

**TOWN OF YARMOUTH, MASSACHUSETTS**

1146 Route 28  
South Yarmouth, MA 02664  
(508) 398-2231



**REQUEST FOR PROPOSALS  
FOR AN AFFORDABLE HOUSING CONSULTANT AND LOTTERY ADMINISTRATOR  
TO ADMINISTER THE YARMOUTH AFFORDABLE HOUSING BUY DOWN PROGRAM  
YARMOUTH MAHT-2021-102**

## 1. INTRODUCTION

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### 1.1. PURPOSE

The Town of Yarmouth Municipal Affordable Housing Trust is seeking proposals from qualified consultants, developers and project proponents to implement and administer the Yarmouth Affordable Housing Buy Down Program where market-rate homes are subsidized with public funds and sold to first-time homebuyers at an affordable price with an affordable deed restriction. This solicitation is being conducted in accordance with the provisions of Massachusetts General Laws Chapter 30B.

### 1.2. DECISION TO USE RFP PROCESS

Since the award of Affordable Housing Trust Funds will be based on factors other than price, the Town has elected to use a Request for Proposal (RFP) process. Under the RFP process, a proposer's response to the RFP consists of two parts: everything responsive to the RFP other than price, called the Technical Proposal; and a separate Price Proposal.

In this process, under the direction of the Town of Yarmouth Chief Procurement Officer (CPO), the Technical Proposals are opened, evaluated and ranked by the Evaluation Committee prior to opening the Price Proposals. The Price Proposals are then subsequently opened and considered prior to the Evaluation Committee making a final recommendation as to the most advantageous proposal, taking into consideration both the Technical and Price Proposals. The Evaluation Committee appointed by the CPO is the Affordable Housing Trust. The Affordable Housing Trust is the awarding body for this RFP.

### 1.3. BACKGROUND INFORMATION

The purpose of the Affordable Housing Trust is to create, support, and preserve safe and decent affordable housing in Yarmouth.

## 2. SUMMARY INFORMATION AND CALENDAR

Trust Contacts	Mary Waygan, Affordable Housing/CDBG Program Administrator <a href="mailto:mwaygan@yarmouth.ma.us">mwaygan@yarmouth.ma.us</a> 774-212-1668
Procurement Contact	Robert L. Whritenour, Jr., Town Administrator 508-398-2231 ext. 1270

<b>EVENT</b>	<b>DATE</b>	<b>DESCRIPTION</b>
Advertisement	August 20, 2021	Advertisements will be posted in the Register newspaper; in Massachusetts' online procurement platform COMMBUYS; in the Massachusetts Inspector General's Office publications <i>Goods and Services Bulletin</i> and <i>Central Register Real Property</i> ; in the Town's online procurement platform; and with the Town Clerk
Request for Proposal Available	August 26, 2021	RFP documents containing information and details of bidding requirements may be obtained by contacting:  Mary Waygan, Affordable Housing/CDBG Program Administrator <a href="mailto:mwaygan@yarmouth.ma.us">mwaygan@yarmouth.ma.us</a> 508-398-2231 x1275
Time And Place For Pre-Proposal Conference Meeting	Not Applicable	A pre-proposal conference will be held by interactive online webinar.
Deadline for Written Questions	Not applicable	Questions may be directed at any time to: <a href="mailto:mwaygan@yarmouth.ma.us">mwaygan@yarmouth.ma.us</a>
Addenda	Not applicable	If any changes are made to this bid, an addendum will be issued. Addenda will be e-mailed to all bidders on record as having received the bid package and posted to the Town's Website. All respondents are required to acknowledge all addenda in their response.
When and Where Proposals are Due	October 1, 2021 by 4:30 PM	Late submissions will not be accepted. Proposals may be mailed or delivered to the Affordable Housing Trust, Town of Yarmouth, 1146 Route 28, South Yarmouth, MA 02664, or deposited into the blue drop box at Town Hall, 1146 Route 28, South Yarmouth, MA located at the side entrance way facing Wood Road. Due to precautions to prevent the spread of the COVID-19 virus, Town Hall may be closed to the public during this time period and materials may be quarantined up to three (3) business days in Town Hall drop box/mail system; respondents are advised to plan accordingly in order to meet the deadline for submission.
Anticipated Evaluation Period	30 days starting on due date	The Evaluation Committee will review, evaluate and rank Technical Proposals. After completing the Technical Proposal review, Price Proposals will be opened and considered. The Town reserves the right to extend this period as needed. Proposals are required to be valid for at least 90 days from the due date.

Proposal Interviews	To Be Determined	Based on the evaluation of the Technical Proposals, the Town may schedule phone interviews and/or in-person interviews with selected respondents. Interviews, if any, will be held during the evaluation period.
Anticipated Award	No later than November 31, 2021	The Town will issue an award letter to the most advantageous respondent considering both the technical and price proposals. Work is not authorized to begin until a final contract is negotiated and executed between the respondent and the Town.
Contract negotiated and executed	Within 90 days of the award.	The Town will negotiate a contract with the respondent for whom the procurement was awarded. If negotiations are not successful, the Town may move to the next highest ranked respondent.
<b>Prior to Contract Execution</b>		
Payment Bond	To be determined	May be required depending on proposal.
Performance Bond	To be determined	May be required depending on proposal.
Insurance	At signing of contract.	Certificate of insurance will need to be provided upon execution of the contract Refer to contract terms

### 3. SCOPE OF SERVICES AND SPECIFICATIONS

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#### 3.1. Purchase Description/Scope of Work

The Town of Yarmouth Municipal Affordable Housing Trust is seeking proposals from qualified consultants, developers and project proponents to utilize a minimum of \$475,000 in available funds to implement and administer the Affordable Housing Buy Down Program where market-rate homes are subsidized with public funds and sold to first-time, income eligible homebuyers at an affordable price with an affordable housing deed restriction. The goal is to create three (3) new Affordable Housing Buy Down homes in Yarmouth which will qualify for the DHCD CH40B Subsidized Housing Inventory.

The program may be administered in the following ways:

1. The consultant/developer/project proponent acquires the market rate, fee-simple, single family homes, performs any necessary rehabilitation, markets and advertises the homes, affirmatively and fairly identifies income-eligible buyers, certifies eligibility of buyer, and sells unit to the buyer with an affordable deed rider in place using a subsidy from the Town to offset the market rate price; or
2. The consultant/developer/project proponent assists affirmatively and fairly identified income-eligible buyers identify a market rate, fee-simple, single family home in Yarmouth for purchase. A rehabilitation plan must be developed and agreed upon by all parties. The home is purchased with an affordable housing deed rider in place using a subsidy from the Town to offset the market rate price at closing; or
3. Other program administration methods will be considered provided the affordable homes created qualify for the DHCD CH40B Subsidized Housing Inventory

#### **FUNDING:**

Funding is immediately available and the Town wishes to start this program upon respondent selection.

The successful respondent is required to work cooperatively and in a timely manner with the Town of Yarmouth's Affordable Housing Trust, the Department of Community Development and the Massachusetts Department of Housing and Community Development (DHCD) to comply with the affordable programs of the Town and the Commonwealth of Massachusetts.

#### **ELIGIBLE USE OF FUNDING:**

Eligible uses of funding include:

- Acquisition and rehabilitation of existing single-family, detached homes for the creation of new affordable homeownership units. Acquisition cannot be made through a foreclosure auction unless approved by the Town of Yarmouth Affordable Housing Trust. Homes must be fee-simple.

**OBLIGATIONS OF THE GRANTEE:**

Developers and project proponents awarded funds (the Grantee) will be required to:

- Acquire and rehabilitate real property for Affordable Housing; and
- Select affordable buyers by lottery or from an approved wait list in compliance with Massachusetts Department of Housing and Community Development (DHCD) Affirmative Fair Marketing and Resident Selection Plan Guidelines (updated May 2013); and
- Rehabilitate and preserve the property to remove any health and safety code violations, to remove any lead paint or lead hazards, to repair any failed structural or mechanical systems, and to address emergency repair items identified by a home inspection report, the Building Department or the Health Department. The Trust reserves the right to inspect the unit prior to release of funds and to require additional rehabilitation or repair; and
- If real property was built prior to 1978, arrange for the property to be inspected for lead paint and leaded materials by a lead inspector licensed by the state. Abate and remove and lead-based hazard detected; and
- At closing ensure that property is deed restricted affordable in perpetuity with the Fannie Mae Universal Deed Rider which survives foreclosure and that the affordable buyer purchases title insurance for the property; and
- Submit a LIP Application for the homes to the Town and DHCD for review and approval.

**3.2. Contract Term Length and Renewal Options**

All programs, services and work funded through this RFP must be completed within three (3) years of the award unless otherwise stated in an negotiated contract.

**3.3. Additional Information or Specifications**

- Town of Yarmouth Affordable Housing Standards (May 2013)
- DHCD Guidelines for G.L. C.40B Comprehensive Permit Projects (May 2014)
- DHCD Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines (May 2013)
- DHCD Model Deed Rider – the Fannie Mae Universal Deed Rider Which Survives Foreclosure
- Area Median Income (US HUD)

**4. INFORMATION & INSTRUCTIONS TO PROPOSERS**

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**4.1. ISSUING OFFICE**

This RFP is issued by the Town of Yarmouth Affordable Housing Trust. The contact for the Trust is:

Mary Waygan, Affordable Housing and CDBG Program Administrator  
 Town of Yarmouth  
 1146 Route 28  
 South Yarmouth, MA 02664  
[mwaygan@yarmouth.ma.us](mailto:mwaygan@yarmouth.ma.us)  
 508-398-2231 x1275 774-212-1668

This department will follow the requirements of Massachusetts General Laws and the instructions noted below in administering this RFP process, including responding to questions and clarifications resulting from this RFP.

This RFP is issued under the direction of:

Robert L. Whritenour, Jr.  
Chief Procurement Office  
Town Administrator  
Town of Yarmouth  
1146 Route 28  
South Yarmouth, MA 02664  
508-398-2231 x1270

#### **4.2. NOTICE OF PRE-PROPOSAL CONFERENCE**

There is no pre-proposal conference held.

#### **4.3. QUESTIONS AND CLARIFICATIONS**

Questions requiring clarification shall be submitted in writing via email only to Mary Waygan, Affordable Housing/CDBG Program Administrator, mwaygan@yarmouth.ma.us. Questions should be submitted as soon as possible. All questions and answers shall be shared with all parties requesting a copy of this RFP. Should it be found necessary, a written addendum will be incorporated into the RFP and will become part of the contract. Those who have received a copy of the RFP will be notified of such changes.

#### **4.4. CHANGES TO THE RFP (Addenda)**

This solicitation is being conducted in accordance with the provisions of Massachusetts General Laws Chapter 30B, and all contracts must be strictly awarded in accordance with the requirements of the Request for Proposal. The Town has no discretion under the law to consider proposals that fail to comply with those requirements, except for minor informalities as permitted by MGL Chapter 30B Section 5(f). If it becomes necessary to revise any part of this RFP or otherwise provide additional information, an addendum will be issued to all prospective proposers who received copies of the original request.

Each Respondent shall acknowledge receipt of any and all addendum issued to the Request for Proposal by so indicating in their response. Failure to do so shall be cause to reject the proposal as being unresponsive. Addenda will be emailed; if an email address was not provided, then it will be faxed. If a fax number was not provided, then the addenda will be mailed. Addenda will also be posted to the website. Please check back on the website for addendums before submitting your response to the Town. Respondents may not be notified individually of Addendums.

#### **4.5. PROPOSAL DEPOSITS**

Not required/applicable for this RFP/contact.

#### **4.6. RESPONSIVE PROPOSAL**

A responsive proposal is one that has been properly and timely submitted, contains all required attachments and consists of a separately sealed Technical Proposal and separately sealed Price Proposal following the form of submission outlined in Section 5 of this RFP.

#### **4.6.1. Submission Requirements**

Proposals must be submitted by the due date and time and consist of two parts submitted in separate sealed envelopes:

- (i) One (1) original Technical Proposal and (6) copies.
- (ii) One (1) original Price Proposal and (6) copies.

The Technical Proposal must not contain any references to fees, or price.

The Technical Proposal must be placed in its own, separately sealed envelope which is marked:

“TECHNICAL PROPOSAL – AFFORDABLE HOUSING BUY DOWN PROGRAM YARMOUTH MAHT-2021-102” Submitted by: (Name of Respondent/Proposer)

The Price Proposal must be placed in its own, separately sealed envelope which is marked:

“PRICE PROPOSAL – AFFORDABLE HOUSING BUY DOWN PROGRAM YARMOUTH MAHT-2021-102” Submitted by: (Name of Respondent/Proposer)

Proposals must be received by the Affordable Housing Trust, Town of Yarmouth, 1146 Route 28, South Yarmouth, MA 02664 by October 1, 2021 4:30 PM. **Late submissions will not be accepted.** Proposals may be mailed or delivered to the Affordable Housing Trust, Town of Yarmouth, 1146 Route 28, South Yarmouth, MA 02664, or deposited into the blue drop box at Town Hall, 1146 Route 28, South Yarmouth, MA located at the side entrance way facing Wood Road. Due to precautions to prevent the spread of the COVID-19 virus, Town Hall may be closed to the public during this time period and materials may be quarantined up to three (3) business days in Town Hall drop box/mail system; respondents are advised to plan accordingly in order to meet the deadline for submission.

#### **4.6.2. Technical Proposal Specifications**

- Technical Proposals must follow the specifications and requirements outlined in **Section 5** of this RFP. Technical proposals must not contain any reference to price. The inclusion of pricing data in the Technical Proposal may result in the immediate disqualification of the Respondent’s proposal.
- The Respondent should ensure their Technical Proposal acknowledges all addendum(s) have been received and includes all required attachments as indicated in **Section 5** of this RFP.
- The Respondent should ensure their Technical Proposal provides the information and/or documentation necessary to satisfy the Minimum Criteria set forth in **Section 6** of this RFP.
- The Respondent should ensure their Technical Proposal addresses and provides the information necessary for the Town to evaluate the Evaluation Criteria set forth in **Section 7** of this RFP.

#### **4.6.3. Price proposal Specifications**

- Price Proposals must follow the specifications and requirements outlined in **Section 5** of this RFP.
- Price Proposals must be submitted in a sealed envelope separate from the Technical Proposal.

#### **4.7. PROPOSAL ACCEPTANCE AND REJECTION**

Notice of the acceptance of the proposal will be provided to the successful proposer via an award letter from the Trust, which shall include the agreed upon contract between the Trust and the Respondent. The Respondent shall deliver the Agreement, duly signed, and properly executed, within ten (10) calendar days of receipt of the notice of acceptance. If the successful proposer fails to execute the Agreement within such period, the Town may accept

another proposal and exercise its right under the bid bond, if any. The failure of any proposer to examine the agreement documents shall not relieve it from the obligations it will incur if its proposal is accepted.

The Trust reserves the right to reject any or all proposals, or any part(s) thereof, if in the best interest of either to do so and to amend any contract to the extent permitted by law and as the Town deems to be in their best interest. The Town reserves the right to waive any mistakes or informalities in the proposals received and may request supplementary information from any particular proposer if it is determined that the granting of such waiver or the receipt of such additional information would be in the best interest of the Town.

Each “Out-of-State” proposer shall furnish with its proposal a certification from the Office of the Secretary of State verifying that it is legally authorized to do business in the Commonwealth of Massachusetts.

Any proposal which fails to include any material information or documentation specified in the proposal submission requirements is non-responsive and will be rejected.

#### **4.8. INCORPORATION OF PROPOSAL CONTENT**

All or part of the successful proposal submitted shall become incorporated into the final contract documents.

#### **4.9. EXPENSES**

Expenses for developing the proposals are entirely the responsibility of the proposer and shall not be chargeable in any manner to the Town. All costs of meeting the requirements of this RFP and any resulting contracts, including those for insurance, professional services, or licensure, shall likewise be the exclusive responsibility of the proposer and not the Town.

#### **4.10. TERM OF VALIDITY OF PROPOSAL**

All proposals shall remain valid for a minimum period of 90 days from the due date, and the Respondent shall specifically reference said provision within their proposals. Negligence on the part of the Respondent in preparing the proposal confers no rights for the withdrawal of the proposal after it has been opened.

#### **4.11. ACCEPTANCE OF RFP TERMS AND CONDITIONS**

Submission of a Proposal shall be conclusive evidence that the Respondent has examined this RFP and is familiar with terms of this RFP and all provisions of the contract included with this RFP, and accepts all terms and conditions of both. Upon finding any omissions or discrepancy in this RFP, each Respondent shall notify the Trust immediately so that any necessary addenda may be issued. Failure of a Respondent to investigate completely this RFP and/or to be thoroughly familiar with this RFP shall in no way relieve the Respondent from any obligation with regards to their proposals.

The Respondent’s response to the Request for Proposal will be incorporated within the Contract. If the Respondent’s proposals do not comply with the requirements of this Request for Proposals, or if an item is not understood in any way, a copy of that section of the Request for Proposals must then be included in the Respondent’s proposal (and all copies) clearly stating the deviation, additions, or other comments.

#### **4.12. PROPOSAL MODIFICATION AND WITHDRAWALS**

Proposers may correct, modify or withdraw the original proposals on or before the date and time as stated in the Notice of Request for Proposal. Corrections or modifications shall be in sealed envelopes, clearly marked to indicate

the contents, with the name and address of the respondent. Any late correction or modification to the proposal will not be accepted. A proposer who wishes to withdraw a proposal must make a request in writing.

#### **4.13. UNEXPECTED CLOSURE OR DELAYS**

If, at the time of the scheduled bid submission deadline, the designated location for delivery of the bid is closed due to uncontrolled events such as fire, snow, ice, wind, building evacuation or other emergencies, the deadline will be postponed until 11:00 a.m. on the next normal business day (Monday through Friday, excluding Holidays). Proposals will be accepted at the same location until that date and time.

Due to precautions to prevent the spread of the COVID-19 virus, Town Hall may be closed to the public during this time period and materials may be quarantined up to three (3) business days in Town Hall drop box/mail system; respondents are advised to plan accordingly in order to meet the deadline for submission.

#### **4.14. LATE SUBMISSIONS**

Late submissions will not be accepted.

#### **4.15. EVALUATION OF RESPONSES**

The evaluation of Technical Proposals will be conducted by the Evaluation Committee so appointed by the CPO. The judgment of the evaluators will be based upon the evaluation criteria set forth in this RFP and shall be final.

Technical Proposals will be opened by the CPO or their designee and the name of the person or organization submitting a proposal will be read and recorded. The contents of all Technical Proposals will be opened privately and not be disclosed to the public or competing proposers until the evaluation process is completed. A register of proposals will be completed indicating the name of the proposer. This register may be viewed upon request. The names of the witnesses will also be recorded. Price Proposals will be opened only after the evaluation has been completed by the Evaluation Committee.

#### **4.16. INTERVIEWS OF RESPONDENTS**

After review and evaluation of Technical Proposals, the evaluator(s) or an Evaluation Committee may interview qualified, responsive and responsible proposers. Interviews may not be scheduled for all qualified, responsive and responsible proposers and may be limited to those respondents who are the most highly ranked. Proposers whose submittals are determined to be Not Advantageous or did not meet the minimum requirements will not be interviewed. Reimbursement for expenses incurred for this interview is not available and will not be forthcoming. The Trust reserves the right to change the interview period or to extend the dates during which interviews may be undertaken.

#### **4.17. RULE FOR AWARD**

Any contract resulting from this RFP shall be awarded to the *responsive and responsible* proposer deemed to be most advantageous determined by the Town, taking into consideration both the Technical and Price Proposals, the evaluation thereof, and prices therein. Any proposals which submit a price that is abnormally low or high, as determined by the Town, may be rejected as not responsible. As used herein, the terms “responsive” and “responsible” shall have the meanings given to such terms in M.G.L. c. 30B, §2.

The evaluator(s) will be the sole judge in determining whether a vendor’s proposal satisfies the requirements of this RFP and whether or not the Proposal will prove advantageous to the Town.

If the Town awards a contract to a Respondent that did not submit the lowest cost proposal, the Town may explain the basis for the award in writing, specifying in reasonable detail the Town's decision.

**4.18. EXECUTION OF CONTRACT**

Upon receiving a Notice of Award the Successful Respondent will be responsible for executing and signing all contract documents. Any contractor whose proposal shall be accepted will be required to execute the contract within ten (10) days, Saturdays, Sundays and legal holidays excluded after the notice that the contract has been awarded to them.

**4.19. TAXES**

Purchases made by the Town are exempt from the payment of Federal excise tax, and the payment of Commonwealth of Massachusetts sales tax and any such taxes must not be included in the price(s) offered. If requested, the Town will provide the awarded respondent with a copy of the Towns Certificate of Exemption.

**4.20. PERFORMANCE BONDS AND PAYMENT BONDS**

If required, the successful respondent(s) shall supply the required Performance/Maintenance Bond and Labor/Materials (Payment) Bond, and shall provide the Bonds for each to the Town upon execution of contract documents and/or after receiving a written Notice to Proceed.

Every such bond shall have a power of attorney attached thereto, authorizing the Town of Yarmouth to enter judgment thereon in any court in the United States of America or elsewhere against the obligors therein named for the amount therein named and shall be conditioned for the honest and faithful compliance with all provisions of the bidder or bidders

**4.20.1 Performance Bond Requirements**

Not required/applicable for this RFP/contact.

**4.20.2 Payment Bond Requirements**

Not required/applicable for this RFP/contact.

**4.21. INSURANCE**

Insurance coverages and limits are included as part of Town of Yarmouth Contract terms and conditions.

**4.22. LICENSES AND PERMITS**

The proposer is responsible for attaining and holding in good standing all relevant permits, licenses and certificates associated with the completion of these services, as applicable. Evidence of these requirements is to be made part of the Proposal. If a permit is not currently held or the application process is pending, the proposer should indicate such. The Town of Yarmouth reserves the sole right to decide if the Contract may be awarded to the successful proposer despite the failure to produce the actual permits or copies thereof. Licenses and permits must be held in force throughout the terms of the services as contracted. See Section 6, for additional information.

#### **4.23. INDEMNIFICATION**

The Contractor shall indemnify, defend, and save harmless the Town, all of the Town officers, agents and employees from and against all suits and claims of liability of every name and nature, including attorney's fees and costs of defending any action or claim, for or on account of any claim, loss, liability or injuries to persons or damage to property of the Town or any person, firm, corporation or association arising out of or resulting from any act, omission, or negligence of the Respondent, subcontractors and their agents or employees in the performance of the work covered by this Contract and/or their failure to comply with terms and conditions of this Contract . The foregoing provisions shall not be deemed to be released, waived or modified in any respect by reason of any surety or insurance provided by the Respondent under contract with the Town.

#### **5. FORM OF SUBMISSION**

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Follow the instructions below for the format to be used in responding to this RFP. Submission of these proposals should follow the requirements outlined in **Section 4** of this RFP. All documents prepared for the project shall remain the property of the Town of Yarmouth

##### **5.1 TECHNICAL PROPOSAL**

**SUBMIT ONE (1) ORIGINAL and SIX (6) COPIES IN A SEALED PACKAGE LABELLED “TECHNICAL PROPOSAL – AFFORDABLE HOUSING BUY DOWN PROGRAM YARMOUTH MAHT-2021-102” Submitted by: (Name of Respondent/Proposer)**

Submit in a separate and sealed envelope the Technical Proposal, which should follow the general specifications identified in **Section 4** of this RFP. Technical Proposals must not contain any reference to price. The inclusion of pricing data in the Technical Proposal may result in the disqualification of the Respondent's proposal. Respondents should ensure their Technical Proposal contains the information necessary to ascertain meeting of Minimum Criteria as well as the information necessary to evaluate the Evaluation Criteria. Technical Proposals should confirm to the following format:

**Proposal must include:**

- Letter of Interest - Indicate interest in the project.
- Proposal – Describe the program and any potential or sample Buy Down properties identified. Include the following:
  1. Complete and submit the Information Request Form found in Appendix A of this RFP.
  2. If the address is know, provide the current and proposed conditions of the project including:
    - a. Address of property
    - b. Brief description of the property and the current condition
  3. If the address is not know, provide a description of the Buy Down homes your program would target, how the BuyDown homes would be identified, how the homes would be rehabilitated, and the proposed final conditions of the homes.
  4. Describe how your program will be in compliance with the Town's Affordable Housing Standards and DHCD Rules and Regulations

- a. Describe how the respondent will successfully create the new units in compliance with DHCD Rules and Regulations, and how the units will be accepted on the CH 40B Subsidized Housing Inventory (SHI) for Yarmouth
- Project schedule and time line - Indicate the project schedule and time line.
  - Proposer Background – Provide a general, brief description of proposer/developer including history, size, staff make-up, and type of legal entity (non-profit corporation, public agency, limited liability corporation, etc.). Submit list of key staff members to be assigned to this project and attach resumes with their qualifications, and describe area(s) of responsibility for the project.
  - Project Owners and Investors – Provide a list of all persons and parties with an interest in the property or investing in the project.
  - Related Experience - Describe at least three similar projects (completed and in-process) including work performed for clients, project scope, budget, and year work was completed. Describe your background in Affordable Housing development, funding and administration. Describe your experience with Affordable Housing marketing, lotteries and tenant/buyer selection. Describe your experience in construction and property management/realty sales.
  - Insurance Coverage - Evidence of insurance coverage for the proposed services. Required Insurance: General Liability Insurance naming the Town as an additional insured with limits of \$1,000,000 Occurrence/\$3,000,000 General Aggregate. Recommended: Workers Compensation Coverage
  - References - The name, title, address, telephone numbers and e-mail addresses of professional contacts related to the projects outlined in related experience (minimum 3).
  - Minimum Requirements - Project must clearly meet all minimum requirements. Complete and submit form found in Appendix B.
  - Required Forms – complete and sign the required certification found in Appendix C

**IMPORTANT ADDITIONAL INSTRUCTIONS FOR TECHNICAL PROPOSAL:**

- a. **NUMBER ALL PAGES OF THE TECHNICAL PROPOSAL**
- b. **PROVIDE AT LEAST ONE COPY OF THE TECHNICAL PROPOSAL PRINTED ON STANDARD 8 ½” x 11” SIZE PAPER AND WHICH IS NOT BOUND, STAPLED, or DIVIDED**
- c. **DO NOT ANY MENTION PRICE, BUDGET or FUNDING AMOUNTS IN TECHNICAL PROPOSAL**

**5.2 PRICE PROPOSAL**

**SUBMIT ONE (1) ORIGINAL and SIX (6) COPIES IN A SEALED PACKAGE LABELLED “PRICE PROPOSAL - AFFORDABLE HOUSING BUY DOWN PROGRAM YARMOUTH MAHT-2021-102” Submitted by: (Name of Respondent/Proposer)**

Price Proposals, provided in a properly identified separately sealed envelope, should follow the general specifications identified in **Section 4** of this RFP. It is not necessary for the Price Proposal to include the information contained in the Technical Proposal. Price Proposals should conform to the following format:

- 1 Complete and submit in a separate and sealed envelope the RFP PRICE PROPOSAL RESPONDENT FORM found in Appendix D.

Price Proposal shall provide a detailed budget for the project described in the non-price proposal, breaking down costs to a “per unit” level as well as an overall program cost. Complete and submit the Price Proposal Sheet found in Appendix D. During the review, Trust may request a Project Financial Feasibility, Proforma or other financial information of the proposal.

If funds are requested as a loan which will be paid back, indicate the terms of the loan and the final subsidy each affordable unit being created.

## 6. MINIMUM CRITERIA

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Respondent’s submitting a proposal for this RFP must satisfy all of the Minimum Criteria listed below. Respondents should ensure that Technical Proposals clearly identify meeting these criteria so that it is easily noted and determined to be met by the evaluator(s). **Proposals that do not demonstrate compliance with the Minimum Criteria will not be further considered or undergo an evaluation of its response to the Evaluative Criteria.**

**MINIMUM REQUIREMENTS:** The following minimum requirements must be met for consideration of a response:

1. Respondent has met the submission requirements set forth in the “Proposal Content” section of this RFP
2. The affordable units proposed must be year-round homeownership units.
3. The affordable units must be deed-restricted affordable in perpetuity
4. Units must serve households earning less than 80% of the Barnstable Area Median Income as published annually by US HUD and adjusted for household size
5. The affordable units must comply with the Town’s Affordable Housing Standards
6. The project’s marketing and lottery plan must comply with DHCD’s Affirmative Fair Marketing and Resident Selection Plan Guidelines (updated May 2013).
7. The affordable units must be eligible for inclusion in the Massachusetts Ch. 40B Subsidized Housing Inventory (SHI).
8. All units must be free of any lead paint hazard prior to occupancy of affordable tenant or buyer.
9. Does has shown evidence of suitable insurance coverage for the proposed services
10. All properties must have good and clear title, with no current or anticipated litigation related to the property (including bankruptcy filings). The property must not be pledged as security for any loan or other financial obligation other than for the land/parcel proposed for sale. There must be no deed restrictions on the property which limit the development of the property as Affordable Housing. There must be no easements of record on the property which would unreasonably obstruct the development of the property.

## 7. EVALUATION CRITERIA

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Proposals that meet or exceed the minimum criteria will be evaluated and rated on the basis of the following evaluation criteria. To the extent that a criterion is based on the evaluation of a proposer’s plan, the proposer shall provide a plan that will allow for a meaningful evaluation of that plan – Respondents should ensure Technical Proposals are responsive to criterion that evaluate plans’ for specific elements of the RFP. The Town reserves the right to ask any proposer to provide additional supporting documentation in order to verify its response. Ratings of Highly Advantageous (HA); Advantageous (A); Not

Advantageous (NA); or Unacceptable (U) will be given to each of the following criteria for each proposer, if applicable. A composite rating will then be determined. A composite rating of Highly Advantageous or Advantageous may be assigned only if a proposal has received at least one such rating among the criteria listed below. The following criteria will be used in the evaluation of responses:

#### EVALUATION CRITERIA:

- **Project Approach I: Number of Units Produced**
  - o Highly Advantageous – The proposal provides a systematic approach to create three or more Affordable Housing units in Yarmouth.
  - o Advantageous - The proposal provides a systematic approach to create one or two Affordable Housing units in Yarmouth.
  - o Not Advantageous – The Proposal does not provide a systematic approach to create Affordable Housing units in Yarmouth
  
- **Project Approach II: Scattered or Concentrated**
  - o Highly Advantageous – The proposal creates scattered site affordable units in all areas of Yarmouth
  - o Advantageous - The proposal creates a concentration of affordable units at one site.
  - o Not Advantageous – The Proposal does not specify if the affordable units are scattered site or concentrated at one site.
  
- **Proposed Conditions – Building Quality**
  - o Highly Advantageous – Proposed units are new construction or existing with like new exterior, interior and mechanical systems. Existing units have only minimal rehabilitation/repairs have been identified by the required inspections; and, all rehabilitation/repairs shall be completed prior to occupancy by the qualified tenant or buyer.
  - o Advantageous - Proposed units are existing and require rehabilitation/repairs which are all addressed by a rehabilitation/preservation/repair plan. All rehabilitation/repairs shall be completed prior to occupancy by the qualified affordable tenant or buyer.
  - o Not Advantageous – Proposed units are existing and require rehabilitation/repairs; however, not all rehabilitation/repairs shall be completed prior to occupancy by the qualified affordable tenant or buyer.
  - o Unacceptable – Proposed units are existing and require rehabilitation/repairs; however, no rehabilitation/preservation/repair plan has been proposed.
  
- **Professional Experience:**
  - o Highly Advantageous – The proposer has three or more years experience in Affordable Housing development, finance, construction, property management and/or realty sales.
  - o Advantageous - The proposer has a demonstrated familiarity with Affordable Housing development, finance, construction, and property management or realty sales.
  - o Not Advantageous - The proposer has no familiarity with Affordable Housing development, finance, construction, and property management or realty sales.

- **Proposer Entity**
  - o Highly Advantageous – Proposer is a non-profit entity or public agency with the mission of creating and preserving Affordable Housing.
  - o Advantageous – Proposer is an entity which creates and/or preserves Affordable Housing.
  - o Not Advantageous – Proposer is an entity other than a non-profit entity or public agency and does not normally create and preserve Affordable Housing.
  
- **Related Work:**
  - o Highly Advantageous - Description of related experience is very relevant to work sought by this RFP and has resulted in the creation of Affordable Housing units.
  - o Advantageous – Description of related experience is somewhat relevant to work sought by this RFP.
  - o Not Advantageous – Description of related experience is not relevant to work sought by this RFP.
  
- **Time Line:**
  - o Highly Advantageous – Accelerated project timeline showing project will be completed in two (2) years time.
  - o Advantageous – Acceptable timeline showing project will be completed in three (3) years time.
  - o Not Advantageous – Timeline showing project will be completed in over three (3) years time
  
- **References:**
  - o Highly Advantageous – The proposer receives positive references in all cases.
  - o Advantageous – The proposer receives positive references in two cases.
  - o Not Advantageous – The proposer receives positive references in less than two cases.

**SELECTION CRITERIA FOR THE PRICE PROPOSAL**

Selection shall be based on information provided in the proposals and the following criteria:

- **Project Approach:**
  - o Highly Advantageous – The proposal requests funds in the form of an interest payable loan of no more than \$2150,000 per affordable unit; or a grant of no more than \$100,000 per affordable unit.
  - o Advantageous – The proposal requests funds in the form of a grant of no more than \$150,000 per affordable unit.
  - o Not Advantageous - The proposal requests funds in the form of a grant of no more than \$200,000 per affordable unit.

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Appendix A  
Information Request Form

**Town of Yarmouth – Affordable Housing Trust  
AFFORDABLE HOUSING BUY DOWN PROGRAM  
YARMOUTH MAHT-2021-102  
Information Request Form**

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Project Address: \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_

Lottery Administrator: \_\_\_\_\_

Monitoring Agent: \_\_\_\_\_

**Project Summary:**

Lot Size (acreage) \_\_\_\_\_ # One Bedroom Units \_\_\_\_\_

# Affordable Dwelling Units \_\_\_\_\_ # Two Bedroom Units \_\_\_\_\_

# Three Bedroom Units \_\_\_\_\_

# Dwelling Units Total \_\_\_\_\_

# Dwelling Units per Acre: \_\_\_\_\_ # Affordable Dwelling Units per Acre: \_\_\_\_\_

Does each unit in the property have the following?

Bathroom \_\_\_\_ Yes \_\_\_\_ No Living area \_\_\_\_ Yes \_\_\_\_ No

Bedroom(s) \_\_\_\_ Yes \_\_\_\_ No Kitchen \_\_\_\_ Yes \_\_\_\_ No

Does unit come with a washer/dryer? \_\_\_\_ Yes \_\_\_\_ No or with space and plumbing hook ups for a washer and dryer unless or common laundry facilities \_\_\_\_ Yes \_\_\_\_ No

Are there any proposed limits on occupancy (ie. are you looking to limit a small studio to one-person)? \_\_\_\_ Yes \_\_\_\_ No

**Project Description:**

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# Information Request Form (page 2)

Project Name: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_

**Unit Composition:**

Affordable Units Name or Number:	# Bedrooms	# Baths	Gross Sq Feet	Livable Sq Feet	Proposed Sale Price or Monthly Rent	What utilities are included in the rent?

Appendix B  
Minimum Requirements and Qualifications

**TOWN OF YARMOUTH – AFFORDABLE HOUSING TRUST  
 AFFORDABLE HOUSING BUY DOWN PROGRAM  
 YARMOUTH MAHT-2021-102  
 MINIMUM QUALIFICATIONS FORM**

Each respondent shall indicate his/her agreement with each of the following questions. To merit further consideration of a proposal by the Town, respondent must indicate “yes” and provide evidence, where appropriate, with each statement below:

**DEVELOPER/PROJECT PROPONENT NAME:** \_\_\_\_\_

**PROJECT NAME/ADDRESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

1. Has the respondent met the submission requirements set forth in the “Proposal Content” section of this RFP?

Yes	No

2. Will the new affordable units be affordable year-round homeownership units?

Yes	No

3. Will the new affordable units be deed-restricted affordable in perpetuity?

Yes	No

3. Will the new affordable rental units serve households that earn less than 80% of the Area Median Income for Barnstable County as published annually by US HUD and adjusted for household size?

Yes	No

4. Will the new affordable units comply with the Town’s Affordable Housing Standards?

Yes	No

5. Will the project's marketing and lottery plan comply with DHCD's Affirmative Fair Marketing and Resident Selection Plan Guidelines (updated May 2013)?

Yes	No

6. Will the affordable units must be eligible for inclusion in the Massachusetts Ch. 40B Subsidized Housing Inventory (SHI)?

Yes	No

7. Will the affordable units be free of any lead paint hazard prior to occupancy?

Yes	No

8. Does the respondent show evidence of suitable insurance coverage for the proposed services?

Yes	No

9. Will the units be free of any lead paint hazard prior to occupancy?

Yes	No

10. Will the real property meet all of the following criteria: a.) Property has good and clear title with no current or anticipated litigation related to the property (including bankruptcy filings); b.) Property is not pledged as security for any loan or other financial obligation other than for the land/parcel proposed for sale; c.) Property is clear of any restriction which would unreasonably obstruct the development of the property as affordable housing.

Yes	No

Appendix C  
Required Forms

**CERTIFICATE OF NON-COLLUSION**

The undersigned being duly sworn, deposes and says that he is the sole owner, partner, president, treasurer, or other duly authorized agent or official of

\_\_\_\_\_  
(Name of Bidder as appearing in submitted proposal)

\_\_\_\_\_

\_\_\_\_\_  
(Address of Bidder) (Zip Code)

\_\_\_\_\_  
(Telephone Number of Bidder)

and certified under penalties of perjury, that of his own knowledge, said Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal. It is understood that the signing of this AFFIDAVIT is applicable to all bids being submitted for the fiscal year from July 1, 20\_\_ to June 30, 20\_\_.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and title of person making Affidavit)

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

**STATE CERTIFICATIONS**

Pursuant to M.G.L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Further, per Executive Order of 481, I shall not knowingly use undocumented workers in connection with the performance of all Town of Yarmouth contracts; that pursuant to federal requirements, I shall verify the immigration status of all workers assigned to such contracts without engaging in unlawful discrimination; and that the I shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). I understand and agree that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting me to sanctions, including but not limited to withholding of payments, contract suspension or termination.

\_\_\_\_\_  
(Name of individual submitting bid or proposal)

\_\_\_\_\_  
(Signature of individual submitting bid or proposal)

\_\_\_\_\_  
(Name of Business)

\_\_\_\_\_  
(Social Security Number or Federal Identification Number)

\_\_\_\_\_  
(Date)

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

**CONFLICT OF INTEREST STATEMENT**

**I.**

This is to certify that no municipal employee of the Town of Yarmouth, nor any spouse, parent, child, brother or sister of such municipal employee, has any financial interest in the bidder on this proposal.

Titled: \_\_\_\_\_ Dated: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**II.**

I/We the undersigned or immediate family hereby certify that the following Town of Yarmouth employee or employees have a financial interest in the business, company, partnership or similar entity which is proposing on the contract:

Titled: \_\_\_\_\_ Dated: \_\_\_\_\_

Name of Employee(s): \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**III.**

Notarization required for either certification.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

**IV.**

If any principal of your firm and/or if any employee of your firm, who will work on this project, has ever been an employee of the Town of Yarmouth, list them below:

Name: \_\_\_\_\_

Town Department where worked: \_\_\_\_\_

Last Date of Employment with Town: \_\_\_\_\_

Appendix D  
Price Proposal Sheet

**TOWN OF YARMOUTH – AFFORDABLE HOUSING TRUST  
 AFFORDABLE HOUSING BUY DOWN PROGRAM  
 YARMOUTH MAHT-2021-102  
 PRICE PROPOSAL SHEET**

**DEVELOPER/PROJECT PROPONENT NAME:** \_\_\_\_\_  
**PROJECT NAME/ADDRESS:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**PROGRAM FUNDING AND SUBSIDIES**

Funding Source	Per Unit	Program Total
Affordable Housing Trust Interest Payable Loan*		
Affordable Housing Trust 0% Interest Performance Loan		
Affordable Housing Trust Grant		
Other Public Funds (list source):		
Private Funds/Loans (list source) :		
Equity Contribution:		
Other:		
<b>Total</b>		

Cost	Per Unit	Program Total
Acquisition Cost		
Inspection Fees		
Carrying Costs		
Title Insurance		
Construction/Rehabilitation Costs		
Tenant Selection/Lottery Costs		
Legal Fees		
Program Administration		
Other Insurance		
Other:		
<b>Total</b>		

Total Town Subsidy per unit \$ \_\_\_\_\_

\*Describe terms of any proposed loan, including proposed interest rate, timeline of repayment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note: any loans shall be subject to additional underwriting.