



REQUEST FOR PROPOSALS

AND

SCOPE OF SERVICES

FOR

**HUD-CERTIFIED FORECLOSURE
AVOIDANCE COUNSELING SERVICES**

HOT SPRINGS, ARKANSAS

JANUARY 3, 2022

**CITY OF HOT SPRINGS, ARKANSAS
PURCHASING OFFICE
P O Box 6300, 71902; 324 Malvern Ave, 71901
Phone 501-321-6830 or 501-321-6822
Fax 501-321-6833
purchasing@cityhs.net**

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REQUEST FOR PROPOSALS (RFP)
HUD-CERTIFIED FORECLOSURE
AVOIDANCE COUNSELING SERVICES
January 3, 2021

I. INTRODUCTION

The City of Hot Springs, Arkansas, is seeking proposals for HUD-Certified Foreclosure Avoidance Counseling Services. The City of Hot Springs receives federal funding through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program to assist low- to moderate-income persons. The City has committed CDBG funds to engage a HUD-certified agency to assist at-risk Hot Springs homeowners to prevent foreclosure through counseling, and loan modification, or other loss mitigation options. This Request for Proposals (RFP) contains all the information necessary to prepare and submit a proposal. Prospective proposers are advised to study this RFP completely and follow the instructions exactly.

II. SCOPE OF SERVICES

The City's US Department of Housing & Urban Development funded Community Development Block Grant program has set aside funding for the purpose of educating and counseling residents on homeownership. The services provided will follow the HUD Rule on Housing Counseling, 81 FR 90632.

The City is seeking qualified HUD-approved housing counseling agencies to provide Foreclosure Avoidance Counseling services.

FORECLOSURE PREVENTION COUNSELING

Foreclosure prevention counseling is essential for a homeowner at-risk of or facing foreclosure to navigate through the foreclosure process and understand options available in particular circumstances. Counseling will address the consequences of default and foreclosure, budgeting and credit counseling, obtaining re-certification for mortgage subsidy, and establishing reinstatement plans. It may also include helping clients affected by predatory lending, providing referrals to other sources, and assisting clients with locating alternative housing.

The successful counseling organization must have knowledge of loss mitigation and foreclosure prevention programs, including foreclosure and bankruptcy procedures and timeliness. The organization must work with lenders, servicers, mediators, and others to formulate a loss mitigation action plan and proposal to resolve the delinquency or foreclosure, as appropriate.

The contractor may provide individual foreclosure prevention counseling services face-to-face, by telephone, or over the internet using low- or no-barrier video-conferencing tools. The services must include, but are not limited to:

1. Client intake, disclosures, and authorization form(s).

2. Budget verification and review of pertinent financial documentation including hardship letter or affidavit.
3. Determining loss mitigation options and submission of recommendations to the servicer or lender.
4. Written action plan with timely follow-up communications.
5. Identification of additional referral services and discussion of alternatives.

Foreclosure prevention group workshops may be considered if the selected contractor can demonstrate a high demand for foreclosure counseling and a workshop would be used as a means to provide general information that empowers homeowners to take immediate action, but one-on-one counseling would be offered and provided following any mortgage default/foreclosure avoidance workshop to households with further need.

REPORTING

Organizations must describe how and what data will be collected and when it will be provided, including:

1. Monthly activity and progress reports to designated City staff including but not limited to the number, size, income level, race, ethnicity, female head of household, and/or veteran status of households served by each offering during the previous month.
2. Monthly invoices and backup materials.
3. Quarterly accomplishment reports.
4. Maintain all records and files in accordance with HUD regulations and City of Hot Spring's guidelines.

GENERAL CONSIDERATIONS

The City and contractor will work together to determine the best solution when reasonable accommodations are requested if the accommodation is not readily available.

The contractor must agree to advertise and market in Hot Springs using a variety of methods in order to attract clients who should be primarily low- and moderate-income households earning less than 80% of area median income, lenders, underserved areas and populations, special needs, and at-risk residents. The City agrees to assist in the distribution of marketing materials provided by the contractor through the City of Hot Springs Public Information office and local non-profit agencies.

Residents requesting counseling services should be scheduled using a triage method to ensure the best use of available counseling time. The successful contractor will use advanced preparation methods to ensure homeowners have completed the intake package and have copies of all required documents for a counseling session.

Statutory requirements enacted in 2010 state that individual housing counselors participating in HUD's Housing Counseling Program shall demonstrate, by written examination, that they are competent in providing counseling in each of the core topics. HUD published the Final Rule for Housing Counseling Certification on December 14, 2016. This rule implements statutory requirements that housing counseling required under or provided in connection with all HUD programs must be provided by HUD-certified agencies and HUD-certified housing counselors. HUD recognizes six (6) Core Topics in which housing counselors need to be competent. These are Financial Management; Property Maintenance; Homeownership and Tenancy; Fair Housing and other Civil Rights Laws and Requirements; Housing Affordability; Avoidance of, and responses to, rental and mortgage delinquency and avoidance of eviction and mortgage default.

The successful contractor will possess a HUD Counselor Certification and core competencies such as strong knowledge of budgeting, money management, credit, banking, mortgage financing, down payment assistance, insurance, home maintenance, loss mitigation, foreclosure prevention, fair housing, delinquency prevention, and relevant local state and federal laws; Demonstrate an understanding of adult education techniques and training, cultural competency, facilitation skills, presentation skills, planning, and participatory training techniques.

III. PROPOSAL SUBMISSION

1. All proposals must be received at the Purchasing Office, City of Hot Springs, Arkansas, by 2:00 P.M CT, MONDAY, JANUARY 3, 2022 **regardless** of delivery method.
2. The envelope or container transmitting the proposals must be sealed, labeled, and addressed as follows:

PURCHASING OFFICE
CITY OF HOT SPRINGS
P O BOX 6300
324 Malvern Avenue, 2nd Floor, Room 206
HOT SPRINGS, AR 71902-6300
HUD-CERTIFIED FORECLOSURE
AVOIDANCE COUNSELING SERVICES
TO BE OPENED: 2:00 P.M CT, MONDAY, JANUARY 3, 2022

3. **ONE (1) original sealed** proposal must be submitted (for reproduction by the City Staff) and **ONE (1) PDF version (flash drive or CD)**. The City **will not** accept the PDF version by email. Any proposal not submitted in compliance with the instructions contained in this section and/or not containing the information requested by Section IV may be declared "non-responsive" and may not be considered.

IV. PROPOSAL REQUIREMENTS/EVALUATION

Proposers must submit proposals that include the categories enumerated hereinafter. Proposals will be evaluated in accordance with the City's evaluation criteria (Section VIII) based solely upon the proposal contents; therefore, respondents should carefully address each of the following proposal content categories.

A. QUALIFICATION/EXPERIENCE/REFERENCES

Qualifications: describe and provide key strengths, qualifications, and experience of your organization as a HUD-approved housing counseling agency. Provide a brief summary of the professional background of any individuals who would be assigned to work with the City of Hot Springs. Provide a brief summary of the professional background of any individuals who would be assigned to work with the City of Hot Springs. To perform this work (include expertise, training, certifications, licenses, current liability insurance, etc.). Include a list of at least 3 references with company name, contact information, and address.

Sign and return the Community Development Block Grant TIN, DUNS, and SAM Registration Requirements form included in this RFP.

B. CAPACITY AND AVAILABILITY FOR SERVICE

Describe the organization, its history, main areas of business, equipment availability, and resources for performing service to the City. Indicate the total number of staff and the team available to the City of Hot Springs.

C. PROPOSED METHOD OF SERVICE

Respondents must detail the approach they will take in achieving the scope of services.

1. Program proposal: Proposers should provide detailed information on what and how they intend to provide services to the community including proposed tables of contents, frequency/availability of classes, and outreach methods; how referrals would be received and tracked; and, how both short- and long-term outcomes would be recorded and reported.
2. A copy or description of the program models that would be used.
3. Evidence that the organization is currently a HUD-certified counseling agency.
4. Examples of any forms that participants would be required to complete and a list of any information they are expected to provide.
5. An example or description of activity, progress, and accomplishment reports that would be provided.

D. **COST**

The cost shown must be all-inclusive of any applicable charges - i.e. including mobilization, travel, equipment, materials, taxes, staff, etc. Prices for individual counseling services should be based on a fixed fee per person/household. For group classroom education, prices should be based on a fixed fee per class.

E. **DBE/WBE**

Proposers who are **certified** disadvantaged business enterprises (DBE) or women-owned business enterprises (WBE) or minority-owned business enterprises (MBE) may qualify for five (5) points as a DBE/WBE/MBE. To claim these points, proposers must include a copy of a current DEB/WBE/MBE certification issued by a governmental agency with their proposal.

Proposers who are HUD-registered Section 3 business interests should include documentation of status. No points will be awarded for Section 3 status, but preference can be given to a responsive Garland County Section 3 registered business if two (2) or more RFP responses are identical.



Dorethea Yates,
Finance Director/Treasurer

11/24/2021

Date

Proposer’s Checklist of Required Items

CITY OF HOT SPRINGS
HOT SPRINGS, ARKANSAS

HUD-CERTIFIED HOMEBUYER
EDUCATION SERVICES

This Bidder’s Checklist is provided to ensure all required forms are completed, signed, and returned as part of the bid submission. All forms must be included as indicated for a bid to be considered a complete and responsive bid. Appropriate signatures and the date are required on each document. If an item is missing, the bid may be declared unresponsive and therefore rejected.

This sheet will serve as the cover sheet for the bid submission.

	Required	Submitted
Statement of Requirements	X	
One (1) Original Sealed Proposal	X	
One (1) PDF Version of the Original Proposal	X	
Community Development Block Grant TIN, DUNS & SAM Registration Requirements	X	

Bidder’s Signature

Date Signed

Bidder’s Trade Name (Company, Individual, etc.)

STATEMENT OF REQUIREMENTS

Certificates for those coverages *checked below* must be submitted by the Bidder with the bid forms. (If there are no checks in the left column, no insurance requirements apply.)

General Liability (Minimum Amt.) \$ 500,000

Product Liability (Minimum Amt.) \$ _____

Vehicle Liability (Minimum Amt. per law)

Workers Compensation

Builders Risk (Minimum Amt.) \$ _____

Personal Injury (Minimum Amt.) \$ _____

Certificate of Good Standing with the State's Secretary of State

In addition to the above certification, the Bidders are hereby notified that the following additional items apply to this procurement as noted.

This procurement is subject to an escalation clause. (maximum 3% annually)

This procurement is **not** subject to an escalation clause.

This procurement is subject to federally required certifications/contract clauses.

This procurement is **not** subject to federally required certifications/contract clauses.

AR City Business License: City _____ Number _____

Bidder's Signature

Bidder's Trade Name (Company, Individual, etc.)

Date Signed

**COMMUNITY DEVELOPMENT BLOCK GRANT
TIN, DUNS & SAM REGISTRATION REQUIREMENTS**

In order to be eligible for a contract award assisted by the U.S. Department of Housing and Urban Development (HUD), all prime contractors must be registered to do business with the U.S. government.

Prior to any informal contract commitment and published notice of intent to award by the City of Hot Springs, eligible contractors must provide the City of Hot Springs with a valid IRS Taxpayer Identification Number (TIN), Data Universal Numbering System (DUNS) number for the physical business location responsible for managing the contract, and have an up-to-date registration in the System for Award Management (SAM.gov) database demonstrating no suspensions, debarments or other restrictions that would prevent a HUD contract award.

RFP responses will be accepted from organizations without a TIN, DUNS, and/or SAM record, but no award can be made by the City of Hot Springs without timely receipt of this documentation upon request. **Please provide the following information that you currently have available.**

LEGAL BUSINESS NAME AS IT APPEARS ON TIN, DUNS, AND/OR SAM RECORDS:

LEGAL BUSINESS ADDRESS AT IT APPEARS ON TIN, DUNS, AND/OR SAM RECORDS:

TIN #: _____

DUNS #: _____

CAGE CODE: _____

I hereby certify that the information contained on this RFP response is accurate and complete to the best of my knowledge, under penalty of law and verifiable by federal government representatives, and any information not provided herein will be provided immediately upon request to the City of Hot Springs in order to be considered eligible for HUD-assisted contract award.

Authorized Representative Signature

Date

Title

REQUEST FOR PROPOSALS (RFP)

TERMS AND CONDITIONS

I. DEFINITIONS

Throughout this request for proposals, the following definitions shall apply:

1. “RFP” means Request for Proposals.
2. “City” means the City of Hot Springs, Arkansas, a municipal corporation and its authorized agents. The terms owner or buyer are synonymous with City.
3. “Proposer” and “Entity” means the individual, firm, partnership, joint venture, or corporation which submits a proposal to the City in response to this RFP.
4. “Contractor” means the proposer chosen by the City to perform the services outlined in the RFP.
5. “Project” Or “Plan” Means Providing Service For The Hud-Certified Foreclosure Avoidance Counseling Services, in accordance with the scope of services and specifications.

II. INTERPRETATION OF RFP

1. Any person, firm, or corporation able to meet the requirements of this RFP is invited to respond to this RFP. Proposals will be bound by the provisions contained in this RFP unless an amendment or deviation is formally approved and distributed by the City.
2. This RFP represents in writing to all proposers the most comprehensive and definite statement that the City is able to make as to the requirements, terms, and conditions for this proposal process and performance of the project. Information and understandings, verbal or written, which are not contained either in this RFP or in subsequent written addenda to this RFP will not be considered in evaluating proposals. Any conditions or expectations on the part of the proposer for performance by the City must be set forth in the proposal. The City is not obligated to consider the proposer’s post submittal terms and conditions.
3. The scope of work and services listed are to be interpreted as meaning the minimum acceptable by the City.
4. Proposals must include all federal, state, and local taxes, as applicable.
5. As part of the public negotiation process leading to the selection of a contractor, the City may request additions or modifications to any proposal. It is the present intent of the City not to negotiate substantive portions of an applicant's proposal and to rely on the information submitted in these proposals in awarding a contract.

6. The City reserves the right to award the contract without further discussion on the proposals submitted. The City and its designees also reserve the right to reject and/or accept any and all proposals received or parts thereof by item, groups of items, or in total. The City retains the right to waive any minor irregularities in any proposal submitted.

The City may make such investigations it deems necessary to determine the ability of the proposer to provide/perform as sought by the City and the proposer shall provide relevant information as requested.

7. All proposals will become part of the official file on this matter without obligation to the City. In addition, respondents are hereby advised that proposals, once the City has made its selection, are subject to the Arkansas Freedom of Information Act and, therefore, available for viewing or copying by anyone upon request.
8. This solicitation does not commit the City to pay any costs incurred in preparing and submitting the proposal or to contract for the services specified.
9. Acceptance by the successful proposer of an award from this proposal indicates that the successful candidate is in no way currently indebted to the City, Garland County, or the State of Arkansas. Indebtedness to any of the above shall be the basis for non-award and/or cancellation of any award.
10. It is the City's policy to encourage the involvement of Disadvantaged Business Enterprises (minority-owned and women-owned businesses) in contracts awarded. DBE's are particularly invited to submit proposals to perform work outlined in this RFP, either as a prime contractor, subcontractor, or as part of a joint venture. Non-DBE firms are encouraged to arrange subcontracts or joint ventures with DBE's prior to submission of their proposal.
11. Any questions concerning this RFP should be directed to Olivia Thomason, 324 Malvern, Hot Springs, AR 71901, or City of Hot Springs, Purchasing Office, PO box 6300, Hot Springs, AR 71902, (501) 321-6830, or emailed to purchasing@cityhs.net.
12. Requests for clarification of any items, requirements, or specifications contained herein must be received by the City, **IN WRITING**, no later than the close of business on December 14, 2021. Upon receipt of a request for clarification, the City shall respond in writing no later than December 17, 2021, and shall furnish a copy of the said response to all prospective respondents who have obtained copies of the RFP at the time the City's response is mailed if the response materially changes the RFP or is deemed significant. The procedure outlined above shall be followed in order to ensure competitive fairness by providing all prospective respondents with the same information. Except when in the City's best interest, the names of prospective proposers will not be divulged.
13. Proposals must be signed by a corporate officer authorized to commit the submitting firm and shall remain in full force and effect for ninety (90) calendar days following the date of opening. Proposals may be withdrawn prior to opening only. Negligence on the part of the proposer shall not constitute a right to withdraw the proposal after it is opened.

14. Respondents should also be available for oral presentations if such presentations are deemed necessary to determine the most qualified firm. Any such oral presentation will be scheduled through the Purchasing Office at a mutually convenient time. All presentations will be scheduled after the RFP submittal.
15. Any contract resulting from this RFP may be terminated by either party to the contract upon thirty (30) days' written notice.
16. The contracting party shall not discriminate based on race, sex, color, national origin, gender, sexual orientation, gender identity, or disability.
17. The escalation clause shall only be applicable to contracts with an option for annual extensions, for such goods and services as the City shall, in writing, so designate as subject to escalation. Prices are to remain firm for an initial period of 120 days after bid award. Thereafter, in the event of price increase of material, equipment, or labor occurring during the performance of the contract, through no fault of the Contractor, the contract sum may be equitably adjusted by both written notice and justifiable proof of cause for adjustment. The City shall provide the Contractor, in writing, an acceptance of the escalation before any price adjustment may be implemented. In no case shall the Contractor's fixed profit margin, as established by the original contract amount, increase due to escalations during the term of the contract.

III. EVALUATION CRITERIA

The City's purpose in soliciting proposals is to determine and select the best-qualified firm with which to award an agreement at the best possible price. In order to accomplish this objective, the following evaluation criteria and procedures will be used:

	<u>Criteria</u>	<u>Max. Points</u>
A.	Qualifications/Experience/Competence	30
B.	Capability/Availability	20
C.	Proposed Method	20
D.	Cost	25
F.	DBE/WBE/MBE	<u>5</u>
Total Points Possible		100

Proposals will be reviewed by a selection committee using the above criteria. Each reviewer will evaluate the five sections of each proposal based on the proposal's content. Reviewers will then assign a point score between zero and the criteria's maximum possible points for each section. Points for each proposal will then be totaled and proposals ranked from the highest to the lowest total point score. The City reserves the right to invite two or more of the highest-rated firms to make oral presentations (shortlist). Firms invited to make oral presentations will be re-evaluated using the above criteria based on their oral presentation. The firm selected for a bid award will be expected to incorporate, in the agreement their assurances, offers, or guarantees made in their oral presentation. Negotiations will be conducted initially with the firm adjudged to be the best-qualified firm following the ranking and rating process. If a mutually satisfactory contract cannot be negotiated with the selected firm, the firm will be requested to submit a best and final offer in writing, and, if not approved, negotiations with that firm

will be terminated. Negotiations will then be initiated with the subsequently qualified firm, and this procedure will be continued until a mutually satisfactory contract has been negotiated. The objective of negotiations will be to reach an agreement on the plans for the services to be provided and an acceptable cost proposal that outlines the cost for each task and final product.

IV. PROTEST PROCEDURES

Protest of bidding procedures, specifications, or bid/contract awards shall be made in accordance with the following procedures. Such protests may only be initiated by an authorized representative of a person, firm, or corporation who has a direct economic interest in the particular procurement in question.

1. **Protest Filing.** Any protest must be filed with the purchasing agent at the address specified in the bid specifications or quotation request for the receipt of bids or quotes. The protest must be in writing and describe in full detail the basis for the protest and the particular bid or quote in controversy. In order to meet the time frames enumerated hereinafter, a protest may be received in person, by U.S. mail, facsimile, or electronic means; provided, however, that facsimile or electronic filing shall be followed with documents bearing original signatures as soon as practical thereafter.
2. **Bid Specifications (Pre-Award).** Protest of bid specifications or bidding procedures must be received by the purchasing office no later than five (5) business days prior to the scheduled bid opening or quotation closure period. Protests received on the day of bid opening or quotation closure will not be considered.
3. **Award.** Protests of procurement decisions shall be filed by the protestant within five (5) business days of the award decision. Upon a determination of vendor selection from the bid process, a "Notice of Intent to Award" will be posted on the City's bid website. The purchasing agent, in consultation with the City Attorney and City Manager, shall have the authority to settle and resolve the protest. If the protest is not resolved by mutual agreement, the City Manager or his designee shall issue a decision in writing to the protestant within ten (10) business days after receipt of the protest stating the reasons for the action taken.
4. **Post-award protests and protest timelines.** All post-award protests shall be referred to the City Manager for action. Furthermore, the City Manager, at his discretion, may extend the protest timelines.
5. **Stay of procurement award.** In the event of a timely protest pursuant to this section, the city shall not proceed with the solicitation or procurement until the protest is resolved by mutual agreement, the City Manager or his designee issues a final decision, the board of directors approves the procurement in controversy or a court decision is rendered if the controversy is filed in court. Provided, however, that the city may proceed with procurement in controversy if a written determination is made by the purchasing agent, in consultation with the city attorney, that the items to be purchased are urgently required, the delivery or performance will be unduly delayed by failure to make the award promptly, or failure to make award will otherwise cause undue harm to the city.

6. **Award notification.** Notification of procurement decisions shall be available as soon as such decisions are final. Bid or contract award recommendations to be considered by the board of directors shall whenever possible, also be available in the office of the city clerk seven (7) calendar days prior to the board of directors meeting at which the bid or contract award is scheduled for consideration. It is the responsibility of all bidders to make inquiries of the purchasing office regarding procurement decisions for rendering protests.
7. **Federal grants.** Protest of any procurement funded in whole or in part with federal grant funds may also be filed subsequently with the funding agency. The Department with primary oversight responsibility for a particular federal grant shall ensure that federal agency bid protest procedures, if any, are made available and shall provide assistance in the administration of such agency protest procedures.

V. AWARD OF CONTRACT

The City Manager or his designee will review the selection committee's recommendation and make the final decision regarding recommending the bid award to the Board of Directors. The City will be contacting the successful bidder to negotiate a contract/service agreement. The detailed provision of the contract will be reviewed by the City Attorney. Any significant work alterations or additions during the term of the contract shall be renegotiated by the City and the selected respondent. The selected respondent may be required to obtain a City business license. The City reserves the right to request the modification of any and all proposals and/or to reject all proposals.