



2021 Request for Proposals

Emergency Shelter Renovation and Conversion





Request for Proposals for Emergency Shelter Renovation and Conversion

Maine State Housing Authority ("MaineHousing") does not discriminate on the basis of race, color, religion, sex or gender, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, familial or marital status, or receipt of public assistance in the admission or access to, or treatment in, its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex or gender, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice), or Maine Relay 711.

Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330

I. Introduction.

A. Overview

In response to the COVID-19 pandemic, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136) establishes and provides funding, through the United States Department of Housing and Urban Development (HUD), including grants for homeless assistance (Homeless Assistance Grants). Pursuant to the CARES Act and Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), this Homeless Assistance Grants facet of the CARES Act includes Emergency Solutions Grants Coronavirus (ESG-CV) grant funds. HUD is making available these ESG-CV funds to public nonprofit and municipal entities, including state, local and tribal governments, for the renovation, rehabilitation or conversion of existing buildings for use as emergency shelter for individuals experiencing homelessness to allow for COVID-19 pandemic social distancing requirements.

Up to \$2,000,000 in ESG-CV funds are available to applicants who apply and qualify under this Request for Proposals (RFP).

B. About MaineHousing

MaineHousing is an independent state agency that bridges public and private housing finance, combining them to benefit Maine's low and moderate-income people. The mission of MaineHousing is to assist Maine people in obtaining and maintaining quality affordable housing and services suitable to their housing needs. Additional information concerning MaineHousing can be found at www.mainehousing.org.

C. General Terms and Conditions

1. MaineHousing may suspend, modify or terminate this RFP at any time, and may award all, a portion of, or none of the available ESG-CV funds pursuant to this RFP. MaineHousing may award all or a portion of the funds requested by an applicant to this RFP.
2. Eligibility to participate in this RFP is limited to nonprofit organizations and governmental entities that 1) own emergency shelters or buildings to be converted to emergency shelters and 2) are current ESG sub-grantees in good standing under the Emergency Shelter and Housing Assistance Program ("ESHAP").
3. "Respondent" (and in the plural, "Respondents") means any person or entity who submits a Site Review and Evaluation Request, as defined herein, in response to this RFP.

4. “Applicant” (and in the plural, “Applicants”) means any person or entity who, subsequent to a successful Site Review and Evaluation, submits an Application, as defined herein, in response to this RFP.
5. It is the responsibility of each Respondent and Applicant to review this entire document, including attachments, and comply with all requirements of this RFP.
6. Information submitted by Respondents and Applicants to MaineHousing in response to an RFP becomes public information, and is subject to disclosure in accordance with the requirements of law, including without limitation the Maine Freedom of Access Act, 1 M.R.S.A. Section 401 et seq. ("FOAA"), except as provided therein. By submitting a response to this RFP, Respondents and Applicants acknowledge that MaineHousing is required to comply with FOAA.
7. Eligible uses of the ESG-CV funds are expenditures for labor, materials, tools and other costs for 1) renovation or rehabilitation of an existing emergency shelter or 2) conversion of an existing owned building into an emergency shelter. Properties where work is to be funded under either of these options are subsequently here referred to as ESG-CV Properties.
8. All ESG-CV Properties must comply with use restrictions, specifically to operate as an emergency shelter for individuals experiencing homelessness, for a period of 30 years from the date of ESG-CV funding.

II. RFP Process

A. **Site Review and Evaluation Request Submission**

All Respondents must submit to MaineHousing:

A completed Site Review and Evaluation Request (see **Attachment A**) by email in PDF format no later than 5:00 p.m. ET on February 26, 2021 to bolsen@mainehousing.org with the subject line “**RESPONSE TO RFP FOR EMERGENCY SHELTER SITES AND RENOVATION SERVICES.**”

B. MaineHousing’s analysis of prospective project sites will be based on the following criteria:

1. suitability for the proposed renovations or conversion;
2. utility access and traffic ways adequate to serve the site;
3. proximity to social, recreational, educational, commercial, and health facilities and services;
4. accessibility for persons with mobility impairments;

5. environmental issues that cannot be feasibly and cost-effectively remediated;
6. in accordance with shelter best practices, DHHS requirements, American Red Cross COVID-19 shelter guidance, CDC guidance and habitability standards.

Only Respondents with sites evaluated as acceptable by MaineHousing are eligible to proceed to the Application stage, and MaineHousing may offer suggestions or recommendations to Respondents for Application submission.

C. Application Submission

Respondents wishing to proceed after notification of site eligibility approval must submit a completed, executed ESG-CV Fund Application (see **Attachment B**). Applications must be submitted by email in PDF format and will be accepted until ESG-CV funds are fully committed, or no later than 5:00 p.m. ET on March 22, 2021 to bolsen@mainehousing.org with the subject line “**RESPONSE TO RFP FOR EMERGENCY SHELTER SITES AND RENOVATION SERVICES.**”

D. Underwriting by MaineHousing

1. MaineHousing will assess the financial, legal, physical, operational and programmatic viability of Application proposals.
2. MaineHousing may require or consider additional due diligence measures as it deems appropriate.
3. Scoring, which will be based on due diligence finding and documentation submitted timely by Applicant, may include comparisons between submissions, and weight and rank of each Application will be determined based on the following criteria:
 - a. **Readiness (maximum 40 points), as shown by:**
 - i. Evidence of Applicant site ownership;
 - ii. A letter from the municipal code enforcement officer confirming that the proposed project complies with the local land use ordinances and is a permitted use within the applicable zone;
 - iii. Design and engineering documents prepared by design professionals, engineers and architects familiar with MaineHousing construction standards, including preliminary design, proposed scopes of work, conceptual site plans, floor plans, typical building elevations, recent photographs, specifications, and detailed cost estimates;

- iv. Development budget demonstrating viability, reasonableness, and competitiveness in the local market.

b. Applicant Team Capacity (maximum 20 points):

The Applicant team, which may include consultants, design professionals and other real estate professionals, will be scored as to capacity as evaluated on the following:

- i. Financial, staffing and managerial capacity to develop emergency shelter space within budget and timelines, including the current pipeline of projects in development;
- ii. Experience in owning, managing, and/or developing emergency shelter space;
- iii. Experience addressing the service needs of persons experiencing homelessness and/or other vulnerable populations;
- iv. Applicant's history of successfully renovating or rehabilitating emergency shelter space or converting existing space into emergency shelter space in a timely fashion;
- v. Applicant's history of successfully operating an emergency shelter.

c. Additional Applicant Funding (maximum 10 points)

- i. The quantity, quality, and timeliness of Applicant's leveraged funding (other than MaineHousing resources) committed to the proposed project will be evaluated.
- ii. Evidence of commitment including sources and timing for all leveraged funds for development capital or operations is required.

d. MaineHousing Priorities (maximum 30 points):

Applications will be evaluated based on the MaineHousing mission and ESG-CV Grant priorities of:

- i. expand emergency shelter housing, allowing for COVID-19 pandemic social distancing requirements, for individuals experiencing homelessness;
- ii. help Maine people attain housing stability;
- iii. Applicants will also receive points based on a needs analysis which shows a need for emergency shelter beds in the area where the shelter is located and the numbers of individuals to be served.

E. MaineHousing Approval

1. Based on scoring and rank, successful Applications will be forwarded to MaineHousing’s Loan Committee (Committee) for assessment and funding recommendation.
2. Committee-recommended Applications will be provided to MaineHousing’s Director, who will make the final determination regarding Applicants selected and ESG-CV fund award amounts.

III. Post-Selection Process

Notice to Proceed: MaineHousing will issue to Applicants selected to receive ESG-CV funds (Awardees) a Conditional Notice to Proceed which will outline the development process, note key development activities, and identify MaineHousing staff assigned to the project. Awardees will acknowledge receipt of the Conditional Notice to Proceed by providing MaineHousing a timeline for the completion of the key development activities noted in the Conditional Notice to Proceed.

A. Environmental Review, Requirements and Choice-Limiting Actions

1. Activities funded under this RFP are subject to HUD environmental regulations and to review under the National Environmental Policy Act. MaineHousing will conduct an environmental review (ER) of all ESG-CV Properties receiving a Conditional Notice to Proceed. Additional sources of funds may carry their own environmental requirements.
2. Applicants/Awardees are cautioned that HUD prohibits certain choice-limiting actions once an Application is submitted. Additional sources of funds may have limitations in addition or different from those involved with the ESG-CV program.
3. Choice limiting actions include, but are not limited to, the following activities:
 - a. Entering into, amending, extending or renewing an option agreement that does not comply with HUD’s requirements;
 - b. Entering into, amending, extending or renewing a purchase and sale agreement;
 - c. Acquiring or granting an easement;
 - d. Purchasing or otherwise procuring construction materials for the project;

- e. Going out to bid for any work relating to the project, including but not limited to construction, rehabilitation, demolition, or environmental remediation;
- f. Demolition;
- g. Environmental remediation, such as lead, mold, asbestos or soil remediation;
- h. Utility or other infrastructure construction or installation, such as facilities for sewer, water, electric, gas, cable, Internet or telephone service, drainage, stormwater management, and roads and sidewalks, etc.;
- i. Excavation, earth removal, grading, paving, filling, clearing, dredging or draining;
- j. Construction of new buildings or other structures and construction of any addition to an existing building;
- k. Moving, rehabilitation, renovation, alteration, reconstruction, or replacement of existing buildings or parts of existing buildings;
- l. Burying, replacing or relocating fuel tanks or converting a heating system on the project site or off-site;
- m. Any other activity that has a physical effect on the land or buildings on the project site.

Please note: 1) this list is not all-inclusive, and 2) the age or physical condition of a building or other structure is not relevant in determining whether a choice-limiting action has occurred.

To avoid the risk of losing funding for a project because of a violation of HUD's prohibition on taking choice-limiting actions, please contact MaineHousing if you have any questions on whether a contemplated action is allowed prior to environmental clearance.

B. Initial Documents: MaineHousing will issue to Awardees the following documents to initiate the loan process and proceed toward loan funding:

- 1. Term sheet including funding terms and conditions, to be executed and returned by Awardees;
- 2. Closing agenda listing documents and items that will be required for the closing and funding of the loan;

- C. Loan Documents:** MaineHousing will draft the following loan documents to be entered into by Awardees in favor of MaineHousing, and recording when applicable, to memorialize and secure the ESG-CV loan and Awardees' obligations thereunder:
1. A 30 year recourse promissory note with 0% interest and which is deferred and forgivable. The note will not require repayment unless one of the following events occur prior to the end of 30 years: (a) a sale, transfer, or assignment of the property; (b) the discontinuation of the intended public purpose; or (c) a default under the MaineHousing documents;
 2. A mortgage and security agreement;
 3. A restrictive covenant document;
 4. Other documents as may be required by MaineHousing .
- D. Closing and Funding of the ESG-CV loan:** Once an Awardee has satisfied the pre-closing requirements noted in the term sheet and closing agenda, a date will be set for closing and funding.

IV. Construction Standards

- A.** Projects must be designed and constructed in accordance with MaineHousing's Quality Standards and Procedures Manual located on the MaineHousing website at: http://www.mainehousing.org/docs/default-source/development/2019-quality-standards-procedures-manual.pdf?sfvrsn=b31db415_8.
- B.** MaineHousing will require:
1. An estimate (based on age and condition) of the remaining useful life of the major building systems upon project completion;
 2. A replacement reserve account adequately funded for future physical needs during the period of the restrictive covenant and mortgage.
- C.** MaineHousing will conduct on-site inspections of rehabilitated units to identify deficiencies under HUD's Uniform Physical Condition Standards at the onset of all projects. Any such deficiencies must be addressed in the scope of work. Follow-up inspections will be conducted after completion of the project to ensure all identified deficiencies have been, and are continually addressed.
- D. Lead-Based Paint Hazard**

The Lead-Based Paint Poisoning Prevention Act (42 U.S.4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856) and implementing regulations in 24 CFR part 35, subparts A,B, H, J, K, M, and R apply to Projects funded under this RFP.

ATTACHMENT A

Request for Proposals for Emergency Shelter Sites and Renovation Services

2021 ESG-CV Site Review and Evaluation Request Form

Separate attachments may be used as needed for the requested information, but must accompany the Application when submitted and be cross-referenced as numbered below.

1. General Information for Respondent Entity	
Legal name and status/standing of nonprofit/governmental Respondent entity	
Street address	
Mailing address, if different	
General phone number	
Conflict of Interest If Respondent, any principal or affiliate of the Respondent, or anyone who will be paid for work on the project has business ties, familial relationships, or other close personal relationships with a current MaineHousing employee or commissioner or anyone who was a MaineHousing employee or commissioner within the past year, please describe.	
TIN or EIN (federal identification number)	
Any real estate assets in default, foreclosure or in other substantive financial risk	
2. Information for Contact Person for Respondent Entity	
Name and Title	

Mailing Address	
E-mail address	
Phone	
3. Project/Property Location Information	
Town/City	
Name of Project, if currently operating	
Legal Address	
Tax Map References	
Applicant's Ownership of Site (Deed book and page)	
Local land use conformity, if known	
Known or suspected environmental concerns	
Existing structures – detailed description, to include square footage, design, materials, foundation, condition, age, historic use, accessibility, utilities	
4. Project/Property Information (as Proposed)	
Type of Activity (circle one)	<ul style="list-style-type: none"> • Renovation of existing shelter space • Conversion
Number of beds	
Unit configuration	
ADA Accessibility	
Non-residential space	
Amount of funding requested from MaineHousing under this RFP	
Other anticipated funding sources and amounts	

Required Materials to Accompany Site Review and Evaluation Request

1. IRS 501(c)(3) tax-exemption determination letter (if applicable)
2. Site control documentation (deed)
3. Site location map via Google Maps or similar internet site location tool
4. Any existing sketches or to-scale site plans indicating the approximate location of property lines, zoning setback lines, adjacent streets, points of vehicular entry and exit
5. Floor plan
6. Photographs of property from three angles at street access

ATTACHMENT B

Request for Proposals for Emergency Shelter Sites and Renovation Services

2021 ESG-CV Application

***Please note:* Applications will be accepted only for proposed sites approved by MaineHousing after submission of 2021 ESG-CV Site Review and Evaluation Request Form**

Separate attachments may be used as needed for the requested information, but must accompany the Application when submitted and be cross-referenced as numbered below.

1. General Information for Applicant Entity	
Legal name and status/standing of nonprofit/governmental Applicant entity	
Street address	
Name and contact information for attorney working with Applicant, if applicable	
Current Legal Status	
Any real estate assets in default, foreclosure or in other substantive financial risk	
2. Contact Person for Applicant (if different than for site review request)	
Name and Title	
Mailing Address	
E-mail address	
Phone	
3. Name, Title and Signature of Individual with Authority to Bind Applicant	
Name	
Title/Legal Capacity within Entity	

4. Project/Property Location Information	
Town/City	
Name of Project, if currently operating	
Address	

Required Materials to Accompany Application

1. Corporate resolution demonstrating authority to undertake the project and incur the liability of financing.
2. Completed MaineHousing pro forma available at: <http://www.mainehousing.org/docs/default-source/development/housing-trust-fund/housing-trust-fund-pro-forma.xls>
3. Applicant’s financial statements for the most recent fiscal year.
4. A brief history, staffing levels, primary activities, geographic area of operations, previous relationship with MaineHousing, and constituency and clientele.
5. Documentation to be considered in relation to the scoring criteria laid out in Section 2(C)3 herein (Readiness, Team Capacity, Additional Funding, and MaineHousing Priorities.)
6. Signed Appendix A to Application - Certification Regarding Debarment & Suspension
7. Signed Appendix B to Application - Certification Regarding Lobbying

Signature and Certification

I hereby submit this Application, and accompanying materials, for funding under Emergency Solutions Grants Coronavirus (ESG-CV) grant funds. In so doing, and under penalty of perjury, I acknowledge, understand, agree to and certify the following:

1. I am a duly authorized representative of, and applying on behalf of, the public nonprofit or municipal entity noted in this Application (the “Entity”)
2. ESG-CV funds received will be used for the renovation, rehabilitation or conversion of existing buildings for use as emergency shelter for individuals experiencing homelessness to allow for COVID-19 pandemic social distancing requirements
3. The Entity will comply with all ESG requirements, as set forth in the following, as same may be amended from time to time:
 - 12 U.S.C. §§4567-9;
 - the Maine 2015-2019 Consolidated Plan submitted to the United States Department of Housing and Urban Development and the related 2018 and 2019 Annual Action Plans;
 - the Maine Housing Authorities Act, 30-A M.R.S.A. § 4701, *et seq.*, MaineHousing Rule Chapter 29, *Multi-family Development and Supportive Housing Loans and Grants.*

[ENTITY] _____

Date: _____

By: _____

Printed Name: _____

Title: _____

APPENDIX A TO ESG-CV APPLICATION

**Certification Regarding Debarment & Suspension
and Other Responsibility Matters**

In accordance with the Executive Order 12549, the prospective primary participant certifies to the best of his/her knowledge and belief, that its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification.
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause of default.
5. Acknowledge that all sub-contractors selected for this project must be in compliance with paragraphs a – d of this certification.

[ENTITY] _____

Date: _____

By: _____

Printed name: _____

Title: _____

OR:

_____ I am unable to certify to the above statements. My explanation is attached.

APPENDIX B TO ESG-CV APPLICATION

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreement

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federally-appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, member of Congress, officer or employee of Congress, or employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federally-appropriated funds have been paid or will be paid to any person for influencing or attempting to influence officer or employee of any agency or member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with this commitment providing for funding, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Date: _____

[ENTITY] _____

By: _____

Printed name: _____

Title: _____