



# CITY OF HOUSTON

Housing & Community Development Department

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February 5, 2020

Subject: Letter of Clarification No.1  
Notice of Funding Availability (NOFA) - 2020  
Disaster Recovery (DR-17) Multifamily Program Round-2

Reference: Request for Proposal No.: T29314

To all Prospective Proposers:

This Letter of Clarification is issued for the following reasons:

- To **add** forms to be included in the NOFA:  
T29314 Attachment A – Application Forms 2020
- To **add** the reference guide for Contract Compliance Pre-Award Requirements
- Deadline for the 9 % Tax Credit is February 21, 2020
- HTV video and power-point for the NOFA will be available to view by Monday, February 10, 2020.

This Letter of Clarification will be considered part of the solicitation referenced above.

Furthermore, it is the responsibility of each PROPOSER to obtain any previous Letter(s) of Clarification associated with this solicitation.

A handwritten signature in blue ink that reads "Tywana L. Rhone".

Tywana L. Rhone  
Division Manager  
Procurement Services Division  
832.394.6204

Cc: Attachments



**CITY OF HOUSTON  
HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT**

# REFERENCE GUIDE FOR CONTRACT COMPLIANCE PRE-AWARD REQUIREMENTS

Proposers must submit a MWSBE and Section 3 Participation Plan demonstrating Good Faith Efforts to meet minimum goal requirements. Signed Letters of Intent must accompany Participation Plan(s). Pay or Play forms required with solicitation documents must also be submitted for review and approval prior to recommendation for issuance of a Notice to Proceed.

Before advertising for a General Contractor, review of solicitation content and attachments should be submitted for review to ensure applicable program requirements are included. A General Contractor **MUST** submit required Pre-Award documents with their solicitation package. A Pre-Construction Meeting and/or issuance of a Notice to Proceed will only be recommended once all Pre-Award requirements are met (i.e. Section 3 and MWSBE Participation Plan(s), Signed Letters of Intent and POP forms).

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***Pre-Award documents listed below must be submitted on behalf of General Contractors to demonstrate their plan to meet compliance program requirements.***



### PAY OR PLAY (POP)

- POP-1 Pay or Play Acknowledge Form;
- POP-2 Pay or Play Certification of Compliance with Pay or Play Program
- POP-3 Pay or Play Program List of Subcontractors
- Pay or Play Management System (POPMS) Access Form



### MINORITY WOMEN OWNED SMALL BUSINESS ENTERPRISE (MWSBE)

- MWSBE Participation Plan w/ Letters of Intent;
- MUST complete Form 470 AND/OR FORM(S) 471 and 472

***\*Only firms certified through the City of Houston, Office of Business Opportunity can be utilized towards goal achievement\****



### SECTION 3: ECONOMIC OPPORTUNITIES

- Section 3 Participation Plan w/ Letters of Intent;  
***\*Only firms certified through the Housing and Community Development can be utilized towards goal achievement\****
- EBID Announcement – For “New” Contracting Opportunities  
*(Distributed to Directory of Section 3/MWSBE firms)*
- Employment Opportunity Announcement (EOA) – For “New” Employment Opportunities  
*(Distributed to Directory of Section 3/MWSBE firms)*

**For more information regarding Pre-Award requirements, please contact: Pre-Award Administrative Coordinator Lakesha Tate at [Lakesha.tates@houstontx.gov](mailto:Lakesha.tates@houstontx.gov) or 832.394.6345.**



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### FREQUENTLY ASKED QUESTIONS

**When are Pre-Award Documents required to be submitted?** Before final selection of a General Contractor. A pre-construction meeting and/or issuance of a Notice to Proceed will only be recommended upon approval of Pre-Award documents.

**Who do we submit the Pre-Award Documents to?** Pre-Award submissions should be sent via email to Administrative Coordinator, Lakesha Tate at [Lakesha.Tates@houstontx.gov](mailto:Lakesha.Tates@houstontx.gov).

**What are the next steps following submission of Pre-Award documents?** The Administrative Coordinator will review documents for completion and compliance before recommendation to proceed based on the responsiveness of required documents.

**If the MWSBE Participation Plan is deemed non-responsive what is the next step?** Your MWSBE Participation Plan will be forwarded along with documents 471, 472 and all other supporting documents to the Office of Business Opportunity to review and cure your plan within 7 – 14 business days. Communication regarding a non-responsive MWSBE Participation Plan will be between an Office of Business Opportunity and the Prime Contractor. The Office of Business Opportunity will notify the Administrative Coordinator and Prime Contractor of the Good Faith Efforts Determination and recommendations.

**If the Section 3 Participation Plan is deemed non-responsive what is the next step?** Good Faith Efforts documentation will be reviewed and evaluated by the Administrative Coordinator. A meeting will be scheduled with all parties in effort to cure the Section 3 Plan within 7-14 business days.

**What are the City Wide Aspirational MWSBE goal requirements?** Construction related contracts are advertised with a 34% MWBE goal (MBE 23%, WBE 11%) with SBE substitution not to exceed 4% (Construction only). Only firms certified through the City of Houston, Office of Business Opportunity can be counted towards participation goals. For more information on City of Houston certified firms, visit: <https://houston.mwdbe.com/>.

**What are the Section 3 numerical goal requirements?** 10% of the "Hard Cost" Construction budget and 3% of the "Soft Cost" budget for non-construction related activities should be directed to Section 3 Business Concerns. 30% of the total number of "New" hires must be Section 3 Residents. To receive credit towards Section 3 numerical goal requirements, businesses, and residents must be certified through the Housing and Community Development Dept (HCDD). For access to HCDD Section 3 Business Concerns and Resident Directories, visit: Business: [hcdsection3@houstontx.gov](mailto:hcdsection3@houstontx.gov); Resident: <https://www.houstontx.gov/housing/compliance.html#sec3>. We also encourage self-certification through HUD Section 3 Business Registry, however; certification through HUD Business registry is not acceptable to meet numerical goals on HCDD awarded contracts.

**How are Pre-Award Good Faith Efforts Evaluated?** Evaluation is based on a case by case basis to determine if the contractor complied with the City of Houston, Good Faith Efforts policy. <http://www.houstontx.gov/obo/docsandforms/goodfaithefforts.pdf>

**Can dual credit be received if a contractor is Section 3/MWSBE certified?** Yes, if a contractor is certified as a MWSBE firm through the Office of Business Opportunity and meet Section 3 certification requirements, dual credit can be received.

**When should the EBID and Employment Opportunity Announcement (EOA) Announcement be disseminated?** "New" Contracting and Employment opportunities should be sent to the Administrative Coordinator for dissemination in the form of EBID and EOA's to Section 3 Businesses and Residents. Bids should be solicited from all businesses including (Section 3 and MWSBE firms).