



REQUEST FOR PROPOSAL

THIS IS NOT AN ORDER

CITY OF TYLER
Purchasing Department
304 North Border
Tyler, Texas 75702

DATE MAILED

Proposal No: 21-006
(Number must appear on ALL correspondence)

Closing Time: 2:00 p.m.

Closing Date: December 8, 2020

Telephone: (903) 531-1232

Addressed To:

Please quote as per instructions indicated below for the articles described. Proposal must be submitted on City of Tyler forms to be considered. All items or services called for must be in strict accordance with all of the requirements and specifications attached hereto or furnished upon request.

INSTRUCTIONS:

1. Keep duplicate copy of proposal for your files.
2. Federal Excise Taxes are exempted, also Federal Transportation Tax, State Tax, and City Sales Tax.
3. Return this form at once if unable to quote.
4. Specify Trade name or brand in space.

Purchasing Manager

Sealed proposals to furnish the following will be received in the Purchasing Office @ 304 North Border, Tyler, Texas 75702, Attn: Sherry Pettit until 2:00pm on December 8, 2020 and opened by City Staff in the City Council Chambers @ 212 North Bonner, City Hall, 2nd Floor @ 2:00pm on December 8, 2020.

PROPOSAL IDENTIFICATION:

Proposal number, closing time, date, and item requested must appear on outside of envelope in lower left hand corner.

DATA SHEETS:

All responders must complete each specification data sheet in spaces provided on each item that is bid as well as all information requested on the price data sheet. Said price, data and specifications sheet is hereby made a part of this proposal.

DELIVERY:

Delivery must be stated in your proposal on the data sheet as the number of calendar days from date of order.

The City of Tyler reserves the right to reject any and/or all proposals and to waive any and/or all formalities and to award purchase total amount, partial amount or individual item basis.

In submitting the above, the vendor agrees that acceptance by the City of Tyler within a reasonable period constitutes a binding agreement.

In submitting the above request and attached proposal to the City of Tyler, I hereby certify that we have not participated in nor been a party to any collusion, price fixing or any other agreements with any company, firm, or person concerning the pricing of the enclosed proposal.

INVOICING TERMS

COMPANY NAME

DATE

AUTHORIZED REPRESENTATIVE (print)

SIGNATURE

See other side for TERMS AND CONDITIONS

* All Proposals Must Be Signed

TERMS AND CONDITIONS

Proposals are requested for furnishing the items described herein in accordance with the terms set forth. **ALL PROPOSALS MUST BE F.O.B. DESTINATION** and include the cost of boxing and cartage to the delivery point as stated on this form.

In the case of default, the City of Tyler, Texas reserves the right to hold the original bidder or contractor liable for any and all resultant increased costs.

Samples, if requested by the City of Tyler, must be furnished at the bidder's expense, and if not destroyed in testing or retained as a standard, will be returned on the same terms, if requested by the bidder.

Proposals may be withdrawn on written or telegraphic request received from bidders prior to the time set for opening. Negligence on the part of the responder in preparing the proposal confers no right for the withdrawal of the proposal after the hour fixed for the opening.

Any oral statement by any representative of the City, modifying or changing any conditions of this contract, is an expression of opinion only and confers no right upon the seller.

All discounts, if applicable, shall be shown in discount amount space provided on data sheets - **EXCEPT IN TERMS FOR PROMPT PAYMENT.**

For proper identification; proposal number, closing time, date, and item requested must appear on outside of envelope in lower left hand corner.

If delay in delivery as specified on the purchase order is foreseen, supplier shall give written notice to Purchasing Office immediately. The City has the right to extend the delivery date if reasons appear valid. Supplier must keep the City advised at all times of the status of order. Default in promised delivery (without accepted reasons) or failure to meet specifications, authorizes the City of Tyler to purchase material elsewhere and charge full increase in cost and handling to the defaulting supplier and could also be reason for cancellation of the Purchase Order (at no expense to the City if the City of Tyler deems it necessary).

Any proposal submitted on a public works project shall comply with the additional requirements and conditions attached hereto as well as the terms and conditions stated herein.

Certificate of Interested Parties:

In accordance with Texas Government Code Sec. 2252.908, for certain contracts entered into on or after January 1, 2016, the successful bidder must submit a ***Certificate of Interested Parties*** (Form 1295) at the time the signed contract is submitted to the **CITY**. The law applies (with a few exceptions) only to a City contract between a business entity and a governmental entity or state agency that either (1) requires an action or vote by the City Council before the contract may be signed or (2) has a value of at least \$1 million.

The ***Certificate of Interested Parties*** (Form 1295) must be filed electronically with the Texas Ethics Commission using the online filing application located at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

If you need additional information about the Certificate of Interested Parties Form 1295 Procedure, contact Purchasing at (903) 531-1232.

1. Overview

The City of Tyler is using a competitive Request for Proposal process to identify one builder for the construction of up to eleven (11) new affordable single family homes in 2020 and 2021. The homes will be built in the new Hidden Palace subdivision located at North Palace and West Queen behind Fire Station #1. The City of Tyler reserves the right to select one, multiple, or none of the submitted proposals.

Currently, the City of Tyler is constructing infrastructure for the subdivision, including roadways and water and sewer lines. Infrastructure construction is scheduled to be completed in October 2020.

The funding source for this is federal funds through the HOME Investment Partnership Program (HOME). All bidders will be required to comply with regulations applicable to the use of HOME funds. These regulations are set out in Section 5 of this Request for Proposal. Additional guidance on HOME regulations can be found in 24 CFR Part 92, at <https://www.hudexchange.info/resource/2368/building-home-a-home-program-primer/>, and at <https://www.hudexchange.info/programs/home/>.

All proposals submitted will be considered for new home construction services only. The City of Tyler would be responsible for marketing and selling the homes to eligible homebuyers. However, the City of Tyler is also publishing a Request for Proposal for the sale of the houses under RFP number 21-007.

Proposals are due by December 8, 2020.

All questions regarding this Request for Proposals should be directed to either Dustin Wilson or Faith Williams:

Dustin Wilson
900 W Gentry
Tyler, Texas 75702
903-531-1303
dswilson@tylertexas.com

Faith Williams
900 W Gentry
Tyler, Texas 75702
903-531-1303
awilliams@tylertexas.com

2. Evaluation

The City of Tyler will select the most highly qualified proposal(s), based upon the following quantitative measures:

Architectural Compatibility (40 points)

- Compatibility of the proposed homes with the style requested in Section 4
- Compatibility of the proposed homes with the surrounding area
- Green or sustainable features, such as energy efficient HVAC system and windows
- Layout of home plans
- Landscaping

Cost (25 points)

- Total construction cost of each home to be built
- Amount of the general contractor fee
- Difference between standard general contractor fee and general contractor fee for this bid

Construction Experience and Reputation (15 points)

Affordable home construction experience
Home construction experience
Number of complaints filed with BBB against you
Number of lawsuits filed against you
Reputation as a builder in the City of Tyler

Amenities in Shared Space (15 points)

Amenities and landscaping in the shared yards
Amenities and landscaping for the houses

Working with Federal Regulations (5 points)

Experience working with federal funds
Experience working with federal regulations
Experience with HOME regulations

3. Proposal

The winning bidder must agree to build all eleven (11) homes. The homes will be built in two phases with six (6) houses being built at approximately the same time in Phase I and the remaining five to be built as the Phase I houses are sold. Each house to be constructed will be given a separate Notice to Proceed. Construction will begin within thirty (30) days of the Notice to Proceed. Construction of each house must be completed within twelve (12) months of the Notice to Proceed.

3.1. Cover Sheets

All proposals must include a completed and signed cover sheet (page 1 of this Request for Proposal)

3.2. Background Information

Complete the following information:

Name of company:

Year founded:

Founder:

Current owner(s):

Number of years building or developing single family homes:

Total number of single family homes built since 2017:

Total number of affordable (occupied by a household earning less than 80% of the area median income) single family homes built since 2017:

Number of Better Business Bureau (BBB) complaints since 2015:

Date of each BBB complaint since 2015:

Number of lawsuits filed against you related to the construction or development of single family homes since 2015:

Number of construction, payment, performance, or other bonds that have paid out to complainants since 2015:

Average per square foot hard construction costs for single family homes you've constructed since 2017:

Average per square foot sales price of single family homes you've constructed since 2017:

Average build time (from permitting to issuance of certificate of occupancy) for a single family home: since 2017:

How many times have you had six (6) or more homes being built at one time since 2015?

What is the highest number of houses you've built simultaneously since you began constructing homes?

What obstacles did you face building that many houses at one time?

Number of homes built with HOME funds since 2017 (note that not having built with HOME funds before does not disqualify a bidder):

Number of homes built with any federal funds since 2017 (note that not having built with federal funds before does not disqualify a bidder):

Client reference number one, with contact information:

Client reference number two, with contact information:

Client reference number three, with contact information:

3.3 Home Plans

All proposals must have home plans and specifications from which the City may choose, on a lot by lot basis, for construction of the planned new homes. The City of Tyler encourages variety for the neighborhood regarding home plans and specifications.

Attached as Exhibit A is a site plan for the neighborhood as a whole. The lots and all houses will have a shared front yard so that the rear of the houses face the street.

The plans must be suitable for a variety of lot sizes. The dimensions of the individual lots can be found on Exhibit A. When submitting the plans, please note which lot number each home plan is suitable for.

All homes must be or have:

- 1 story
- 1,200-1,300 square feet
- 3 bedrooms
- 1.5-2 bathrooms

- Slab foundation
- Suitable for lots between 55 feet and 80 feet wide
- Covered front porch
- 2 car parking area (either driveway or garage) with sufficient space to park 2 cars adjacent to each other with access to the rear of the house.
- Hookups or connections for washer, dryer, dishwasher, hot water heater, stove, oven, and other appliances standard for new single family residences
- The following appliances should be included with the home (note that all appliances must be energy efficient):
 - Dishwasher
 - Oven
 - Stovetop
 - Built in microwave
 - Hot water heater

The following features are desirable, but not required:

- Energy efficient features, such as HVAC systems, windows, doors, etc...
- Sound reducing measures

Distinct plans, upgrades, and options for each plan is encouraged and desired, but not required.

Included with each home plan must be a floorplan, with dimensions, elevation drawings of all four sides, a list of standard features, and construction specifications.

All plans must meet or exceed applicable City Codes and the International Residential Code 2015. Further, all homes must meet or exceed the energy efficiency standards in the 2009 International Energy Conservation Code and the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) standard 90.1-2007.

Include a list of any amenities you are willing and able to install in the shared and green spaces.

3.4 Pricing

Provide a pricing sheet for each of the plans submitted that includes the following:

- A firm, fixed price cost for construction of the base/standard plan, as submitted, and a line item list for all options with option pricing. Additionally, list out any allowances, what the allowance is based on, and the options within each allowance.
- A statement that the pricing will remain in effect through completion of all eleven (11) houses)
- Include a line item list for hard costs and soft costs, including your standard general contractor's fee and the general contractor's fee you will accept for this bid.
- The City will pay one quarter of the overall estimated general contractor's fee for each house at the following stages:
 - 25% of construction completion
 - 50% of construction completion
 - 75% of construction completion
 - 100% of construction completion. Note that the payment of the general contractor's fee at this stage may be adjusted to reflect the actual construction costs.

The City of Tyler will pay a maximum of 15% of the hard construction costs as a general contractor's fee for each house. If your standard general contractor's fee is higher than this amount, a reduction from your standard fee may be counted as a matching contribution under the HOME regulations.

The City will inspect each house under construction on a weekly basis while construction is ongoing.

3.5 Section 3 Compliance

Explain how you will meet federal Section 3 requirements by seeking to provide job training, employment and contracting opportunities for low- or very-low income residents in connection with your involvement in this project.

3.6 Attachments

In addition to the above, all proposals must contain the following attachments:

- Proof of General Liability, Builder's Risk, and Worker's Compensation insurance coverage
- Brochure or other materials providing an overview of the new home warranty to be provided (required) to the homebuyer upon sale of the home, the name and contact information of the company providing the warranty
- Any certifications (e.g., WBE, MBE, or VBE) your company possesses, or a statement that none are possessed.
- List of subcontractors used and subcontractors' license numbers

3.7 Bonds and Subcontractors

The City of Tyler will require a payment bond.

All contractors must have an approved vendor's application on file. Additionally, all contractors and subcontractors must not be debarred from accepted federal contracts. Debarred contractors can be found at <https://www.sam.gov/SAM>

4. Requested Architectural Style

The City of Tyler desires the constructed homes to be in a bungalow style where all of the houses have a common front yard. There should not be privacy fences in the front of the houses.

Attached as Exhibit B are examples of the desired style. These are meant to be suggestions and guidance.

5. HOME Investment Partnership Program

The HOME Program was created in 1990 with four objectives: (1) provide decent affordable housing to lower-income households; (2) expand the capacity of nonprofit housing providers; (3) strengthen the ability of state and local governments to provide housing; and, (4) leverage private-sector participation.

More information can be found at <https://www.hudexchange.info/programs/home/> and at <https://www.hudexchange.info/resource/2368/building-home-a-home-program-primer/>

Developments funded in part with federal funds are subject to but not limited to applicable local, state, and federal laws and regulations. You should understand that any or all of these will become part of any

contract with the City of Tyler

- Equal Opportunity and Fair Housing
- Affirmative Marketing
- Environmental Review
- Labor laws under Davis-Bacon
- Lead-based paint restrictions
- Accessibility under the A.D.A and Section 504
- Section 3
- Contract Work Hours and Safety Standards Act
- Copeland (Anti-Kickback) Act

EXHIBIT A

EXHIBIT B