

STATE OF OREGON



COVER PAGE

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

CULTURALLY RESPONSIVE ORGANIZATION (CRO) DOWN PAYMENT ASSISTANCE (DPA) PROGRAM

Request for Applications (“RFA”)

RFA #7279A

Date of ~~Re~~issue: ~~October 28, 2022~~ [February 22, 2023](#)

Closing Date and Time: ~~December 9, 2022, at 4:00pm time PST~~ [March 9, 2023, at 4:00pm \(PST\)](#)

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This RFA is being reissued by Agency to award Culturally Responsive Organization – Down Payment Assistance grant funds to Culturally Responsive and/or Specific Eligible Organizations. Applicants that previously applied for CRO DPA funds under RFA #7279 do not need to resubmit their application.

The State of Oregon promotes equal opportunity for all individuals without regard to age, color, disability, marital status, national origin, race, religion or creed, sex or gender, sexual orientation, or veteran status.

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ATTACHMENT 1 – SAMPLE GRANT AGREEMENT

Exhibit A Program Details, Grant Activities, and Requirements

Exhibit B Insurance [Requirements](#)

Exhibit C Down Payment Assistance (DPA) Program Guidelines

Exhibit D Quarterly Data Collection Template

Exhibit E DPA Quarterly Report Summary

Exhibit F DPA [Assistance Invoice Template](#)

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Exhibit I Homebuyer Certification

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ATTACHMENT 2 – DISCLOSURE EXEMPTION AFFIDAVIT

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ATTACHMENT 6 – CULTURALLY SPECIFIC ORGANIZATIONS

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ATTACHMENT 8 – EDUCATION PROVIDER APPLICATION

(Attachments are posted as separate documents to the OHCS' Procurement website)

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon (“State”), acting by and through its Housing and Community Services Department (“OHCS”), is seeking applications (“Applications”) in this Request for Applications (“RFA”) for grant funding to Culturally Responsive and/or Specific Eligible Organizations (as defined below in Section 2.2) to provide down payment assistance to First Time Homebuyers and First Generation Homebuyers (as those terms are defined in Section 2.2). The funding is through ~~OHCS’ Home Ownership Assistance Program (“HOAP”), local government Construction Excise Tax (“CET”) funds directed to OHCS for distribution and~~ general funds appropriated in the 2021 Legislative Session under HB5011. The funding will be awarded to qualified Culturally Responsive and/or Specific Eligible Organizations that will then provide down payment and closing costs assistance to eligible homebuyers. The Down Payment Assistance Program (“DPA”) ~~within HOAP~~ serves statewide qualified First Time Homebuyers and First Generation Homebuyers earning at or below 100% Area Median Income (“AMI”). The Agency has a primary focus on providing Culturally Specific and Culturally Responsive Services.

Agency previously issued RFA #7279, which closed on December 9, 2022. Agency is now reissuing RFA #7279A for CRO DPA funds not fully subscribed in the previous RFA. Applicants that previously applied for CRO DPA funds do not have to reapply.

OHCS intends to make grants aggregating approximately \$~~4,252,000.00~~^{29,458,876.00} to Culturally Responsive and/or Specific Eligible Organizations that provide down payment assistance over a two (2) ~~to three (3)~~ year program period, ~~with an option to extend the program period and additional funding to eligible awarded organizations for an additional two (2) year program period.~~ The estimated grant funds (“Funds”) are expected to be allocated as follows:

~~HOAP DPA (\$10,000,000.00),~~

~~HOAP-Veterans DPA (\$5,000,000.00),~~

~~CET (approximately \$4,708,876.00), and~~

~~Culturally Responsive Organization DPA (\$9,750,000.00)*~~

*Only Culturally Responsive or Culturally Specific Organizations may apply for this funding.

~~An~~ Culturally Responsive and/or Specific Eligible Organization that submits an application pursuant to this RFA is herein referred to as an “Applicant”. An Applicant, if any, that Agency determines to provide a Reservation of Funding (“Reservation”) pursuant to this RFA, will be designated as an Awardee in the Reservation letter issued to them by Agency. All Reservations are conditional commitments, contingent on the terms upon which they are made, approval by the OHCS Director, the continued availability to Agency of the applicable Funds, the continued authority of Agency to disburse or allocate such Funds, and the successful negotiation and execution of a grant agreement (“Agreement”).

Additional details on the services are included in the Scope of Work section.

Anticipated Award: Agency anticipates the award of multiple grant awards (“Awards”) to provide statewide coverage from this RFA.

Agreement Term: Successful Applicants will be invited to enter into an Agreement with the Agency to set forth the terms and conditions that govern the Award. The initial term of each Agreement is anticipated to be two (2) ~~to three (3)~~ years, ~~depending on funding, with an option for Agency to extend the term for an additional two (2)-year period, or longer as deemed necessary by Agency.~~

1.2 OBJECTIVES

The objective of this RFA is to grant funds to Culturally Responsive and/or Specific Eligible Organizations that provide down payment assistance to eligible Oregon households with incomes at or below 100% AMI and that assist persons of color in obtaining homeownership. DPA funds are limited to down payment assistance (to reduce mortgage amounts) and closing costs only. No DPA funds may go directly to the homebuyer or be used for repairs or to pay other homebuyer debt.

1.3 SCHEDULE

Event	Date	Time
Pre-Application Webinar (Optional) See Section 4.2 for Webinar Information	November 3, 2022	9:00AM-10:00AM
Questions / Requests for Clarification Due	November 28, 2022 <u>March 1, 2023</u>	4:00PM
Answers to Questions / Requests for Clarification Issued (approx.)	December 2, 2022 <u>March 3, 2023</u>	4:00PM
RFA Protest Period Ends	Schedule defined under OAR 813- 005-0025	
Closing (Application Due)	See RFA Cover Page	
Additional Rounds of Competition	TBD (Optional at Agency’s Discretion)	
Reservation Notice (approx.)	TBD (by Agency) <u>March 31, 2023</u>	

The table above represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change.

1.4 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFA is identified on the Cover Page, along with the SPC’s contact information. Applicant shall direct all communications related to any provision of the RFA only to the SPC, whether about the technical requirements of the RFA, contractual requirements, the RFA process, or any other provision of the RFA.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

Agency is issuing this RFA pursuant to its authority under Oregon Revised Statute (“ORS”) 279A.050(6)(g), OAR 125-246-0170(2), ORS Chapters 456 and 458, and OAR Chapter 813, Divisions 5 and 6, as well as other applicable rules.

Agency is using the Competitive Procurement Procedures, pursuant to OAR 813-006-0025. Agency may use a combination of the methods for Competitive Procurement Procedures, including optional procedures: a) Competitive Range; b) Interviews; and c) Negotiations.

2.2 DEFINITION OF TERMS

For the purposes of this RFA, capitalized words are defined in OAR 813-005-0005 and OAR 813-044-0005 unless provided within this document.

“Area Median Income” (“AMI”) means the median income for the area, subject to adjustment for areas with unusually high or low incomes or housing costs, as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development (“HUD”). Income limits are updated by HUD and may change over the course of the program period.

“Community of Color” means identity-based communities that holds a primary racial identity that describes the racial characteristics of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. The community may or may not also be a geographic community. Given that race is a socially-defined construct, the definitions of these communities are dynamic and evolve across time. For the purposes of this RFA, Agency defines communities of color to include Native Americans, Latinos, Asian and Pacific islanders (further disaggregated according to local preferences), African Americans, African Immigrants and Refugees, Middle Eastern, and Slavic communities.

“Community Land Trust” means a private, non-profit organization that owns land on behalf of a community, promoting housing affordability and sustainable development and mitigating historical inequities in homeownership and wealth-building.

“Community Outreach” means an activity of providing services to any populations who might not otherwise have access to those services. In addition to delivering services, outreach has an educational role, raising the awareness of existing services.

“Cultural Diversity” means the existence of a variety of cultural or ethnic groups within a society.

“Cultural Diversity Experience” means experience working with or being part of a variety of cultural or ethnic groups within a society. This may include:

- Hiring a diverse workforce to expand knowledge and provide additional services to the public;
- Language diversity within an organization; or
- Experience working with a minority-woman owned business.

“Culturally Responsive Organization” means an entity that, as determined by OHCS:

- (a) Comprehensively addresses power relationships throughout the organization by methods that include addressing conflicts and dynamics of inclusion and exclusion;
- (b) Has relationships with and is responsive to communities that the organization serves, including communities of color;
- (c) Hires, promotes, trains and supports staff who are culturally and linguistically diverse in ways that reflect the communities that the organization serves, including communities of color;
- (d) Provides culturally responsive service; and
- (e) With respect to paragraphs (a) to (d) of this subsection, has adopted governance structures, policies, and cultural norms to hold its leadership and staff accountable and to continue improvements.

“Culturally Responsive Services” means services that:

- (a) Are adapted to maximize the respect of, and relevance to the beliefs, practices, culture and linguistic needs of, the diverse client populations and communities being served, including clients and Communities of Color.
- (b) Have the capacity to respond to the issues of diverse communities.
- (c) Assure competent language access and incorporates diverse cultural approaches, strengths, perspectives, experiences, frames of reference, values, norms and performance styles of clients and communities to make services and programs more welcoming, accessible, appropriate, and effective for all eligible and intended recipients.

“Culturally Specific Organization” means an entity that provides services to a cultural community and that has the following characteristics:

- (a) Majority of members and/or clients are from a particular Community of Color;
- (b) Organizational environment is culturally focused and the community being served recognizes the entity as a culturally-specific entity that provides culturally and linguistically responsive services;
- (c) Majority of staff are from the community being served, and the majority of the leadership (defined to collectively include board members and management positions) are from the community being served;
- (d) The entity has a track record of successful community engagement and involvement with the community being served; and
- (e) The community being served recognizes the entity as advancing the best interests of the community and engaging in policy advocacy on behalf of the community being served.

“Education Provider Application” (Attachment 8) means an application for non-OHCS Homeownership Center to provide Homebuyer Education to homebuyers used to submit for Agency approval.

“Eligible Counseling Provider” means an organization that is a HUD Approved Counseling Agency or an organization that has adopted the National Industry Standards for Homeownership Education

and Counseling, with housing counselors that are either HUD Certified Counselors or are certified in Homebuyer Counseling.

“Eligible Organization” means a nonprofit organization established under ORS Chapter 65, a housing authority established under ORS 456.055 to 456.235, a local government as defined in ORS 197.015, or a federally recognized Indian tribe that owns land in this state and that both sponsors and manages homeownership programs, or any other entity that otherwise meets the requirements of ORS 458.655.

~~**“Eligible Veteran Family”** means a spouse of a deceased Veteran and who has been determined by the United States Department of Veterans Affairs eligible to receive any benefit from that Department.~~

“First Generation Homebuyer” means an individual:

(a) whose living parents or legal guardians do not, to the best of the individual’s knowledge, have any present fee simple ownership interest in a principal residence in any state, excluding ownership of heir property;

(b) who, if no parents or legal guardians are living upon acquisition of the eligible home to be acquired using such assistance, to the best of the individual’s knowledge, heir parents or legal guardians did not have any ownership interest in a principal residence in any state at the time of their death, excluding ownership of heir property; and,

(c) whose spouse or domestic partner has not, during the three-year period ending upon acquisition of the eligible home to be acquired using such assistance had any present ownership interest in a principal residence in any state, excluding ownership of heir property, whether the individual is a co-borrower on the loan or not, **OR**

An individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the three-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any ownership interest in a principal residence in any state, excluding ownership of heir property, whether such individuals are co-borrowers on the loan or not.

“First Time Homebuyer” means an individual who has not held an ownership interest in a principal residence at any time during the three (3) year period ending on the date of the purchase of the property.

“Homebuyer Education” means an in person or virtual, staff lead pre-purchase homebuying education with a minimum of six (6) hours of education provided by an OHCS Homeownership Center, or online Homebuyer Education available from an OHCS Homeownership Center. A Homebuyer Education provider other than an OHCS Homeownership Center can be pre-approved at the time of application, upon submission of an “Education Provider Application” and supporting documents.

“Homeownership Center” means an organization that assists in securing the future of Oregonians by providing Homeownership Counseling and Education, Housing Counseling, including financial and post-purchase counseling, in an effort to create stable households

throughout the state, particularly in communities of color and is funded by OHCS' HOAP program.

“Household Income” means the total annual income of all household members, before taxes and deductions, from all sources. Household income earned by household members who are under the age of eighteen (18) or are 18 and older and enrolled in high school is not included. Income paid by one household member to another household member is not included in household income. Also, see Veteran Eligible Income.

“Language Access Plan” (“LAP”) means a plan to address identified needs of the Limited English Proficiency (“LEP”) populations.

“Limited English Proficiency” (“LEP”) means an individual who does not speak English as their primary language and who has limited ability to read, speak, write, or understand English.

“National Industry Standards for Homeownership Education and Counseling” (“NISHEC”) means a set of guidelines for quality homeownership and counseling services. Homeownership education and counseling is a critical step in producing an informed consumer who is better equipped to sustain homeownership, and these standards help practitioners and organizations serve families and communities with consistent service and professional excellence. NISHEC standards are available at this website: <https://www.homeownershipstandards.org/>

“Performance Period” means the period of time during which Program delivery funds must be expended to homebuyers.

“Personal Identifiable Information” (“PII”) means any information about an individual maintained by an organization, including any information that can be used to distinguish or trace an individual's identity.

“Program Requirements” means the terms and conditions of this RFA; the DPA Program Guidelines (Exhibit C); the terms and conditions of applicable OHCS administrative rules, manuals, and orders; the terms and conditions of required financial assistance documents; and the terms and conditions of all other applicable federal, state, and local laws, ordinances, regulations, and orders.

“Single Family Residence” means a housing unit intended and used for occupancy by one household, and the property on which it is located, in the state of Oregon and may include 1-4 units located within a single structure, a condominium unit, a planned unit development (PUD), a cooperative unit, or a combination of manufactured housing and lot (affixed to permanent foundation, de-titled, taxed as real property, and built after 1976).

~~**“Veteran” or “Eligible Veteran”** means a person as defined in OAR 813-005-005. Eligible Veteran must be a client of the awarded organization and listed as trustor on the Deed of Trust and is not required to be listed as borrower on the Promissory Note.~~

~~**“Veteran Eligible Income”** means Household Income received by an Eligible Veteran, excluding any Veterans Pension, Veteran Disability, Reserve Pay or Guard Duty income for the purpose of income eligibility for HOAP-Veteran DPA.~~

2.3 OVERVIEW

2.3.1 Agency Overview and Background

Agency is Oregon’s affordable housing finance agency and community services program administrator. Agency provides financial and program support to create and preserve quality, affordable housing for Oregonians of lower and moderate income. Agency administers federal and state programs that support antipoverty, homelessness, energy assistance and community services.

Agency’s mission: “Provide leadership that enables Oregonians to gain housing, become self-sufficient, and achieve prosperity.”

The Homeownership Division of OHCS consists of four sections, each driven by the central goal of engaging low to moderate income Oregonians who wish to attain or retain homeownership.

Our offerings bring stability to families by supporting homebuyer and homeowner financial education and foreclosure counseling programs that provide mortgage assistance or health and safety repairs as well as developing an array of affordable housing opportunities for Oregonians by facilitating the financing and development of homes for homeownership.

We use an equity and racial justice lens in all of our programming, policies, and operations in order to tear down systemic housing barriers and assist in creating opportunities. Striving to meet our Statewide Housing Plan goal of closing the homeownership gap in underserved communities, we purposefully focus on the role of housing and homeownership, as homeownership has been proven to historically create stability and promote equity and generational wealth-building.

Homeownership Programs Section:

Partnering with Homeownership Centers across Oregon, we provide funding through the Home Ownership Assistance Program (HOAP) for low to moderate income families seeking financial counseling, first-time homebuyer education, down payment assistance and foreclosure counseling.

Expanding homeownership opportunities through development, we are establishing a cohort program in support of culturally specific organizations who will lead homeownership development projects whose models will be driven by the needs of their communities.

Homeownership Lending Section:

Facilitating financing by the development and oversight of mortgage lending programs and products to assist low to median income Oregon homebuyers. The Lending Section currently encompasses the Oregon Bond Residential Loan Program and the Flex Lending Program. Leveraging both mortgage revenue bonds and the MBS markets allows us to assist more Oregonians in achieving the goal of homeownership.

Manufactured Housing Section:

Identifying creative solutions to expand housing options by preserving and improving

manufactured dwelling parks, replacing aging and inefficient manufactured homes through affordable gap financing, and collaborating with stakeholders to develop policies and resources that support manufactured housing residents. The Manufactured and Marina Community Resource Center provides assistance to residents and landlords of manufactured dwelling parks and marina communities in order to promote cooperative community relationships.

Homeowner Assistance and Stabilization Section:

The Homeowner Assistance Fund (HAF) provides financial assistance for low to moderate income Oregonians who experienced financial hardship related to the coronavirus pandemic, preserving homeownership through mortgage reinstatement by curing delinquent mortgage and/or assisting with future payments. HAF also connects struggling homeowners to housing counselors and legal aid services. HAF replaces the very successful mortgage assistance program funded by the Hardest Hit Funds after the last recession.

The HOAP Account is administered by Agency to expand the state’s supply of homeownership housing for families and individuals with income at or below area median income, including persons over sixty-five (65) years of age, persons of color, indigenous persons, members of federally recognized Indian tribes, persons with disabilities, veterans, and agricultural workers. An important aspect of the HOAP Account is to support a comprehensive strategy to reverse the decreasing rates of homeownership among persons of color, giving priority to activities that support and incorporate best practices or demonstrate proven success in increasing homeownership for persons of color.

2.3.2 Available Funding

The allocation of funds (“Allocation”) for this RFA will be from the ~~document filing and recording fees deposited with OHCS accounts pursuant to ORS 294.187 (“HOAP DPA”). An amount equal to 25 percent (25%) of monies deposited in the account pursuant to ORS 295.187 is dedicated for expenditure to expand this state’s supply of homeownership for veterans and veteran families (“HOAP-Veteran DPA”) with at or below area median income. Additional funds for this RFA are from the construction tax revenues (“Construction Excise Tax” or “CET DPA”) distributed to OHCS pursuant to ORS 320.195, and general funds appropriated in the 2021 Legislative Session to be granted to community Culturally Responsive Organizations to increase homeownership opportunities (“CRO DPA”).~~

An Applicant requesting CRO DPA funds must be a Culturally Specific Organization or Culturally Responsive Organization. Applicants must submit the Culturally Specific Organization Form (Attachment 6) or the Culturally Responsive Organization Form (Attachment 7) and supporting documents, at time of application. CRO DPA Funds will be awarded to successful Applicants certified by OHCS as a Culturally Specific Organization or approved as a Culturally Responsive Organization at time of Application.

~~CET funds will be awarded to organizations serving communities from which the funds are locally collected for the purpose of providing down-payment assistance within the existing Home Ownership Assistance Program. CET funds not requested by an eligible organization(s) through this RFA, at Agency discretion, may be distributed to any awarded organization serving the specific jurisdiction.~~

~~ORS 458.655 requires all HOAP DPA, HOAP-Veterans DPA and CET funds to be made available only to households with a Household Income at or below 100% AMI at time of homebuyer application.~~ In addition, CRO DPA funds are only available to households with a Household Income at or below 100% AMI at time of homebuyer application.

The Allocation of DPA funds will be available to successful Applicants in the form of a conditional Agreement upon execution of financial assistance documents satisfactory to Agency and pursuant to its terms and conditions.

Agency will make funds available on a statewide basis, while reserving the right to target funding to those populations or areas of the state with the greatest needs as Agency so determines. Grant funding can only be used in accordance with the terms and conditions of executed financial assistance documents and otherwise in compliance with Program Requirements.

Agency reserves the right to provide grant funding in amounts less than the maximum grant amount and less than the amount of applicable Reservation as stated in this RFA. In addition, Agency reserves the right to negotiate with successful Applicants to increase the grant amount for any funding source not fully subscribed, including [HOAP DPA](#), ~~HOAP-Veteran DPA, CET DPA and~~ CRO DPA in an effort to get all allocated funds distributed pursuant to this RFA. Agency further reserves the right to modify Grant amounts after-the-fact to accommodate Agency, legal, financial, or program needs. Applicants can obtain, as an administrative fee, up to 10% of the total Grant awarded for ~~DPA (including HOAP DPA, HOAP-Veterans DPA and, CRO DPA)~~. ~~Administrative or program delivery fees are not allowed to be charged in connection with CET funds.~~

~~CRO DPA funds must be expended to the homebuyer transaction and the homebuyer transaction must close no later than June 30, 2023.~~

Funding Source, Homebuyer Eligibility, and Program Terms:

CRO Funds: Funds must be disbursed to eligible homebuyers in the form of grants, or as affordability assistance in a Community Land Trust model up to the maximum amount. CRO funds may not be disbursed as loans to homebuyers. All DPA Program Guidelines apply to CRO funds.

~~**HOAP DPA, HOAP-Veteran DPA, CET DPA Funds:** Funds disbursed to eligible homebuyers in amounts of \$10,000 or less may be issued through a grant or loan. Funds disbursed in amounts greater than \$10,000 must be in the form of a second lien loan that is forgivable after five (5) years of owner occupancy, with no payment or finance charges to homebuyer. A Deed of Trust must be recorded at the time of the purchase transaction. Eligible Organizations may not charge loan fees to homebuyers but may charge pass through recording and title fees only.~~

~~Eligible Organizations without a loan program or capacity to issue loans may have Agency provide lending documents and funding directly to escrow on behalf of awarded Applicant. Agency will manage and track loan. Funds repaid prior to the end of the forgiveness period are repaid to Agency and recycled back into the HOAP DPA,~~

~~HOAP-Veteran DPA, or CET DPA programs and will be included in future DPA RFAs. Applicant must request Agency's assistance for loan disbursement as directed on the Application Cover Sheet (Attachment 3).~~

~~HOAP funds can be combined with CET DPA Funds up to the maximum per household amount or 20% of purchase price, whichever is less, per funding source. If these funds are combined at any time, regardless of the amount, the loan must be forgivable after ten (10) years of owner occupancy, recorded at time of purchase transaction.~~

~~HOAP or Any other OHCS funding source can be combined with CET funds can be combined with CRO DPA funds up to the maximum per household amounts or 20% of purchase price, whichever is less, per funding source, however, CRO DPA Funds must remain a grant to homebuyer and any amount of HOAP or CET/OHCS funds must be forgivable after five (5) years owner occupancy, recorded at time of purchase transaction.~~

Any other OHCS funding source can be combined with CRO DPA funds up to the maximum per household amounts or 20% of purchase price, which ever is less, per funding source however, CRO DPA Funds must remain a grant to homebuyer and any amount of OHCS funds must be forgivable after five (5) years owner occupancy, recorded at time of purchase transaction.

~~HOAP DPA and HOAP-Veteran DPA funds cannot be combined at any time, nor can Applicant combine more than two (2) funding sources offered in this RFA.~~

Eligible Homebuyer Programs:

First Generation Homebuyer

The requirements for a First Generation Homebuyer are as follows:

- \$60,000 maximum per eligible household or 20% of purchase price, whichever is less, per funding source
- Household Income at or below 100% AMI (see Veteran Eligible Income)
- Completed Pre-purchase/Homebuyer Education within twenty-four (24) months of purchase
- Completed two (2) counseling sessions prior to purchase
- Completed one (1) post-purchase counseling session within six (6) months of purchase
- Self-Attestation of First-Generation Homebuyer eligibility

Applicants must disburse a minimum of thirty percent (30%) of all funding to First Generation Homebuyers.

First Time Homebuyer

The requirements for a First Time Homebuyer are as follows:

- \$30,000 maximum per eligible household or 20% of purchase price, whichever is less, per funding source
- Household Income at or below 100% AMI (see Veteran Eligible Income)
- Completed Pre-purchase/Homebuyer Education within twenty-four (24) months of purchase
- Completed two (2) counseling sessions prior to purchase
- Completed one (1) post-purchase counseling session within six (6) months of purchase
- Self-Attestation of First-Time Homebuyer eligibility

~~Veteran Build Your Future – HOAP-Veteran DPA only~~

~~This is a pilot program that offers Veteran households the opportunity to work on credit or debt issues, or any other barriers to being mortgage ready during a three (3) year period and to have funds reserved during this period. This ensures the funding is available when the Veteran is ready to purchase a home.~~

~~Agency will reserve funds for awarded organization's homebuyer and will disburse funds within ninety (90) days prior to purchase transaction (HOAP-Veteran DPA only). Program Period for this program is three (3) years from any executed Agreement.~~

~~The Eligible Veteran must be named as the Trustor on Deed of Trust documents and must participate in counseling. The Eligible Veteran is not required to be listed as borrower on the Promissory Note.~~

~~The eligibility requirements for this pilot program are as follows:~~

- ~~• Eligible Veteran, or Eligible Veteran Family~~
- ~~• First Time or First-Generation Homebuyer~~
- ~~• \$10,000 reserved per eligible household after each year of ongoing counseling, up to three (3) years, funded at time of purchase~~
- ~~• Household income at or below 100% AMI (see Veteran Eligible Income)~~
- ~~• Completed Pre-purchase/Homebuyer Education within twenty-four (24) months of purchase~~
- ~~• Ongoing counseling with eligible Counseling Provider for financial literacy and/or pre-purchase, minimum counseling and/or follow up every 90-120 days during each twelve (12) month period~~
- ~~• Forgivable loan after five (5) year owner occupancy~~
- ~~• Post-purchase counseling within six (6) months of purchase~~

Homebuyer Fees

At no time should homebuyer be charged fees (service fee, membership fee, or otherwise) to apply and/or receive any down payment funds.

Homebuyer Education Requirement

All Eligible Homebuyer Programs, Homebuyer Education must be provided by an OHCS approved Homebuyer Education Provider (i.e. a Homeownership

Center(<https://www.oregon.gov/ohcs/homeownership/pages/homebuyer-education.aspx>); or an Education Provider approved by OHCS). Applicant must submit the Education Provider Application (Attachment 8) and supporting documents as part of Application.

Available Funding and Maximum Limits:

Applicants may request grant funds up to:

- ~~• HOAP DPA: \$300,000~~
- ~~• HOAP-Veterans DPA: \$300,000~~
- ~~• CET DPA: amount available to the area or \$300,000 (whichever is less)~~
- CRO DPA: \$500,000

~~Applicants may request a combination of all funding sources available.~~

Applicants applying for only one funding source may request funds **up to: \$750,000 for CRO DPA.** If you are receiving other funds you may not apply for more than \$500,000 in CRO funds.

~~HOAP DPA: \$500,000~~
~~CRO DPA: \$750,000~~

Applicants serving more than four (4) counties may apply for an amount above the stated limits.

Geographic Location Targeting for ~~HOAP DPA, HOAP-Veterans DPA and CRO DPA:~~

In an effort to provide DPA programs across the state, Agency reserves the right to target funding for geographic locations, which may include targeted populations or areas of greatest need identified at Agency’s discretion.

~~CET Funding:~~

~~—CET funds will be awarded to eligible Applicants serving the cities and counties where the local taxes were collected. The following cities and counties have distributed CET funds to Agency:~~

Jurisdiction	Grant Award Available *
City of Cannon Beach	\$71,842
City of Corvallis	\$302,797
City of Eugene	\$220,914
City of Hood River	\$77,461
County of Hood River	\$182,619
City of Medford	\$153,757
City of Milwaukie	\$111,382
City of Newport	\$72,117
City of Portland	\$3,345,464
City of Tigard	\$163,523

~~*Amounts of CET funds listed above are available at the time this RFA is posted and are subject to change based on the amount of funds available at the time of the award.~~

~~To qualify for available CET funds, organization must be able to provide services to specific CET jurisdiction, and home purchases must be made in the same jurisdiction.~~

All DPA Program Guidelines apply to ~~CET and~~ CRO funds.

2.3.3 SCOPE OF WORK

The awarded Organization must provide the following required services (the “Services”), pursuant to the Agreement:

- Provide eligible homebuyers down payment assistance funding
- Determine and certify homebuyer eligibility for First Time, First Generation or Build Your Future programs
- If an Eligible Counseling Provider, provide one on one pre-purchase counseling to homebuyer prior to purchase with at least two (2) counseling sessions to include a review of the purchase and budget.
- If an OHCS Homeownership Center or approved Education Provider, provide Homebuyer Education within twenty-four (24) months of purchase.
- If an Eligible Counseling Provider, provide one on one post-purchase counseling to homebuyer to discuss home maintenance, repairs, refinance options and avoiding loan scams within six (6) months of purchase. Every effort should be made to provide this service, unless this can be combined as part of the pre-purchase counseling, as applicable.

Capacity to comply with Program Requirements:

- Participate in mandatory program welcome webinar training by Agency, including additional training webinars as needed.
- If not providing counseling, ensure homebuyer receives one on one pre-purchase counseling prior to purchase with at least two (2) counseling sessions from Eligible Counseling Provider to review the purchase and budget.
- If not providing Homebuyer Education, ensure homebuyer receives Homebuyer Education from an OHCS Homeownership Center within twenty-four (24) months of purchase.
- If not providing post purchase counseling, ensure homebuyer receives one on one post-purchase counseling. to discuss home maintenance, repairs, refinance options and avoiding loan scams within six (6) months of purchase from Eligible Counseling Provider. Every effort should be made to ensure homebuyer receives this service, unless this can be combined as part of the pre-purchase counseling, as applicable.
- Minimum of thirty (30%) percent of all funding, in the aggregate, must be disbursed to First Generation homebuyers.
- Language Access Plan for persons with limited proficiency in speaking or writing English.
- Policies and procedures for the recovery of the destruction of records as a result of a

natural or man-made disaster.

- Maintain and retain program records to comply with state and federal laws, including handling and disposing of Personal Identifiable Information.
- If providing counseling services, counselors providing services are HUD certified counselors or are certified in homebuyer counseling.
- If providing counseling or education services, organization is a HUD approved counseling agency or an agency that has adopted the National Industry Standards for Homeownership Education and Counseling.
- Collect and maintain homebuyer final closing disclosure with Agency required information.
- Ability to maintain and collect homebuyer demographic and purchase data.
- Ability to track and maintain DPA funds
- Ability to track and maintain DPA funds loaned to homebuyers and recycle returned DPA funds into current DPA Program.

Performance Measures:

- Expend fifty percent (50%) of Award to homebuyers at mid-point review

Anticipated Reporting Requirements:

- Submit Quarterly Report Summary
- Collect and submit on a quarterly basis homebuyer specific data for clients served to include: Homebuyer demographics, county of purchase, purchase price, borrower contribution, additional down payment funds, and payment amount
- Collect and submit homebuyer reservations for clients in Build Your Future Program
- Collect and submit homebuyer education certificates
- Collect and submit homebuyer closing disclosures
- Quarterly reports submitted through agency secure document portal within 30 days from the end of each calendar quarter.
- Other reports or information are submitted as needed or requested by Agency.

Additional Services. Upon mutual agreement between Agency and Grantee, Grantee may be required to provide additional Services related to the Scope of Work described in this RFA.

Agency and Grantee shall mutually agree upon the schedule of Services.

SECTION 3: APPLICATION REQUIREMENTS

3.1 MINIMUM APPLICANT REQUIREMENTS

To be considered for evaluation, Applicant must:

- ✓ Be a [Culturally Specific and /or Responsive](#) Eligible Organization.
- ✓ Complete and submit the Minimum Requirements information request in Section 3 with a "Passing" evaluation (PASS/FAIL criteria).
- ✓ Complete the additional RFA requirements, which includes but is not limited to the

Application Requirements in this Section 3.

- ✓ Be a HUD approved organization or have adopted the National Industry Standards for Homeownership Education and Counseling at time of application, if approved for providing education and/or if providing counseling Services.
- ✓ Have a least one (1) HUD certified counselor or counselor certified in homebuyer counseling at time of application, if providing counseling Services.

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Application Submissions

To be considered for evaluation, a complete Application must contain each of the following elements (further detailed in Section 3.3 (Application Requirements)):

- Application Cover Page (Attachment 3)
- Responses to the Round 1 Evaluation Criteria
- Disclosure Exemption Affidavit (Attachment 2), as applicable
- Applicant Information and Certification Sheet (Attachment 4)
- Culturally Responsive Organization (Attachment 7) and supporting documents, as applicable
- Culturally Specific Organization (Attachment 6) and supporting documents, as applicable
- Education Provider Application (Attachment 8) and supporting documents, as applicable

3.2.2 Application Page Limits

Application is limited to 20 pages single-sided or 10 pages double-sided. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation.

The following items do not count toward the page limit:

- Application Cover Page (Attachment 3)
- Table of Contents (as applicable)
- Disclosure Exemption Affidavit (Attachment 2)
- Applicant Information and Certification Sheet (Attachment 4)
- Response to Information in Section 5.3
- Culturally Responsive Organization (Attachment 7), and supporting documents, as applicable
- Supporting documents required in Round 1 Evaluation Criteria
- Culturally Specific Organization (Attachment 6) and supporting documents, as applicable
- Certificate of Insurance
- Education Provider Application (Attachment 8) and supporting documents, as applicable

3.2.3 Application Format

Application should follow the format and reference the sections listed in Section 3.3 (Application Requirements).

Applicant shall submit one (1) electronic copy of its Application to OHCS.Contracts@hcs.oregon.gov Lisa.a.cimino@hcs.oregon.gov as an attachment. All Applications must be received by the Agency by the Closing Date/Time on the Cover Page (“Closing”). Please reference RFA #7279A in the Subject Line of all e-mail communication.

In addition, if Applicant believes any of its Application is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Applicant shall complete and submit the Disclosure Exemption Affidavit (Attachment 2) and a fully redacted electronic version of its Application, clearly identified as the redacted version.

3.2.4 Authorized Representative

Failure of the authorized representative to sign the Application may subject the Application to rejection by Agency.

3.3 APPLICATION REQUIREMENTS

Applications must address each of the items listed in this Section 3.3 and all other requirements set forth in this RFA. An Application that merely offers to provide Services as stated in this RFA will be considered non-responsive to this RFA and will not be considered further.

3.3.1 COVER PAGE – ATTACHMENT 3

Applicant must complete and return the original Application Cover Page (Attachment 3) with its Application detailing the following information:

- DPA Funding Request, [listing CRO funding amount listing each requested funding source](#)
- ~~Lending Assistance needed~~
- Program service region
- Program contact information
- Other fields described in Attachment 3.

3.3.2 CULTURALLY SPECIFIC AND RESPONSIVE ORGANIZATIONS

CULTURALLY SPECIFIC ORGANIZATIONS: Applicant must complete and return the Culturally Specific Organization (Attachment 6) and supporting documents with its Application if Applicant desires to qualify as a Culturally Specific Organization under this RFA. If Applicant has already been certified with OHCS as a Culturally Specific Organization, Applicant must note that in Attachment 6 and return the form as described in the RFA.

CULTURALLY RESPONSIVE ORGANIZATIONS: Applicant must complete and return the Culturally Responsive Organization (Attachment 7) and supporting documents with its

Application if Applicant desires to qualify as a Culturally Responsive Organization under this RFA.

Applicants must qualify as a Culturally Responsive or Culturally Specific Organization to be eligible for CRO DPA funding.

3.3.3 Applicant Information and Certification Sheet

Applicants shall complete and submit the Applicant Information and Certification Sheet (Attachment 4).

Failure to demonstrate compliance with Oregon Tax Laws and sign the Applicant Information and Certification Sheet may result in a finding of non-Responsiveness.

3.3.4 Certificate of Insurance (Optional)

Submit Applicant's most current Certificate of Insurance, if available. This document is not a mandatory submittal item. However, the insurance requirements for Grantees are set forth in Exhibit B of the Sample Grant Agreement (Attachment 1).

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFA, including all Addenda and attachments, is published on the Agency's Procurement website at <https://www.oregon.gov/ohcs/procurement/Pages/procurement-opportunities.aspx>. RFA documents will not be mailed to prospective Applicants.

Agency shall advertise all Addenda, if any, on Agency's Procurement website. Prospective Applicant is solely responsible for checking Agency's Procurement website to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFA by this reference.

~~4.2 PRE-APPLICATION WEBINAR~~

~~A Pre-Application Webinar will be held at the date and time listed in the Schedule set forth in Section 1.3. Prospective Applicants' participation in this conference is highly encouraged but not mandatory.~~

~~The purpose of the Pre-Application Webinar is to:~~

- ~~• Provide additional description of the DPA Program;~~
- ~~• Explain the RFA process; and~~
- ~~• Answer questions Applicants may have related to the funding sources, homebuyer eligibility or the RFA process.~~

~~Statements made at the Pre-Application Webinar are not binding upon Agency.~~

Pre-Application Webinar Information

~~Applicants must pre-register for Pre-Application Webinar by 10/31/2022, using this link: <https://us02web.zoom.us/meeting/register/tZYkdOyggj8pHNT9lfmr8vCtgPrT0UUL2Ety>~~

~~Webinar date: November 3, 2022~~

~~Time: 9:00 a.m. (PDT)~~

~~**Recommended Action:** In an effort to maximize the number of questions and answers during the Pre-Application Webinar, Applicants are encouraged to submit questions in writing prior to the Webinar to OHCS.Contracts@hcs.oregon.gov. The subject heading of the email should clearly state the following: "RFA 7279 – Pre-Application Webinar Q&A". The Agency will make its best efforts to address the questions received during the Webinar or through formal communication.~~

4.34.2 QUESTIONS / REQUESTS FOR CLARIFICATIONS

All inquiries, whether relating to the RFA process, administration, deadline or method of award, or to the intent or technical aspects of the RFA must:

- Be delivered to the SPC via email;
- Reference the RFA number;
- Identify Applicant's name and contact information;
- Refer to the specific area of the RFA being questioned (i.e. page, section and paragraph number); and
- Be received by the SPC by the due date and time for Questions/Requests for Clarification identified in the Schedule set forth in Section 1.3.

4.44.3 SOLICITATION PROTESTS

4.4.14.3.1 Protests to RFA

Prior to Closing, prospective Applicant may submit a written protest of anything contained in this RFA, including but not limited to, the RFA process, Specifications, Scope of Work, and the proposed Sample Grant Agreement. This is prospective Applicant's only opportunity to protest the provisions of the RFA, except that Applicant may protest Addenda as provided below and Applicant may take exception to the terms and conditions of the Sample Grant Agreement marked as negotiable as set forth in Section 5.4 (Agreement Negotiation).

4.4.24.3.2 Protests to Addenda

Prospective Applicant may submit a written protest of anything contained in an Addendum. Protests to Addenda, if issued, must be received by Agency by 5 p.m. Pacific Time of the second Business Day following Agency's issuance of the applicable Addendum or the date/time specified in the Addendum, or they will not be considered. Protests of matters not added or modified by the applicable Addendum will not be considered.

4.4.34.3.3 Protest Requirements

All protests must

- Comply with the procedure specified in OAR 813-005-0025;
- Be delivered to the SPC via email ;
- Reference the RFA number;
- Identify prospective Applicant's name and contact information;
- Be sent by an authorized representative;
- State the reason for the protest, including:
 - the grounds that demonstrate how the procurement process is contrary to law, unnecessarily restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based; and
- State the proposed changes to the RFA provisions or other relief sought.

Protests to the RFA must be received by Agency by the due date and time identified in the Schedule set forth in Section 1.3. Protests to Addenda must be received by Agency by the due date identified in the applicable Addendum.

4.4.44.3.4 Protest Response

Agency will endeavor to respond to all protests in a timely manner while giving due consideration to the nature of the protests. Protests that do not comply with OAR 813-005-0025 may not be considered.

4.54.4 APPLICATION DELIVERY

Applications must be delivered by email to the attention of the SPC at the address listed on the Cover Page. Applications submitted by any other means will be rejected. Applicant is solely responsible for ensuring its Application is received by the SPC in accordance with the RFA requirements before Closing. Agency is not responsible for any delays in mail or by common carriers or by transmission errors (electronic or otherwise) or delays or mistaken delivery.

4.64.5 APPLICATION MODIFICATION OR WITHDRAWAL

If an Applicant wishes to make modifications to a submitted Application, the Applicant must submit its modification in the authorized method listed Section 4.5. To be effective, the notice and modification must include the RFA number and be submitted to the SPC prior to Closing.

If an Applicant wishes to withdraw a submitted Application, the Applicant must submit a written notice signed by an authorized representative of its intent to withdraw to the SPC. The notice must be sent via email prior to Closing in accordance with OAR 137-047-0440. To be effective the notice must include the RFA number and be received by the SPC at OHCS.Contracts@oregon.gov prior to Closing

4.74.6 APPLICATION DUE

Applications (including all required submittal items) must be received by the SPC on or before

Closing. All Application modifications or withdrawals also must be received prior to Closing.

An Application received after Closing is considered LATE and will NOT be accepted for evaluation. A late Application will be returned to the Applicant or destroyed in Agency's sole discretion.

4.84.7 PUBLIC OPENING

There will not be a public opening for this RFA. Applications received will not be available for inspection until after the evaluation process has been completed and the Notice of Reservation is issued.

4.94.8 APPLICATION REJECTION

Only complete Applications will be evaluated. Additionally, Agency may reject an Application for any of the following reasons:

- Applicant fails to substantially comply with all prescribed RFA procedures and requirements, including but not limited to the requirement that Applicant's authorized representative sign the Application, although an electronic signature is acceptable.
- Applicant has liquidated and delinquent debt is owed to the State or any department or agency of the State.
- Applicant fails to meet the responsibility requirements of ORS 279B.110.
- Applicant makes any contact regarding this RFA with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Applicant attempts to influence a member of the Evaluation Committee.
- Application is conditioned on Agency's acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFA or Addenda.

4.104.9 EVALUATION PROCESS

4.10.14.9.1 Responsiveness and Responsibility Determination

4.10.1.1.1.14.9.1.1.1.1 Responsiveness Determination

An Application received prior to Closing will be reviewed to determine if it is Responsive to all RFA requirements, including compliance with Section 3.1 (Minimum Applicant Requirements) and Section 3.2 (Minimum Submission Requirements). If the Application is unclear, the SPC may request clarification from Applicant. Applicant must respond within three (3) working days of the date an email has been sent from Agency. However, clarifications may not be used to rehabilitate a non-Responsive Application. If the SPC finds the Application non-Responsive, the Application may be rejected. However, Agency may waive mistakes in accordance with OAR chapter 813, divisions 5 and 6.

Agency may use its discretionary action in accordance with OAR 813-006-0040.

4.10.24.9.2 Evaluation Overview

Members of an Evaluation Committee will independently evaluate each Application meeting all Responsiveness requirements. Evaluation Committee members may change, and Agency may have additional or fewer evaluators for optional rounds of competition. Evaluators will assign a score for each evaluation criterion based on the categories described below, and the Applicant must describe how they meet any other requirements that may be specified in this RFA.

The SPC may request further clarification and reserves the right to request additional information to assist the Evaluation Committee in gaining additional understanding of the Application. Agency may conduct additional evaluation rounds, interviews, discussions, and negotiations with interested Applicants who submit Applications found to be reasonably likely to be selected for an Award. If such negotiations are held, Agency may establish a date for best and final offers.

Agency may issue an Award and enter in an Agreement with Applicants whose Applications are most advantageous to Agency.

Round 1 Evaluation Criteria:

Each question must be answered or no score or a “Fail” will be given to the Applicant for that question. Each answer should immediately follow the question to which it applies. When answering a question, the full answer should be provided immediately below the question. Do not reference another document or the answer to another question in lieu of fully answering a particular question. Points will be awarded by Agency based upon its judgement as to the degree to which Applicants clearly and completely demonstrate their ability with respect to the following categories:

1. Minimum Requirements: PASS/FAIL
2. Organization Qualifications
3. Service Description
4. Service Delivery
5. Staff Training
6. Application Structure

An Applicant must receive a “Pass” for all Minimum Requirements in order to be evaluated for the scored criteria. A total of 100points is possible for Round 1. See the POINT AND SCORE CALCULATIONS Section 4.12 for a detailed breakdown by category. The minimum score for an Application that will potentially qualify for a Reservation of grant funding is 70 points.

Applicant shall respond to the evaluation criteria in the order that the criteria are listed in this RFA and label each response with the evaluation criteria number and title. Provide written statements that address the following:

1. Minimum Requirements: Pass/Fail

- a. Is Applicant an **Culturally Responsive and/or Specific** Eligible Organization that both sponsors and manages homeownership programs for households with at or below area median income as required in ORS 458.655?
- b. Does your organization maintain a financial management system that complies with

Generally Accepted Accounting Principles (GAAP), and includes adequate internal control systems and can track Grant funds?

- c. Can your organization collect and track client data from purchase transactions and funding sources?
- d. Does your organization, through the board of directors, maintain a conflict of interest policy, applicable to its directors, officers and staff?

2. Organization Qualifications (Total maximum 20 points)

Provide written statements that address the following:

- a. A description of your organization's mission and relevant qualifications, and other documentation that demonstrate your organization is qualified and capable of delivering the Services and able to meet the anticipated needs of homebuyers.
- b. Describe how your organization intends to establish and maintain functional, productive working relationships with lenders, title companies, and realtors.
- c. Describe how these relationships will assist in delivering the Services.

3. Service Description (Total maximum 20 points)

Provide written statements that address the following:

Describe how your organization can begin providing the Services, which include the tasks below and provide a general timeline:

- Identifying First Generation and First Time Homebuyers;
- Homebuyer eligibility requirements;
- Developing written materials necessary to deliver Services;
- Ensuring homebuyers are mortgage ready;
- Specific outreach efforts

4. Service Delivery (Total maximum 45 points)

Provide written statements that address the following and **include supporting documentation where required:**

- a. Describe your organization's Cultural Diversity Experience. Include experience with performing Culturally Responsive Services, including activities to provide assistance to culturally specific populations and include your Organization's **LAP** as supporting documentation;
- b. Illustrate experience in assessing culturally responsive strategies for service delivery;
- c. Describe how you identify outreach strategies needed for Limited English Proficient communities;
- d. If your Organization represents homebuyers in multiple locations (counties), describe how you will provide Services to homebuyers in those locations, including what activities will be performed in each location.

5. Staff Training (Total Maximum 10 points)

Describe your organization’s strategies for training staff on meeting the needs of LEP homebuyers, and how staff can ensure LEP homebuyers understand the program education and counseling requirements.

6. Application Structure (Total maximum 5 points). Application will be evaluated based on following the requirements in Section 3 of this RFA, which includes but is not limited to:

- Submitting completed documents and forms
- Including a Table of Contents with your Application and page numbers
- Addressing each of the items listed and referenced in Section 3
- Submitting an Application within page limit
- Responding to evaluation criteria in the order listed in this RFA
- Labeling each response with the evaluation criteria number and title

4.114.10 TIEBREAKERS

In selecting between (2) two or more equally qualified Applicants in a competitive procurement, preference will be given to maximizing Program objectives and serving Communities of Color. Agency shall award the Agreement in accordance with the procedures outlined in OAR 813-006-0010(8).

4.124.11 POINT AND SCORE CALCULATIONS

The maximum points possible for each evaluation item are listed in the table below.

TOTAL POINTS POSSIBLE FOR ROUNDS:		150
ROUND 1 POINTS POSSIBLE (Section 4.10.3)		100
1	Minimum Requirements	PASS/FAIL
2	Organization Qualifications	20
3	Service Description	20
4	Service Delivery	45
5	Staff Training	10
6	Application Structure	5
ADDITIONAL ROUNDS POINTS POSSIBLE		50
4.15	Interviews (Optional – At Agency’s Discretion)	50

4.134.12 SELECTION PROCESS

Agency will be evaluating Applications based on a multiple tier selection process, as described below:

Tier 1: Responsive Applications passing the Minimum Requirements will be scored and ranked in order of highest ranking by the Evaluation Committee. The SPC will average the scores for each Application in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

Agency will rank all Applicants at the conclusion of the evaluation and scoring and may, in Agency's sole discretion, determine the apparent successful Applicants with no additional rounds of competition. If additional rounds are conducted, Agency will rank advancing Applicants at the conclusion of each subsequent round and may determine apparent successful Applicants at any time during the solicitation process.

Tier 2: Based on ranking from Tier 1, Agency will re-evaluate the Applications to ensure the DPA Program represents geographic locations across the state, which may include targeted populations or areas of greatest need, and as identified in Section 2 of this RFA. Agency may determine, in its sole discretion, how many Applicants to award per county. Agency may alter the ranking and the ultimate award decisions based on this information.

Tier 3: Unless additional rounds of competition are conducted as described in Section 4.14 below, the final selection of Applications for which a Reservation will be issued, will be based upon the above tiered ranking process conducted by Agency. The final ranking of Applications will be proposed by the Evaluation Committee (including any modifications made by the Evaluation Committee) for approval by the Director of the Agency.

All Applicants will be notified electronically of the results.

4.14.13 NEXT STEP DETERMINATION

At the conclusion of a round of competition, Agency may choose to conduct additional round(s) of competition if deemed by Agency to be in the best interest of the state. Additional rounds of competition may consist of, but will not be limited to:

- Interviews
- Additional Submittal Items

4.14.14.13.1 Competitive Range Determination

If Agency, in its sole discretion, determines that two (2) or more additional rounds of competition is necessary, it will select a Competitive Range to indicate the Applicants that will be invited to participate in a subsequent round. The Competitive Range may include all, or at Agency's sole discretion, some (based primarily on a natural break in the distribution of scores), of the Applicants from a previous round. Agency will post a notice to Agency's Procurement website of its Competitive Range Determination and provide details about the process and schedule for the subsequent round.

4.15.14 ADDITIONAL ROUND PROCUREMENT PROCESS - INTERVIEWS (OPTIONAL)

If Agency, at its sole discretion, decides to proceed to this additional Round, Applicants progressing to this round will be invited to participate in Applicant interviews. Interviews

may be conducted via teleconference or video conference. Interviews will be scored (total maximum 50 points) on how well the Applicant's response clarifies the Application and responds to any additional Application questions. Additional Application questions will be emailed to the Applicants progressing to this Round prior to the interview. Further details will be included with the Notice of Competitive Range.

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

Agency, if it makes an Award of funding pursuant this RFA, shall enter into an Agreement in accordance with the process described in Section 4. Agency may award less than the full Scope of Work defined in this RFA. Agency, in its sole discretion, may make additional awards for up to 12 months following the close of this solicitation. In making additional awards, Agency may select the next ranked Applicant for the respective county and issue a Reservation of Funds notice. If an agreement with that Applicant is not reached, Agency may offer an Award to the next ranked Applicant for the county and so on until agreement is reached or until Agency terminates the process. Agency may require reconfirmation of the qualifications and staffing of any Applicant.

5.1.2 Reservation Notice

Agency will notify all Applicants in writing that Agency intends to award an Agreement to the selected Applicant(s) subject to successful negotiation of any negotiable provisions.

5.2 FUNDING AWARD PROTEST

5.2.1 Protest Submission

An Affected Applicant may submit a written protest in accordance with procedures and timeline outlined in OAR 813-005-0025.

5.2.2 Response to Protest

Agency will address all timely submitted protests within a reasonable time and will issue a written decision to the respective Applicant. Protests that do not include the required information may not be considered by Agency.

5.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

Each Applicant who is selected for an Award under this RFA will be required to submit additional information and comply with the following:

5.3.1 Insurance

Prior to execution of an Agreement, Applicant shall secure and demonstrate to Agency proof of insurance as required in this RFA or as negotiated. Insurance Requirements are found in Exhibit B of Attachment 1 (Sample Grant Agreement) to this RFA.

5.3.2 Taxpayer Identification Number

Applicant shall provide its Taxpayer Identification Number (“TIN”) and backup withholding status on a completed W-9 form when requested by Agency or when the backup withholding status or any other relevant information of Applicant has changed since the last submitted W-9 form, if any.

5.3.3 Business Registry

If selected for Award, Applicant shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Agreement. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

5.3.4 Culturally Responsive Organization Form (Attachment 7) – Required Supporting Documents

If selected for Award as a Culturally Responsive Organization, and if Applicant indicated in Attachment 7 that the required supporting documents would be submitted prior to Agreement execution, Applicant must submit those documents for Agency approval by the specified deadline.

5.3.5 Culturally Specific Organization Form (Attachment 6) – Required Supporting Documents

If selected for Award as a Culturally Specific Organization, and if Applicant indicated in Attachment 6 that the required supporting documents would be submitted prior to Agreement execution, Applicant must submit those documents for Agency approval by the specified deadline.

5.4 AGREEMENT NEGOTIATION

After selection of a successful Applicant, Agency may enter into Agreement negotiations with the successful Applicant. By submitting an Application, Applicant agrees to comply with the requirements of the RFA, including the terms and conditions of the Sample Grant Agreement (Attachment 1), with the exception of those terms reserved for negotiation such as the Statement of Work, Performance Goals, and insurance requirements.

Applicant shall review the attached Sample Grant Agreement and must note exceptions. Applicant must submit those exceptions to Agency during the Questions / Requests for Clarification period set forth in Section 1.2. Unless Agency agrees to modify any of the terms and conditions, Agency intends to enter into an Agreement with the successful Applicant substantially in the form set forth in the Sample Grant Agreement (Attachment 1).

It may be possible to negotiate some provisions of the final Agreement; however, Agency is not required to make any changes and many provisions cannot be changed. Applicant is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the state. Therefore, Agency will consider the scope of requested exceptions in the evaluation of each Application.

Any subsequent negotiated changes are subject to prior approval of the Oregon Department of

Justice.

Agency is not willing to negotiate those items listed below:

- Choice of law
- Choice of venue
- Constitutional requirements
- Requirements of applicable federal and state law

In the event that the parties have not reached mutually agreeable terms within 15 calendar days, Agency may terminate negotiations and commence negotiations with the next highest-ranking Applicant for the selected region.

SECTION 6: ADDITIONAL INFORMATION

6.1 GOVERNING LAWS AND REGULATIONS

This RFA is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFA, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section 6.1 be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

6.2 PUBLIC INFORMATION

All Applications are public records and are subject to public inspection. Application of the Oregon Public Records Law ("PRL") will determine whether any information is exempt from disclosure.

The PRL may provide confidentiality protection to some or all of your Application, at least on a limited basis.

- A. The PRL exempts disclosure exemptions from disclosure only so far as they qualify as bona fide trade secrets, and the exemption in ORS 192.345(2) from disclosure applies "unless the public interest requires disclosure in the particular instance". Therefore, non-disclosure of a document or any portion of a document submitted as part of an Application may depend upon official or judicial determinations made pursuant to Oregon law. Please identify in your Application any materials that you deem to constitute disclosure exemptions. Failure to do so may be deemed by Agency as a waiver by Applicant of this disclosure exemption.
- B. The PRL exempts certain records, communications and information obtained by Agency, including through this RFA. Please refer to ORS 192.355(24) for the specifics of this exemption.
- C. The PRL, in ORS 192.355(4), allows information submitted to a public body in confidence and not otherwise required by law to be submitted to that body, "where such information should reasonably be considered confidential, the public

body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.” In a competitive solicitation such as this RFA, the Agency has determined that the terms of individual Applications must be deemed and treated as confidential (at least through the point in time when a Notice of Intent to Award is made with respect to this RFA, and perhaps longer) if (i) the competitive purposes of the RFA are to be realized, (ii) the confidential distinguishing aspects of Applications are to be protected, and (iii) Agency’s interest in maximizing the number and innovative nature of Applications is to be achieved. If the Applicant identifies that its Application is being submitted in confidence pursuant to ORS 192.355(4) by so stating in writing on its Application through Attachment 4, Agency hereby obliges itself in good faith not to disclose the Application to the public consistent with the terms of ORS 192.355(4) - at least through the point in time when a Notice of Intent to Award is provided under this RFA, and perhaps longer if Agency determines, among other things, that such additional confidentiality serves the purposes of Agency programs, the public, or the purposes of this RFA.

All Applications submitted in response to this RFA become the property of Agency. By submitting an Application in response to this RFA, Applicant grants the state a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Application solely for the purpose of evaluating the Application, negotiating an Agreement, if awarded to Applicant, or as otherwise needed to administer the RFA process, and to fulfill obligations under PRL (ORS 192.311 through 192.478). Applications, including supporting materials, will not be returned to Applicant unless at Agency discretion.

6.3 CANCELLATION OF RFA; REJECTION OF APPLICATION; NO DAMAGES.

Agency may reject any or all Applications in-whole or in-part or may cancel this RFA at any time when the rejection or cancellation is in the best interest of the State or Agency, as determined by Agency. Neither the State nor Agency is liable to any Applicant for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFA or any Award, or rejection of any Application.

6.4 COST OF SUBMITTING AN APPLICATION

Applicant must pay all costs relating to submission of its Application, including, but not limited to, the costs to prepare and submit the Application, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with Protests.

6.5 CHECKLIST DISCLAIMER

Any checklists that may be contained in this RFA are provided only as a courtesy to prospective Applicant. Agency makes no representation as to the completeness or accuracy of any checklist. Prospective Applicant is solely responsible for reviewing and understanding the RFA and complying with all the requirements of this RFA, whether listed in a checklist or not. Neither the State nor Agency is liable for any claims, or subject to any defenses, asserted by Applicant based upon, resulting from, or related to, Applicant’s failure to comprehend or comply with all requirements of this RFA.