

# MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) 2024 REQUEST FOR QUALIFICATIONS (RFQ)

DATE OF ISSUE: November 3, 2023

TO: Potential Providers of Services

RE: Request for Qualifications for **Environmental Consulting Services**

**QUALIFICATIONS DUE:** Thursday, November 30, 2023, by 4:00 P.M. EST

**Proposals will be electronic submission only. All material must be submitted in) unsecured PDF format. All submittal documents will be uploaded by your firm's primary contact person to the MSHDA Environmental Review Sharepoint Site folder created for your firm (see *instructions below*).**

You are invited to submit your qualifications for inclusion on a list of pre-qualified consultants maintained by MSHDA. Each application must contain recent, unique, and original work, completed by and representing your firm. Specifications, terms, conditions, and instructions for submitting qualifications are contained in this RFQ.

*All submissions final. No addendums, clarifications, or corrections will be accepted or considered after Thursday, November 30, 2023.*

## REQUESTING A SHAREPOINT FOLDER

**By Monday, November 20, 2023, each Consultant or Firm who is considering submitting a proposal must provide the name and contact information (phone and e-mail) for one primary contact person who is authorized by the Consultant/Firm to act on behalf of the Consultant/Firm and request a folder on the MSHDA Environmental Review Sharepoint site, where your application material. Access to this Sharepoint folder will only be given to the primary contact person named, who will be responsible for uploading all material. Primary contact information and the request for a Sharepoint folder is to be provided to Ms. Megan Castro via email at [CastroM5@Michigan.gov](mailto:CastroM5@Michigan.gov). All communications from the Authority regarding this RFQ will be sent to the primary contact person.**

Questions may be submitted via e-mail. All questions must be received by 5:00 p.m. on November 13, 2023, to ensure a response by November 17, 2023. Questions and responses will be sent to all respondents to this RFQ (referred to herein as either Consultant or Firm) who provide a working email address for the primary contact person.

It is anticipated that MSHDA will make a decision by or about January 5, 2024. Consultants selected for MSHDA's pre-qualified provider list will be notified of the Authority's decision via e-mail on or about Tuesday, January 16, 2024.

<b>MSHDA RFQ Schedule</b>		<b>Dates</b>
1.	RFQ issued.	November 3, 2023
2.	Deadline for submit questions regarding this RFQ via email to <i>lincd@michigan.gov</i> .	November 13, 2023
3.	Deadline for MSHDA response to questions. Response will be posted to the Environmental Review section of the MSHDA website.	November 17, 2023
4.	Deadline to provide primary contact information and to request a folder on the MSHDA Environmental Review Sharepoint site to upload your firm's RFQ proposal.	November 20, 2023
4.	Deadline for submittal of RFQ proposal to MSHDA. All submittals are final. No addendums or corrections will be accepted after 4 PM of this date.	November 30, 2023
5.	Final day of MSHDA review period.	January 5, 2024
6.	Deadline by which MSHDA will begin notification of results via email to primary contact person.	January 16, 2024

**I. RFQ Scope of Services:**

MSHDA is seeking to prequalify firms (Consultant or Firm) authorized to do business in Michigan to conduct either or both of two groups of environmental services outlined below. Women and minority owned business are encouraged to submit proposals for consideration:

**Group A**

1. American Society for Testing and Materials (ASTM) Phase I and Phase II Environmental Site Assessments (ESAs), conceptual site models, and mitigation and/or remedial plans.
  - a. Including, where appropriate, non-scope items per MSHDA 2023 Environmental Review Requirements incorporated and enclosed.
2. Baseline Environmental Assessments (BEAs).
3. Response Activity Plans for a) Further Evaluation, b) 20107a Due Care Compliance, and c) Remedial Action Plans with submissions and approvals to EGLE.
4. Documentation of Due Care compliance (DDCC) reports with submissions and approvals to EGLE.
5. No Further Action (NFA) letters with submission and approval to EGLE.
6. Lead-based paint investigations (current state certifications required).
7. NESHAP-compliant Asbestos Containing Material assessments (current state licensure required).
8. Vapor Intrusion (VI) investigation, characterization, design plans, and mitigation.

## **Group B:**

1. Gathering data for and preparing National Environmental Protection Act (NEPA) study and statutory compliance report for compliance with HUD funded projects (24 CFR Part 58).
2. Prepare and submit to MI-SHPO Section 106 Historical Preservation applications using a qualified historians/archaeologists.
3. Gathering data for and preparing reports demonstrating compliance with the environmental provisions of the federal Housing Trust Fund (HTF) (24 CFR 93.301(f)).

Firms may choose to apply for consideration as a Group A consultant, Group B consultant (including Group B probationary), or both.

The list of prequalified Firms will also be provided to program applicants and developers for their consideration. For nearly all activities involving Group A- and B-type services, developers will contract directly with consultants and be responsible for ensuring they have appropriate insurance, experience, capacity, professional certifications, etc. Developers may choose to contract for Group A services with a consultant that is not on the prequalified list; **however, the developer will be responsible for any delays or expenses that may result.** Please note that when a developer hires the Consultant, the contractual relationship is established solely between the developer and the Consultant, in their own discretion and individual requirements.

The Authority may also contract with listed Consultants directly for services on a limited basis.

Given the highly specialized nature of the work and responsibilities of the Authority, projects requiring Group B services, usually indicated for those receiving some form of federal funding, must choose a Group B qualified consultant.

Firms deficient in the full qualifications or experience for Group B services may choose to apply as a Probationary Group B consultant (designated Group B(p)). Details on applying for this subgroup are detailed further in Exhibit B attached and incorporated into this RFQ.

## **II. Required Qualifications:**

MSHDA has identified the following qualifications that it believes are necessary for the successful performance and completion of the services described in the Scope of Work. Evidence of proper certification/licensure from the credentialing agency must be available upon request. The Consultant must:

- A.** Have experience providing the services described in the Scope of Work attached and incorporated into this RFQ as Exhibit A.
- B.** Assign experienced personnel to perform the services or have personnel supervised by experienced staff.

- C.** Have the following certifications or have assigned personnel/subcontractors with the following certifications:
- 1. Phase I ESA** - For Firms wishing to provide Phase I and Phase II ESAs, they should self-certify that they meet the qualification of a QC as described in Part 213. The certification requirements for the QCs and the CPs are provided in [Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act \(1994 PA 451; MCL 324.21301a et seq.\)](#), as amended.
  - 2. Asbestos** - For Asbestos removal and/or assessment services: Individuals with the proper certification issued by the Michigan Department of Licensing and Regulatory Affairs (i.e., workers, supervisors, inspectors, etc.), including an Asbestos Abatement Contractor's license.
  - 3. Lead Paint** - For Lead-Based Paint removal or assessment services: Individuals with the proper certification issued by the Michigan Department of Health and Human Services (i.e., workers, supervisors, risk assessors, inspectors, etc.), including certification as a Lead Abatement Contractor.
- D.** Be a Michigan entity (limited partnership, limited liability company, for profit corporation), a Firm that is authorized to do business in the State of Michigan. The Consultant will be required to submit and maintain:
- 1.** A Certificate of Good Standing issued by the Michigan Department of Licensing & Regulatory Affairs.
  - 2.** If a foreign corporation, a certificate authorizing the Consultant to transact business in the State of Michigan issued by Michigan's Department of Licensing and Regulatory Affairs.
- E.** Have a physical office in the State of Michigan.
- F.** Have phone, internet, and e-mail access. Internet and e-mail access must be adequate enough to allow the Consultant to download and upload data and files and receive files and attachments from MSHDA staff.
- G.** Agree to satisfy the following requirements prior to the execution of a contract with MSHDA:
- 1.** Indemnify, defend and hold harmless the Authority, its Board, officers, employees and agents, from and against all losses, liabilities, penalties, fines, damages and claims (including taxes), and all related costs and expenses (including reasonable attorneys' fees and disbursements and costs of investigation, litigation, settlement, judgments, interest and penalties), arising from or in connection with any of the following:

- a. any claim, demand, action, citation or legal proceeding against MSHDA, its employees and agents arising out of or resulting from (1) the services provided ("Services") or (2) performance of the Services, duties, responsibilities, actions or omissions of the Consultant or any of its subcontractors under a particular project;
- b. any claim, demand, action, citation or legal proceeding against MSHDA, its employees and agents arising out of or resulting from a breach by the Consultant of any representation or warranty made by the Consultant in the RFQ or a subsequent request for proposal;
- c. any claim, demand, action, citation or legal proceeding against MSHDA, its employees and agents arising out of or related to occurrences that the Consultant is required to insure against as provided for in this RFQ;
- d. any claim, demand, action, citation or legal proceeding against MSHDA, its employees and agents arising out of or resulting from the death or bodily injury of any person, or the damage, loss or destruction of any real or tangible personal property, in connection with the performance of services by the Consultant, by any of its subcontractors, by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable; provided, however, that this indemnification obligation shall not apply to the extent, if any, that such death, bodily injury or property damage is caused solely by the negligence or reckless or intentional wrongful conduct of MSHDA;
- e. any claim, demand, action, citation or legal proceeding against MSHDA, its employees and agents which results from an act or omission of the Consultant or any of its subcontractors in its or their capacity as an employer of a person.
- f. any action or proceeding threatened or brought against MSHDA to the extent that such action or proceeding is based on a claim that any piece of equipment, software, commodity or service supplied by the Consultant or its subcontractors, or the operation of such equipment, software, commodity or service, or the use or reproduction of any documentation provided with such equipment, software, commodity or service infringes any United States or foreign patent, copyright, trade secret or other proprietary right of any person or entity, which right is enforceable under the laws of the United States.

**H. Insurance Requirements** - Provide proof of insurance maintained by the Consultant demonstrating full coverage for all work performed as follows. (Note that if contracting with a private development firm, insurance requirements could vary):

1. Workers' Compensation Insurance - Covering all persons engaged in work under an awarded contract to the full statutory limits stipulated in the Michigan Workers' Compensation Act. Any citing of a policy of insurance must include a listing of the States where that policy's coverage is applicable.
2. The Consultant shall maintain insurance coverage in the forms and in at least the amounts specified below:
  - a) Commercial General Liability insurance, total combined single limits of \$1,000,000 per occurrence/\$2,000,000 aggregate
  - b) Automobile Liability insurance--\$1,000,000 per occurrence/\$2,000,000 aggregate
  - c) Professional Errors and Omissions insurance--\$1,000,000 each claim/\$2,000,000 aggregate
  - d) Pollution Liability insurance--\$1,000,000 per occurrence/\$2,000,000 aggregate, with extended coverage including third party liability for death, bodily injury, diminution of value of property and property damage.
3. The above requirements should not be interpreted to limit the liability of the Firm under an awarded contract
4. MSHDA must be included as an additional insured on the contractor's General Liability policy and a certificate holder on the contractor's Professional Errors and Omissions policy. Proof of insurance will be documented on an Accord 25 certificate. Additionally, a policy endorsement or other acceptable documentation will be provided to verify that the insurer must give MSHDA at least thirty (30) days prior written notice of cancellation, termination, or material change to policy. The ACORD 25 certificate, and policy endorsement or other acceptable documentation must be included in Section 10 of the Phase I Report.
5. Each insurance policy, including any deductible or self-insured retention, shall by its terms be primary with respect to any insurance carried by the Applicant or any parent, subsidiary, or affiliated entities. For policies written on claims-made basis, the Consultant must maintain coverage in effect for a period of at least three (3) years following the completion of the work.
6. The Consultant must promptly notify MSHDA of any changes made to the insurance policies required by this Section.

7. Upon written request of MSHDA, the Consultant must promptly deliver complete copies of policies evidencing the insurance coverages required by this Section to MSHDA.
  8. All required insurance shall be underwritten by an insurance carrier with an AM Best rating of not less than "A-, VII." MSHDA prefers that insurance carriers be licensed in Michigan; however, MSHDA will accept surplus lines insurance companies with an A.M. Best rating of no less than "A-, VIII."
  9. It shall be the Consultant's responsibility to provide similar insurance for each subcontractor or to provide evidence that each subcontractor carries such insurance in like amount prior to the time such subcontractor proceeds to perform under the contract.
- I. If hired directly by MSHDA, agree to execute a contract acceptable to the MSHDA Director of Legal Affairs.

Please note that if a developer hires the Consultant, not MSHDA, the contractual relationship will be established solely by the developer and Consultant, in their own discretion. The developers' insurance needs may vary.

### **III. Submitting Proposal:**

Firms wishing to submit proposals must upload complete, unsecured PDF copies of their proposal documents via the MSHDA Sharepoint folder assigned (see Requesting a Sharepoint Folder on Page 1). In the proposal, applicants must respond to and address the items listed in Exhibit B (Proposal Instructions and Selection Criteria) attached and incorporated into this RFQ.

The due date for receipt of proposals is Thursday, November 30, 2023 at 4 p.m. EST. All submissions by this date are final. No addendums, questions, or corrections will be accepted or considered after this time.

MSHDA shall not be liable for any costs that a Firm or Consultant may incur while preparing a proposal. MSHDA shall not be liable for any costs that a Firm or Consultant may incur prior to the complete execution of a contract. If MSHDA enters into a contract, MSHDA's consideration (payment) shall be limited to the term of the contract.

### **IV. Communications with MSHDA Staff Prior to Selection of Qualified Consultant List**

Any questions about the RFQ may be submitted via email using the subject line to the attention of:

Mr. Daniel Lince, MSHDA Environmental Manager  
E-mail: [lincd@michigan.gov](mailto:lincd@michigan.gov)

To ensure a fair and impartial process, MSHDA staff will not address non-written questions concerning the RFQ. Phone calls involving the RFQ or related questions will not be accepted.

Firms submitting proposals shall not contact any MSHDA staff or Board members except **Mr. Daniel Lince**

**All questions regarding the RFQ must be received by e-mail no later than Monday, November 13, 2023.**

MSHDA will answer appropriate questions received in a timely manner (e.g., information not covered/answered in the RFQ, interpretation issues, etc.). Responses to questions will be posted on the Environmental Review section of the MSHDA website on or before **Friday, November 17, 2023.** MSHDA will hold no other question sessions or Consultant conferences. MSHDA shall not be responsible for any non-working e-mail addresses.

If, prior to the proposal deadline, MSHDA deems it necessary to provide additional clarifying information, or to revise any part of the RFQ, supplements or revisions will be provided to all recipients of the RFQ who have provided the information for a primary contact person. Communications will be sent via e-mail to the primary contact person indicated. Proposals will then be evaluated based on the terms and conditions of the RFQ, any supplements or revisions thereof, and the answers to any written questions.

**V. Selection of Proposal:**

A scoring committee comprised of staff from MSHDA's Rental Development Division, Environmental Review section will evaluate proposals based on the Selection Criteria set forth in Exhibit B (Proposal Instruction and Selection Criteria) attached and incorporated into this RFQ.

**VI. News Release:**

News release(s) pertaining to this RFQ of the professional services, study, data or projects to which it relates will not be made without prior written MSHDA approval, and then, only in accordance with the explicit written instructions from MSHDA. No results pertaining to this RFQ (or a Contract, if awarded) or the services, study, data or projects to which it relates are to be released without prior approval of MSHDA and then only to persons designated by MSHDA.

**VII. Michigan Freedom of Information Act**

Documents submitted to MSHDA shall be subject to the Michigan Freedom of Information Act ("FOIA"). In the event a request for submitted documents is made to MSHDA, MSHDA's FOIA Coordinator will, as appropriate, redact or withhold information and/or documents that are exempt from disclosure under FOIA. See *MCL 15.243*. Please note that any requests by non-MSHDA personnel to review proposals will be denied until the deadline for submission of the bids has expired. See *MCL 15.243(1)(j)*.



# Exhibit A

## Scope of Work

### **1. Objective of the Request For Qualifications:**

The objective of this Request for Qualifications (RFQ) is to seek qualified Firms to provide a qualified consultant pool/list (prequalified Consultant list) available for environmental consulting services, as required. The Consultant will be contracted by the developer or, on a limited basis, could be hired by the Authority to conduct various environmental services. The Consultant can choose to provide some or all of Group A services and/or Group B services as needed to support projects from 2024-2027. The projects include any program that uses state or federal resources administered by MSHDA.

MSHDA is developing a prequalified Consultant list to assist MSHDA staff in making decisions concerning the environmental conditions and associated risks and approaches to mitigate/eliminate those risks in connection with lending on impacted properties.

The list of prequalified firms will also be provided to property developers for their consideration. Firms listed on MSHDA's pre-qualified list have demonstrated a familiarity and competence in conducting environmental services compliant with MSHDA's Environmental Review Requirements. However, developers are not required to contract with consultants from the pre-qualified list for Group A services. Developers that elect to use a firm not listed in MSHDA's pre-qualified Group A list, are responsible for any delays or expenses that may result.

Given the highly specialized nature of the work and the responsibilities of the Authority, Group B services must be chosen from the qualified list. On a project-by-project basis, only firms from the prequalified list may be solicited by MSHDA to provide technical assistance or other services, as requested.

Respondents to this RFQ will be ranked by the qualifications according to the evaluation criteria and for soliciting proposals for services as stated in Exhibit B.

### **2. Objectives, Tasks and Activities and Deadlines:**

#### **A. Objectives.**

To successfully perform the services requested in Section 1 above, the Consultant must have thorough knowledge, training and extensive experience in the rules and regulations related to Michigan's Natural Resources and Environmental Protection Act (NREPA) (particularly Parts 31, 201, 211, 213, 111, and 115), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act

(RCRA), the National Environmental Protection Act (NEPA) including 24 CFR Part 58 and related authorities, the HUD Lead Safe Housing Rule (24 CFR Part 35), and the Michigan Occupational Safety and Health Act (OSHA). Project working experience with the Michigan Department of Environment, Great Lakes, and Energy EGLE) and the U.S. Environmental Protection Agency (EPA) is also considered desirable.

### **B. Activities/Responsibilities Necessary to Complete Scope of Work.**

To achieve the objectives, the Consultant must certify that they have read, understood and can perform the services as described in the following documents

1. MSHDA Environmental Review Requirements for 2023.
2. HUD's Multifamily Accelerated Processing Guidebook Chapter 9 - Environmental Review.
3. MSHDA Combined Application Tab T.

The documents are available on the "Environmental Review" section of MSHDA's website, found [here](#).

### **3. Standards for Performance:**

The Consultant shall perform the tasks/activities and meet the objectives to MSHDA's satisfaction in accordance with the following standards. Failure to do so may lead to removal from MSHDA's prequalified Consultant list, and/or suspension/debarment from participation in MSHDA programs and transactions per Part 11 of the Administrative Rules adopted by MSHDA. MSHDA's performance standards include without limitation the following:

- a. Reports shall be completed within given timeframes.
- b. Conclusions reached in the reports shall conform to applicable American Society for Testing and Materials (ASTM) standards, reflect the Consultant's objective, professional opinion as to the environmental conditions and associated risks and include to what extent the environmental risks can be mitigated/eliminated.
- c. Studies must conform to the requirements described in the current MSHDA Environmental Review Requirements document.
- d. Report results must be communicated effectively.
- e. MSHDA requests for clarifications, information, or services are to be complied with promptly and completely.

# Exhibit B

## Proposal Instructions and Selection Criteria

### I. **PROPOSAL DELIVERY/SUBMISSION:**

**A. Request a MS-Sharepoint folder from MSHDA Environmental:** Interested firms must email Ms. Megan Castro ([CastroM5@Michigan.gov](mailto:CastroM5@Michigan.gov)) by Friday, November 17, 2023, with the name, email, and phone number of your firm's primary contact person. A unique RFQ folder for your firm's proposal will be created and access granted to the primary contact person. Only the primary contact person will have access to your firm's RFQ folder.

**B. Upload RFQ proposal:** The primary contact person must upload your application files responding to this RFQ by November 30, 2023, at 4 p.m. Submittal to include unsecured PDF copies of your proposal documents, as described in Exhibit A (Scope of Work). There should be no exhibits other than the information requested in this RFQ. Each section of the proposal must be clearly identified with appropriate headings. The entire proposal (excluding report examples) **must not exceed 25 pages.**

**C. Selection of Proposal:** It is anticipated that the MSHDA review will take a minimum of 5 weeks after submittal. The pre-qualified Consultants will be announced on or about January 16, 2024 via e-mail to each firm's primary contact person and posted on the Environmental Review Section of MSHDA's website.

### II. **PROPOSAL FORMAT:**

**A. Overview:** Proposals must be submitted in the format described in Section B (Format of Proposal) below. There should be no attachments, enclosures or exhibits other than those considered by the Consultant to be essential to a complete understanding of the proposal. Each section must be clearly identified with appropriate headings.

The proposal should be clear, accurate, and complete, with sufficient detail to enable MSHDA to evaluate the services and methods proposed. Brevity is appreciated.

### **B. Format of Proposal:**

**1. BUSINESS ORGANIZATION.** Answer/Address the following:

a. Full name and address of Firm:

b. Branch office(s), if applicable:

c. Type of entity (e.g., Michigan corporation, Michigan partnership, Michigan limited liability company, etc.).

- d. If entity is foreign (i.e., non-Michigan), is it licensed to do business in Michigan?
- e. Submit Certificate of Good Standing from the Michigan Department of Licensing and Regulatory Affairs dated within 30 days if Firm is a Michigan entity. (Attach certificate to proposal.)
- f. Submit Certificate of Authority to Transact Business or Conduct Affairs in Michigan from the Michigan Department of Licensing and Regulatory Affairs dated within 30 days if Firm is a not a Michigan entity.
- g. Submit Tax Identification Number for Firm.
- h. Designate a primary contact person for communications related to this RFQ and provide that person's full contact information, including a working e-mail address.

**2. MANAGEMENT & PERSONNEL.** Answer/Address the following:

- a. **Officer and Management Summary:** Identify officers and managers by name and position. Identify managers and/or officers who will manage the contract if it is awarded. (*Resumes or Curriculum Vitae of managers or officers may be provided.*)
- b. **Consultant's Authorized Contact:** Include the name, e-mail, and telephone number of person(s) in your organization authorized to expedite any proposed contract with MSHDA. An official authorized to commit the Firm to the terms and conditions of the Request for Proposals must sign the proposal. The Firm must clearly identify the full title and authorization of the designated official and provide a statement of proposal commitment with the accompanying signature of the official.

**3. EXPERIENCE.**

- a. **Prior Experience of Firm:** Indicate prior experience of your Firm that you consider relevant to the successful accomplishment of the potential services that may be requested in this RFQ. Include sufficient detail to demonstrate the relevance of such experience for those services you are bidding. Provide no more than 5 representative residential projects, limited to one page each, which best demonstrate your experience with conducting Phase I and Phase II Environmental Site Assessments, Baseline Environmental Assessments, Response Activity Plans, Vapor Intrusion investigation and mitigation, Documentation of Due Care Compliance/No-Further Action letters, Lead-based Paint Inspection/Risk Assessments, Asbestos assessments, and NEPA compliance documentation. Description must include project name, owner, and

client contact and phone number, description of project, professional services provided, Firm personnel identified in question #3b who worked on the project, and dates of the project.

- b. **Experience of Proposed Personnel Assigned to Provide Services:** Describe the education and experience of personnel who will be assigned to provide the proposed services described in this RFQ, including managers who may oversee work of personnel. Specifically, provide name and title, specialty, years of experience doing similar type projects, and expected role. *(Provide resumes or Curriculum Vitae of assigned personnel as attachments/enclosures, these pages will not count toward the 25-page proposal limit.)*
- c. **Quality Assurance Quality Control (QA/QC):** Describe the Firm's QA/QC programs including field activities, site sampling, remedial engineering studies, design and report preparation. The Firm must demonstrate knowledge of sampling at sites of environmental contamination and chain-of-custody procedures.
- d. **Prior MSHDA or other Governmental Agency work:** If applicable, provide a description of the projects that your Firm has done for MSHDA or another governmental agency that is similar to the scope of work requested herein.

## **All Applicants**

### **4. PROPOSED SERVICES.**

- a. **How Service Will Be Rendered:** Identify the environmental services you wish to perform (e.g., Group A, Group B/Group B(p)) and for each one, describe how the services will be rendered. Address and describe the process used to render the services.
- b. **Use of Subcontractors:** If any work will be subcontracted, describe the following:
  - i. Work that will be subcontracted.
  - ii. The process used to select the subcontractors.
  - iii. The names and contact information of the subcontracted Firms or individual(s) who are to perform the subcontracted work.
  - iv. The subcontractor's experience and expertise.
- c. **Standards:** Describe or address the following:
  - i. The standards that the services will satisfy. (If standards of a professional association will be followed, identify the standards and the association.)
  - ii. How quality of service will be monitored and ensured.

- iii. Other than the ASTM standards, what other "best practices" will be followed. (If applicable, identify, the organization and/or document that will establish such standards.)
  - iv. How the Consultant will ensure that the response to work requests will be timely and efficient to meet project demands.
- d. **Security of Data:** If the services to be rendered require the collection and/or use of confidential and/or personal data, confirm the following:
- i. Has your Firm established and used a policy to address the security of paper and electronic data? (Please do not submit a copy of your security policy.)
  - ii. Does your policy address the removal of confidential and/or personal data from storage media? (For example, does your Firm's policy include the removal or "wiping" of data from hard drives when a computer is no longer used?)

## 5. **FEE SCHEDULE.**

- a. **Price Proposal:** All rates quoted in proposals submitted in response to this RFQ will be firm for the duration of an awarded contract, unless otherwise agreed to in writing by MSHDA. Please note that the rates will only apply when MSHDA is hiring the Consultant. When developers are hiring the Consultants directly for a project, the developers and Consultants may establish their own rates/contracts when hired by the developers directly.

*Please note that if a contract is awarded by MSHDA, reimbursement of transportation costs will be limited to the State's reimbursement rate for State employees (current rates may be found at the State of Michigan DTMB website).*

- b. **Standard Fee Schedule:** Include in the proposal a line item Standard Fee Schedule that identifies all expenses related to the work to be performed. By submitting the bid, the Consultant acknowledges that it bears the risk that its expenses may exceed the proposed amount. The Standard Fee Schedule should include applicable items, which may include the following:
- i. Staff costs (# of hours/per hour rate/etc.)
  - ii. Costs of supplies and materials.
  - iii. Other direct costs.
  - iv. General and administrative burden or overhead.
  - v. Transportation costs—(*see above, costs limited to State's reimbursement rate for State employees*).

Please note that MSHDA realizes that each project will be different and a separate request for proposal will be requested for each service and project at the time the

project is underway. MSHDA may, in its sole discretion, ask for one or more Consultant proposals on any given project.

**6. DISCLOSURE OF PARTICIPATION AND INTERESTS IN MSHDA PROGRAMS.**

- a. **Disclosure of Interests in MSHDA Programs.** Submit a list of all interests in MSHDA programs that the Consultant, its officers, board members, and employees respectively have. If the Firm intends to use independent contractors or subcontractors to render services, please include the interests in MSHDA programs that independent contractors or subcontractors and their officers, board members, and employees respectively have. Such MSHDA programs include, but are not limited to, the Housing Voucher Program, any loans where MSHDA is the lender, and any grants made by or administered by MSHDA.
- b. **Potential Conflicts of Interests.** Please confirm whether any potential conflict of interests will exist if MSHDA enters into a contract with the Firm. Conflicts of interests may involve the Firm's officers, employees, members, board members, or independent contractors or subcontractors the Firm will use to render services if the Firm enters into a contract with MSHDA.
- c. **Family Members Who Work for Authority.** Please list the names of officers, board members, and employees who have family members who work for MSHDA; also, please list the name of the family member who works for MSHDA.

**7. NON-DISCRIMINATION REQUIREMENTS.**

In connection with the performance of work under an awarded contract with MSHDA, the Consultant agrees as follows:

- a. **No Discrimination in Hiring.** The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age or gender. The Consultant will take affirmative action to ensure that applicants are employed and that employees are, during employment, treated without regard to their race, religion, color, national origin, age or gender. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship.
- b. **No Discrimination in Advertising.** The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race religion, color, national origin, age or gender.

- c. **Records Requirements and Access.** The Consultant shall furnish and file as to the practices, policies, program and employment statistics for the Consultant and each subcontractor. The Consultant and subcontractor shall permit access to all books, records and accounts regarding employment practices by agents and representatives of MSHDA duly charged investigative duties to assure compliance with this clause.
- d. **Consequences of Breach.** Breach of the covenants herein may be regarded as a material breach of an awarded contract or purchasing agreement as provided in the Michigan Fair Employment Practices Act and may be processed thereunder.
- e. **Incorporation of Non-Discrimination Requirements.** The Consultant will include or incorporate by reference the provisions of the foregoing paragraphs a through e in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission and will provide in every subcontract or purchase order that said provision will be binding upon, each subcontractor or seller.

8. **POST QUALIFICATION INFORMATION.** After review of qualifications, MSHDA may request interviews and further information or clarifications in selected areas. Requested information shall be provided by the proposer either in writing or by oral presentation at no additional cost to MSHDA.

9. **SIGNATURE CLAUSE TO BE SIGNED BY AUTHORIZED SIGNATORY OF FIRM.**

**Signature Clause:** Insert the following signature clause at the end of the proposal and have an authorized signatory for the Firm sign it:

I confirm that I have submitted this proposal on behalf of ***(INSERT NAME OF FIRM)*** in response to the Michigan State Housing Development Authority's Request for Qualifications for environmental consulting services sought by MSHDA.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

10. **ADDITIONAL INFORMATION AND COMMENTS.** Include any other information that is believed to be pertinent but not specifically asked for elsewhere.

11. **EXAMPLE REPORTS.** Provide example reports consistent with the Firm's intended services as provided below. When selecting reports to submit, try to include reports with substantial statutory and/or compliance concerns that demonstrate the Firm's expertise in handling these issues. Note that MSHDA's Rental Development Division



deals primarily in residential, multi-family projects. Reports closer to that segment are preferred over non-residential segments.

**Note that these example reports are not counted as part of the 25-page proposal limit.**

**If the Firm does not have one or more of example reports, provide a brief statement explaining each omission.**

### **Example reports required for Group A applicants:**

- a. **A redacted Phase I Report:** Provide a copy of a recent redacted MSHDA-scope (or nearest equivalent) Phase I report prepared within the last 12 months that meets the ASTM 1527-21 standard, from a residential site with Recognized Environmental Conditions present. A Phase I ESA that also includes a complete Vapor Encroachment Screen per ASTM 2600-22 is preferred.
- b. **A redacted Phase II Investigation:** Provide a copy of a recent redacted Phase II report prepared within the last 18 months from a residential site with significant impacts present, preferably one that includes sub-slab or soil gas sampling for VOCs, review and analysis. Note that laboratory analytical sheets, field notes or other similar material that add to the volume of the report are not necessary.
- c. **A redacted Response Activity Plan for 20107(a) due care that was submitted to EGLE for approval and performed within the last 18 months,** preferably one that addresses potential vapor intrusion and direct contact exceedances at a residential site.
- d. **A redacted Documentation of Due Care Compliance (DDCC) or No Further Action Letter (NFA) that was submitted to EGLE for approval and performed within the last 24-months** from a residential site with significant impacts present. Please include only the most relevant report materials.
- e. **A redacted residential Lead Based Paint Risk Assessment performed within the last 24 months that satisfies State and HUD requirements.** These reports may be either performed in-house or subcontracted by the Firm.
- f. **A redacted residential Pre-Renovation/Demolition Asbestos Assessment performed within the last 24 months that satisfies NESHAP requirements,** either performed in-house or subcontracted by the Firm.

## Example reports required for Group B applicants:

- a. **Two redacted NEPA compliance reports:** Provide a copy of recent redacted NEPA reports, prepared within the last 18 months, meeting 24 CFR Part 58 requirements for each of the levels of review described below. HEROS-generated reports are acceptable. These samples should be relevant to the type of work expected to be performed under this RFQ (e.g., housing), contain notable statutory and compliance items wherever possible, and reports should be performed by currently employed staff. **While the report may refer to these documents, please do not include large reports such as Phase I/II ESAs, BEA's, non-scope inspections, etc. in your application. Note that these reports do not count toward the 25-page proposal limit.**
  1. Categorically Excluded Subject To (CEST)
  2. Environmental Assessment (EA)
- b. **Redacted Section 106 Historical Preservation application** made to MI-SHPO in the last 24 months, preferably for a residential, multi-family project.

*NOTE: At any time in the discretion of MSHDA, unsatisfactory performance or repeated poor submittals will result in removal from Group B list and placement on the Group B(p) list.*

## Reports Required for Probationary Group B Applicants – Group B(p):

- h. Probationary Group B(p) Consultants will be limited to one NEPA report per project for each tax credit and/or NOFA funding round.
- i. After three separate reports where NEPA compliance and quality was adequately demonstrated, a Group B(p) Firm may apply via email to MSHDA ER staff requesting full Group B status. Only Group B(p) firms that have maintained consistent quality and performance of their commissioned NEPA reviews, will be approved for full Group B status.
- j. Unsatisfactory performance or repeated poor submittals will result in removal from the Group B(p) list.
- k. **Intent:** Provide a Letter of Intent describing the Firm's greatest assets and abilities in providing Group B related services. The letter should include any relevant experience, future plans and NEPA related training that has been undertaken by current staff such as that offered by HUD, MSHDA or third-party providers for employees intended as NEPA specialists.

I. **Training:** Include a Training Plan for providing staff the education and materials needed for conducting NEPA and Part 58 environmental reviews and maintaining compliance with related laws and authorities.

m. **Examples of NEPA reports:** Provide a copy of the example NEPA report meeting 24 CFR Part 58 requirements described below. This report should be relevant to the type of work expected to be performed under this RFQ (e.g.- housing) and contain notable statutory and compliance items wherever possible. A sample Section 106 application must be a part of the submittal. Firms unable to provide an actual NEPA report should select a real-world location(s) and complete the necessary forms and supporting documentation for submittal. Examples showing scenarios triggering compliance items with Part 58 related laws and authorities are encouraged. **Please note that these reports do not count toward the 25 page proposal limit.**

1. Categorically excluded subject to (CEST)

**III. SELECTION OF PROPOSAL:**

Qualifications shall be reviewed by a scoring committee comprised of members of MSHDA’s Rental Development Division, Environmental Review Section. Applications will be evaluated based on the following criteria, to be weighed as indicated.

A. **Group A Selection Criteria:** The scoring committee will select Firm proposals for inclusion on the pre-qualified Group A consultant’s list based on the following criteria:

Group A Selection Criteria	Maximum Score
Experience similar to that required in this RFQ, knowledge of MSHDA procedures, education and qualifications of staff	20 points
Quality of prior work on MSHDA-related projects	-15 to 5
Organization and clarity of proposal	10
Evaluation of Phase I ESA and other example reports	110
Compliance with ASTM standards and State of Michigan requirements	15
Compliance with MSHDA Environmental Review Requirements	20
Opinion, rationale, discussion, and conclusions	20
Phase II completeness and accuracy	15
Response Activity Plan completeness and accuracy	15
Documentation of Due Care Compliance completeness and accuracy	15
Lead Risk Assessment completeness and accuracy	5
Asbestos inspection completeness and accuracy	5
Demonstrated capacity and ability to perform required services in a timely manner	15
Analysis of fee schedule.	5
Failure to follow RFQ instructions	-15 to 0
<b>GROUP A TOTAL POSSIBLE POINTS</b>	<b>165</b>

**B. Group B/B(p) Selection Criteria.** The scoring committee will select Firm proposals for inclusion on the pre-qualified Group B/B(p) consultant's list based on the following criteria:

Group B Selection Criteria	Maximum Score
Experience similar to that required in this RFQ, knowledge of MSHDA procedures, education and qualifications of staff	20 points
Quality of prior work on MSHDA-related projects	-15 to 5
Organization and clarity of proposal	10
Evaluation of NEPA Statutory Compliance Reports	90
Compliance of EA with MSHDA/HUD format	15
EA checklist (narrative, conclusions, descriptions, etc.)	15
EA supporting documentation (figures, maps, etc.)	15
Compliance of CEST with MSHDA/HUD format	15
CEST statutory checklist (narrative, conclusions, descriptions, etc.)	15
CEST supporting documentation (figures, maps, etc.)	15
Demonstrated capacity and ability to perform required services in a timely manner	15
Failure to follow RFQ instructions	-10 to 0
<b>GROUP B TOTAL POSSIBLE POINTS</b>	<b>140</b>

Group B(p) Selection Criteria	Maximum Score
Submitted Letter of Intent and Training Plan	15 points
Quality of prior work on MSHDA-related projects	-15 to 5
Organization and clarity of proposal	10
Evaluation of example NEPA Statutory Compliance Report	50
Compliance with current MSHDA/HUD format	15
Accuracy and Completeness	15
Supporting documentation	20
Estimated capacity and ability to perform required services in a timely manner	10
Failure to follow RFQ instructions	-10 to 0
<b>GROUP B(p) TOTAL POSSIBLE POINTS</b>	<b>90</b>

MSHDA may reject any and all proposals in whole or in part and may waive any informality or technical defects if, in the judgment of MSHDA, the best interests of MSHDA will be served.

Awarding of a MSHDA contract to a Firm shall be subject to a review by MSHDA's Office of Legal Affairs concerning conflicts of interests and/or participation in MSHDA

programs by the Firm, its officers, employees, subcontractors or independent contractors.

**C. Expected Deadline for Selecting Proposal.** MSHDA expects to confirm selection of the proposal by January 16, 2024.

**D. Cancellation of Selected Proposal.** The selection of a proposal by MSHDA may be canceled at any time prior to the complete execution of a contract. Reasons for canceling the selected proposal may include, but are not limited to, the following:

1. If the Department of Civil Service (DCS) approval is required by applicable law, refusal of DCS to process required forms; and/or
2. Refusal of duly authorized MSHDA signatory to execute the contract.

If MSHDA cancels its selection of a proposal, MSHDA may repost this or a similar RFQ and re-see proposals.