

REQUEST FOR PROPOSALS FAIR HOUSING TESTING FOR PORTLAND, OREGON

Proposals Due: Friday, March 9th, 2012

OVERVIEW: The Portland Housing Bureau (PHB) is seeking proposals for a program that will test local housing providers for discrimination based on the federal, state, and locally designated protected classes.

EVALUATION CRITERIA:

Project Proposal	30 points
Applicant Qualifications & Capabilities	15 points
Project Budget	20 points
Project Approach and Understanding	20 points
<u>Diversity in Employment</u>	<u>15 points</u>
Maximum Score	100 points

SOLICITATION COORDINATOR:

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Participation of certified Minority, Women, and Emerging Small Businesses are encouraged.

SCHEDULE

Request for Proposals Issued:

Friday, February 17th 2012

Proposals Due:

Friday, March 9th, 2012 at 4:00 p.m.

Anticipated Date Evaluation Panel Meets:

_____3/13/12

Anticipated Notice of Awards:

_____3/16/12

Anticipated Date of Contract Execution:

_____4/01/12

Date by which all funds must be spent:

_____6/30/13

All proposals must be received by the date and time deadline to be considered. PHB reserves the right to change any dates to serve the goals of the RFP.

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I. SUMMARY

The Portland Housing Bureau (PHB) has issued this Request for Proposals (RFP) to non-profit or for-profit entities to provide fair housing testing of local housing providers for discrimination based on the federal, state, and locally designated protected classes.

The National Fair Housing Alliance estimates that, on average, 4 million violations of the Fair Housing Act (FHA) occur every year across the nation (National Fair Housing Alliance, 2011).

The FHA makes it illegal to discriminate based on race, color, national origin, religion, sex, disability or familial status. State and local law also includes marital status, sexual orientation, source of income, military status, gender identity, and victims of domestic violence as protected classes. The intention of the law is to not only prevent discrimination, but also to promote integration.

In June 2011, The Analysis of Impediments to Fair Housing Choice Report (AI Report) identified testing as a vital tool in removing the barriers to housing choice and working towards a more equitable Portland. The City of Portland used the report to develop a five-year Action Plan that includes funding fair housing testing and support for a multi-jurisdictional Fair Housing Advocacy Committee.

Fair Housing testing has been a powerful tool in working to achieve these goals. By revealing the disparate impact upon some protected classes seeking housing, evidence from testing can be used to hold discriminatory housing providers accountable and deter others from engaging in discriminatory practices in the future.

GOAL FOR THIS RFP

Support the enhancement of fair housing enforcement through reliable fair housing testing information to aid enforcement and litigation, and to aid in the determination of trends or issues of housing discrimination.

Funds Available:

The available budget for the services described herein is up to \$46,000 if the successful Proposer is contracted for the next two fiscal years.

Budgeted activities will include test design, test coordination, analysis, and possible enforcement procedures. It will also include regular consultation with PHB personnel.

The proposal shall include the maximum number of tests the Proposer can perform with consideration to the project budget, and additional activities. Budget estimates should include the estimated number of tests and identification of which tests are matched pair, retesting, or phone testing.

II. PROJECT GUIDELINES

A. General Project Guidelines

- Proposers: Can be organizations, non-profit, for-profit entities.
- Project Type: Only proposals for fair housing testing as described by, but not limited to, section B, are eligible.

B. Scope of Services

The successful Proposer shall perform the tasks listed below for this project, and shall be expected to work closely with City personnel to accomplish these goals:

1. Collaborate with fair housing enforcement and advocacy agencies to narrow the testing field to sites which have a history of fair housing complaints and violations.
2. Reserve sufficient funds to effectively retest one or more times.
3. Design testing to increase the reliability of evidence for enforcement. This will include, but is not limited to:
 - Employing matched pair testing for fair housing discrimination in the areas of:
 - o Rental Availability
 - o Rental Inspection
 - o Rental Cost
 - o Rental Encouragement
 - o Rental Overall Treatment
 - Ensuring testers maintain their 'roles' to the best of their ability.

- Ensuring testers report to the testing coordinator immediately (within a few hours of the test on the same day) upon completion of a test.
 - Ensuring that the timing between each test in a matched pair is within the same day and not longer than 24 hours of each other to maintain similar field conditions.
 - Possibility of recording phone testing.
4. Design reports to ensure accurate and consistent reporting of every test. This will include, but is not limited to:
- Maintaining copies of all original notes made during and following testing, in addition to materials received by a tester during a test.
 - Documenting times, dates, locations of all tests, in addition to names of all parties.
 - Providing an ID number for every interaction with a housing provider or an agent of a housing provider.
 - Using both a quantitative and narrative component to the tester report form.
 - Preparing summary reports for all tests.
 - Using BOLI's "substantial evidence determination" as guidance for designing a test that will give trusted and compelling evidence if submitted as part of a complaint.

C. Deliverables and Schedule

Consultation with PHB and FHAC shall begin immediately upon selection of the successful Proposer. Test designs should be submitted to PHB by March 23rd 2012. Following third party approval, initial testing should be concluded by April 2nd 2012. All original reports and summaries should be submitted to PHB by May 30th 2012. A review process will determine which sites will be retested. If sufficient evidence has been gathered, complaints should be filed with BOLI or in civil court prior to the end of the statutory period and preferably by June 15th 2012.

The following is a sequential order of deliverables and the desired schedule:

- March 23rd 2012: Test design submitted and consultation.
- April 2nd 2012: Contract executed.
- April 15th 2012: Initial round of testing.
- May 16th 2012: Test submitted to PHB for review.
- May 30th 2012: Follow up testing reports and summaries.
- June 1st 2012: Final analysis testing reports and summaries submitted to PHB.
- June 15th 2012: Complaints filed with BOLI or in civil court.

All deliverables and resulting work product from this contract will become the property of the City of Portland. As such, the Contractor and any Subcontractors grant the City the right to copy and distribute (in any and all media and formats) project deliverables for regulatory, project certification/recognition, program development, public education, and/or for any purposes at the sole discretion of the City of Portland.

D. Work Performed by the City

PHB will provide the successful Proposer with instruction and continual support throughout the testing process as needed. This will include, but is not limited, to the following:

- Project management to oversee the successful Proposer's work.
- Facilitating regular meetings with relevant stakeholders.
- Approval of testing design.
- Input during the analysis stage of testing results.
- Final approval of tests to be submitted as complaints.
- Limited use of PHB facilities and resources.
- Third party evaluation of testing quality.

III. PROPOSAL GUIDELINES

THRESHOLD REQUIREMENTS

Any proposal not meeting the guidelines and requirements of this RFP will not be considered. PHB reserves the right to reject any or all of the proposals submitted, or to fund a single or multiple proposals. PHB also reserves the right to fully or partially fund a proposal. The Evaluation Committee will review the proposals using the following Submittal Requirements and Evaluation Criteria.

SUBMITTAL REQUIREMENTS

Section IV (Evaluation) of this RFP contains the process and criteria by which proposals will be evaluated. Proposers should use the information contained in that section as a guide. Proposals should be organized in the following order:

- 1. Cover sheet (See Exhibit A)**
- 2. Narrative on program plan**
- 3. Narrative qualifications and capabilities**
- 4. Worksheet and narrative describing budget request and program delivery fees**
- 5. Executed Certification (see Exhibit B)**

IV. EVALUATION

EVALUATION PROCESS

PHB will convene an Evaluation Committee to assess the proposals. The Committee will evaluate proposals received by the due date and complying with RFP guidelines in accordance with RFP criteria. PHB reserves the right to waive minor imperfections or discrepancies in proposals. The Committee may invite top-ranked proposer(s) to interview in person or by conference call. If so requested, the interview is mandatory and failure to meet with the Committee within a reasonable time will be grounds for rejection of the proposal. Information from the interview may be used to score proposals. The Evaluation Committee will rank the proposals and recommend the award amounts to the PHB Director, who will make final award decisions.

EVALUATION CRITERIA

Each of the eligible activities within any proposal will be evaluated and scored separately. A proposal requesting funds for multiple activities will have multiple scores. Proposers must distinctly address how they meet the Evaluation Criteria for each of the eligible activities they propose to deliver. Each score will be based on a 100 point scale.

A. Project Proposal (Maximum 30 points)

- Compliance with RFP requirements.
- Soundness of proposed approach for achieving the proposed eligible activity.
- Degree to which program meets goals of RFP.
- Quality and impact of program including outputs and outcomes that are specific, time bound and measurable.
- Detail and thoroughness of overall proposal.
- Samples of the proposed testing questionnaires and training materials; or actual completed tests, the analysis of the test, and result of a complaint filed with audit testing as part of the evidence.

B. Applicant Qualifications and Capabilities (Maximum 15 points)

The successful proposer will demonstrate the following qualifications in their application:

- Proven expertise in fair housing testing.
- Proven track record of accurate and consistent testing results that can be used for enforcement.
- Existing strong relationships or the ability to establish strong relationships, with fair housing enforcement agencies.
- Control measures such as consistent management oversight; consistent and accurate records management; and a final review process of audit results that involves senior staff members. This shall include examples of previous summary reports.
- Evidence of an established training program for testers, including a manual and a training session that includes either role play or a practice test.
- Ability to recruit a diverse staff and testers.
- Evidence of well-trained and experienced testing staff, such as years of service, certification, and hours of training.
- A designated testing coordinator experienced in facilitating matched pair testing.
- Ability to perform and record phone testing.
- Ability to produce accurate information that would enable the filing of a complaint with either an enforcement agency or in civil court.
- Ability to facilitate the filing of a complaint, by others or as a complainant, with either an enforcement agency or in civil court.
- All staff, including testers, must be prepared to testify their experiences to BOLI or in civil court.
- Applicant should be prepared to offer references.

C. Project Budget (Maximum 20 points)

- Reasonableness of proposed budget.
- Efficient and effective use of funds.
- Appropriate identification of expenses and estimation of costs.
- Adequate budgeting to meet any relevant federal requirements.
- Amount of documented funds leveraged by PHB funds.
- The proposal shall include the Proposer's true estimated cost or fixed-price estimate for the proposed project approach irrespective of the City's anticipated cost.
- Additionally, this cost shall include the hourly rates of each person associated with the project as well as the estimated number of hours each staff member will be expected to work on each task.

D. Project Approach and Understanding (Maximum 20 points)

Demonstrate in the body of the proposal a depth of understanding of the goals and desired outcomes of this project. Be prepared to share examples of your work.

E. Diversity in Employment (Maximum 15 points)

PHB is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The City values, supports, and nurtures diversity, and encourages any firm contracting with the City to do the same, maximizing M/W/ESB business participation with regard to all City contracts. PHB has assigned at least 15% of the total points available on this solicitation to this criterion.

All Proposers shall address the following in their proposals:

- a. Indicate whether your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or whether your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB).
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
 - Number of total employees and description of type of work performed.
 - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.

- Underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
- Plans to provide innovative mentoring, technical training or professional development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.
- Description of the process your firm uses to recruit minorities and women.

PHB expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals, and will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer.

V. PROPOSAL PREPARATION INSTRUCTIONS

Proposal Preparation and Submission:

Proposals for a single eligible activity shall be a maximum of ten (10) pages in length. Proposals including two or more eligible activities may be an additional (3) pages in length for each additional activity being proposed. These page limit requirements do not include Cover Page, Exhibits A, and B, and MOUs (if any).

Proposers shall submit to PHB **one (1) ORIGINAL** hard copy and **ten** copies of the proposal, and **one electronic version** by the due date, **Friday, March 9, 2012**, at 4:00 p.m. The original proposal must bear an original ink signature and be marked "ORIGINAL" and the copies must be marked "COPY".

The proposals must be typed. The electronic copy of the proposal should be in Microsoft Word format and emailed directly to the solicitation coordinator by the proposal due date. No facsimile proposals will be accepted.

In accordance with the City of Portland's Sustainable Paper Use Policy, please submit your proposal in loose leaf, unbound sets (staples are acceptable), printed on recycled paper with at least 30% post-consumer waste content. Please do not use ring binders, section dividers or any other materials which cannot be easily recycled. Double-sided printing is preferred.

Submit proposals in a sealed package or envelope clearly marked with the name of the RFP and the date and time proposals are due. PHB will not be liable for any lost or late proposals.

Deliver proposals by due date and time to:

Portland Housing Bureau
Attn: Kim McCarty
421 SW 6th Ave., Suite 500
Portland OR 97204

Questions and Requests for Clarification or Change: All requests for clarification regarding technical information, procedures, contract requirements or any other matter regarding this solicitation should be submitted **in writing** to the Solicitation Coordinator, Kim McCarty, at Kim.McCarty@portlandoregon.gov or to the above-referenced address.

Restrictions on Communication: Proposers are cautioned not to undertake activities or actions to promote or advertise their proposals or to make any direct or indirect attempt to influence the Evaluation Committee members except upon invitation by PHB in a formal interview. Proposers must respond to **all** questions, comments, and requests for clarification before contracts will be executed.

Negotiating Final Contracts: After PHB has issued the award decisions, it will enter into negotiations on top-ranked proposals to finalize contracts including work, schedule, and fees. Negotiations will, in general, be minimal and completed by the proposed Contract Execution Date, although this date may be extended at the sole discretion of PHB. If PHB determines that a negotiation has reached an impasse, it may cease that negotiation and move to the next highest-ranked proposal. The City leadership must approve the final proposals, including award amounts and all contract terms and conditions. Final contracts will provide for PHB's right to rescind awards if terms and conditions, including required milestones, are not met.

Exhibit A

COVER SHEET

Fair Housing Audit Testing Services

Applications due at PHB by Friday, March 9th, 4:00 p.m.

Name of Organization:

Address:

www:

Contact Person:

Telephone:

E-mail:

Funds Requested:

Total

\$_____

In 100 words or less for each activity, summarize the proposal:

List any community partners:

The undersigned certify that the information provided herein, to the best of their knowledge, is true, complete, and accurately describes the proposal.

Signature of _____

Signature of Proposer's duly authorized representative

Date

Signature of _____

Signature of Proposer's duly authorized representative

Date

Exhibit B
PROPOSER CERTIFICATION

Each Proposer must read and sign this section.
Failure to do so may be grounds for Proposal rejection.

1. By submitting a proposal, proposer expressly represents it has taken no exception to any term, condition, obligation or requirement contained in this solicitation document, or any addenda to this solicitation, which is not expressly stated in its proposal.
2. Prior to contract execution, a proposer agrees to: 1) [register to conduct business in the State of Oregon](#); 2) [obtain a City of Portland Business License](#); 3) [obtain certification as an Equal Employment Opportunity \(EEO\) employer](#) through the City of Portland, Bureau of Purchases; 4) provide adequate proof of insurance; and 5) provide verification of non-profit status if applicable. Proposer agrees to maintain such certification, insurance, accreditation and/or license(s) that may be required to perform work for the duration of the contract term.
3. Proposer agrees to make the proposal a binding offer to PHB for a period of ninety (90) calendar days from the date proposals are due.

Proposer further certifies:

4. It is an independent contractor as defined in ORS 670.600 et al. and is, to the best of its knowledge, not in violation of any federal, state or local tax law.
5. This proposal is genuine and not made in the interest of, or on behalf of, any undisclosed person, firm or corporation; proposer has not induced any person, firm or corporation to refrain from proposing; and proposer has not sought by collusion or fraud to obtain for itself any advantage over any other proposer or over the Portland Housing Bureau (PHB).
6. It has no business or personal relationships with any other companies or persons that could be considered as a conflict of interest or potential conflict of interest to PHB, and that the key personnel and principals identified to perform work under an awarded contract do not have any undisclosed personal or business relationships with any of the PHB employees.
7. The undersigned warrants that s/he is an authorized representative of the proposer; has read, understands and agrees to be bound by all RFP instructions, specifications, contract terms and conditions contained herein (including all addenda issued for this solicitation); that the information provided in this proposal is true and accurate; and understands that providing incorrect or incomplete information may be cause for proposal rejection or contract termination.

SIGNATURE BLOCK

Signature of Proposer's duly authorized representative:

_____ Date: _____

Printed Name and Title: _____

Legal Name of Proposer/Firm: _____

(Mandatory) Federal Tax Identification Number (FEIN or SSN): _____