

**BABERS MANOR
REQUEST FOR PROPOSAL**

**CONSTRUCTION SUPPORT SERVICES
RELATED TO
SECTION 3, AND M/WBE BUSINESS AND LABOR UTILIZATION,
DAVIS BACON WAGE RATES AND PAYROLL COMPLIANCE**

I. Introduction and Background

McCormack Baron Salazar Development, Inc. (MBSDI) is requesting proposals from qualified and experienced firms to perform Construction Support Consulting Services in connection with the proposed Babers Manor Mixed-Income residential development as part of the Stop Six Choice Neighborhood Initiative (SSCNI) in Fort Worth, Texas. The request for qualifications and proposals for a Construction Support Services consultant is to support MBS and the selected General Contractor to comply with federal, state, and local regulations and contract requirements and conditions for three major construction contracts related to the development of Babers Manor. The construction contract will include Site Preparation, Housing Construction, and Public Improvements Construction.

Since early 1970, McCormack Baron Salazar, Inc. (MBS) has been a leading for-profit developer committed to the rebuilding of urban neighborhoods. The firm has moved from restoring single historic buildings to undertaking multi-block developments that incorporate both market rate and affordable housing plus commercial and retail components. The firm has developed new housing in many historic urban districts and sites, that respects the historic and contextual architectural of the neighborhood. The new developments have a history of spurring new social and economic environments that stimulate other new public and private investments into the community. For more information about McCormack Baron Salazar, please visit the website at www.mccormackbaron.com.

MBS is partnering with Fort Worth Housing Solutions (FWHS). FWHS was established by the Fort Worth City Council in 1938 to provide decent and safe housing for low- to moderate-income families and individuals. The Agency's first public housing properties, Ripley Arnold Place and Butler Place, opened their doors in 1942, and they built their third housing community, J.A. Cavile Place, in the early 1950s. In the 1970s, FWHS began to purchase and renovate private-sector properties, such as Hunter Plaza, to offer mixed-income housing opportunities and began offering rental subsidies to enable eligible households to rent units in the private sector. In 2015, FWHS received approval from HUD to convert its public housing portfolio through the Rental Assistance Demonstration (RAD) program, and will utilize other HUD-approved programs, as needed, to complete the conversion. The Agency is now focused on transforming its housing into mixed-income communities that offer both affordable and market-rate units; it has 8 new properties under construction and 7 in the pipeline that will add an additional 3,283 units to the

existing FWHS housing portfolio . For more information about FWHS, please visit the website at www.fwhs.org.

II. Babers Manor Project Description & Schedule

This development is the third of a six-phase, multi-year housing which includes the demolition and redevelopment of the former Cavile Place public housing site and the development of approximately 1,000 new apartment homes and townhomes, as well a commercial and retail space over six years.

To implement the *Stop Six Choice Neighborhood Transformation Plan*, FWHS selected McCormack Baron Salazar (MBS) as the Master Developer. Each phase of new rental housing will be owned by separate limited partnership entities which will include affiliate entities of FWHS and MBS as members of those partnerships.

The subject area of this RFP is within the project area shown on the attached ***Attachment A – Babers Manor Site Plan, Building Elevations, and Survey***. The proposed scope of work for the Babers Manor development consists of 80 rental apartments and townhomes, primarily targeted for families. Babers Manor will feature amenities to serve all residents of the new community, including a clubhouse and playground on the western end of the development. In addition, the project will include site and offsite improvements necessary to support and sustain the new residential community.

Shown below is the anticipated project schedule for the Babers Manor development.

- | | |
|---------------------------------------------------------|--------------------------------------|
| • General Contractor Selection | November 28, 2023 |
| • Outreach to Sub-Contractors | December 4, 2023 – January 12, 2024 |
| • <i>Select Construction Services Consultant</i> | <i>December 22, 2023</i> |
| • Submit Initial GMP for FHA HUD 2328 | December 1 – December 22, 2023 |
| • Bidding to Subcontractors | January 22, 2024 – February 28, 2024 |
| • Negotiate Final GMP for FHA | February 29, 2024 – March 8, 2024 |
| • Submit final HUD 2328 for FHA Closing | March 13, 2024 |
| • Construction Closing & NTP | March 28, 2024 |
| • Substantial Completion/ C of O Issuance | August 15, 2025 |
| • Final Completion | October 15, 2025 |

III. Scope of Work

The selected consultant firm will have experience in conducting outreach and providing construction contract management support to MBSDI in the areas of reporting and monitoring Section 3 Labor/Business Utilization, M/WBE Labor/Business Utilization, and Davis-Bacon Wage compliance for the proposed Babers Manor mixed-income development. Below are the scopes of work in which the selected consultant must demonstrate expertise and experience in designing

and implementing a plan that will meet and / or exceed the goals established for the Babers Manor development.

The Business Equity Goal participation for certified MBEs is 25% and 5% for certified WBEs in FWHS prime contracts and subcontracting opportunities. MBS and FWHS are committed to achieving diversity and inclusion within the businesses participating in the project. MBS, FWHS and the City of Fort Worth's Business Equity Goals for this project are 25% certified MBE participation and 5% certified WBE participation, with an emphasis on participation by local certified Business Equity Firms – with physical locations and roots in the City of Fort Worth, and the City's 6-County Marketplace (Tarrant, Dallas, Denton, Johnson, Parker and Wise counties).

A. Section 3 Scope & Compliance

The selected Consultant must understand fully the current regulations and program requirements associated with Section 3 of the HUD Act of 1968, which guarantees that employment and other business and economic opportunities would be created in Federally-assisted housing and economic development programs. Consultants must provide the following services to support McCormack Baron Salazar Development, Inc. and achieve project requirements:

- Consultant shall be responsible for identifying and communicating with local, regional and statewide organizations to inform them about bidding opportunities that will be solicited by the general contractor, with concentrated emphasis on conducting outreach to Section 3 businesses and workers.
- Effectively educate the construction contractor and its subcontractors, as needed, regarding Section 3 program requirements and as well as opportunities for outreach to prospective bidders, vendors and suppliers.
- Provide effective information and technical assistance, as needed, to the general contractor and prospective subcontractors in order to ensure clear understanding of the compliance requirements and responsibilities under Section 3.
- Maintain a dialogue with the MBS development team and the General Contractor to identify opportunities for Section 3 training and employment.
- Effectively coordinate with the General Contractor and subcontractors and the City of Fort Worth, as needed, to assist in connecting them to qualified and compatible Section 3 businesses, as well as to local education organizations and other training programs to help increase opportunities for immediate and long-term employment.
- Provide information and guidance to MBS staff related to compliance with Section 3 and labor/wage regulations.

- Report monthly progress with Section 3 compliance by the General Contractor and their subcontractors to the MBS team, and include information on the following activities:
 - Section 3 contracts awarded and Section 3 contracts payment progress to date for the Contractor and its subcontractors;
 - Section 3 businesses and status of contracts and subcontracts;
 - Section 3 new hires and status of employment;
 - Outreach activities and meetings;
 - Status of outstanding issues; and
 - Timely notification to Owner, contractors and/or subcontractors of any non-compliance.

B. Business Equity Firm Utilization

Consultant must understand federal, state, and local Minority and Women Business and Utilization programs and support MBS with the following services:

- Disseminate informational updates regarding subcontracting opportunities to M/WBE firms that contact the project office or that are affiliated with minority and woman business organizations.
- Assist contractors and sub-contractors, as needed, to identify qualified M/WBE's that may have an interest in bidding on to the project.
- Provide feedback and recommendations to MBS on processes and procedures which may enhance M/WBE participation to meet federal, state, and local M/WBE program requirements.
- Maintain a dialogue and written communication with the MBS team, including the general contractor and subcontractors to identify opportunities for maximizing M/WBE utilization.
- Confirm the status of M/WBE certification of subcontractors utilized to meet the stated M/WBE goals.
- Enhance the visibility of the MBS team and its members in the community by positively communicating successes in M/WBE utilization.
- Report M/WBE progress monthly to the development team, to include information on the following activities:
 - M/WBE contracts awarded to date
 - M/WBE contracts payment progress to date for the Contractor and its subcontractors
 - M/WBE businesses and status of contracts
 - M/WBE worker hiring and status of employment
 - Outreach activities and meetings

- Status of outstanding issues
- Timely notification to MBS, general contractor and/or subcontractors of any non-compliance

C. Section 3, M/WBE Worker Utilization

- Connect and communicate with local resources, organizations, and government entities to disseminate information about bidding opportunities, with special emphasis on conducting outreach to Section 3 and small businesses.
- Disseminate information updates on services and subcontracting opportunities to local, small, disadvantaged M/WBE and Section 3 business entities and workers that contact the project office, local organizations, or labor entities that have a verifiable third-party certification as a Minority or Women or Section 3 worker.
- Assist contractors, subcontractors and consultants to identify qualified and compatible local, small, and disadvantaged M/WBE and Section 3 labor workforce to participate in the projects.
- Provide feedback and recommendations to MBS on processes and procurement procedures which may enhance local and disadvantaged Section 3, Minority, and Women worker participation.
- Maintain a dialogue and written communication with the MBS team, including the general contractor and subcontractors to identify opportunities for maximizing local and disadvantaged Section 3, Minority, and Women worker participation.
- Solicit and provide feedback and recommendations to MBS on processes and procurement procedures which may enhance Section 3, Minority, and Women worker participation.
- Confirm the local, small, and disadvantaged M/WBE and Section 3 business status and certifications, if required, of subcontractors utilized to meet the project goals for worker participation.
- Provide summary reporting of local, small, and disadvantaged M/WBE and Section 3 business and worker hiring progress monthly to the development team, to include information on the following activities:
 - Section 3, Minority, and Women worker participation progress to date for the Contractor and its Subcontractors
 - Section 3, Minority, and Women workers hired and status of employment
 - Outreach activities and meetings
 - Status of outstanding issues

- Timely notifications to Owner, Contractor and Subcontractors of any non-compliance

D. City of Fort Worth Business Equity Ordinance

Consultant must also understand and be familiar with the City of Fort Worth's Business Equity Ordinance. The Consultant will support MBS and the General Contractor in making a Good Faith Effort, to the greatest extent feasible, to recruit, target, and direct economic opportunities to Section 3 Workers, Targeted Section 3 Workers, and Section 3 Businesses. Below is the reference to the City's business equity ordinance.

Ref: Section 20-370- Business Equity Ordinance - In making a Good Faith Effort determination, it will be considered, at a minimum, the Bidder's efforts to:

- i. Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all Business Equity Firms in the scope of work of the Contract. The Bidder shall provide interested Business Equity Firms with timely, adequate information about the plans, specifications, and requirements of the Contract to allow such firms to respond to the Solicitation. The Bidder must follow up initial Solicitations with interested Business Equity Firms.
- ii. Select portions of the work to be performed by Business Equity Firms in order to increase the likelihood that the Business Equity Goal will be achieved. This includes, where appropriate, breaking out Contract work items into economically feasible units to facilitate participation, even when the Bidder would otherwise prefer to perform these work items with its own forces. It is the Bidder's responsibility to make a portion of the work available to Business Equity Firms and to select those portions of the work or material needs consistent with the availability of such Business Equity Firms to facilitate their participation.
- iii. Negotiate in good faith with interested Business Equity Firms. Evidence of such negotiation includes the names, addresses, and telephone numbers of Business Equity Firms that were contacted, a description of the information provided regarding the plans and specifications for the work selected for subcontracting, and why agreements could not be reached. The Bidder may not reject Business Equity Firms as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using Business Equity Firms is not in itself sufficient reason for a Bidder's failure to meet the Business Equity Goal, as long as such costs are reasonable.
- iv. The performance of other Bidders in meeting the Business Equity Goal may be considered. For example, when the apparent successful Bidder fails to meet the Business Equity Goal but others meet it, it may be reasonably

questioned whether, with additional reasonable efforts, the apparent successful Bidder could have met the Business Equity Goal.

A signed letter of intent from each listed Business Equity Firms describing the work, materials, equipment, or services to be performed or provided by the Business Equity Firms and the agreed upon dollar value shall be due at the time specified in the Solicitation.

Where the Bidder cannot achieve the Business Equity Goal, the Bidder must provide proof of having made Good Faith Efforts to meet the Business Equity Goal. Good Faith Effort requirement means an honest and conscientious effort by the Bidder to explore all available options to achieve, to the maximum extent practical to meet the Business Equity Goal.

1) Compliance with each of the following steps shall satisfy the Good Faith Effort requirement absent mere pro forma efforts or proof of fraud, misrepresentation, or intentional discrimination by the Bidder:

i. List each and every opportunity for Subcontractors for the completion of a Contract. On Combined Projects list each opportunity for Subcontractors through the 2nd Tier.

ii. Obtain a current list (dated not more than two (2) months old prior to the bid open date) of Business Equity Firms from the DVIN.
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iii. Solicit participation from Business Equity Firms, within the Subcontractor areas previously listed, at least ten calendar days prior to bid opening, exclusive of the day the bids are opened. Both Business Equity Firms and non- Business Equity Firms must receive the same Solicitation for each area of opportunity. The three methods identified below are acceptable for soliciting participation, and each selected method must be applied to the applicable contract. The Bidder must document, to the satisfaction of the DVIN, that at least two attempts were made using two of the three following methods: (i) email, (ii) fax, or(iii) telephone or that at least one successful contact was made using either(i) email, (ii) fax, or(iii) telephone in order to be deemed responsive to the Good Faith Effort requirement.

iv. Provide plans and specifications or information regarding the location of plans and specifications which shall be communicated to all Business Equity firms in each Subcontractor area.

v. Attach a copy of the Solicitation sent to the Business Equity firm identifying the instructions on how to obtain plans and specifications for this Solicitation.

vi. Submit documentation of any Business Equity Firm whose quotes were rejected. The documentation submitted should be in the form of an affidavit, include a detailed explanation of why the Business Equity firm was rejected and any supporting documentation the Bidder wishes to be considered by the City. In the event of a bona fide dispute concerning quotes, the Bidder will provide for confidential review of any relevant documentation by City personnel.

vii. All communications from the Bidder to potential Business Equity Firms shall be documented and submitted to the City.

E. Davis-Bacon Prevailing Wage Training & Compliance Monitoring

Consultant is to provide administrative support to MBS to ensure Davis-Bacon Wage Reporting requirements are efficiently and accurately met, including the following tasks:

- Provide electronic means of payroll reporting, new hire reporting, worker utilization, and document submittal including, but not limited to ensuring setup of information for certified payroll compliance and coordinating reporting requirements, administrative logins to reporting systems, and schedules.
- Provide a hands-on orientation session for contractors on the Davis-Bacon Certified Payroll requirements and the compliance effort and documentation required as part of their contract.
- Assist contractors in understanding and completing Payroll Form WH-347 (or other approved form) to report weekly pay and fringe benefits reports correctly.
- Assist contractors to identify correct worker class, worker rate, and hourly fringe information for proper payment of employees and to request additional wage classifications, as necessary.
- Review payroll submittals for MBS direct contracts for completeness and correctness prior to submission to designated Labor Wage Rate Compliance representative or entity.
- Provide MBS document tracking tools to ensure receipt, review and submission of certificate payroll reports from the General Contractor and their subcontractors.

F. Hiring Plan Compliance

Collaborate with the Selected General Contractor and Urban Strategies, Inc. to formulate and document data, forms, and plans for submittal to FWHS and HUD outlining the efforts and measures to maximize minority business enterprises and workers (MBE), women business enterprises and workers (WBE), and Section 3 business concerns, and Section 3 worker hiring as

required by each type of funding incentive or component project. More specifically, create a plan that will work towards meeting the Section 3 Participation goals listed below.

Section 3 Employment:

- Twenty-five percent (25%) of total labor hours for the project worked by:
- Employee of a Section 3 Business;
- Youth-Build Participants; or
- Below 80% AMI (area median individual income).
- Five percent (5%) or more of the total number of labor hours worked by all workers are worked by Targeted Section 3 workers.
- Employee of a Section 3 business;
- Service area resident (§75.5); or
- Youth-Build Participant (within past 5 years).

Section 3 Business Participation: Best efforts made to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers. The following order of priority must be considered when contracting:

- Section 3 business concerns that provide economic opportunities for residents of the public housing project for which the assistance is provided:
or
- Section 3 business concerns that provide economic opportunities for residents of other public housing projects or Section 8 – assisted housing managed by FWHS.

As part of its proposal, the Consultant shall provide specific examples that are relevant to ALL the above scopes of work and shall reference past projects whereby the consultant has performed, managed, and monitored these services for a prior Owner entity. The proposal must also include references and documentation that will confirm these past experiences. Additionally, the responder should also indicate other strategies or approaches the Consultant has previously utilized to maximize business utilization and equity, Section 3 business and employee participation, and Davis Bacon/labor wage compliance.

G. Definitions

A **Section 3 Worker** is any worker who currently fits, or when hired within the past five (5) years fit, at least one of the following categories: 1) Income for the previous or annualized calendar year is below the income limit established by HUD; 2) Employed by a Section 3 business concern; 3) a Youth-Build participant.

A **Targeted Section 3 Worker** is any worker who currently fits, or when hired within the past five (5) years fit, at least one of the following categories:

- Employed by a Section 3 business concern;
- Living within the service area or the neighborhood of the development;

- A resident of public housing or Section 8-assisted housing;
- A resident of other public housing projects or Section 8-assisted housing managed by FWHS; or
- A Youth-Build participant.

A **Section 3 Business** is a firm that is either 1) 51% or more owned by Section 3 resident(s); or 2) Over seventy-five percent (75%) of the labor hours performed for the business over the prior three (3) month period are performed by Section 3 workers; or 3) a business that is at least fifty-one percent (51%) owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing. Please review **Exhibit E** regarding procedures for employment of Section 3 residents and businesses as well as necessary contacts. For referrals and a list of Section 3 businesses certified in the City of Fort Worth, please contact FWHS's Section 3 Coordinator/Job Developer at (817) 333-3523, @fwhs.org. (Please do not contact FWHS's Section 3 Coordinator until after being selected as the General Contractor.)

A **Business Equity Firm** means a Contractor, Subcontractor, Vendor, or Independent Firm that is a Certified MBE and/ or WBE with a Significant Business Presence in the Marketplace. The Firm is at least 51 percent owned or controlled by one or more minority group members (MBE) or women (WBE) and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans and Hasidic Jews.

IV. Selection Criteria

Consultant shall indicate how it will staff all the above scopes, provide resumes for its firm and team members and how it will approach dealing with multiple component contracts of construction work (site preparation for housing, housing construction, public improvements related to housing construction) that may be occurring in overlapping sequences and schedule.

Consultant shall provide its experience and documentation in performing the above similar services and its current status of such similar work.

Consultant shall include its business license, business classification, and ownership structure.

Consultant shall indicate its commitment and plan to maximize its participation of Section 3 and M/WBE business and labor employment.

Consultant shall provide its experience and record of accomplishment, including business references of working with and collaborating with Owners, Agencies, and Construction firms during the construction process to accomplish the above work scopes.

Consultant shall document its proposed methodology to maximize the local participation of business entities and labor for each component of work and yet deal with the perceived lack of qualified businesses and labor that may or may not be available in certain work disciplines.

V. Submission Requirements

Consultants or consultant firms interested in submitting a response to this RFP must submit the following information which will have percentage values for evaluation as shown below:

1.	Proposal Cost per Proposal Breakdown Form (Attachment G)	35%
2.	Business and Labor Participation Plan	10%
3.	Description of previous experience with similar projects, covering: A summary of previous Site Preparation projects within the past 5 years including environmental abatement of buildings and sites of a similar scope. Identify your role as lead Consultant, joint venture Consultant, Sub-consultant, etc. and indicate whether this experience was through a company other than that which is responding. Identify all personnel and their roles that worked on the previous similar projects.	25%
4.	Company Overview: a. description of firm b. background c. self-performed work d. legal composition e. years of tenure Team Organization: a. all members identified b. relationships and responsibilities Key personnel: a. roles and experience b. % proposed participation on these component projects	10%
5.	A proposed schedule of work stages and an indication of whether the Proposed Component Project Schedule and sequence can be met or improved.	15%
6.	Insurance certificate(s) per Insurance Requirements Summary	REQUIRED
7.	References (including Owners, Public and Private Agencies, Developers)	5%
	Total	100%

MBS will receive, review, evaluate, and select competitive Consultant proposals for consideration and proceed to select a limited number of the most qualified Consultants to interview. Upon completion of the interview and evaluation period, MBS will select one Consultant firm for a final negotiation. *Please note the consulting agreement will be an MBS form of agreement.*

MBS reserves the right to reject any and/or all qualifications/proposals and submittals, to waive informalities or irregularities in any submittal, to solicit new qualifications, or to proceed to do the work by other means, as determined to be in the best interests of McCormack Baron Salazar Development, Inc., FWHS, the City of Fort Worth, former residents of Cavile Place, and residents of Stop Six.

All costs required by any respondent or firm to submit the requested qualifications and proposal shall be the complete responsibility and risk of the respondent or responding firm.

VI. RFP Schedule, Clarifications, and Due Date

Below is the schedule for this Request for Proposals.

<i>Issue RFP for Construction Support Consultant</i>	<i>November 29, 2023</i>
<i>Consultants submit RFP responses to MBS</i>	<i>December 15, 2023</i>
<i>Interviews with selected Consultants</i>	<i>Week of December 18 - 20, 2023</i>
<i>Selection of Construction Support Consultant</i>	<i>December 22, 2023</i>
<i>Execute Agreement/Notice to Proceed</i>	<i>December 27, 2023</i>

Any questions or requests for additional information regarding this Request for Proposals are to be made in writing by email or facsimile to:

Monique Chavoya at Monique.Chavoya@mccormackbaron.com

Responses to this RFP must be sent electronically by Friday, December 15, 2023, by 4:00pm CST to Monique Chavoya at Monique.Chavoya@mccormackbaron.com and Antonio Ramon at Antonio.Ramon@mccormackbaron.com.
Late proposals will not be accepted.

VII. Attachments

- Attachment A – Babers Manor Site Plan, Building Elevations, and Survey*
- Attachment B – HUD Section 3 Rules and Requirements*
- Attachment C – Fort Worth Housing Solutions Minority Business Enterprise Policy*
- Attachment D – City of Fort Worth Business Equity Ordinance*
- Attachment E – Insurance Requirements Summary*
- Attachment F – HUD 2530 Previous Participation Certification*
- Attachment G – Proposal Form*