

Whitefish Housing Authority Board of Commissioners Regular Monthly Meeting Agenda

Date:

Time:

Location: Whitefish City Hall

I. Call to Order

II. Roll Call

III. Consent Agenda

- A. Approval of Previous Meeting Minutes
- B. Approval of Agenda

IV. Continuing Business (Old/Unfinished)

- A. Discussion about Board Training with Ned Cooney (notes attached)
- B. RAD / Section 18 Blend Application Approval (Resolution #298, attached)

V. Public Comment

VI. Committee Reports

A. Executive Committee

Members: Kate Berry + Thomas Shea

B. Finance Committee

Members: Kate Berry + Nick Farmer

C. Affordable Housing Committee

Member: Jason Suazo

D. Financial Report (attached)

E. Executive Director's Report (attached)

VII. New Business

- A. Environmental Review + Radon Mitigation at MVM (See ED Report + cost estimate)
- B. Compliance Review: Cost Allocation Plan (Resolution #299, attached)
- C. Compliance Review: Procurement Policy (Resolution #300, attached)
- D. Commissioner Manual + Onboarding Documents (document attached)

- E. WHA Emails for Board Members
- F. Approval of Alternate Health Insurance (See ED Report)

VIII. Closed Session (if necessary)

Pursuant to MCA 2-3-203 for legal or personnel discussion, during this meeting, the board may elect to enter a closed-door session for reasons related to legal and/or personnel issues. Per Montana Code Annotated 2-3-203: The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

IX. Adjourn

Whitefish Housing Authority Board of Commissioners Meeting Minutes

Date: 11/19/2025

Meeting Type: Regular Monthly Meeting

Location: Whitefish City Hall Conference Room, 418 East 2nd Street, Whitefish, Montana

1.Call to Order: 4:35 pm

Adjourned: 6:48 pm

Staff Present: Riss Getts

Meeting Chaired By: Kate Berry

2. Roll Call: Kate Berry, Jason Sauzo, Nick Farmer (Virtual), Paul Leisher (Virtual). Member of the public, Dale Johnson

3. Consent Agenda

- A. Approval of Previous Meeting Minutes
- B. Approval of Agenda

Motion to approve Consent Agenda: Paul Leisher | **Second:** Jason Suazo | **Vote:** Unanimous

Discussion: Riss raised a question regarding board email use (WHA emails vs. Housing Whitefish emails). Topic will be added to next month's agenda. Kate requested adding "Ned Cooney Takeaways" to the December meeting.

4. Continuing Business (Old/Unfinished)

A. Welcoming New Board Members

- Katie Boyd– Background in social work, restorative youth justice, and raft guiding.
- Roxanne – Background in public finance, real estate transactions, and community housing board service.

Board briefly discussed reviewing bylaws to reinforce in-person participation expectations.

B. Updates on Board Training + Strategic Planning

- Next steps with Ned Cooney: commissioner onboarding, board agreements, priority setting.
- Session to be scheduled in January 2026
- Strategic planning coordination underway with local housing partners.
- Riss reported she is coordinating with Cooney on strategic planning exercises and exploring alignment with other local housing advocacy partners.

C. Legacy Homes Program Administration Updates

- Standardizing admin fees and intake process; aligning with Housing Whitefish rental workflows.
- Online application in development; will include optional cross-program referral consent.
- Application window planned for **mid-Feb through March**.
- Sauzo recommended issuing a press release to support outreach.

D. Other HO&D Accounts Receivable Discussion

- 10 deed-restricted homes; \$25/mo fee. **\$12,500** total receivables.

- Payment plans and deferred maintenance follow-up underway.
- Possible future coordination with Flathead Area Land Trust; contract review pending.
 - **Legacy Homes Program**
 - WHA manages Trailview deed restrictions.
 - **Rental Unit Administrative Fees**
 - Receivables approx. **\$1–2K**; landlord coordination ongoing.
 - **Additional Financial Items**
 - Auditor guidance pending on restitution timelines.
 - Reviewing property tax charges paid on affordable units. Past fraud-related checks noted; signature process under review.
 - **~\$30K PILOT** expected from City.

E. Section 18 Disposition vs RAD Blend Discussion

- Board reviewed both pathways for Mountain View Manor.
- **Section 18:** Higher subsidy potential but requires property transfer and HUD approval risks.
- **RAD/Section 18 Blend:**
 - Allows long-term voucher contract to support rehab financing
 - Current rules allow subsidy levels comparable to Section 18.
 - WHA may choose PBV or PBRA and may retain partial ownership.

Board consensus: blended option provides stability and the clearest path to needed repairs.

Motion: Proceed with a RAD/Section 18 Blend conversion in lieu of a strict Section 18 disposition.

Motion: Nick Farmer | **Second:** Paul Leisher | **Vote:** Unanimous

F. HR Handbook Engagement

- Proposals reviewed: Mountain HR (\$800) and Cascadia (\$1,500).

Motion: Select Cascadia to complete new WHA Employee Handbook

Motion: Leisher | **Second:** Sauzo | **Vote:** Unanimous

Discussion: Board discussed scope and quality considerations.

5. Public Comment

- Dale Johnson inquired about RAD/Section 18 timeline: LIHTC funding by end of 2025; remaining work Feb–Mar 2026.
- Suggestion to notify all households of receivables, then address hardship cases individually.

6. Committee Reports

A. Executive Committee (Kate Berry and Thomas Shea)

No updates

B. Finance Committee (Kate Berry + Nick Farmer)

No updates

C. Affordable Housing Committee (Jason Suazo)

- Sauzo will gather Board feedback on the Growth Policy's housing section.
- Next meeting: December 1, 2025 at 2:00 PM.

D. Comprehensive Grant Report (Riss Getts, Acting Director)

No updates

E. Financial Reports (Riss Getts, Acting Director)

- Budget-to-actuals in progress.

<ul style="list-style-type: none"> • Maintenance technician has been hired to reduce contracted maintenance costs; turnover costs remain high. • IT, cleaning, and other contracts under review for cost savings. • Capital fund available for emergency and operating needs; updated December operating budget forthcoming. • Board discussed providing residents with clearer tools for reporting maintenance concerns. 	
F. Executive Director's Report (Riss Getts, Acting Director) No report outside of items already covered on agenda	
7. New Business: A. Request to Put Utilities on AutoPay Board discussed streamlining utility payments to reduce administrative burden. Motion: Place MVM utilities on autopay. Motion: Farmer Second: Leisher Vote: Unanimous B. Railroad Homes Use + Policy Discussion General discussion held. No action taken. C. Legal Updates	
8. Closed Session (if necessary)	
Time Entered: 6:37 pm	Exited: 6:48 pm
<i>Pursuant to MCA 2-3-203 for legal or personnel discussion, during this meeting, the board may elect to enter a closed-door session for reasons related to legal and/or personnel issues. Per Montana Code Annotated 2-3-203: The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.</i>	
Adjourned: 6:48 pm	

WHA Notes – Governance Essentials with Facilitator/ Consultant Ned Cooney

Discussion – Oct. 1st and 7th, 2025

Possible Tasks/ Gaps to address

1. Further discussion/ final decision about the disposition of Mountain View Manor (related to the partnership and conversion) with a deeper understanding among the Commissioners
 - a. Conduct “study session(s)” to build board understanding of the bigger picture of WHA assets, and the implications of disposing of MVM through a partnership with Housing Whitefish or another entity (if we form a new nonprofit or seek another existing partner) as the loan recipient
 - b. Determine timeline of HW partnership and increase lines of communication
 - c. Include board members in biweekly check-in with Jeff with Good Housing Partnership, WHA’s finance partner
2. WHA Restructuring/Direction Setting/ Strategic Planning is needed
 - a. Re-connect with the Mission (Provide safe, decent and affordable housing) and original WHA purposes, in light of moving in our new direction – what are our levers to deliver on the mission (development, property management, acquisition)?
 - b. Staffing – having the right people in the right positions for property management who are properly supported with training and skill development to ensure core competencies are in place for existing and potential activities
 - c. We are considering how much to emphasize Housing Development as a part of our work over the next 5 years
 - d. Think about short term path with our current capacity and recent history, vs. longer term vision, and understanding how partners have potential roles
 - e. Consider doing a strategic plan in the next 2 years, in a way that helps build shared understanding and direction – the board needs to step into the direction-setting role in partnership with ED
3. Policy review/ revisit
 - a. Conflict of Interest – understanding how the policy and practice works
 - b. Spokesperson policy – create to ensure accurate messaging (and sync up with media policy)
 - c. Employee policy review inc. Grievance policy for employees, and how to handle (non-ED) staff reaching out directly to the board
4. Bylaws review (not since 2016)
5. Governance Calendar
6. Community image and public relations – how to rebuild and reconnect

- a. Plan to determine what we want our reputation to be, and how we can shift perceptions and present a unified messaging
 - b. Develop with board and staff a visual way to communicate the different funding streams and how we do our work – mission, operations, staffing, governance, current assets, etc.
 - c. Lean into more of a nonprofit mode of communicating our impact and value (not just accountability to the feds)
7. Executive Director hiring plan if/ when Riss departs
 8. Orientation – core mission/ levers/ funding overview
 - a. Overwhelming at first – HUD training is cumbersome but necessary
 - b. Could we get a high level cheat sheet with acronyms and flow of money specific to WHA
 - c. Present information in a graphical way – flow of funding. Property list, etc.
 - d. ED plays a critical role to bring new board members into the complex work of WHA and some of the historical drama
 - e. Consider a “Board buddy” approach – support for new board members
 - f. Governance information in general – Ned and other material
 - g. Governance calendar
 - h. (Use table of contents draft from Paul for orientation)
 9. Make clear asks of board members (not “soft” asks) – give a deadline and a direct ask what is needed, with explicit expectations
 10. Between meeting communication – Kate as chair would like to have questions between meetings if possible
 11. Invite input from the board on agenda items
 12. Only directly communicate with one Commissioner at a time
 - a. Don’t use reply all – can use BCC as a way to keep others in the loop, but
 13. Work toward a fuller board (minimum of 7)
 14. Financial reporting – getting the budget to actual reports

Whitefish Housing Authority

RESOLUTION #No. 298

RESOLUTION AUTHORIZING THE WHITEFISH HOUSING AUTHORITY TO SUBMIT A RAD/SECTION 18 BLEND APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO SUBMIT A 4% LOW-INCOME HOUSING TAX CREDIT AND PRIVATE ACTIVITY BOND APPLICATION TO THE MONTANA BOARD OF HOUSING FOR MOUNTAIN VIEW MANOR INCLUDED IN AMP MT015000001

WHEREAS, the Whitefish Housing Authority seeks to preserve its existing affordable housing by converting its public housing units to a more sustainable rental subsidy platform that combines the Rental Assistance Demonstration (RAD) Project Based Rental Assistance (PBRA) and Section 18 of the United States Housing Act of 1937 (Section 18) programs; and

WHEREAS, on September 5, 2019, HUD issued Public and Indian Housing (PIH) Notice 2019-23, in order to increase the financial feasibility of public housing conversions that require substantial rehabilitation and further expanded RAD/Section 18 blend and scattered site disposition options in PIH Notice 2018-11. Then, on December 26, 2024, HUD issued PIH Notice 2024- 40; then on January 16, 2025, HUD issued PIH Notice 2025-03; both of which expanded RAD/Section 18 blend options that provide greater financial feasibility for public housing conversions that include rehabilitation. These notices allow access to both RAD PBRA subsidy and tenant protection voucher assistance through a HUD streamlined subsidy conversion process; and

WHEREAS, converting the Whitefish Housing Authority units from public housing subsidy to project-based rental assistance subsidy, with a 20-year Housing Assistance Payment Contract with the HUD Office of Multifamily Housing enhances the financial feasibility for rehabilitation to preserve and improve the Whitefish Housing Authority property, Mountain View Manor; and

WHEREAS, the Authority will comply with both HUD's RAD and Section 18 requirements, including: meeting with residents in accordance with RAD Supplemental Notice 4B and Section 18 requirements, consulting with local government officials, applying for financing to address the capital needs, setting up a reserve that reflects the 20-year projection of capital needs and then submitting financing plans and related materials for HUD review and approval for conversion and financial closing;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WHITEFISH HOUSING AUTHORITYas follows, to:

1. Authorize the RAD and RAD/Section 18 blend applications, financing plan files and other required files be submitted to HUD;

2. Authorize the Executive Director to apply for and accept assistance for Mountain View Manor, located in Whitefish, Montana, for the purpose of obtaining financing and or a grant to provide for the rehabilitation of Mountain View Manor;
3. Authorize the Executive Director to execute any and all documents required by the Montana Board of Housing, including, without limitation, the LIHTC Application, any Required Certifications, the Purchase Sale Agreement, and any other Disclosure Statements, and any and all other documents requested by the Montana Board of Housing, to document and secure its loan or grant; and authorize the 4% LIHTC and Private Activity Bond application and other required files be submitted to Montana Board of Housing;
4. Authorize the Chairperson and Executive Director to execute any and all certifications and/or documents required by HUD related to these application and financing documents to obtain HUD approval for subsidy conversion and financial closing.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

ADOPTED AT THE MONTHLY BOARD OF COMMISSIONERS MEETING OF THE
WHITEFISH HOUSING AUTHORITY THIS 17th Day of December 2025

Whitefish Housing Authority, Whitefish, Montana

Kathryn Berry, Board Chair, WHA Board of Commissioners

Marissa Getts, Acting Director

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
Income	
3000.1 HCV HAP PMTS Received	\$56,028.00
3000.3 PORT HAP Received	2,476.00
Total for 3000.1 HCV HAP PMTS Received	\$58,504.00
3000.2 HCV Admin Fees	\$6,662.00
3000.4 Admin Fees - PORT	233.76
Total for 3000.2 HCV Admin Fees	\$6,895.76
3110.00 MVM Rent	98,411.00
3111.00 Other MVM Tenant Revenue	\$1,594.50
3111.10 Excess Utilities	795.00
3111.20 Laundry Machine Income	3,366.00
Total for 3111.00 Other MVM Tenant Revenue	\$5,755.50
3630.00 RR House Rent	7,300.00
3690.00 Other Income	\$25.00
3690.03 Rehab Income (admin fee)	0.00
Total for 3690.00 Other Income	\$25.00
8020 HUD Operating Subsidy	28,781.00
8029.25 Capital Fund 2025	75,000.00
Total for Income	\$280,672.26
Gross Profit	\$280,672.26
Expenses	
4100.00 Administrative Expenses	
4110.00 Administrative Salaries	\$55,094.87
4110.01 Compensated Absences - Admin	2,457.00
Total for 4110.00 Administrative Salaries	\$57,551.87
4120.00 Payroll Taxes	5,369.52
4130.00 Legal Expense	5,580.45
4140.00 Staff Training	1,033.40

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
4170.00 Accounting	\$390.00
4175.10 Outside Accounting / Bookkeeping Fees	12,970.00
Total for 4170.00 Accounting	\$13,360.00

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
4190.00 Sundry - other Admin Expense	\$4,041.19
4190.10 Office Expenses	1,256.11
4190.20 Bank Fees	155.70
4190.30 Advertising & Marketing	122.86
4190.40 Postage & Delivery	255.16
4190.60 Telephone	711.31
4190.85 Membership Dues/Subscription	447.40
4190.90 Admin Services Contract	1,300.00
Total for 4190.00 Sundry - other Admin Expense	\$8,289.73
Total for 4100.00 Administrative Expenses	\$91,184.97
4210.00 Tenant Services	
4220.00 Tenant Services - Other Expense	675.79
Total for 4210.00 Tenant Services	\$675.79
4300.00 Utilities	\$1,724.95
4310.00 Water	5,200.01
4320.00 Electricity	6,619.00
4330.00 Gas	3,706.73
4390.00 Sewer	3,547.74
4390.01 Trash Removal	998.01
Total for 4300.00 Utilities	\$21,796.44
4420.00 Materials	\$531.10
4420.02 Plumbing	87.61
4420.03 Paint	24.75
4420.04 Lawn & Garden	52.00
4420.05 Other Materials	803.06
4420.06 Electrical	309.44
4420.07 Cleaning	89.49
4420.08 HVAC	52.89

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
4420.10 Small Tools and Equipment	266.70
Total for 4420.00 Materials	\$2,217.04
4430.00 Maintenance Contract(or) Costs	
4430.01 Nonspecified Repairs and Maintance	115.00
4430.10 Heating & Cooling Contract	8,025.32
4430.25 Equipment Repair and Maintenance	395.00
4430.30 Elevator Maintenance Contract	9,399.60
4430.40 Landscape & Grounds Contract	4,661.38

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
4430.50 Unit Turnaround	\$5,607.58
4430.51 Carpet Cleaning	65.00
Total for 4430.50 Unit Turnaround	\$5,672.58
4430.70 Plumbing Contract	12,179.88
4430.80 Extermination Contract	2,300.00
4430.90 Janitorial Contracts	2,222.72
4430.95 Routine Maintenance Contract	3,688.50
4431.00 Garbage & Trash Removal	665.34
4433.00 Safety and Security	25.00
Total for 4430.00 Maintenance Contract(or) Costs	\$49,350.32
4500.00 General Expenses	
4501.11 Property Taxes	1,789.91
4510.20 Liability Insurance	12,666.09
4540.00 Employee Benefit Contribution	\$3,870.49
4540.10 Employee Benefits - Admin	3,828.49
4540.20 Employee Benefits-Tenant Serv	216.00
Total for 4540.00 Employee Benefit Contribution	\$7,914.98
Total for 4500.00 General Expenses	\$22,370.98
4610.00 Extraordinary Maintenance	18,419.68
4715.00 Housing Assistance Payments	\$54,584.23
4715.02 HAP - Resident Utility Reimbursement / Payment	481.00
4715.1 PORT IN Housing Assistance Payments	3,095.00
Total for 4715.00 Housing Assistance Payments	\$58,160.23
4800.00 Depreciation Expense	18,441.70
66000 Payroll Expenses	408.92
7520.00 Capital Expenditures	
7520.01 Appliances & Stoves	1,278.00
Total for 7520.00 Capital Expenditures	\$1,278.00

Statement of Activity

Whitefish Housing Authority
July-November, 2025

Distribution account	Total
7540.02A Boiler System	108.00
Total for Expenses	\$284,412.07
Net Operating Income	-\$3,739.81
Other Expenses	
80000 Ask My Accountant	0.00
Total for Other Expenses	\$0.00
Net Other Income	\$0.00
Net Income	-\$3,739.81

Statement of Activity

Whitefish Housing Authority
November 2025

Distribution account	Total
Income	
3000.1 HCV HAP PMTS Received	14,772.00
3000.2 HCV Admin Fees	1,024.00
3110.00 MVM Rent	19,873.00
3111.00 Other MVM Tenant Revenue	\$66.50
3111.10 Excess Utilities	80.00
3111.20 Laundry Machine Income	511.00
Total for 3111.00 Other MVM Tenant Revenue	\$657.50
3630.00 RR House Rent	1,460.00
3690.00 Other Income	25.00
8020 HUD Operating Subsidy	4,820.00
8029.25 Capital Fund 2025	75,000.00
Total for Income	\$117,631.50
Gross Profit	\$117,631.50
Expenses	
4100.00 Administrative Expenses	
4110.00 Administrative Salaries	\$11,578.78
4110.01 Compensated Absences - Admin	189.00
Total for 4110.00 Administrative Salaries	\$11,767.78
4120.00 Payroll Taxes	974.42
4130.00 Legal Expense	2,520.00
4140.00 Staff Training	57.68
4170.00 Accounting	
4175.10 Outside Accounting / Bookkeeping Fees	2,090.00
Total for 4170.00 Accounting	\$2,090.00
4190.00 Sundry - other Admin Expense	\$644.75
4190.10 Office Expenses	107.99
4190.20 Bank Fees	62.90

Statement of Activity

Whitefish Housing Authority
November 2025

Distribution account	Total
4190.40 Postage & Delivery	5.41
4190.60 Telephone	184.56
4190.90 Admin Services Contract	260.00
Total for 4190.00 Sundry - other Admin Expense	\$1,265.61
Total for 4100.00 Administrative Expenses	\$18,675.49
4210.00 Tenant Services	
4220.00 Tenant Services - Other Expense	278.48
Total for 4210.00 Tenant Services	\$278.48

Statement of Activity

Whitefish Housing Authority
November 2025

Distribution account	Total
4300.00 Utilities	\$341.49
4310.00 Water	1,193.50
4320.00 Electricity	1,132.00
4330.00 Gas	704.76
4390.00 Sewer	761.24
Total for 4300.00 Utilities	\$4,132.99
4430.00 Maintenance Contract(or) Costs	
4430.30 Elevator Maintenance Contract	240.00
4430.50 Unit Turnaround	140.00
4430.70 Plumbing Contract	5,593.00
4430.95 Routine Maintenance Contract	201.00
4431.00 Garbage & Trash Removal	332.67
Total for 4430.00 Maintenance Contract(or) Costs	\$6,506.67
4500.00 General Expenses	
4501.11 Property Taxes	2,782.97
4510.20 Liability Insurance	6,449.19
4540.00 Employee Benefit Contribution	-\$397.02
4540.10 Employee Benefits - Admin	768.62
Total for 4540.00 Employee Benefit Contribution	\$371.60
Total for 4500.00 General Expenses	\$9,603.76
4715.00 Housing Assistance Payments	\$14,783.33
4715.02 HAP - Resident Utility Reimbursement / Payment	225.00
4715.1 PORT IN Housing Assistance Payments	619.00
Total for 4715.00 Housing Assistance Payments	\$15,627.33
4800.00 Depreciation Expense	3,688.34
66000 Payroll Expenses	-53.36
Total for Expenses	\$58,459.70
Net Operating Income	\$59,171.80

Statement of Activity
Whitefish Housing Authority
November 2025

Distribution account	Total
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Net Other Income	
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Net Income	\$59,171.80
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Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
Assets	
Current Assets	
Bank Accounts	
1100 Petty Cash	150.52
1111 HO&D (9397)	12,408.62
1112 CENTRAL OPERATIONS (5964)	62,300.02
1113 RAB (5428) - MVM Resident Account	12,200.00
1115 Whitefish Credit Union Savings	192,100.65
Total for Bank Accounts	\$279,159.81
Accounts Receivable	
11000 Accounts Receivable	0.00
1122.00 A/R Tenants	6,409.60
Total for Accounts Receivable	\$6,409.60
Other Current Assets	
1121 A/R PORT-IN	1,733.29
1123.00 A/R Vacated Tenants	0.00
1125.00 A/R Subsidy	4,285.95
1125.01 A/R HUD Admin Fee	0.00
1125.02 A/R - CARES Act	0.00
1129.00 A/R HO&D	-\$93,421.84
1129.01 A/R WALT	11,468.50
1129.05 A/R Current HO&D	3,139.35
1129.25 A/R 2009-2012 HO&D	0.00
Total for 1129.00 A/R HO&D	-\$78,813.99
1129.03 Repayment Agreement	0.00
1129.06 A/R Low Rent	-16,518.09
1129.08 A/R - Homeward	50,000.00
1129.10 A/R Other	4,697.89
1129.19 A/R -501-19 CFP	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
1129.23 A/R -501-23 CFP	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
1130.00 Restitution due to WHA	144,841.93
1145.00 Accrued Interest	9,750.00
12000 Undeposited Funds/Unapplied funds	0.00
1211.00 Prepaid Insurance	1,897.12
1290.01 Prepaid Support	0.00
1290.02 Prepaid Elevator Maintenance	10.00
1290.03 Prepaid Expenses	-1,143.12
1300.00 Deferred Outflows of Resources	29,160.51
1350.00 Deed Restricted Assets	809,456.05
Total for Other Current Assets	\$959,357.54
Total for Current Assets	\$1,244,926.95
Fixed Assets	
1400.18 Work in Process 501-18 CFP	0.00
1400.19 CFP 501-19 (Work in Process)	0.00
1400.20 Work in Process 501-20 CFP	0.00
1400.21 Work in Process 501-21 CFP	0.00
1400.22 Work in Process 501.22 CFP	0.00
1410.00 Construction In Process - DEPOT PARK DEVELOPMENT	1,964,299.57
1440.00 Site Acquisition	752,621.62
1450.00 Site Improvement	338,332.66
1460.07 Buildings	2,781,787.92
1465.01 Dwelling Equipment	57,821.98
1475.00 Equipment	\$0.00
1475.01 Office Furniture & Equipment	33,557.86
1475.02 Maintenance Equipment	7,400.02
1475.03 Community Space Equipment	9,848.05
Total for 1475.00 Equipment	\$50,805.93
1490.00 Furniture and Fixtures - Admin	0.00
1499.18 501-18 Accumulated Depreciation	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
1499.19 501-19 Accumulated Depreciation	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
1499.20 501-20 Accumulated Depreciation	0.00
1499.21 501-21 Accumulated Depreciation	0.00
1499.22 501-22 Accumulated Depreciation	0.00
1499.99 Accumulated Depreciation	-2,697,377.09
Total for Fixed Assets	\$3,248,292.59
Other Assets	
1500.01 Rehab Loan Due Upon Sale	5,050.00
1776 Investment in Joint Ventures	-35.00
18700 Security Deposits Asset	155.00
515.100 Operation	
515.140 Operations.	0.00
515.141 Operations Contra	0.00
515.145 Site Improvements	0.00
515.146 Dwelling Structures	0.00
515.147 Dwelling Structures Contra	0.00
515.148 Dwelling Equipment AS	0.00
515.149 Dwelling Equipment AS Contra	0.00
Total for 515.100 Operation	\$0.00
Total for Other Assets	\$5,170.00
Total for Assets	\$4,498,389.54
Liabilities and Equity	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 Accounts Payable	-7,918.31
Total for Accounts Payable	-\$7,918.31
Credit Cards	
2050 Central Ops Credit Card	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account

Total

2052 Ramp card

3,129.79

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
Total for Credit Cards	\$3,129.79
Other Current Liabilities	
2111.00 Vendors & Contractors	0.00
2111.01 A/P - CFP	0.00
2111.02 A/P -Capital Assets	0.00
2111.03 A/P Utilities	0.00
2111.04 A/P Employee Benefits	0.00
2114.00 Tenant Security Deposits	10,162.75
2115.00 Payroll Payable (Gusto)	3,233.12
2115.10 Payroll Tax Payable	-22.05
2116.00 PERS Payable	4,432.19
2117.00 Payroll Deductions	-4,494.05
2118.00 A/P 2010 Subsidy	0.00
2118.01 A/P HUD	0.00
2118.04 Unearned Revenue AF - CARES Act	0.00
2119.00 A/P - Other	0.00
2119.05 A/P Public Housing	-102,424.84
2119.08 A/P Vouchers	-16,518.09
2135.10 Comp. Absences - Current	1,102.00
2135.11 Comp. Absences - Noncurrent	1,684.00
2137.00 Payment in Lieu of Taxes	38,155.00
2137.01 PILOT Current	0.00
2240.00 Tenants Unearned Revenue	76.00
2290.00 Other Payable	45,896.00
2290.01 Unearned Revenue-Subsidy	70,923.89
2300.00 Net Pension Liability	156,133.00
2400.00 Deferred Inflows of Resources	27,895.00
24000 Payroll Liabilities	\$0.00
24001 Employee Advance	0.00

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
Total for 24000 Payroll Liabilities	\$0.00
Total for Other Current Liabilities	\$236,233.92
Total for Current Liabilities	\$231,445.40
Long-term Liabilities	
2806.05 Net Position - Pension Accrual	98,636.88
Total for Long-term Liabilities	\$98,636.88
Total for Liabilities	\$330,082.28

Statement of Financial Position

Whitefish Housing Authority
As of November 30, 2025

Distribution account	Total
Equity	
2802.01 Invested in Capital Assets, NET	1,506,031.77
2806.02 Restricted Net Assets	1,605,383.17
2806.03 Restricted Net Position - HAP	13,425.00
30000 Opening Balance Equity	0.00
2806.01 Unrestricted Net Assets - Admin	1,042,760.72
Net Income	706.60
Total for Equity	\$4,168,307.26
Total for Liabilities and Equity	\$4,498,389.54

Whitefish Housing Authority
AMP 1
2026 Operating Budget

YTD Budget to Actual

AMP Number 1 1
PIH Project Number MT015 001 MT015 001
Site Name

		Projected Actual	2025 Budget	2026 Proposed Budget	YTD Actual	% of Total Budget
		12		1.03		0%
REVENUE						
Dwelling Income	3110	248,650	218,020	235,770	\$ 98,411.00	42%
Excess Utilities	3120	1,380	1,300	1,160	\$ 795.00	69%
Nondwelling Rental		-		-		
Fraud Recovery						
Interest Income	3610	-	1,930	2,600		0%
Other Income (Tenant & Laundry)	3690	7,040	8,000	6,710	\$ 4,960.50	74%
Asset Management Fee		-		-		
Bookkeeping Fee		-		-		
Property Management Fee		-		-		
Transfer from CFP (1406)	8029	15,000	95,000	121,974	\$ 75,000.00	61%
Transfer from CFP (1408)		-		-		
HUD Funding - Admin				-		
HUD Funding - HAP Expense				-		
Subsidy (based on 90% Proration)	8020	81,340	85,160	79,030	\$ 28,781.00	36%
Total Revenue		353,410	409,410	447,244	\$ 207,947.50	46%
EXPENSES						
Salaries	4110	93,940	98,750	80,720	\$ 41,764.87	52%
Auditing Fees	4171	-	22,600	36,870	\$ -	0%

Travel / Staff Taining	4140 / 4150	2,320	4,500	4,500	\$ 1,033.00	23%
Accounting Fees		-		-	\$ 13,360.00	
Advertising	4190.13	280	-	4,500		0%
Dues & Fees		-		-		
Office Expense	4190.xx	24,260	9,000	28,030		0%
Legal Expense	4130	410	13,000	4,110	\$ 5,580.00	136%
Publications/Subscriptions		-		-		
Telephone		-		-		
		-		-		
All Other Sundry	4190.xx	48,270	25,500	45,000	\$ 8,289.73	18%
Total Administrative		169,480	173,350	203,730	\$ 70,027.60	34%
Tenant Services Salaries		-				
Tenant Services	4220	2,260	2,150	2,060	\$ 4,697.89	228%
Total Resident Services		2,260	2,150	2,060	\$ 4,697.89	228%
Water	4310	21,940	14,000	16,720	\$ 5,200.01	31%
Electricity	4320	13,690	15,500	13,020	\$ 6,619.00	51%
Gas	4330	9,940	16,000	11,880	\$ 3,706.73	31%
Other Utilities (Sewer)	4390	680	11,000	4,680	\$ 5,272.69	113%
Total Utilities		46,250	56,500	46,300	\$ 20,798.43	45%
Maintenance Salaries	4410	-		14,500		0%
Maintenance Materials	4420	15,190	12,500	13,090	\$ 2,217.04	17%
Contract Costs	4430	110,700	81,700	60,860	\$ 48,384.42	80%
Trash Removal		-		-	\$ 998.01	
Total Maintenance		125,890	94,200	88,450	\$ 51,599.47	58%

Protective Service Costs	-	-	-
Materials	-	-	-
Total Protective Services	-	-	-

Insurance	4510	19,410	28,000	23,760	\$ 12,666.09	53%
PILOT	4520	10,120	8,140	9,470		0%
Employee Benefit Contributions	4540	30,350	35,020	28,570	\$ 7,914.00	28%
Collection Losses	4570	-	2,500	1,180		0%
Other General Expenses		-		-		
Compensated Abs		-	-	-		

HAP Portability-In			
Total General Expenses	59,880	73,660	62,980

Total Operating Expenses	403,760	399,860	403,520	\$ 167,703.48	42%
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Extra-ordinary Maintenance	4610	13,870	8,400	10,000	\$ 18,419.68	184%
		<div></div>				
Total Non-Routine Expenses		13,870	8,400	10,000	18,420	184%

Total Expenses	417,630	408,260	413,520	\$ 186,123.16	45%
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Profit (Loss) from Operations	(64,220)	1,150	33,724	21,824	65%
	140,229		173,953	21,824	13%

Executive Director Report

Whitefish Housing Authority

December 2025

MVM / Section 18

- Public Housing occupancy: 45/47 available units with 3 new residents working on finalizing leases this month.
- Water-damaged units asbestos mitigation completed. Finalizing rebuild estimates, hope to have units occupied by mid-January.
- Maintenance technician no longer working with WHA. Working on plan for attracting & retaining future direct employee, but are working with lower-cost contractor in the meantime to flip current units as quickly as possible.

HCV

- Voucher issuance is at 17/19 vouchers and one port-in. Waiting to lease-up until we have more information about budget authority for 2026 – will Montana be uniquely protected from shortfall because of our Fair Market Rent re-evaluation?

HO&D

- Working on income qualifications + lease-up for 8 new ADA units at Wildcat Way coming online in January.

Operations & Administration

- Working with MRI for additional software training to better streamline our digital processes.
- In the thick of finding files + support for 2023 + 2024 audits. Hoping to have two-year audit completed by end of January.

Finance

- Received access to Capital Fund. Will draw down as needed.
- Received initial reimbursement for water-damaged units.

Specific Agenda Items

- Environmental Review + Radon Mitigation at MVM
 - No lead-based paint found.
 - Asbestos found, as was expected. No concerns when undisturbed. There will be strong mitigation plan for any disturbed asbestos during rehabilitation.
 - Radon levels are high, even for Montana. Considering the long-term risk of exposure to radon, timeline for the overall rehabilitation, and discussion with GHP, ED recommends immediate mitigation.
 - See attached proposal and quote – will reach out to additional radon mitigation companies to check out prices but do not want to delay mitigation until next board meeting.

- **Option 1:** Motion to approve immediate radon mitigation spending up to \$12,000 on comparable scopes of work upon soliciting quotes from at least 2 more companies and receiving at least one more proposal.
 - **Option 2:** Motion to vote on radon mitigation contract approval via email after receiving at least one more proposal / quote.
- Alternate Employer Sponsored Health Insurance
 - Current insurance: WMI Mutual Insurance at \$609/month for health insurance premium, \$63/dental premium and \$13/month vision premium. This is a grandfathered plan from before ACA – seemingly low deductible, but there are a lot of exclusions that make it extremely difficult to ever hit the deductible and it does not cover much preventative care. I have barely used the policy since I have become an employee.
 - Preferred shift for coming year: Pacific Source Platinum at \$770/month still through Glacier Insurance Strategies. We can always shift to something lower cost in the future or create a threshold i.e. we will pay \$725 a month and the remainder of the policy will be covered via health plan deductions from wages.
 - Currently pricing out dental / vision insurance, but would be willing to go without or pay for that myself for the coming year if I can get better general health insurance.
 - Annual price increase would be \$1,932 if funding 100% of the premium increase, but only \$1,044 if funding 100% of the increase and WHA no longer funds dental/vision.
 - This policy will be incorporated into new HR handbook we are working on with our handbook consultants and re-approved in official handbook language in January, but a motion would allow me to move on the policy now.
 - **Suggested motion:** Motion to approve Employer Sponsored Health Insurance cost with a threshold of \$_____ / month per full-time employee with any cost above the threshold paid by employee.



Flathead Valley Radon

Estimate 761

\$10,050.00

Awaiting approval

Approve estimate

Estimate 761

Dec 10, 2025

Bill to

 Riss Getts
 mgetts@whitefishhousing.org
 (406) 558-4086
 100 4th St Whitefish,
MT, 59937-2483

[Download Estimate PDF](#)

Description / Qty / Rate	Amount
Sub-Slab Interior Radon Reduction System 3 x \$3,350.00 In consideration of the payment, Flathead Valley Radon will complete the following work: Install an active sub slab depressurization system consisting of a 5" suction point to be drilled through concrete slab in mechanical area on lowest level. 4 inch SCH40 PVC to be run from downstairs mechanical room through floor into corner of closet or other area. Pipe to continue vertically into attic	\$10,050.00

Subtotal	\$10,050.00
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Total	\$10,050.00
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Total	\$10,050.00
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Payment instructions

Cash and check preferred or Debit/Credit Card accepted with 3% fee

Comments

Due to the large size of building and unknown foundation construction, additional systems are likely needed to fully lower the radon levels. Recommend installing a system in each wing of the building to start (3). Running tests in the same areas as before, and installing additional systems as needed. There is a possibility that three systems may be needed per wing. ADHERENCE TO MITIGATION STANDARDS: System to be installed per AARST/NRPP certification standards. GUARANTEE: FVR agrees that upon completion of the work described above that the radon levels from soil gas as determined by a short term diagnostic radon measurement conducted in the lowest habitable level of the home will not be in excess of 4.0 pCi/L. Owner/Agent has the right to perform further short-term testing to determine compliance utilizing an independent third-party testing company. Should the results of the post-mitigation diagnostic test be greater than 4.0 pCi/L and providing that all of the phases of work thought to be necessary to adequately reduce the home to below 4.0 pCi/L have been completed FVR will return and make any necessary repairs, at no further cost to Owner/Agent, his/her assigns, or subsequent homeowners to reduce the radon to below 4.0 pCi/L based upon a short-term measurement. In the event that more than one phase of work has been proposed above, a post installation short-term measurement will be made to determine the need for completion of the subsequent phases of work proposed. If the results of this measurement is in excess of 4.0 pCi/L the owner agent may authorize FVR to complete the additional phases of work necessary for FVR's guarantee to go into effect. The work described above is for reducing radon concentrations in the above specified structure that are specifically derived from the entry of radon from the soil beneath it. It does not guarantee reduction of radon concentrations that may occasionally arise due to the entry of radon from building materials and or water supplies to the home or the presence of rock specimens that the occupant may bring into the home. FVR's technician will, however, attempt to identify these rare entry points to the homeowner during the visual inspection of the property and will disclose these sources and recommend additional diagnostic work prior to the execution of this proposal. Owner/Agent understands that radon and its decay products have been determined to be a potential cause

of lung cancer. Owner/Agent acknowledges that radon existed in the home prior to and after radon reduction repairs. Owner/Agent further agrees that should the ownership of the property change, he/she will disclose this proposal and other information regarding the proper operation of the radon reduction system to any potential new Owner. Owner/Agent agrees not to hold FVR or its employees liable for any injuries or damages related to radon in the home except for the cost of any repairs performed on behalf of Owner/Agent. This estimate and design description has been prepared for the addressee, and is confidential in nature. Design details are not to be used for solicitation of bids unless consent is expressly given by FVR. The overall cost, however, is not considered to be confidential. The workmanship of FVR is guaranteed for up to one (1) year. Any problems in this time period will be covered 100%. Fantech fans are under warranty for a period of five (5) years. Price of fan will be covered during this period, but a fee will be incurred for labor to replace the fan. Acceptance of Proposal The above specifications and price are satisfactory. I have read and understood the conditions contained in this document. These prices, specifications and conditions are hereby accepted. You are authorized to do the work as specifi

English (United States) ▼

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Whitefish Housing Authority

RESOLUTION #No. 299

ADOPTION OF THE UPDATED COST ALLOCATION PLAN

WHEREAS, The United States Department of Housing and Urban Development requires each Public Housing Authority to use a Cost Allocation Plan to separate and differentiate costs between different programs; and

WHEREAS, The United States Department of Housing and Urban Development and the State of Montana require compliance with these standards effective immediately to satisfy regulations

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WHITEFISH HOUSING AUTHORITY as follows:

1. The Board of Commissioners hereby approves the adoption of the attached, updated Cost Allocation Plan
2. The Board of Commissioners hereby authorizes the Whitefish Housing Authority to take the necessary steps to implement this policy to ensure the efficient operation of housing programs.

ADOPTED AT THE MONTHLY BOARD OF COMMISSIONERS MEETING OF THE WHITEFISH HOUSING AUTHORITY THIS th DAY OF June 2025

Whitefish Housing Authority, Whitefish, Montana

Kathryn Berry, Board Chair, WHA Board of Commissioners

Marissa Getts, Acting Director

Whitefish Housing Authority

Cost Allocation Plan

Purpose / General Statements

The purpose of this cost allocation plan is to summarize, in writing, the methods and procedures that this agency will use to allocate costs to various programs, grants, contracts and agreements.

OMB Circular A-122, "Cost Principles for Non-Profit Organizations" establishes the principles for determining costs of grants, contracts and other agreements with the Federal Government. **Whitefish Housing Authority ("WHA")**'s Cost Allocation Plan is based on the Direct Allocation method described in OMB Circular A-122. The Direct Allocation Method treats all costs as direct costs except general administration and general expenses.

Direct costs are those that can be identified specifically with a particular final cost objective. Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final costs objective.

Only costs that are allowable, in accordance with the cost principles, will be allocated to benefiting programs by the "WHA".

General Approach

The general approach of the **WHA** in allocating costs to particular programs as follows:

- A. All allowable direct costs are charged directly to program or activity.
- B. Allowable direct costs that can be identified to more than one program are prorated individually as direct costs using a base most appropriate to the particular cost being prorated.
- C. All other allowable general and administrative costs (costs that benefit all programs and cannot be identified to a specific program) are allocated to programs or activity, using a base that results in an equitable distribution.
- D. All pro-rated costs are documented on invoices to ensure clear and complete audit tracking.

Allocation of Costs

The following information summarizes the procedures that will be used by WHA:

- A. Compensation for Personal Services
WHA employees are assigned specific duties to perform in each program area. **WHA** reviewed the distribution of activity for each employee and assigned a percentage of time that represents a reasonable estimate of the actual work performed by the employee on each program. Compensation to be allocated includes both salary and benefits.

- B. Travel Costs –
Allocated based on purpose of travel. All travel costs are charged directly to the program for which the travel was incurred. In the event that vehicles that are owned by one program performed travel for another, the mileage will be documented and charged at the IRS published rate to the benefiting program.
- A. Professional Services Costs (accounting and auditing services)
Allocated to the programs benefiting from the services. All professional service costs are charged directly to the program for which the service was incurred. **WHA** has determined a fair allocation based on transactions and program size and has assigned a percentage of costs to be reasonably assigned to each program.
- E. Insurance
Insurance needed for a particular program is charged directly to the program requiring the coverage, e.g. auto insurance. Insurance for general purposes will be reasonably allocated based on program size and a percentage of costs assigned to each program.
- E. Telephone/Communications
Telephone/communications expenses costs are reasonably allocated, by percentage to each program based on general usage as determined by WHA.
- F. Training/Conferences/Seminars
Training, conferences, or seminar expenses are allocated directly to the program. If training, conferences or seminars benefit multiple programs, then the costs will be reasonably allocated to benefiting programs on a case-by-case basis determined by WHA to be reasonable to the particular cost.
- G. Other Costs (including dues, licenses, fees, etc.)
Other joint costs will be allocated on a case-by-case basis determined by WHA to be reasonable to the particular cost.

Compensation	HCV Mgmt % Allocated	Public Housing % Allocated	Non-PHA % Allocated.	Accounting Code
Director	4%	42%	54%	4110
Property & Financial Operations Coordinator*	10%	90%	0%	4110 and 4110 HCV
Housing Operations Specialist*	28%	72%	0%	4210 and 4100
MVM Maintenance	0%	100%	0*	4410
EBC	%	%	%	4540

* May charge for time spent on non-PHA projects on an hourly basis as needed.

The percentages for compensation are based on time spent on the various housing programs including grant writing, time with clients, bookkeeping, quarterly grant reporting, etc.

Business Activities:	HCV	PHA	Non-PHA	Account #
Office Supplies	10	82	8	4190
Postage	10	82	8	4190
Telephone	10	82	8	4190
Rent	10	82	8	4190

Budget amounts are set for each of the above accounts. The allocation percentage is used in the creation of the budget.

Allocated by Purpose: The following accounts are typically billed out by the purpose of the expense.

Travel
Training

Payment between Programs:

For those expenses paid by WHA's general account, the non PHA programs will be billed preferably on a quarterly basis but no less than twice a year at the six-month date and at year end. Statements will be created for any non-paid charges and paid in full immediately. In the event that a program is unable to pay at that time an invoice with payment terms will be generated. The fee accountant will be copied on all work to ensure proper accounting.

Adopted by Board of Commissioners

Resolution # _____ on _____

Chairman

Executive Director

Whitefish Housing Authority

RESOLUTION #No. 300

ADOPTION OF PROCUREMENT POLICY

WHEREAS, The United States Department of Housing and Urban Development requires each Public Housing Authority to adopt and abide by a procurement policy; and

WHEREAS, The United States Department of Housing and Urban Development and the State of Montana require compliance with these standards effective immediately to satisfy regulations

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WHITEFISH HOUSING AUTHORITY as follows:

1. The Board of Commissioners hereby approves the adoption of the Procurement Policy
2. The Board of Commissioners hereby authorizes the Whitefish Housing Authority to take the necessary steps to implement this policy to ensure the efficient operation of housing programs.

ADOPTED AT THE MONTHLY BOARD OF COMMISSIONERS MEETING OF THE WHITEFISH HOUSING AUTHORITY THIS 17th DAY OF December 2025

Whitefish Housing Authority, Whitefish, Montana

Kathryn Berry, Board Chair, WHA Board of Commissioners

Marissa Getts, Acting Director

Table of Contents

I.	<u>General Provisions</u>	
	A. Purpose	3
	B. Application	3
	C. Public Access to Information	4
	D. Administration	4
	E. Forms and Procedures.....	4
II.	<u>Selection of Procurement Methods</u>	
	A. Cost or Price Analysis.....	4
	B. Criteria for Selecting Procurement Methods.....	5
	1. Petty Cash Purchases	
	2. Purchase of Goods	
	3. Purchase of Construction Services	
	4. Purchase of Professional Services	
	C. Option to Require Competitive Process.....	6
	D. Option to Use a Non-Competitive Process.....	6
III.	<u>Procurement Methods and Administration</u>	
	A. Petty Cash Purchases.....	6
	B. Direct Purchase.....	6
	C. Simplified Competitive Purchase.....	7
	D. Sealed Bids.....	7
	1. Conditions for Use	
	2. Advertising	
	3. Solicitation and Receipt of Bids	
	4. Bid Opening and Award	
	5. Waiver of Minor Irregularities	
	6. Mistakes in Bids	
	7. Bid Rejections	
	8. Solicitation Terms and Conditions	
	9. Delay in Award	
	10. Montana Contractor's Gross Proceeds Tax	
	11. Bonds	
	E. Competitive Proposals (RFP/RFQ).....	12
	1. Solicitation	
	2. Contents	
	3. Selection Criteria	
	4. Negotiations	
	5. Award	
	F. Non-Competitive Process.....	13
	1. Conditions for Use	
	2. Documentation of Justification	
	3. Price Reasonableness	
	4. HUD Approval	
	5. Cooperative Purchasing	
	G. Cancellation of Solicitation.....	14
	H. Award.....	15

IV.	<u>Bidder Responsibilities and Technical Pre-Qualification</u>	
	A. Bidders Responsibilities.....	15
	B. General Requirements for Bidders.....	16
	C. Technical Prequalification of Bidders.....	16
	D. Suspension and Disbarment.....	17
V.	<u>Type of Agreements</u>	
	A. Forms of Agreements.....	18
	1. Charge Accounts	
	2. Receipts for Petty Cash Purchases of Less than \$100	
	3. Purchase Orders for Petty Cash, Direct and Simplified Competitive Purchases Less than \$25,000	
	4. Contracts for Purchases in Excess of \$25,000	
	B. Agreement Options.....	21
	C. Contract Administration.....	21
VI.	<u>Appeals and Remedies</u>	
	A. General Provisions.....	21
	B. Bid Protests.....	21
	C. Contract Claims.....	21
VII.	<u>Ethics in Public Contracting</u>	
	A. General.....	22
	B. Conflict of Interest.....	22
	C. Gratuities, Kickbacks, and Confidentiality.....	22
	D. Prohibition Against Contingent Fees.....	22
	E. Full Disclosure.....	22
	F. Timely Manner Clause.....	22
VIII.	<u>Assistance to Small and Other Business</u> (For Federally funded work only)	
	A. Required Effort.....	23
	B. Definitions.....	24
IX.	<u>Appendix</u>	
	24 CFR 85.36, Procurement Online	
X.	<u>Appendix II</u>	
	Capital Fund Stimulus Grant Procurement Policy.....	25

WHITEFISH HOUSING AUTHORITY PROCUREMENT POLICY

Adopted by the Whitefish Housing Authority (WHA) Board of Directors on _____.

This Procurement Policy complies with HUD's Annual Contributions Contract (ACC), HUD Handbook 7460.8, "Procurement Handbook for Public Housing Agencies," the procurement standards of 2 CFR 200, and the laws of the state of Montana. The terms and conditions with 2 CFR 200, as they may be hereafter amended, that are not repeated in this Policy are incorporated herein by reference, and this document is revised without further action if the provision of 2 CFR 200 are amended. A copy of 2 CFR 200 is attached as Appendix "A" to this document. To the extent that there is disagreement between these policies and 2 CFR 200, the more stringent provision shall apply.

I. GENERAL PROVISIONS

A. Purpose of Procurement Policy. The purpose of this Procurement Policy is to:

- provide for the fair and equitable treatment of all persons or firms involved in purchasing by the WHA;
- assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the WHA;
- promote competition in contracting;
- provide safeguards for maintaining a procurement system of quality and integrity; and
- assure that WHA purchasing actions are in full compliance with applicable Federal standards, HUD regulations, and State and local laws.

B. Application of Procurement Policy.

- 1) This Procurement Policy applies to procurements of supplies, services, material, personal property and construction entered into by the WHA after the effective date of this document, for all HUD funded activities. For all non-HUD source of funding procurement shall be governed by the laws of the State of Montana regarding procurement by public housing authorities.
- 2) This Policy does not apply specifically to regulated monopolies (including, but not limited to gas, electricity, local phone and garbage service). It also does not apply to the granting of non-HUD funds to other entities by WHA nor to the purchase or sale of its non-HUD purchased real estate which shall be governed by the laws of the State of Montana regarding procurement by public housing authorities.
- 3) The term "procurement," as used in this document, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment.
- 4) Nothing in this Procurement Policy shall prevent the WHA from complying with the terms and conditions of any grant, contract, gift or bequest that is

otherwise consistent with law except that in the instance of a conflict, the more stringent provision shall apply.

- C. Public access to procurement information. Procurement information shall be a matter of public record to the extent provided in the Statutes of the State of Montana and shall be available to the public as provided in said Statutes.
- D. Administration. All procurement transactions shall be administered by the Contracting Officer, who shall be the Whitefish Housing Authority's Executive Director and such other individuals he or she has authorized in writing. The Contracting Officers, or his/her designee, shall ensure that:
 - 1) Anticipated procurements are subject to an annual planning process to assure efficient and economical purchasing;
 - 2) Files are established and maintained that contain documents which specify:
 - a. the desired goods or services;
 - b. sufficient documentation regarding the history of the procurement, including as a minimum the method of procurement chosen (unless that is clear from the application of this Policy), the selection of the contract type, and the rationale for selecting or rejecting offers;
 - c. the basis for the contract price; and,
 - d. terms and conditions of contracts and modifications, all of which shall be in writing,
 - 3) Solicitation procedures for HUD funded projects are conducted in full compliance with Federal standards stated in 24 CFR 85.36, or State and local laws that are more stringent, provided they are consistent with 24 CFR 85.36; and,
 - 4) There are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders) unless otherwise authorized by the Board of Commissioners, work is inspected before payment, and payment is made promptly for contract work performed and accepted.
- E. Forms and Procedures. The Contracting Officer may issue operational forms and procedures to implement this Policy, which shall be based on HUD Handbook 7460.8 if applicable. The Contracting Officer may also establish a system of sanctions for violations of the ethical standards described in Section VII below, consistent with State law and HUD 5370 forms.

II. SELECTION OF PROCUREMENT METHODS

A. Cost or Price Analysis

- 1. General. A Cost or Price Analysis shall be performed for all Simplified Competitive Purchase, Sealed Bids, and Competitive Proposals procurement methods as detailed below, including contract

modifications, except when circumstances such as emergencies require immediate procurement under non-competitive proposals, Direct Purchase, and Petty Cash Purchases. The degree of analysis shall depend on the facts surrounding each procurement.

2. Process for Conducting a Cost or Price Analysis. The Cost or Price Analysis shall solicit or acquire information from the market and determine the estimated cost of the good or service being procured. The WHA shall be required to estimate:
 - a. a cost breakdown showing costs and profit using the cost principals in HUD Handbook 2210.18, Appendix 1, Federal Acquisition Regulation, Subpart 31.2; or
 - b. a price analysis by using commercial pricing and sales information, sufficient to enable the WHA to verify the reasonableness of the proposed price by using information from a catalog or market price of a commercial product sold in substantial quantities to the general public, or services provided to the general public; or
 - c. documentation showing that the offered price is set by law or regulation.

B. Criteria for Selecting Procurement Methods. When the WHA is required to purchase a particular good or service under this Policy, the Contracting Officer shall use the appropriate procurement methods based on the nature of the thing being procured and the Cost or Price Analysis regardless of the final actual cost. Procurements shall not be divided artificially into a series of small tasks to fit under methods that require less competition, but it is recognized that certain jobs may consist of logical and standard phasing or parts that may be procured separately. In determining whether the assignment or purchase is divided artificially the Contracting Officer shall consider whether subsequent procurements are unlikely to be solicited competitively such as in instances when completing one task in a series of tasks makes it impractical for a bidder other than the one completing the first task to submit a competitive bid for subsequent tasks. In those instances, the tasks' values will be aggregated and the procurement method selected based upon the aggregated total.

- 1) Purchases under two hundred fifty dollars (\$250) may be processed through the use of a petty cash account.
- 2) For purchases of any goods such as personal property including automobiles, trucks, other vehicles, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies of any kind, if the amount of the contract and the Procurement Method are:

> \$250 & ≤ \$5,000	Direct Purchase
> \$5000 & ≤ \$ 25,000	Simplified Competitive Purchase

>\$25,000 Formal sealed bid process required.

- 3) For construction, repair, or maintenance: If the estimated cost of the contract and the Procurement Method are:

> \$250 & ≤ \$25,000 Direct Purchase

>\$25,000 & ≤ \$75,000 Simplified Competitive Purchase except projects funded through the Capital Fund which is required to use the Formal Sealed Bid process for all construction and equipment procurements in excess of \$25,000.

>\$75,000 Formal sealed bid process required.

- 4) The purchase of any professional service such as architectural, engineering, legal, consulting, program management, or land survey or services shall be awarded to the responsive, responsible, qualified person or firm based upon the criteria, terms and conditions within the solicitation with whom a satisfactory price can be negotiated. If the estimated cost of the contract and the Procurement Method are:

>\$250 & ≤ \$25,000 Direct Purchase

>\$25,000 & ≤ \$50,000 Simplified Competitive Purchase

>\$50,000 Competitive Proposals

- C. Option to Require Competitive Process. Notwithstanding the above, the Contracting Officer may determine that a competitive process would be in the best interest of WHA and use the Simplified Competitive Purchase, Sealed Bid, or Competitive Proposals methods or such other method that fulfills the Purpose of this Policy.
- D. Option to use a Non-Competitive Process. Procurement shall be conducted competitively to the reasonable extent possible. Under terms described herein, the Contracting Officer may either negotiate or non-competitively procure any of the above listed goods or services under the terms and conditions within this Policy.

III. PROCUREMENT METHODS AND ADMINISTRATION

Generally, there are five competitive processes used to procure goods and services under this Policy: Petty Cash Purchases, Direct Purchases, Simplified Competitive Purchases, Sealed Bids, and Competitive RFP/RFQ.

- A. Petty Cash Purchases. No formal procurement is required; goods and services shall be acquired in the open market in the normal course of doing business in a commercially reasonable manner. The Contracting Officer shall ensure that a Petty Cash account is established in an amount sufficient to cover Simplified Competitive Purchases made during a reasonable period

(e.g., one week); security is maintained and only authorized individuals have access to the account; the account is periodically reconciled and replenished by submission of a voucher; and, the account is periodically audited by the finance officer or designee to validate proper use and to verify that the account total equals cash on hand plus the total of accumulated vouchers.

B. Direct Purchases. A Direct Purchase may be implemented from a single supplier without competition provided the Contracting Officer first determines a reasonable price for the contract.

C. Simplified Competitive Purchases.

- 1) Procedure. Simplified Competitive Purchase may be awarded once a minimum of three (3) competitive estimates have been solicited to determine the reasonableness of the cost for any Simplified Competitive Purchase. A record of the attempt to obtain those three (3) estimates shall be maintained by WHA. The inability to receive all three estimates shall not prevent the WHA from proceeding with the Simplified Competitive Purchase method provided there was a reasonable attempt at obtaining the quotes and provided at least one quote was obtained. If competitive quotations were solicited and award was made to other than the low quoter, documentation to support the purchase may be limited to identification of the solicited concerns and an explanation for the award decision.
- 2) Alternative Procedure. Simplified Competitive Purchases may be awarded without soliciting competitive quotations if the Contracting Officer finds the price to be reasonable, the good or service has no comparable pricing information is readily available (e.g., a supply or service that is not the same as, or is not similar to, other supplies or services that have recently been purchased on a competitive basis), and the administrative cost of verifying the reasonableness of the price for purchases may more than offset potential savings from detecting instances of overpricing.

D. Sealed Bids.

1. Conditions for Use. Sealed bidding is the preferred method for construction procurement. For professional services contracts, sealed bidding should not be used. Contracts shall be awarded based on competitive Sealed Bids if the following conditions are present. If one or more are not present, then the Contracting Officer shall use a competitive process to attempt to procure the service:
 - a. the amount is above the Simplified Competitive Purchase amount requiring sealed bid process as set forth above;
 - b. a complete, adequate, and realistic specification or purchase description is available;
 - c. two or more responsible bidders are willing and able to

compete effectively for the work;

- d. the procurement lends itself to a firm fixed price contract; and
- e. the selection of the successful bidder can be made principally on the basis of price.

2. Advertisement. Notice of an invitation to submit a Sealed Bid shall be advertised twice in a local, general circulation newspaper with a minimum of six (6) days separating each publication. In addition, publication must be made not less than 5 days or more than 21 days before the consideration of the bids.
- 3) Solicitation and Receipt of Bids. An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement, including a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the invitation for bids. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be time-stamped but not opened and shall be stored in a secure place until bid opening. Bidders may be technically qualified in accordance with Section IV, C. At the WHA discretion a pre-bid conference may be held.
- 4) Bid Opening and Award. Bids shall be opened publicly and in the presence of at least one witness. An abstract of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder whose bid, conforming to the invitation, and will be most advantageous to the WHA considering price and price-related factors.
 - a) If equal low bids are received from responsible bidders, award shall be made by drawing lots or similar random method, in the presence of at least three (3) witnesses after giving bidders included in the drawing a reasonable opportunity to attend, unless otherwise provided in State or local law and stated in the invitation for bids.
 - b) If only one responsive bid is received from a responsible bidder, award shall not be made unless a cost or price analysis verifies the reasonableness of the price.
- 5) Minor Irregularities or defects. WHA shall have the right to accept or reject any or all bids, to waive irregularities or minor defects, to evaluate the bids submitted and to accept the proposal which serves the interest of the WHA. A minor informality or irregularity is one that is merely a matter of form and not of substance or pertains to some immaterial defect in a bid or variation of a bid from the exact requirements of the invitation that can be corrected or waived without being prejudicial to other the other bid. The defect or variation is

immaterial when the effect on price, quantity, quality, or delivery is negligible when contrasted with the total cost or scope of the supplies or services being acquired. The Contracting Officer may give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid, waive the deficiency, or reject the bid as being non-responsive whichever is to the advantage of the WHA.

Examples of minor informalities or irregularities include, but are not limited to, failure of a bidder to:

- a. Return the number of copies of signed bids required by the invitation;
- b. Furnish required information concerning the number of its employees;
- c. Sign its bid, but only if:
 - (i) The unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid (such as the submission of a bid guarantee or a letter signed by the bidder, with the bid, referring to and clearly identifying the bid itself); or
 - (ii) The firm submitting a bid has formally adopted or authorized, before the date set for opening of bids, the execution of documents by typewritten, printed, or stamped signature and submits evidence of such authorization and the bid carries such a signature;
- d) Acknowledge receipt of an amendment to an invitation for bids, but only if:
 - (i) The bid received clearly indicates that the bidder received the amendment, such as where the amendment added another item to the invitation and the bidder submitted a bid on the item; or
 - (ii) The amendment involves only a matter of form or has either no effect or merely a negligible effect on price, quantity, quality, or delivery of the item bid upon; and
- e) Execute certification or complete forms which are required by law to be in place at the time of entering into a contract but which were included in the bid solicitation at the convenience of the WHA. If not otherwise waived, the Contracting Officer may establish a date certain by which the omitted certifications must be completed and provided to the contracting officer or WHA's agent who is supervising the bidding process.

6) Mistakes in Bids. Corrections in bids shall be permitted only if the bidder

can show by clear and convincing evidence that a mistake of a nonjudgmental character was made (such as a clerical mistake or the misplacement of a decimal point), the nature of the mistake, and the bid price actually intended.

- a. Prior to bid opening. Correction of inadvertently erroneous bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the invitation for bids prior to deadline for submission of the bid.
 - b. After bid opening. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits evidence to the satisfaction of the Contracting Officer that a mistake was made.
 - c. Bid correction. If a bidder requests permission to correct a mistake and clear and convincing evidence establishes both the existence of the mistake and the bid actually intended, the Contracting Officer may make a determination permitting the bidder to correct the mistake; provided, that if this correction would result in displacing one or more lower bids, such a determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself.
 - d. Bid withdrawal. If, the evidence of a mistake is clear and convincing only as to the mistake but not as to the intended bid, or the evidence reasonably supports the existence of a mistake but is not clear and convincing, the Contracting Officer may permit the bidder to withdraw the bid.
 - e. Refusal to allow correction or withdrawal. If the evidence does not warrant a determination of a mistake, the Contracting Officer may make a determination that the bid be neither withdrawn nor corrected.
 - f. Written determination. All decisions to allow correction or withdrawal of bid mistakes shall be supported by a written determination signed by the Contracting Officer. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the WHA or fair competition shall be permitted.
7. Bid Rejections. Any bid that fails to conform to the essential requirements of the invitation for bids (not including mistakes, minor informalities, and irregularities or other provisions as defined within this Policy) may be rejected for the following, but not exclusive, reasons:
- a. Non-conforming specifications. Any bid that does not conform to the applicable specifications unless the invitation authorized the

submission of alternate bids and the supplies offered as alternates meet the requirements specified in the invitation.

- b. Non-conformance with schedule. Any bid that fails to conform to the delivery schedule or permissible alternates stated in the invitation.
- c. Bidder imposed conditions. A bid may be rejected when the bidder imposes conditions that would modify requirements of the invitation or limit the bidder's liability to the WHA, since to allow the bidder to impose such conditions would be prejudicial to other bidders. A low bidder may be requested to delete objectionable conditions from a bid provided the conditions do not go to the substance, as distinguished from the form, of the bid, or work an injustice on other bidders. A condition goes to the substance of a bid where it affects price, quantity, quality, or delivery of the items offered. For example, bids shall be rejected in which the bidder:
 - i. Protects against future changes in conditions, such as increased costs, if total possible costs to the Government cannot be determined;
 - ii. Fails to state a price and indicates that price shall be "price in effect at time of delivery;"
 - iii. States a price but qualifies it as being subject to "price in effect at time of delivery;"
 - iv. When not authorized by the invitation, conditions or qualifies a bid by stipulating that it is to be considered only if, before date of award, the bidder receives (or does not receive) award under a separate solicitation;
 - v. Requires that the Government is to determine that the bidder's product meets applicable Government specifications; or
 - vi. Limits rights of the Government under any contract clause.
- d. Unreasonable price. Any bid may be rejected if the Contracting Officer determines in writing that it is unreasonable as to price. Unreasonableness of price includes not only the total price of the bid, but the prices for individual line items as well.
- e. Materially imbalance. Any bid may be rejected if the prices for any line items or sub-line items are materially unbalanced.
- f. Suspension, disbarment or ineligibility. Bids received from any person or concern that is suspended, debarred, proposed for debarment or declared ineligible as of the bid opening date shall be rejected unless a compelling reason determination is made by the bidder and accepted by the Contracting Officer.
- g. Violation of Procurement Policies. A bid may be rejected if it violates the provisions of this Policy including a lack of competitiveness.

- 8) Solicitation Terms and Conditions. The following limitations shall be avoided in all procurement requests: geographic restrictions not mandated or encouraged by applicable Federal law (except for architect-engineer contracts, which may include geographic location as a selection factor if adequate competition is available); unnecessary bonding or experience requirements; brand name specifications (unless a written determination is made that only the identified item will satisfy WHA's needs); brand name or equal specifications (unless they list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be scrutinized to ensure that organizational conflicts of interest do not occur (for example, having a consultant perform a study of WHA computer needs and then allowing that consultant to compete for the subsequent contract for the computers).
- 9) Delay in Award. Should administrative difficulties be encountered after bid opening that may delay award beyond bidders' acceptance periods, the several lowest bidders whose bids have not expired (irrespective of the acceptance period specified in the bid) should be requested, before expiration of their bids, to extend in writing the bid acceptance period (with consent of sureties, if any) in order to avoid the need for resoliciting.
- 10) Montana Contractor's Gross Proceeds Tax. A one percent Contractors Gross Proceeds Tax applies to all construction contracts over \$5,000 if the project is publicly funded and the owner is a public entity. WHA shall deduct this amount from all such contracts and submit the required remittance to the state of Montana Department of Revenue, Business Tax Section.
- 11) Bonds. In addition to the other requirements of this Statement, for construction contracts exceeding \$50,000, contractors shall be required to submit the following, unless otherwise required by State or local laws or regulations:
 - a. a bid guarantee from each bidder equivalent to 10% of the bid price and
 - b. a performance bond and materials and labor payment bond for 100% of the contract price

E. Competitive Proposals (RFP/RFQ).

There are two types of competitive proposals: Requests for Proposals (RFP) and Requests for Qualifications (RFQ). The RFP process shall be used only in the instances of architects, engineers, and surveyors or as otherwise permitted by a funder of the goods or services being procured; the RFQ process shall be used for all other professional services. Under the RFQ process the estimated cost shall not be one of the factors used to evaluate the submission while in an RFP, the estimated cost shall be used as one of the factors used to evaluate the submission.

1. Solicitation. The Housing Authority shall publish a notice of the

availability of an RFP/RFQ solicitation package for professional services twice in a local, general circulation newspaper with a minimum of six (6) days separating each publication. The announcement must state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the Housing Authority who can provide further details. The deadline for submitting a response to the solicitation package shall be contained within the RFP/RFQ and shall be set by the Contracting Officer taking into consideration the nature and scope of the services being requested and any other factors that would be in the best interest of WHA. At the WHA discretion a pre-deadline conference may be held.

2. Contents. A Request for Qualifications (RFQ) shall be issued by the WHA which clearly identifies the relative evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor; a Request for Proposals (RFP) shall contain those sections as well as the weighing for the price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals
3. Selection Criteria. The Housing Authority shall then select, based on criteria established under these procedures and the law, the firm considered most qualified to provide the services required for the proposed project. In the instance of an RFP, the proposed fee may be one of the factors considered in making the selection. Fees are to be negotiated after the most qualified offeror has been selected.
4. Negotiations. Unless there is no need for negotiations with the offeror, negotiations shall be conducted with the most responsible and responsive offeror who submit the proposal determined to be in WHA's best interest, based on evaluation against the factors as specified in the RFP/RFQ. Such offeror shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposal. The purpose of negotiations shall be to seek clarification with regard to and advise offeror of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements. No offeror shall be provided information about any other offerors' proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for award.
5. Award. After evaluation of proposal revisions, if any, a contract shall be awarded to the responsible firm whose qualifications, price and other factors considered, are the most advantageous to the WHA.

F. Non-competitive process.

1. Conditions for use. Procurement by noncompetitive process may be used only when the award of a contract is not feasible using Simplified Competitive Purchases, Sealed Bids, or Competitive Proposals, and one of the following applies:
 - a. the item is available only from a single source, based on a good faith review of available sources;
 - b. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the WHA or its tenants or employees, as may arise. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any other procurement methods and the emergency procurement shall be limited to those supplies, services, or construction necessary to meet the stated emergency;
 - c. after solicitation of a number of sources, competition is determined inadequate; or,
 - d. it is in the best interest of the WHA.
2. Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for use of such procedures. The justification shall be approved in writing by the Contracting Officer.
3. Price reasonableness. The reasonableness of the price for all procurement based on noncompetitive proposals shall be determined by performing a Cost or Price analysis, as described herein.
4. HUD Approval. Noncompetitive procurements expected to exceed \$25,000, including any procurement in which only one bid or proposal is received may require HUD approval prior to making an award, if required.
5. Cooperative Purchasing. The WHA may enter into State and local intergovernmental agreements to purchase or use common goods and services. The decision to use an intergovernmental agreement or conduct a direct procurement shall be based on economy and efficiency. If used, the intergovernmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. Public housing authorities are encouraged to use Federal or State excess and surplus property instead of purchasing new equipment and property whenever such use is feasible and reduces project costs.

G. Cancellation of Solicitation

1. An invitation for bids, request for proposals, or other solicitation may be canceled before offers are due if: the WHA no longer requires the supplies, services, or construction; the WHA can no longer reasonably expect to fund the procurement; proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable; or similar reasons.
 2. A solicitation may be canceled and all bids or proposals that have already been received may be rejected if: the supplies, services, or construction are no longer required; ambiguous or otherwise inadequate specifications were part of the solicitation; the solicitation did not provide for consideration of all factors of significance to the WHA; prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds; there is reason to believe that bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith; or for good cause of a similar nature when it is in the best interest of the WHA.
 3. The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request to any offeror solicited.
 4. A notice of cancellation shall be sent to all offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any resolicitation or future procurement of similar items.
 5. If all otherwise acceptable bids received in response to an invitation for bids are at unreasonable prices, or only one bid is received and the price is unreasonable, the WHA shall cancel the solicitation and either:
 - a. resolicit using a request for proposals; or
 - b. complete the procurement by using the Noncompetitive Proposals method provided, that the Contracting Officer determines in writing that such action is appropriate, all bidders are informed of the WHA's intent to negotiate, and each responsible bidder is given a reasonable opportunity to negotiate.
- H. Award. The Contract Officer shall make the award to the responsive and responsible bidder offering the lowest price (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the greatest value to the WHA, considering price, technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals). Unsuccessful firms are notified within ten days after award.

IV. BIDDERS RESPONSIBILITIES AND TECHNICAL PRE-QUALIFICATION

A. Bidders' responsibility.

- 1) All bidders shall have a business license in the City of Whitefish (if applicable), have the proper insurance policies, and otherwise shall be in compliance with all other laws and regulations of the State of Montana and the City of Whitefish.
- 2) Bidders are expected to be knowledgeable of this Policy, the solicitation package, all plans and specifications involved in the solicitation, and the work required.
- 3) All Bidders shall act in good faith in their dealings with WHA and agree to comply with the provisions of this Policy.
- 4) Any person or firm contracting for construction or construction related work shall be a Registered Contractor with the state of Montana at the time that work begins on the contract. All other persons contracting with the WHA shall submit an Independent Contractor's letter of exemption from Worker's Compensation insurance to the WHA before commencing work or produce a certificate of insurance for Worker's Compensation insurance covering persons performing the work. Sole proprietor owners need not be insured under a Worker's Compensation policy but if working alone without employees, must be registered as Independent Contractors with the state of Montana Department of Labor.

B. General criteria for Bidder Responsibility. Procurement shall be conducted only with responsible bidder, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the WHA shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity, compliance with public policy, record of past performance (including contracting previous clients of the contractor, such as other WHA's), and financial and technical resources. If a prospective contractor is found to be irresponsible, a written determination of this finding shall be prepared and included in the contract file, and the prospective contractor shall be advised of the reasons for the determination.

C. Technical prequalification. At WHA sole option, the Contracting Officer may determine that a two step process is necessary and the receipt and prequalification of bidders according to their technical abilities is necessary to obtain the most responsible and responsive responses to a proposed solicitation. The Contracting Officer is not required to pre-qualify bidders. Upon completion of the pre-qualifying process, WHA may limit its solicitation to those parties whose technical qualifications have been determined adequate.

1. Prequalification shall be based entirely upon the technical capability and resources of the prospective bidders to perform the particular contract satisfactorily, taking into account their some of the following as may be appropriate:
 - a. Experience and past performance on similar contracts;
 - b. Capabilities with respect to personnel, equipment, and other necessary services;
 - c. Education, training, and technical ability;
 - d. Knowledge of any unusual conditions or specifications involving the

- good or service;
 - e. Necessary certifications or licensures or memberships in professional association;
 - f. Financial condition;
 - g. The relationship of the bidder to public policy goals and objectives; and/or,
 - h. Litigation history.
 - 4. Notice of the decision to pre-qualify bidders' technical qualifications and an invitation to submit technical pre-qualifications shall be advertised twice in a local, general circulation newspaper with a minimum of six (6) days separating each publication. In addition, publication must be made not less than 5 days or more than 21 days before the submission of the prequalification statement.
 - 5. Any party who believes it can provide the good or service that is the subject of the technical pre-qualification request may submit its qualifications in accordance with the pre-qualification submission requirements.
 - 6. WHA shall issue a Request for Technical Pre-Qualifications in any form that it believes will solicit the appropriate information and shall include at a minimum a clear basis upon which prospective bidders can be evaluated, following an objective process based on fair and transparent criteria. The documentation sought should be relevant, clearly stated and should not impose an excessive burden of preparation or paperwork.
 - 7. Unless otherwise provided for in the Request for Technical Pre-Qualifications by the disclosing of ranking criteria, the Contract Officer shall determine only whether a submitting party either is or is not qualified to submit a bid, and shall inform each submitter of his or her decision in writing within five (5) days of so determining. There shall be neither a predetermined maximum nor minimum number of submitting parties that will be found qualified.
- D. Suspension and Debarment. Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined ineligible by HUD in accordance with HUD regulations (24 CFR Part 24) when necessary to protect the WHA in its business dealings.
- 1. In addition, the Contracting Officer may declare a bidder or contractor ineligible to bid on any procurement for a period not to exceed three (3) years for any of the following
 - a. Two or more claims of computational error in bid submissions within a two-year period;
 - b. Unjustified refusal to provide or execute contract documents;
 - c. Unsatisfactory performance of a contract;
 - d. Unjustified refusal to perform or complete contract work or warranty performance;
 - e. Unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract;
 - f. Clear and convincing evidence indicating a lack of business

- integrity and which would directly affect the reliability and creditability of performance of such a vendor or contractor with future contacts; or,
- g. Limited disbarment by another government agency or declaration of ineligibility.
2. The Contracting Officer may permanently debar any bidder or contractor for collusion, violation of antitrust involving public contracts or submission of bid proposals, for any corrupt practice involving the administration or award of a contract with WHA.

V. TYPE OF AGREEMENTS

- A. Forms of Agreements. Any type of contract which is appropriate to the procurement and which will promote the best interests of the WHA may be used. The Contracting Officer shall determine the form of the Agreement for each good and service procured.
- 1. Charge Accounts. The Contracting Officer may cause to have established revolving charge accounts for small and miscellaneous purchases necessary for repairs, vehicle maintenance, officer supplies, etc., at local merchants and suppliers. Purchase limits for individual items and in the aggregate on any single invoice shall be established, and items and invoices which exceed the established limit must have a purchase order approved. Employees authorized to charge on the charge account must be approved by the Contracting Officer.
 - 2. Receipts for Petty Cash Purchases of less than \$100. Any purchase of less than \$100 does not require a contract or purchase order but must be accompanied by a receipt showing the date, price, good or service purchased, and an explanation of the relationship of the expenditure to WHA;
 - 3. Purchase Orders for Petty Cash Purchases, Direct Purchases, and Simplified Competitive Purchases of less than \$25,000. Petty Cash Purchases in excess of \$100, Direct Purchases and Simplified Competitive Purchases less than \$25,000 may be contracted through the use of a Purchase Order.
 - a. Purchase Orders may be issued only by the Contracting Officer, the Deputy Executive Director, the Director of Planning and Development, Asset Managers, and the Maintenance Foreman. Other than the Contracting Officer and the Deputy Executive Director, no Purchase Order shall be authorized by any other party in excess of \$5,000, and the Contracting Officer shall be the sole person able to authorize Purchase Orders in excess of \$10,000.
 - b. Purchase Orders generally are issued on a fixed-price basis and shall:
 - i) Specify the quantity of supplies or scope of services ordered;
 - ii) Contain a determinable date by which delivery of the supplies or

performance of the services is required;

- iii) Specify the total cost on either a quote or per item basis.
 - iv) The Contracting Officer's signature or his/her designee's signature on purchase orders shall appear on purchase. Facsimile and electronic signature may be used in the production of purchase orders by automated methods.
- c. Unpriced purchase orders. An unpriced purchase order is an order for goods or services, the price of which is not established at the time of issuance of the order. A realistic monetary limitation, either for each line item or for the total order, shall be placed on each unpriced purchase order. The monetary limitation shall be an obligation subject to adjustment when the firm price is established. The Contracting Officer shall follow up on each order to ensure timely pricing. An unpriced purchase order may be used only when:
- i) It is impractical to obtain pricing in advance of issuance of the purchase order; and
 - ii) The purchase is for-
 - Repairs to equipment requiring disassembly to determine the nature and extent of repairs;
 - Material available from only one source and for which cost cannot readily be established; or
 - Supplies or services for which prices are known to be competitive, but exact prices are not known (e.g., miscellaneous repair parts, maintenance agreements).
- d. In general Purchase Orders shall be used for:
- i) Purchases which exceed pre-established item price limits or single invoice aggregate limited at local suppliers and vendors with whom monthly charge accounts have been opened;
 - ii) All purchase from suppliers and vendor with whom no revolving charge account exists;
 - iii) Purchase of items which go into capital equipment and inventory;
 - iv) Purchase of material that are to be installed by the vendor such as floor covering, etc., accompanied by a set of standard performance conditions for the installation work;
 - v) Purchase of material for a specific job related to extraordinary maintenance;

4. Contract for Purchases in Excess of \$25,000. Without specific authorization by the Contracting Officer, all expenditures in excess of \$25,000 shall be by written contract. All procurement shall include the clauses and provisions necessary to define the rights and responsibilities of the parties.
- a. Prohibited Contracts. The cost-plus-a-percentage-of-cost and percentage of construction cost methods are prohibited. A cost reimbursement contract shall not be used unless it is likely to be less costly or it is impracticable to satisfy the WHA's needs otherwise, and the proposed contractor's accounting system is adequate to allocate costs in accordance with applicable cost principles (for commercial firms, Subpart 31.2 of the Federal Acquisition Regulation (FAR), found in 48 CFR Chapter 1). A time and material contract may be used only if a written determination is made that no other contract type is suitable, and the contract includes a ceiling price that the contractor exceeds at its own risk.
 - b. Contract Terms. All terms shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the WHA's needs. Contract terms shall be reviewed prior to solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicate items. Functional or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurement to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement. No contract with a professional service shall be for an initial period in excess of two (2) years or where the contract contains a renewal provision for any period of time, without the written approval of HUD if so required.
 - c. Contract Clauses The operational procedures shall contain guidelines for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on construction contracts, and similar matters. For cost reimbursement contracts with commercial firms, costs are allowable only to the extent that they are consistent with the cost principles in FAR Subpart 31.2. In addition to containing a clause identifying the contract type, all contracts shall include the following clauses. Clauses required only for Federally funded projects by Federal statutes, executive orders, and their implementing regulations, as provided in 24 CFR 85.36(I) are identified by (F).
 - i) Termination for convenience,
 - ii) Termination for default,
 - iii) Equal Employment Opportunity (F),
 - iv) Anti-Kickback Act (F)
 - v) Davis-Bacon Act (F),
 - vi) Work Hours and Safety Standards Act, reporting

- requirements (F),
- vii) Patent rights (F),
- viii) Rights in data (F),
- ix) Examination of records by Comptroller General (F), retention of records for three years after closeout,
- x) Clean air and water (F),
- xi) Energy efficiency standards (F),
- xii) Bid protests and contract claims,
- xiii) Value engineering (F), and
- xiv) Payment of funds to influence certain Federal transactions (F).

- B. Agreement Options The option for additional quantities or performance periods may be included in Contracts and Purchase Order, provided that: (i) the option is contained in the solicitation; (ii) the option is a unilateral right of the WHA; (iii) the contract states a limit on the additional quantities and the overall term of the contract; (iv) the options are evaluated as part of the initial competition; (v) the contract states the period within which the options may be exercised; (vi) the options may be exercised only at the price specified in or reasonably determinable from the contract; and (vii) the options may be exercised only if determined to be more advantageous to the WHA than conducting a new procurement.
- C. Contract Administration A contract administration system designed to ensure that contractors perform in accordance with their contracts shall be maintained.

VI. APPEALS AND REMEDIES

- A. GENERAL It shall be the general policy of WHA to resolve all contractual issues and disputes informally between the WHA and the disputant or aggrieved party without litigation. In the case of contracts involving federal funds, disputes shall not be referred to HUD until all WHA internal administrative remedies have been exhausted. When appropriate, WHA may consider the use of informal discussions between the parties by representatives of the parties or third parties who did not participate substantially in the matter in dispute to help resolve the differences. HUD will only become involved in review of disputes and protests in cases involving violations of Federal law or regulations and failure of the WHA to review and resolve a complaint or protest.
- B. BID PROTESTS. Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Procurement Policy Statement. Any protest against a solicitation must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten (10) calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The protest shall include, as a minimum, the name, address and phone number of the protester, identification of the protested procurement, a statement of the reasons for the protest, supporting exhibits, evidence, or documents to substantiate any arguments, and the form of relief requested. The Contracting Officer may at his or her discretion suspend the procurement pending resolution

of the protest if warranted by the facts presented; however, if a contract is let and the protest upheld, the contract may be terminated for convenience and either the contract re-awarded to the next eligible offeror of the procurement may be resolicited. The protest will be upheld only if there is clear and convincing evidence as to the existence of an impropriety and there is no other means of resolving the matter.

- C. CONTRACT CLAIMS. All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer or designee for a written decision within five (5) days of when the basis for the claim is known or should have been known. The claim shall include the nature and scope of the claim, the pertinent clause of the contract, a statement of the facts along with any supporting evidence, and any extra costs sought by the contractor. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights. Reference is made to HUD form 5370 that explains the procedure for handling contract claims.

VII. ETHICS IN PUBLIC CONTRACTING

- A. GENERAL. WHA and its employees shall adhere to the following code of conduct, consistent with applicable State or local law. Any employee who knowingly violates these provisions will be subject to disciplinary action, as set forth in WHA's Personnel Policy.
- B. CONFLICT OF INTEREST. No employee, officer or agent of WHA shall participate directly or indirectly in the selection or in the award of administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
1. An employee, officer or agent involved in making the award;
 2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister);
 3. His/her business or living partner; or,
 4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.
- C. GRATUITIES, KICKBACKS, AND USE OF CONFIDENTIAL INFORMATION. WHA officers, employees or agents shall not solicit or accept gratuities, favors, or anything greater than \$50 monetary value from contractors, potential contractors, parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.
- D. PROHIBITION AGAINST CONTINGENT FEES. Contractors shall not retain a

person to solicit or secure a WHA contract for a commission, percentage, brokerage, contingent fee, except for bona fide employees or bona fide established commercial selling agencies.

- E. FULL DISCLOSURE. With full disclosure, the board may approve to use a contractor affiliated with the board of commissioners or WHA staff.
- F. TIMELY MANNER CLAUSE. Due to extreme circumstances for the wellness and safety of residents, the board may vote by telephone or email on acceptance of a contract.

VIII. ASSISTANCE TO SMALL AND OTHER BUSINESSES (For Federally funded work only)

A. REQUIRED EFFORTS

1. Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, the WHA shall make efforts to ensure that small, minority- or woman- owned businesses, labor surplus area businesses, and individuals or firms located in our owned in substantial part by person within the area of the project as defined below. Such efforts shall include, but shall not be limited to:
 - a. including such firms, when qualified, on solicitation mailing lists;
 - b. encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
 - c. dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
 - d. establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
 - e. using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
 - f. including in contracts a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project, as described in 24 CFR 75;
 - g. requiring prime contractors, when subcontracting is anticipated,

to take the positive steps listed in A.1.a. through A.1.f. above.

2. From time to time WHA may establish goals for participation in the WHA's projects, contracts, and subcontracting opportunities by small businesses, minority- or woman- owned business enterprises, labor surplus area businesses, and business concerns which are located in or owned in substantial part by persons residing in the area of the project as defined below.

B. DEFINITIONS

1. A small business is defined as a business which is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used unless the WHA determines that their use is inappropriate.
2. A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or in the case of a publicly-owned business one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
3. A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.
4. A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of Labor in 20 CFR 654, Subpart A, and in lists of labor surplus areas published by the Employment and Training Administration.
5. A business concern located in the area of the project, is defined as an individual or firm located within the relevant Section 3 covered project area, as determined pursuant to 24 CFR 135.15, listed on HUD's registry of eligible business concerns, and meeting the definition of small business above. A business concern owned in substantial part by persons residing in the area of the project is defined as a business concern which is 51% or more owned by persons residing within the section 3 covered project, owned by persons considered by the U.S. Small Business Administration to be socially or economically disadvantaged, listed on HUD's registry of eligible business concerns, and meeting the definition of small business above.

Adopted by Resolution # _____, dated _____.

So signed,

Signature

Title

WHA Foundational Information + Commissioner Handbook Needs

1. Mission
2. Levers for Pursuing Mission
3. Relevant Laws and Rules
 - a. Authorizing Ordinance
 - b. Housing Authority Statutes
 - c. Public Meeting Rules
 - d. Bylaws
 - e. Conflict of Interest Policy
 - f. Governance Calendar
4. List of Current Assets
5. Sources of Funding
6. Obligations (what work does WHA need to ensure gets done to meet our mission, e.g., maintain assets, maintain funding)
7. Staff (the roles and the obligations assigned to each role)
8. Ongoing Medium to Long-Term Projects