

HOUSING TOOLBOX

GUIDELINES FOR PREPARING THE REQUEST FOR PROPOSALS (RFP)

In a property disposition, an RFP details the property to be disposed of and describes any reuse requirements. The RFP provides a formal process for soliciting information from prospective developers/owners to allow manageable and meaningful comparisons of all offers. The following outlines the major components of an RFP, including provisions required by M.G.L. Chapter 30B. It is important to have an attorney review the final RFP for compliance with all applicable regulations, including Chapter 30B.

Please note that only Chapter 30B requirements are covered in these guidelines; Massachusetts Department of Housing and Community Development (DHCD) or federal requirements are not covered.

GUIDELINES AND SAMPLE: REQUEST FOR PROPOSALS

I. INVITATION TO BID

The invitation introduces the RFP and provides a brief overview of key information. Ideally, this information will be conveyed in a way that sparks interest from prospective developer/owners. Specifically, the invitation to bid should provide the following:

Outline of offering:

1. Name the entity issuing the RFP.
2. Identify and briefly describe the property concerned.
3. Describe the disposition method (i.e., ground lease or sale), and identify key terms of the disposition.
4. Highlight the goals for the disposition.

Summarize submission requirements:

1. Number of copies needed; date, time, and place for submission
2. How the proposal should be marked.
3. Typically there is a 8-10 week response period from the time of issuance of the RFP. The response time should be gauged depending upon the level of information you are seeking and the complexity of the project.
4. Responses must be complete and signed and that late submissions will not be accepted. Reserve the right to reject any or all proposals or to cancel the RFP, if it is in the best interests of the issuing entity

Disclaimer against any information provided in the RFP. Note that the disposition is subject to the Uniform Procurement Act, M.G.L. Chapter 30B.

HOUSING TOOLBOX

Contact person for inquiries and questions:

1. Name, phone and fax numbers, and e-mail address, if available.
2. Request that all inquiries be made in writing no later than a given date.
3. Indicate that if questions arise at any time prior to the due date for the proposals all answers will be in writing and the questions and answers will be shared with everyone who has requested a copy of the RFP.

INVITATION TO BID

The Town of ABC/ABC Housing Authority (ABC) is seeking proposals for the development of at least ___ units of rental housing for low and moderate income families on approximately ___ acres of surplus land owned by the ABC and located at ABC Road, ABC, Massachusetts. The ABC intends to convey/execute a long term lease with the selected developer for this ___ acre site. The purpose of this RFP is to select a developer who will develop at least ___ new units, a mix of _____ bedroom units for low and moderate income families. The preference is for all/___% of the units to be available to families earning less than ___% of area median income. The actual level of affordability will be determined based on the project's feasibility including available financing resources.

Applicants should submit an original and six (6) copies on or before _____.

**Town of ABC/ABC Housing Authority
Attention: Director
123 Main Street
ABC, MA 02222**

at which time and place the bids will be opened and recorded. Proposals submitted after this time will not be accepted. Proposals should be marked "Responses to the ABC Request for Proposals" and must include all required documents, completed and signed per the instructions and attached forms included in this bid package. The Town of ABC/ABC Housing Authority reserves the right to reject any or all proposals or to cancel this Request for Proposals if it is deemed in the best interest of the Town/ABC Housing Authority.

The Town of ABC/ABC Housing Authority makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP (including all attachments and supplements) is made subject to errors, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

HOUSING TOOLBOX

Proposers' Responsibility for due diligence: Prospective developer should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

The Town of ABC/ABC Housing Authority has determined that the award of this contract is subject to the Uniform Procurement Act. M.G.L.c.30B. Therefore, the provisions of M.G.L. c. 30B are incorporated here by reference.

All inquiries regarding this RFP should be submitted via e-mail and directed to:

*Ms. Smith, Executive Director
msmith@ABChousing.org,*

Proposers must register with the ABC at the same e-mail address no later than 2012. All proposal inquiries and responses will be shared with all registered Proposers.

II. SITE TOUR AND BRIEFING

It is strongly recommended that you conduct an on-site briefing session or property walkthrough. If one is planned, designate a time, place, and contact person for more information about this session. The site tour should be scheduled relatively soon after the issuance of the RFP to allow prospective developers time to view the site before finalizing their submission. Often, bidders are required to register 24 hours in advance if they plan to attend a briefing to prevent holding a briefing with no participants.

SITE TOUR AND BRIEFING

Interested developers are strongly encouraged to attend an on-site briefing session on _____ at ___ p.m at the site, ABC road, ABC, MA. Registration to attend the briefing is required no later than the close of business on _____. To register, or for additional information, contact Ms. Smith, ABC, msmith@abchousing.org.

III. PROPERTY DESCRIPTION

Provide detailed information on the subject property should be provided to prospective bidders. This can be collected from the tax collector, the assessor, the municipal planning department, the city or town clerk, the conservation commission, the municipal building/engineering department, the regional planning agency, and local realtors.

Copies of any studies undertaken for this site (e.g., water and sewer access, soil conditions, contamination, conceptual site plan), should be included with the RFP or posted so that developers can access them electronically. These studies provide valuable information for prospective developer/owners. The property description should provide the following:

HOUSING TOOLBOX

Location and site information:

1. Provide street address, map and parcel reference if available,
2. Deed description or survey if available (or if a survey has not been done, describe location with enough specificity to identify the property)
3. Copy of an assessor's map.
4. Attach any available studies or blueprints as appendices, or identify where they can be found.

Buildings and improvements (if applicable):

1. Description of any buildings and structures, including size, age, construction type, condition, occupancy, use history, etc.

Site plans: Drawings, plot plans (if available).

Zoning:

1. Zoning maps and references to applicable sections of the zoning regulations.
2. State if there is an expected zoning path (e.g. special permit; Ch.40B comprehensive permit).

Deed restrictions, easements, or covenants: Identify any existing restrictions and/or any restrictions that will be imposed on the property by the municipal entity, such as affordability covenants or utility easements..

Regulatory constraints: Identify all regulatory constraints, such as historic district restrictions, and watershed protection areas.

Utilities and infrastructure: Identify what utilities are available at the site or within a reasonable distance, including water, sewer, gas, and electric.

Bidder's responsibility for due diligence: State that bidders are responsible for their own review and analysis related to all aspects of the project.

PROPERTY DESCRIPTION

1. Location and Site Information

This Request for Proposals involves the lease/sale of ___ acres of land owned by the Twon of ABC/ABC Housing Authority. The property is located on _____ and abuts XYZ Apartments to the north and east. The site is not located in an historic district. The assessor's map can be found at Attachment ___. There are some environmental constraints as noted in #7 of the next section.

HOUSING TOOLBOX

2. Utilities

The following information is provided for preliminary informational purposes only and must be independently determined and verified by Proposers.

<i>Utility</i>	<i>Provider</i>	<i>Location</i>
<i>Water</i>	<i>Town</i>	<i>See site plan</i>
<i>Wastewater</i>	<i>On-site</i>	<i>On-site</i>
<i>Electric</i>	<i>Vendor</i>	<i>Street/Existing</i>
<i>Gas</i>	<i>Vendor</i>	<i>Street/Existing</i>
<i>Telephone</i>	<i>Vendor</i>	<i>Street/Existing</i>
<i>Cable</i>	<i>Vendor</i>	<i>Street/Existing</i>

3. Buildings and improvements

There are ___ existing buildings on the site. These buildings are approximately _____ years old. Each building has its own septic system. Each building has its own parking area. All units are occupied.

4. Preliminary Site Plans

Attachment _ is the site plan prepared by the ABCs consultant _____. The plans are illustrative only and provide the Proposer grading and other site information.

5. Zoning

The property is currently zoned _____, which allows _____ by right. It is assumed that the selected developer will pursue a Comprehensive Permit pursuant to M.G.L. c. 40B to seek waivers for density and frontage as well as other zoning requirements. The Town/Housing Authority is available to assist with project permitting.

6. Septic

The feasibility work completed by _____ (Attachment __) determined that it is possible to use an _____ septic system that could accommodate ___ bedrooms on the site. Proposers are strongly encouraged to make their own assessments of the septic capacity and system needs of the site.

HOUSING TOOLBOX

7. Regulatory Constraints

There are no wetlands that we are aware of nor does the site border any vegetated wetlands.

IV. DEVELOPMENT GUIDELINES

This section of the RFP states the project's goals and guidelines under the following recommended headings:

Programmatic Objectives: include target population, type of housing (e.g. rental or homeownership) and level(s) of affordability.

Design Guidelines: be as specific as possible as to the preferred type of construction, unit configuration, site design, and the desired amenities. Recognize that guidelines that are too prescriptive can impede the interest as well as the creativity of prospective developers.

Role After Disposition: State what, if any, role the municipal entity expects to play after transfer of the property. Be cautious about the role played post disposition as it could trigger issues with the state's public construction and bidding statutes.

Price and Financial Guidelines: If price is a factor in the decision this should be stated here.

Lease Terms: outline the mandatory lease provisions (attach a sample lease if available). This includes but is not limited to the following:

- a. Lease term
- b. Affordability
- c. Payment terms
- d. Lease termination
- e. Tax compliance
- f. Lease amendments
- g. Assignment of the lease

Implementation Guidelines: Detail what the process is once the winning bidder has been selected. This should include the timeframe for execution of a developer agreement (if applicable) and other documentation leading up to the sale/signing of the lease.

Other Resources (if applicable). If you can provide additional assistance to the successful bidder beyond the land, list it in this section. Examples of such resources include assistance with project permitting and providing Section 8 project-based rental assistance.

HOUSING TOOLBOX

DEVELOPMENT GUIDELINES

The Town of ABC/ABC Housing Authority received pre-development funds from the ABC Community Preservation Committee (CPC) and the Massachusetts Housing Partnership (MHP) to have third party consultants perform initial site feasibility work. The results of that work are attached for the Proposer's information as Attachment __. The consultants, _____, have evaluated the optimal uses for the site, the site design, septic concept, financial feasibility and recommendations for the unit mix. All applicable findings regarding the site feasibility are included in the attachments. These findings were used to confirm project feasibility for the ABC. Applicants may or may not choose to incorporate this work into their proposal. The Town of ABC/ABC Housing Authority makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information.

Key elements that should be taken into consideration by Proposers:

1. CPA Funding

An estimated \$_____ in Community Preservation Act funds will be made available to support the construction of the new affordable units.

2. Affordability

ABC's priority is that ___ units will serve families at or below ___ AMI. The units should be restricted to affordable housing purposes in perpetuity or for the longest period allowed by law.

3. Section 8 Project Based Subsidies

The ABC will work with the developer to secure project-based Section 8 Rental Subsidies for the maximum allowable number of units, through either DHCD or a local Section 8 administrator.

4. Division of Land (For Housing Authority-owned land)

This land is subject to Department of Housing and Community Development's (DHCD) regulations under 760 CMR 4.00: General Administration of Local Housing Authorities, specifically section 4.13 Development of Additional Units (Attachment 3) on Land Subject to a Contract for Financial Assistance by LHAs or Controlled Affiliates. It is ABC's intent to secure DHCD's approval for the disposition of the ___ acre parcel through a sale/long term lease. The ABC will need the selected developer's cooperation and assistance and strongly recommends that applicants are familiar with the applicable regulations.

5. Building Design & Construction

The ABC would like the buildings to be as "green" as possible while recognizing the balance with financial feasibility. At a minimum, the development shall comply with

HOUSING TOOLBOX

DHCD's site and building design guidelines as detailed in Appendix H of the 2011 Qualified Action Plan. In addition:

- Plans should designate the location of dumpsters and provide for tenant storage;
- The proposed site plan should include road design, an explanation of the internal traffic flow pattern and how traffic will be managed to insure safety of all tenants; and
- The Proposer should indicate how they will address the constraints posed by _____.

6. Management and Maintenance Plan

The management plan should include who will manage the property. If a manager has not been selected, please explain how the developer plans on procuring a management agent. The plan should address if there will be on-site management and if so, how that will work, and if not, how that will be handled. Proposers should include a maintenance plan and detail the storage of maintenance equipment.

7. Development Agreement

The ABC intends to execute a Development Agreement with the selected developer within 60 days of selection. This agreement will incorporate the provisions of the developer's accepted proposal and will detail how the developer will develop, construct and operate the project.

8. Lease Payment/Acquisition Cost

ABC would like the developer to consider an annual lease payment to the town/housing authority. The expectation is that any lease payment would be "below the line" in cash flow of the project, and only be made when the project met its funding requirements. Or: ABC would like/requires the developer to consider an acquisition payment to the town/housing authority of at least \$_____.

9. Description of Lease Terms, if any

The lease with the ABC will include but is not limited to the following:

- a term of between 50 and 99 years;
- incorporation of the provisions within the development agreement that are intended to survive the closing;
- payment of \$_____ due at the time of lease execution;

HOUSING TOOLBOX

- *an additional payment of \$_____ per year shall be paid on the anniversary date of the Lease.*
- *The lease may not be assigned to another entity without the prior written consent of the ABC*

V. CRITERIA FOR EVALUATING PROSPECTIVE DEVELOPER/OWNERS

The purpose of the RFP process is to establish a fair and objective method for selecting a developer/owner for the property. It is strongly recommended that this evaluation occur in two or three stages. Establish a set of minimum criteria that all proposals must meet. Any proposal that fails to meet these criteria should be rejected. Second, if applicable, you need to evaluate whether the proposal meets the minimum price criteria set forth in the RFP. Third, proposals must meet a set of comparative criteria that provide a relative measure of the strengths of each proposal.

It is important that submission requirements match all of the items outlined in these evaluation criteria. Both the submission requirements and the selection criteria should be as detailed as possible to ensure that first, you get a complete picture of the bidder, the development team, and the proposed development and second, the bidders understand what is required of them and how this information will be evaluated.

Evaluating a bidder's proposal can be seen as a three-step process:

Step One: Develop Minimum Threshold Criteria

List criteria that establish the basic eligibility of the proposal for further review. Ideally, these should be "yes-or-no" standards that you will apply to every proposal. Any bidder with a "no" should be eliminated from further consideration.¹

Some examples of minimum threshold criteria are:

1. Conformance with Submission Requirements: Did the bidder include all of the required items outlined in the submission requirements? If not, reject the application.
2. Development Experience: This is one of the most important criteria to consider. Development is often a complex and risky undertaking. The criteria should specify the minimum level of experience necessary to carry out the requirements of the RFP. This might be expressed in years or types of experience (e.g., five years of affordable housing development, or successful completion of two affordable elderly-housing developments of at least 20 units each).

¹ IG procurement manual p 42.

HOUSING TOOLBOX

In defining relevant experience, it is important to consider the characteristics of the proposed project. For example, a developer/owner might need experience developing special-needs or service-enriched housing or using a specific type of funding (e.g., HUD 202 funding or Low Income Housing Tax Credits). Similarly, a project that will require a comprehensive permit would benefit from a developer/owner with that zoning experience. A homeownership project benefits from a developer with experience in a similar type of project.

3. Current taxes: Request certification of current payment of all state and local taxes (or an acceptable explanation of why tax payments are not current).
4. Bidder Availability: Are there any time constraints on the project? If so, request a start-date commitment and a proposed staffing plan, including a description of existing time commitments for each member of the development team.
5. Affordability: Specify the minimum affordability criteria required by both percentage of units and level of affordability (generally stated in relation to median income). It is helpful to test these goals with a feasibility study that evaluates the income necessary to support project costs. Unrealistic goals will discourage good developer/owners from submitting proposals.
6. Bidder financial resources: The more complex and expensive a project, the more important the developer/owner's financial capacity becomes. A bidder must demonstrate strong financial capacity including sufficient net worth and access to financing. The ability to secure predevelopment funding or be able to carry the project through the predevelopment stage until construction financing is available is very important. In addition, evaluate whether the developer/owner has sufficient resources to meet any required equity contribution.

Step Two: Price Criteria

If price is a consideration, make a judgment as to which bidder has made the best offer for the property.

Examples of Price Criteria

- **Terms of Purchase or Lease**: It is important to specify price or lease-payment terms for comparison purposes.

HOUSING TOOLBOX

- **Price Requirements:** In most cases, maximizing the public purpose will be more important than securing the highest price for the property. (In some cases payment might not even be expected from the bidder).

Step Three: Comparative Evaluation Criteria

Consider giving additional weight to proposals that exceed the minimum criteria. Use comparative criteria to look at the relative merits of the proposals, rather than just selecting the responsive and responsible proposal that offers the best price. The Inspector General recommends that measurement of comparative criteria not be a point-based system, which can be “deceptive, creating the illusion that qualitative judgments can be compared with mathematical accuracy.”² The examples below employ the measurement of “highly advantageous,” “advantageous,” and “not acceptable” that is required for service and supply RFPs under Chapter 30B. However, any system that can be clearly defined and applied to all proposals is acceptable.

Examples of Comparative Criteria

The following are some examples of criteria that can be used to judge the competitiveness of a bidder’s proposal if public purpose is the objective. Give weight to these criteria according to the relative level of importance to your housing authority.

Affordability: Determine whether it is more important to serve people with lower incomes (deeper affordability targets) or to serve more people at the proscribed “affordable” level (more affordable units).

Developer Capacity and Quality of Team and Property Manager: A development team’s track record with comparable projects is one of the best measures of its ability to complete the project as proposed. Funders and lenders consider this key when awarding competitive funding and making loans. The amount and type of experience a developer/owner and his/her team needs varies with the complexity of the project. Experience can be measured by number of years, number of projects completed, and role in the development process.

Feasibility: The ability of the development team to understand the complexities of affordable housing development and the challenges posed by your particular site is key to the success of the project. At the heart of the competitive criteria is an evaluation of whether the project, as proposed, is feasible.

² IG procurement manual 43

HOUSING TOOLBOX

Site and Unit Design: At the RFP stage, designs are generally at the very preliminary schematic stage, reflecting approach rather than detail. Still, there are questions you can consider when reviewing proposals: Are the site and unit designs appropriate for the parcel and the target population?

CRITERIA FOR EVALUATING PROSPECTIVE DEVELOPER/OWNERS

The following are the **minimum** proposal criteria for consideration:

1. Complete conformance with all submission requirements
2. Developer must have a minimum of ___ years experience in development of affordable housing
3. Certification of compliance on all state and local taxes (attached form)
4. Developer availability to commence work within ___ days of selection

Projects meeting the **minimum** criteria will then be judged on the following additional **comparative** evaluation criteria which will be rated on a scale of unacceptable, advantageous or highly advantageous (see Attachment 5 for additional detail):

Affordability

Extent to which the project meets the affordability preference of all/___% units being affordable at ___% AMI or less.

Development Experience

Extent to which the developer's experience exceeds the minimum criteria, particularly with respect to the development team's prior track record with: developing housing of a similar scale and type, structuring complex affordable housing finance transactions, and securing necessary permits and funding, as well as prior experience in the aforementioned environmental issue.

Developer Financial Capacity

Review of any legal or administrative actions past, pending or threatened that could relate to the ability or capacity of the Proposer, its principals, or any affiliates to undertake the project. Confirmation that no local, state or federal taxes are due or outstanding for the development team or any constituent thereof.

Review of any bankruptcy within the past ten years by any member of the development team. Review of financial statements to insure the proposer has the financial strength to complete the proposed development.

Feasibility of proposed project; analysis of development budget

HOUSING TOOLBOX

Analysis of operating budget: appropriate for target population, reasonableness of management, administrative costs, maintenance and utility costs.

Analysis of development budget: sources and uses are reasonable and attainable.

Market analysis

Rent comparability, affordability to target households, proposed rent-up period, proposed future rent increases, vacancy allowance.

Financing

Demonstration of ability to secure financing evidenced by history of successful projects with similar financing.

Site and unit design

Conformance with development guidelines and appropriateness of design for the area, the parcel and the target population.

VI. SUBMISSION REQUIREMENTS

The RFP should include standard forms to ensure consistency in the bidders' submissions. Consider the use of standard forms that are included in the One-Stop application that is used by state funding agencies

The submissions are typically divided into ___ sections as follows:

- A. Developer and development team
- B. Development concept
- C. Project financing and financial analysis
- D. Conceptual design
- E. Implementation plan
- F. Management plan
- G. Lottery
- H. Certifications

Financial information from private individuals must be treated as private, confidential information with access limited to essential individuals in accordance with the Fair Information Practices Act ("FIPA"), M.G.L. c. 66A. It is recommended that a sub-group of the evaluation team review and analyze all financial information included in proposals. This sub-group should include a least one person with strong financial background and the ability to analyze financial statements. The entire sub-group should be trained in standards of confidentiality, security, and requirements of FIPA.

HOUSING TOOLBOX

Submission Requirements

1. The Developer and Development Team

- A. *The proposal must include a description of the development team, the individuals and organizations to be involved in the development, in particular the project manager, and their experience. The development team shall include, without limitation, the developer, architect, engineers, and consultants, and may include the contractor, property manager, lenders and investors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, shall be provided.*
- B. *The name, address and telephone number of the Proposer, the name of any representative authorized to act on his/her behalf, the name of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team. The lead project manager should be specifically identified.*
- C. *If the Proposer is not an individual doing business under his/her name, a description of the firm and status of the organization (e.g. whether a for profit, not-for-profit or charitable institution, a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdictions in which it is registered to do business. If the Proposer is a non-profit; please include a list of the organization's Board of Directors and areas of expertise they represent.*
- D. *The nature of the entity to enter into the purchase and sales/ground lease for the property and the borrower and guarantors of debt, if any.*
- E. *Identification of all principals, partners, co-venturers or sub-developers participating in the transaction, and the nature and share of participants' ownership in and compensation from the project.*
- F. *If the property manager has not already been selected and identified above, a discussion of what the process will be for securing property management services.*
- G. *Description of the organizational structure of the development team and a plan to ensure effective communication between the ABC and the development team during all phases of the project.*
- H. *A summary of first, the developer's and secondly, the development team's experience collectively and individually, and with similar projects. Particular attention should be given to demonstrate experience with projects of a similar scale and complexity of site*

HOUSING TOOLBOX

conditions, permitting an affordable housing development, design and financing. Proposer should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out permitting, financing, marketing, design and construction.

The following format should be used to submit the information for each project presented:

- *Project name,*
 - *project location,*
 - *project type and description,*
 - *project scope,*
 - *start date,*
 - *projected completion date and actual date of completion,*
 - *total development costs,*
 - *sources of financing,*
 - *total number of units and bedroom sizes.*
- I. Narrative on why the project is similar and why your experience is relevant to the proposed development project*
- J. Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the Proposer, its principals, or any affiliates.*
- K. Confirmation that no local, state or federal taxes are due and outstanding for the development team or any constituent thereof.*
- L. List of current projects under development and at what stage these projects are in (pre-development, pending funding, construction, etc.)*
- M. Provision of at least three (3) references with contact names, title and current telephone numbers and e-mail addresses, who can provide information to the housing authority concerning the Proposer's experience in similar projects.*
2. *Development Concept*
- A. The level of unit affordability. The affordable housing units will be affordable in perpetuity to the extent legally possible. Affordability requirements will be reflected in the developer's agreement./ and the land lease. The preference is for all/___% units to be available to families at or below ___% of AMI. The actual levels of affordability will be determined based on the project's feasibility and available financing resources.*
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HOUSING TOOLBOX

- B. *Unit breakdown by bedroom size.*
- C. *Description of marketing and lottery processes.*
- D. *Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development, including energy savings / green building elements of the design and proposed septic system design.*
- E. *Discussion of any environmental requirements and how the site design meets these requirements.*
- F. *Discussion of construction management plan as it relates to the environmental impacts of the _____ requirements.*
- G. *Analysis of the ways in which the proposal satisfies the development guidelines.*

3. *Project Financing and Financial Analysis*

Using the One-Stop application format, provide the following:

- A. *proposed pre-development budget, including all projected sources to be used to secure the necessary permits and approvals for the construction and operation of the development*
- B. *development budget which includes a detailed sources and uses, and*
- C. *10 year operating budget*

4. *Conceptual Design Drawings*

The proposal must include 11 x 17 plans including:

- A. *site plan that describes; entry way, driveway, parking layout, building locations, storage locations (if applicable), and trash management*
- B. *elevations*
- C. *typical unit floor plans*

5. *Implementation Plan and Timetable*

The proposal must include a description of how the development concept will be implemented, including but not limited to:

HOUSING TOOLBOX

- A. *Detailed development schedule for all elements of the plan, including key milestones, financing benchmarks, and projected completion / occupancy timeframes, including DHCD approval process*
- B. *Outline of required land use, environmental, operational and other governmental or regulatory approvals, including land use, zoning, development and environmental permits.*
- C. *The Proposer should provide a schedule for securing approvals as part of the proposal.*
- D. *The Proposer should note what zoning variances, special permits or modifications are required, in particular Natural Heritage SEP requirements.*
- E. *The proposed development should be completed within ____ years of the execution of the Development Agreement.*

6. *Management Plan*

The proposal must include a plan for the ongoing management of the developed facilities. If the Proposer is including a property manager as part of its team, all relevant information as outlined under 'Developer' above should be included as well as details of projects where the Proposer and Manager have worked together before.

At a minimum the selected Proposer and/or their Management Agent will be expected to:

- A. *establish a criteria for tenant selection and a fair and unbiased selection process;*
- B. *be responsible for securing the Lease Agreements with the selected tenants;*
- C. *create and/or maintain all necessary reports and certifications required under state and federal law;*
- D. *create and/or maintain all necessary reports and certifications required by funding banks and agencies;*
- E. *collect rent, security deposits and other receipts;*
- F. *enforce the terms of the lease agreements;*
- G. *maintain and repair the dwelling units; and*
- H. *maintain adequate insurance against claims for injuries or losses to persons or property*

HOUSING TOOLBOX

that are alleged to have arisen on the Premises.

7. *Lottery for Affordable Units*

To ensure a fair and equitable selection process for the affordable units, if the developer believes a lottery will be needed for some or all of the affordable units, please include the lottery process including who will conduct the lottery. A lottery agent may be included as part of the development team. An affirmative fair housing marketing/lottery plan will be required as part of the Developer's Agreement. For the proposal, the Proposer should indicate other lotteries they have been involved in, their role and the outcomes.

VII. SELECTION PROCESS

Describe the process that will follow the disposition of the property. Include how and when the proposals will be reviewed.

- State that all packages submitted by the deadline will be opened in public and logged in. Identify the party responsible for reviewing the submissions, and state that all information contained in the proposals is public.
- State how and when the winning bidder will be notified. Give a description of the process for conveying the property.

SELECTION PROCESS

All packages submitted by the deadline will be opened in public and logged in. All information contained in the proposals is public. The ABC town manager/board of selectmen/commissioners or its designee(s) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined herein. Evaluation of the proposals will be based on the information provided in the Proposer's submission in accordance with the submission requirements of this RFP and any interviews, references, and additional information requested by ABC. The ABC will notify all Proposers in writing of its decision.

VIII. EXECUTION OF AGREEMENTS

Outline any terms or conditions that will be incorporated into the purchase and sale or disposition agreement. Consult with an attorney regarding any local laws relating to real property transactions.

- List all terms and conditions that will be required in the agreement (e.g., reuse restrictions; certification of tax compliance)

HOUSING TOOLBOX

- Explain that all contract amendments must be in writing and approved and signed by an authorized official
- If the property is being offered for lease, spell out mandatory lease terms. If you have a draft lease include it as an Appendix to the RFP.

EXECUTION OF DEVELOPMENT AGREEMENT AND LEASE

It is the intent of ABC to enter into a development agreement with the selected Proposer and then: convey the property/ into a long term land lease. The development agreement will be negotiated after the selection process and will reflect the selected project program. [If a Housing Authority]:The development agreement and the ground lease are both subject to review and approval by the Department of Housing and Community Development (DHCD).

ATTACHMENTS

1. *Assessor's map*
2. *Engineering Site Plan & Soil Evaluation Letter*
3. *Selection rating criteria*
4. *Certificate of Non-Collusion*
5. *Tax Compliance Certificate*
6. *Disclosure of Beneficial Interest*

Please Note | Effort has been made by the author and sponsoring organizations to provide current and accurate information. However, readers should not rely on the information and are urged to review source material and consult with appropriate funding sources, practitioners and legal counsel before embarking on a particular course of action.