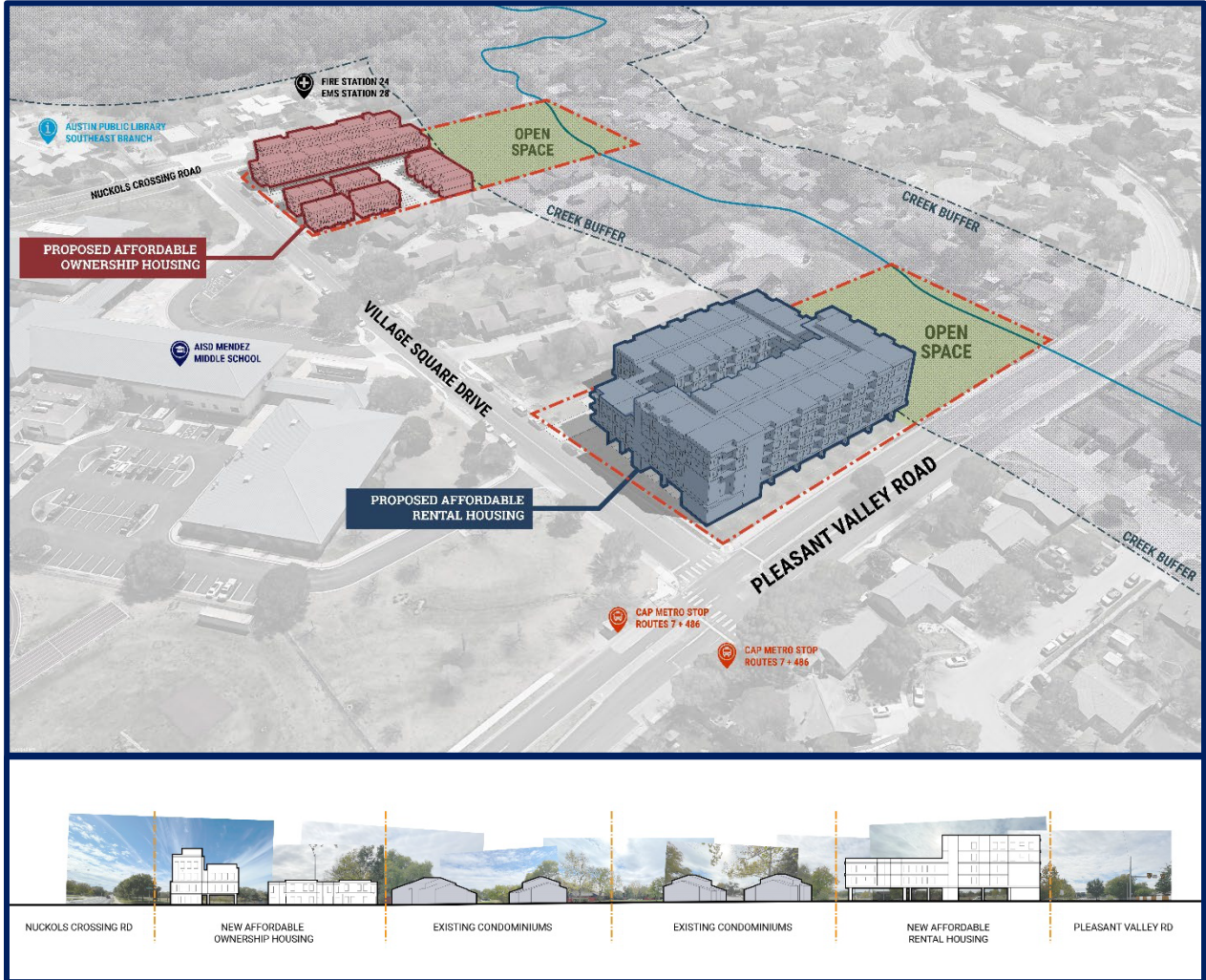


5900 S. Pleasant Valley Road



Request for Qualifications

5900 South Pleasant Valley Road Affordable Rental Housing Development Opportunity

Submissions Due: By 11:59 p.m. CST on April 26, 2023



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1. Request For Qualifications

The Austin Housing Finance Corporation (AHFC) formally releases this Request for Qualifications (RFQ) to identify a preferred developer to partner with AHFC to develop, own, and operate a proposed 90 to 100-unit multifamily apartment on a 2.5-acre property owned by AHFC located at 5900 South Pleasant Valley Road in south Austin. Later this year, AHFC will release a separate RFQ to identify a preferred developer to partner with AHFC to develop 40 to 50 units using AHFC's community land trust (CLT) model on the eastern lot (Block 4, 5901 Drowsy Willow Trail).

Submission Instructions

Interested respondents must submit their qualifications to AHFC by 11:59 p.m. CST on Wednesday, April 26, 2023 to be considered for selection under this RFQ. Respondents must submit their qualifications in accordance with the requirements presented in [Exhibit A](#) and discussed within this RFQ.

Applications must be submitted using the form available here:

https://cityofaustin.formstack.com/forms/5900_spleasantvalley_rfq

Applications must be submitted by 11:59 p.m. CST on Wednesday, April 26, 2023.

Any questions related to this RFQ must be sent by email to AHFC's Authorized Contacts identified below:

Alan Fish

Procurement Specialist IV

Alan.Fish@austintexas.gov

Sarah Ramos

Procurement Specialist

Sarah.Ramos@austintexas.gov

Courtney Banker

Project Coordinator

Courtney.Banker@austintexas.gov

Persons desiring further information or interpretation of the RFQ requirements must make a written request for such information to AHFC **no later than ten working days before** the RFQ submittal due date. Changes to the RFQ documents will be made by addendum only. Questions and Answers that are significant will be provided as a Clarification Document(s).

RFQ Reference Materials

Available on the RFP webpage: <https://www.austintexas.gov/page/request-proposals>

- Land Title Survey
- Phase I Environmental Site Assessment
- Special Warranty Deed
- Title Policy
- City of Austin Housing Preference Policy
- Development Concept
- Summary of Community Engagement Feedback & Phase I Community Engagement Survey Data Export
- Partnership Agreement
- Master Agreement
- Memorandum of Understanding and Summary of Terms
- Ground Lease Option Agreement

Additional Materials within RFQ Exhibits

The following materials are available within [Exhibit A](#) of this RFQ.

- RFQ Response Form (responses to be submitted online via [Formstack](#))
- Affidavit of Negotiation

- Non-Suspension and Debarment Certification
- Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying Disclosures

2. About AHFC

The Austin Housing Finance Corporation (AHFC) is a quasi-public instrumentality of the City of Austin formed in 1979 under Chapter 394 of the Texas Local Government Code to implement strategic solutions to increase the supply of affordable low-income housing in Austin. AHFC spends more than \$20 million per year on housing programs funded through a variety of both federal, state, and local sources. These programs include Down Payment Assistance, Home Repair, Rental Assistance, Gap Financing, and Acquisition and Development using public-private partnerships. AHFC is also an issuer of Private Activity Bonds used to finance construction of affordable housing and, as a ground-lessor and development owner, qualifies for a 100% property tax exemption for affordable housing developments.

AHFC has an existing portfolio of more than sixty acres of vacant and underutilized commercial property anticipated to be developed with affordable housing through public-private partnerships over the next decade. To date, AHFC has closed four previous Requests for Proposals (RFPs) and executed agreements with developers to develop more than 700 units of affordable housing on these properties. All four of these developments are anticipated to break ground in 2023 or 2024.

3. Property Information

5900 South Pleasant Valley Road is an approximately 2.5-acre property located in the Dove Springs neighborhood of southeast Austin. The property was purchased by AHFC in 2021 using general obligation bonds approved by City residents in 2018. The property is level, rectangular in shape, and fronted on the north by Village Square Drive and the west by Pleasant Valley Road. The property is bordered on the east by the Villages at Pleasant Valley condominiums and on the south, across an urban creek, by single family homes. The southern half of the property is within a Critical Water Qualify Zone, and the 100- and 500-year floodplain to a lesser degree. These environmental features limit the developable area of the property and informed AHFC's development concept for this property. The property currently has a Planned Unit Development zoning district designation that was approved in 1979, which are the entitlements under which the neighboring multifamily condominium property was developed. The existing zoning regulations permit the development of no more than twenty-four dwelling units on this property. Given this limitation, it is anticipated the property will need to be rezoned prior to development. AHFC will submit a zoning application to begin rezoning the property to a zoning category compatible with the proposed development concept in April 2023 and help facilitate the development permit approval timeline necessary to meet potential tax credit financing milestones.

The property is a short walking distance to many civic amenities including Mendez Middle School, Widen Elementary School, Dove Springs Recreation Center and District Park, and the Southeast Branch Public Library. It is also adjacent to an existing high-frequency bus stop. Capital Metro's Project Connect initiative includes adding a bus rapid transit stop nearby which is expected to be operational at this location in the coming years.

The surrounding neighborhood has experienced a significant increase in housing costs. The median sales price of homes in this neighborhood has increased by more than 100 percent over the last half decade, with the median sales price for homes in the area nearing almost \$500,000 in 2022 (Redfin). The

annual household income that is currently required for a household to qualify for a mortgage to purchase a home at this price is over \$110,000, more than double the median household income of residents in the neighborhood. This sustained and dramatic increase in housing costs has undoubtedly contributed to the approximately twelve percent decrease in low-income households residing in the area over the last five years, including low-income households of color with generational ties to the area.

AHFC has provided several important reference materials to this RFQ that will assist respondents in understanding the physical and regulatory factors affecting the development of this property. Additional materials are located on the [RFP webpage](#).

4. Development Description

Prior to beginning public engagement in January 2023, AHFC contracted and worked with a third-party architectural firm to perform site analysis and develop building massings to share with the public to get feedback.

The proposed design sought to achieve and balance the following priorities:

- Maximize the number of affordable units reserved for households earning at or below 60 percent of Austin’s median family income, within an appropriate land use context.
- Prioritize the incorporation of multi-bedroom units for families.
- Deliver the development as cost-efficiently as possible to ensure the responsible stewardship of public funds.

AHFC conducted public engagement between January and March 2023, which included the following efforts:

- Launching a project website with an online survey, bilingual overview video, and additional informational materials: <https://publicinput.com/5900southpleasantvalley>
- Promoting the website and survey on social media
- Meeting with and collecting feedback from neighborhood and stakeholder groups (see the Summary of Community Engagement Feedback on the [RFP webpage](#) for more details)
- Posting yard signs in the immediate neighborhood advertising ways to provide feedback on the project
- Mailing flyers and surveys including with paid postage to all addresses within 500 feet of the project site
- Participating in neighborhood tabling events to inform attendees of the project and collect feedback (see the Summary of Community Engagement Feedback available on the [RFP webpage](#))

Through these engagement efforts, AHFC collected more than 100 survey responses in addition to more general feedback from attendees of group and public events. Following the conclusion of public engagement, AHFC summarized and reviewed the feedback received and began to identify common elements of consensus for potential incorporation into the development concept. A summary of the community engagement events and feedback, as well as the complete survey results, is available on the [RFP webpage](#).

AHFC incorporated feedback received throughout the initial community engagement phase as best as possible. Table 1 captures key themes AHFC addressed within the RFQ and corresponding Reference Materials (available on the [RFP webpage](#)).

Table 1. Feedback Incorporated into the RFQ

Theme	Addressed in RFQ and/or Corresponding Materials
Good Neighbor Practices	<p>Per the Summary of Terms (available on the RFP webpage): <i>Developer shall design and develop the project at a height no greater than three stories within 30 feet of the eastern lot line of the property. Developer should be prepared to construct and finance a fence or wall at least six feet in height along the entirety of the eastern lot line, the design of which must be approved by AHFC. Developer shall be prepared to design and develop the building in such a manner to have no external balconies facing the eastern lot line of the property.</i></p> <p>Per the RFQ Response Form, applicants will: <i>Describe their development team’s construction management practices that will be used as part of this development to act as a good neighbor to the adjacent property owners.</i></p>
Ingress / Egress on Nuckols Crossing / Pleasant Valley	<p>Per the Summary of Terms (available on the RFP webpage): <i>To the degree that such access may be permitted, the Developer shall be prepared to design and permit the development such that no ingress, egress, and curb cut beyond that required for any fire access shall be made on the northern side of the property fronting Village Square Drive.</i></p>
Outdoor Community Amenities	<p>Per the Summary of Terms (available on the RFP webpage): <i>Developer shall be prepared to develop, reserve, and maintain the southern half of the property within the Critical Water Quality Zone as an open space amenity for public use.</i></p>
Indoor Community Amenities	<p>Per the Summary of Terms (available on the RFP webpage): <i>Developer shall be prepared to explore opportunities with the Austin Economic Development Corporation to fund and incorporate non-residential civic or commercial ground floor space as part of the development.</i></p>
Residents at Risk of Displacement / Generational Ties	<p>Per the RFQ: <i>The selected developer and their property manager must implement a Housing Preference Policy meeting the criteria described in the Memo to the Mayor and Austin City Council available at the following web address: https://www.austintexas.gov/edims/document.cfm?id=330931</i></p> <p>Per the RFQ Response Form, applicants will: <i>Describe how their proposed property manager will affirmatively market the development to low-income households of color who have historically lived in this neighborhood.</i></p>
Flooding / Transportation	<p>Development will be subject to and will comply with City of Austin’s land development regulations, including environmental and transportation-related regulations.</p>

The resulting and final development concept, informed through a community-driven process and the subject of this RFQ, is an approximately 90 to 100-unit multifamily development with a building

envelope no larger than that reflected in the building massing depicted within the Development Concept file on the [RFP webpage](#).

If selected to partner with AHFC, respondents to this RFQ must design, develop, and operate a development that aligns with the building depicted in the Development Concept. **At least 90 percent of the total units must be reserved for households earning no more than 60 percent of Austin’s median family income (MFI), with at least 40 percent of total units being reserved for households earning at or below 50 percent of MFI, and at least 10 percent of total units being reserved for households earning at or below 30 percent of Austin’s MFI (see Table 2). Income-averaging may be considered post-award if found to be beneficial for the deal and if utilized to lower any AHFC gap financing. Additionally, no less than 50 percent of total units must be developed as multi-bedroom units (two- to four-bedrooms).**

Table 2. Income Level Requirements

Income Level (% of MFI)	Min. % of Units	Estimated # of Units
30%	10% @ ≤ 30% MFI	10
50%	40% @ ≤ 50% MFI	38
60%	40% @ ≤ 60% MFI*	38
TBD	10% @ TBD MFI	10
Total		96

*Note: At least 90% of units to be @ ≤ 60% MFI overall.

5. Deal Structure

The selected developer will enter into the following ownership and financing structure with AHFC following the award of the development opportunity:

- Land Ownership** AHFC will retain ownership of the land, qualifying the property for a 100% property tax exemption for the land and improvements.
- Development Ownership** An affiliate of AHFC and the selected developer will enter into a limited partnership that will own the development and lease the land from AHFC. The AHFC affiliate will act as general partner and the selected developer will act as the administrative limited partner of the limited partnership. The deal terms for this development are described in detail in the Memorandum of Understanding and Summary of Terms provided as part of the RFQ Reference Materials (available on the [RFP webpage](#)). Following award of the development opportunity, the selected developer will be required to execute the following documents to formalize and facilitate the partnership with AHFC, or its affiliate, and the deal: Limited Partnership Agreement, Master Agreement, Memorandum of Understanding and Summary of Terms, and a Ground Lease Option. All of these documents are Reference Materials for this RFQ and are available on the [RFP webpage](#).

While there will be an opportunity for the selected developer to negotiate language and terms as part of the Exclusive Negotiation Period post-award, limiting the amount of time for the selected developer to execute the documents

necessary for the development, the developer should not expect that AHFC will approve significant modifications in language and terms from what is included in the boilerplate agreements attached as exhibits to this RFQ.

Financing

The selected developer is anticipated to fund this development in part with equity provided by Low-Income Housing Tax Credits (LIHTCs) and debt via a conventional mortgage or Private Activity Bonds. AHFC recognizes that this proposed development has a financing gap and may make available a loan to the partnership/development owner to help fill that gap. The selected developer may make a loan application post-award to AHFC's Rental Housing Development Assistance Program. The loan application will be reviewed and underwritten through the RHDA process and will require an additional approval by the AHFC Board to be made in their sole discretion.

To minimize any potential AHFC gap financing request, the selected developer should anticipate applying for 9% LIHTCs in the 2024 Program Year.

If, following analysis and discussions between the selected developer and AHFC during the Exclusive Negotiation Period, it is determined that the proposed development is unlikely to be competitive for 9% LIHTC in 2024, the selected developer should anticipate being required to pursue tax-exempt Private Activity Bonds and 4% LIHTCs to fund the development. The property is currently in a Qualified Census Tract and is eligible for a 30% boost in tax credits. The selected developer should anticipate applying for Private Activity Bonds in the bond lottery administered by the Texas Bond Review Board in October 2023, in addition to their forthcoming 9% LIHTCs application in January 2024, to help facilitate the funding and construction of the development as quickly as possible. If Private Activity Bonds are used to fund the development, AHFC must issue those bonds, except in the instance that a different issuer provides a more likely chance of being awarded a bond reservation or provides a timeline that is more appropriate for the development.

The selected developer will be required to pursue non-AHFC soft funding to help complete the funding sources for this development (e.g., TDHCA Multifamily Direct Loan, Federal Home Loan Bank, National Housing Trust Fund). Respondents who have demonstrated receiving and using non-AHFC soft funds for previous developments will be provided additional points per the RFQ Response Form. The funding, construction, and management of the development will be the sole responsibility of the selected developer, and the selected developer will be the sole guarantor. While an AHFC affiliate will be the general partner in the limited partnership that will own this development, they will act largely in an administrative role to help develop and operate the development. However, the AHFC affiliate, as general partner, will have authority to approve or deny decisions made by the administrative limited partner related to the partnership and development.

6. Submittal Requirements

All respondents must submit their qualifications by completing the online Formstack application available [here](#).

Respondents must submit their completed application including all required supporting documents discussed in the online application by 11:59 p.m. CST on Wednesday, April 26, 2023 to be considered for the award of the development opportunity discussed in this RFQ.

One of the RFQ's Authorized Contacts will notify each respondent within three business days of receiving a completed online application.

Any questions about this RFQ must be sent by email to the RFQ's Authorized Contacts:

Alan Fish

Procurement Specialist IV
Alan.Fish@austintexas.gov

Sarah Ramos

Procurement Specialist
Sarah.Ramos@austintexas.gov

Courtney Banker

Project Coordinator
Courtney.Banker@austintexas.gov

Any clarifications made to this RFQ will be posted on the [RFP webpage](#).

Modifications to applications previously submitted may be made by respondents up until the close of the RFQ, April 26, 2023. Respondents may modify their applications by submitting a new application online and notifying the RFQ's Authorized Contacts by email that a new application has been submitted to replace the previous.

Respondents may withdraw their application at any time. Requests to withdraw a previously submitted application from consideration must be made by email to the RFQ's Authorized Contacts.

All materials submitted as part of the application become public property and are subject to the requirements of the Texas Open Records Act. Respondents who would like to keep portions of their application confidential or redacted prior to any potential public release must notify the RFQ's Authorized Contact by email of the portions of the application that the respondent would like to redact or remain confidential and provide a statement describing why the redaction or confidentiality is being requested. AFHC will endeavor to protect such information from disclosure to the extent allowed by state law. AHFC will not make public any certified or compiled financial documents submitted with the application.

AHFC reserves the right to cancel this RFQ at any time prior to the selection of a selected developer by the AHFC Board of Directors, should it deem appropriate. AHFC may also deem an application non-responsive based on an initial review. All costs directly or indirectly related to the preparation of an application are the sole responsibility of the respondents.

Mandatory Requirements

Each entity that comprises the development team must meet the following requirements to be eligible for award of the development opportunity discussed in this RFQ:

- The developer must be a legally incorporated business entity that is able to conduct business and contract with the federal government, State of Texas, and City of Austin.
- The developer must have submitted all applicable tax returns to the Internal Revenue Service (IRS), State of Texas, and the City of Austin.
- The developer must provide their organization's most recent certified financial audit or compiled financial documents (within the last two years) with the submission of their application.
- The developer must be able to add the AHFC as an insured party on their business insurance, and potentially purchase additional insurance coverage meeting AHFC's minimum standards.
- The developer must be able to apply for and participate in the City of Austin's S.M.A.R.T. Housing Program. Information regarding this program can be found at the following web address: <https://www.austintexas.gov/department/development-incentives-and-agreements-0>
- Following the selection of the selected developer, if the selected developer and AHFC consider and decide to pursue a commercial use as part of the development, the selected developer and AHFC will meet with and provide a Right of First Refusal to the Austin Economic Development Corporation (AEDC) to purchase or lease the proposed non-residential space. This requirement is inclusive of any proposed live/work units.
- The selected developer and the property manager must implement a Housing Preference Policy meeting the criteria described in the Memo to the Mayor and Austin City Council available at the following web address: <https://www.austintexas.gov/edims/document.cfm?id=330931>
- The selected developer will be required to enter into a limited partnership agreement, master agreement, memorandum of understanding and summary of terms, and ground lease option with AHFC, or its affiliate, provided in their substantially final form as Reference Materials for this RFQ. AHFC reserves the right to prepare other legal documents that the selected developer must execute to facilitate the development of the property.
- The selected developer must comply with the deal terms described in the Memorandum of Understanding and Summary of Terms included as Reference Materials for this RFQ.
- If the development is funded with Private Activity Bonds, AHFC must be the Issuer of those bonds except in an instance where another Issuer provides an advantage to better facilitate timely completion of the development.
- The partnership/development owner will pay for the cost of AHFC's title insurance policy associated with the ground lease at the close of construction financing.
- The selected developer will provide all necessary guarantees to facilitate the financing, construction, and operation of the development.
- AHFC, through its affiliate, will not elect to treat its affiliate as a taxable entity.

- The partnership/development owner will pay for AHFC's legal fees associated with negotiating and executing agreements necessary for the development of the property at the close of construction financing.

Grounds for Rejection

AHFC reserves the right to reject any applications and to waive any minor informality in any application requirement. A minor informality is one that does not affect the competitiveness of the respondent.

The following may be cause to reject an application as determined by AHFC in its sole discretion:

- Submission of an application which is not signed by an individual empowered to bind the respondent.
- Evidence of collusion among respondents.
- Applications received from a respondent who has been debarred or suspended by AHFC or the City of Austin.
- Applications received from a respondent when its principals are currently debarred or suspended by federal, state or city governmental agencies.
- Poor performance in execution of work under a previous AHFC or City contract.
- Failure to achieve reasonable progress on an existing or previous AHFC or City contract.
- Default on previous contracts or failure to execute a previous contract after award.
- Evidence of failure to pay subcontractors, suppliers, or employees in accordance with previous contract requirements.
- Applications containing omissions, alterations of form, additions, qualifications or conditions not called for by AHFC, or incomplete applications, AHFC reserves the right to determine the interpretation or to reject the application.
- Failure to negotiate and execute necessary agreements after award in a timely manner.
- Previous safety or environmental violations resulting in fines or citations by a governmental entity (e.g., U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, etc.).
- Failure of a respondent to demonstrate its experience with projects of similar size, scope, and complexity.
- Evidence of a respondent's lack of sufficient resources, workforce, equipment, bonding capability, or supervision.

Protest Rights

Protests

The AHFC Treasurer has the authority to settle or resolve any claim of an alleged deficiency or protest. The procedures for notifying the AHFC of an alleged deficiency and making a protest are listed below. If a protester fails to comply with any of these requirements, the AHFC Treasurer may dismiss the complaint or protest.

Protest Regarding the RFQ (Pre-Submittal Protest)

Any protest regarding the RFQ must be made no later than five business days prior to the due date and time for applications. Any protest made after that date which raises issues regarding the RFQ will not be considered.

Protests Regarding the Evaluation of Proposals

Any protest regarding the evaluation of applications by the AHFC must be made with AHFC no later than five business days after the notification of award, or notification that the protestor's status as a respondent has changed, such as notification that an application has been found to be non-responsive or a respondent has been found to be non-responsible. Any protest filed after such date which raises issues regarding the evaluation will not be considered. Respondents may only protest the evaluation of their application.

Protest Regarding Award of Contract (Post-Award Protest)

Any protest regarding the award of the development opportunity must be filed no later than ten days after the date of award. Any protest regarding the award of the development opportunity made after such date will not be considered.

Process to Submit a Protest

Protests must be made by email to Sarah Ramos at sarah.ramos@austintexas.gov, and must include the following information in the subject line: Protest and the name of the RFQ; in the body of the email: your name, address, telephone, and email address, the specific facts and/or law upon which the protest of the RFQ or the award is based, including all pertinent documents and evidence thereto, and the form of relief requested.

- The protest must be concise and presented logically and factually to help AHFC review.
- When AHFC receives a timely written protest, the AHFC Treasurer will determine whether the grounds for the protest are sufficient. If the AHFC Treasurer determines that the grounds are sufficient, a protest hearing will be scheduled, usually within five business days. If the AHFC Treasurer determines that the grounds are insufficient, AHFC will notify the protester of that decision in writing.
- The protest hearing is informal and is not subject to the Texas Open Meetings Act. The purpose of the hearing is to give the protester a chance to present its case; it is not an adversarial proceeding.
- Those who may attend the protest hearing are representatives from AHFC that oversaw the RFQ, the City of Austin Law Department, and other appropriate City of Austin staff. The protestor may bring a representative or anyone else that will present information to support the factual grounds of the protest at the hearing.
- A decision will be made within thirty calendar days after the hearing.
- AHFC will send the protester a copy of the hearing decision after the appropriate staff have reviewed the decision.
- When a protest is made, AHFC usually will not make an award until a decision on the protest is determined. However, AHFC will not delay an award if the City Manager for the City of Austin or the AHFC Treasurer determines that AHFC urgently requires the development of the property,

and failure to make an award promptly will unduly delay the development. In those instances, AHFC will notify the protester and make every effort to resolve the protest before the award.

7. Process and Timeline

March 29, 2023 Request for Qualifications Published

April 26, 2023 Applications Due by 11:59 p.m. CST

All completed applications, including all required supporting materials, must be received prior to the due date to be considered for award.

May 8, 2023 Application Scoring

The RFQ Evaluation Panel will score each complete application submitted prior to the due date.

May 15, 2023 Finalist Interviews

One of the RFQ's Authorized Contacts will notify the top two to three highest scoring respondents and request that they meet virtually with the RFQ Evaluation Panel to allow them to ask additional questions about their qualifications. All respondents should be prepared to make themselves available the day of May 15, 2023.

May 19, 2023 - June 8, 2023 Public Evaluation

Following the conclusion of respondent interviews, AHFC will publish a summary of the RFQ Evaluation Panel's scores online, as well as all complete applications submitted prior to the due date, less any redactions requested and financial disclosures provided by each respondent, on the [RFP webpage](#).

AHFC will provide an online platform available on the RFP webpage for three weeks in which City residents may choose which application they think is best, as well as provide general and application-specific comments. This information will be provided to the AHFC Executive Team and the AHFC Board of Directors, in addition to the RFQ Evaluation Panel Scores, to assist each body in recommending and selecting the preferred development partner for this development.

June 12, 2023 Executive Team Recommendation

The AHFC Executive Team will review the RFQ Evaluation Panel Scores, and the Public Preference and Comments Summary, and recommend a preferred development partner to the AHFC Board of Directors for consideration of the award of the development opportunity.

July 20, 2023 AHFC Board of Directors Selection

The AHFC Board of Directors will convene publicly and will consider AHFC's recommendation for award. It is the AHFC Board of Director's discretion to select and award the development opportunity to the selected developer. Following award, the selected developer will enter into an Exclusive Negotiation Period with AHFC per the [Affidavit of Negotiation](#) (signed as part of the RFQ Response Form). All parties must diligently pursue contract negotiations within the Exclusive Negotiation Period set forth in the Affidavit of Negotiation with the intent of executing agreements to create the limited partnership, apply for funding, and facilitate the development. The Exclusive Negotiation Period will expire on October 13,

2023, at 5:00 pm (CST). The Exclusive Negotiation Period may be extended by up to an additional six months upon the mutual agreement of both parties.

August 2023, Bond Inducement Application Submitted

October 13, 2023 Ground Lease Option, Limited Partnership Agreement, Master Agreement, Memorandum of Understanding and Summary of Terms Executed

October 20, 2023 Bond Application Submission Deadline

8. Exhibit A: RFQ Response Form, Affidavits, and Certificates

RFQ Response Form

To be considered for the award of this development opportunity, please complete the RFQ Response Form available at the following web address and submit it to AHFC based on the directions described in the [Submission Instructions](#) and [Submittal Requirements](#) sections of this RFQ:

https://cityofaustin.formstack.com/forms/5900_spleasantvalley_rfq

Applications will be scored as described below:

- 1) Please provide the company name, point of contact name, and point of contact email for each of the following members of your proposed development team for this development: **Unscored**
 - a) Developer
 - b) Co-Developer (if applicable)
 - c) Architect
 - d) Engineer
 - e) Property Manager
- 2) Please describe why your development team is best suited to develop and operate the proposed development. **10 points**
- 3) How many tax credits developments has the developer or co-developer who will act as guarantor for this development placed in service in Texas within the last five years? **10 points**
- 4) How many Austin Housing Finance Corporation development solicitations have you as developer or co-developer been awarded? **5 points**
- 5) Please describe your development team's construction management practices that will be used as part of this development to act as a good neighbor to the adjacent property owners. **5 points**
- 6) Please describe your proposed property management company for this development and why they are best suited to operate and maintain the property. **5 points**
- 7) Please describe how your development team will develop and operate the proposed development in a way that advances racial equity within the community and your organizations. **5 points**
- 8) Please describe how your proposed property manager will affirmatively market the development to low-income households of color who have historically lived in this neighborhood. **5 points**
- 9) Please describe how your development team will form and leverage relationships with neighborhood groups, organizations, and business to help support a vibrant and enriching neighborhood. **5 points**
- 10) Provide a copy of the most recent certified financial audit or disclosures (completed within the last two years) from the developer who will act as guarantor for this development. **10 points**
- 11) Discuss any litigation (within the last five years) for which the developer or co-developer who will act as guarantor for this development were party to, either as plaintiff or defendant. What were the circumstances and what was the outcome? **10 points**

- 12)** Please provide your TDHCA Compliance Rating (Texas Administrative Code Title 10 Rule [§1.301](#)). If a Category 2 or 3, please describe any Events of Noncompliance. **10 points**
- 13)** Please discuss whether you believe this development should apply to be financed with 9% Low-Income Housing Tax Credits. If not, please explain why. **Unscored**
- 14)** Please describe any non-AHFC soft funds you have received on previous developments within the last five years, including award amount and date. **10 points**
- 15)** Provide a detailed summary of two of the developer's or co-developer's most innovative and successful developments placed in service within the last seven years; please be sure to include the following. **25 points**
- a) Project description
 - b) Placed-in-service date
 - c) Address
 - d) Type of development (e.g., garden walk-up, 5-story structured parking, etc.)
 - e) Income restrictions (Number of Units at or below 30% MFI, Number of Units at or below 50% MFI, Number of Units at or below 60% MFI, Number of units at or below 80% MFI, Number of units at or below 120% MFI, Number of unrestricted units)
 - f) Number of Units by Bedroom Count (Number of efficiencies, Number of 1 bedrooms, Number of 2 bedrooms, Number of 3 bedrooms, Number of 4+ bedrooms)
 - g) Target population
 - h) Partnership structure, including specifying if this was a public/private partnership
 - i) Current occupancy rate
 - j) How the project shifted from initial underwriting/approvals through closing, construction, and conversion
 - k) Describe your community engagement efforts during pre-development, construction, and operation
 - l) Please attach the final or last G702, G703, and G704 for the development, clearly demonstrating any change orders
 - m) Please attach underwriting pro forma for the development, as approved by either the state housing finance agency, the lender, or the equity investor
 - n) Please attach the most recent trailing 12, showing income and expenses

Finalist Interviews (by invitation only) **20 points**

Maximum Possible Score = 135 points

Affidavits & Certifications

Respondents must also complete the following affidavits and certificates as part of their applications to be considered for the award of this development opportunity.

Affidavit of Negotiation

THIS FORM MUST BE FULLY COMPLETED AND SIGNED BY THE RESPONDENT TO BE CONSIDERED FOR THE AWARD OF THE DEVELOPMENT OPPORTUNITY.

I, _____, an authorized representative of _____ (developer entity) a legally formed entity, submit this application in response to the RFQ released by the Austin Housing Finance Corporation (AHFC) on March 29, 2023 requesting qualifications for potential developers to partner with AHFC to develop income-restricted affordable housing on a property AHFC owns at 5900 South Pleasant Valley Road in Austin, Texas.

If selected for the award of the development opportunity, I do hereby agree to enter into an Exclusive Negotiation Period (ENP) with AHFC the term of which will begin on the date of selection by the AHFC Board of Directors and end on October 13, 2023.

I agree to diligently pursue contract negotiations with AHFC within the ENP in a good faith effort to execute the agreements necessary for the development of the property prior to the end of the ENP. If after a reasonable time of negotiation AHFC concludes that little progress has been made toward negotiating the necessary agreements, AHFC reserves the right to terminate negotiations with the Selected Developer from the Board, and request authorization to begin negotiations with the next highest scoring respondent.

I understand and agree that if the agreements necessary for the development of the property are not executed within the ENP, the ENP may be extended as needed by the mutual agreement of both parties.

I understand and agree that AHFC reserves the right to select the next highest scoring respondent or resolicit for new qualifications if, at the conclusion of the ENP, the necessary agreements have not been executed.

I understand that if awarded the development opportunity, I must comply with the deal terms stated in the Memorandum of Understanding and Summary of Terms, Ground Lease Option Agreement, Master Agreement, and Limited Partnership Agreement on the RFP webpage. These terms may be amended by mutual consent of both parties post-award. However, such amendments will be supported by AHFC only in the instance where such amendments are necessitated by new information learned post-award that was not available prior to the close of the RFQ.

I understand and agree that I am responsible for any and all costs necessary to prepare and submit my application and agree to pay any and all necessary costs to be incurred prior to the execution of the agreements necessary to develop the property, including but not limited to any and all costs associated with the preparation of plans and applications if my organization is selected for the development opportunity.

I understand if awarded the development opportunity, I am responsible for the full payment of all pre-development costs necessary to facilitate the successful financing, design, and permitting of the development.

I understand that if selected I will be required to comply with the Mandatory Requirements described in this RFQ as a condition of the award of the development opportunity.

Developer Entity (Printed Name)

Authorized Representative (Printed Name)

Authorized Representative (Signature)	Date
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Authorized Representative Email

Certificate of Non-Suspension and Debarment

THIS FORM MUST BE FULLY COMPLETED AND SIGNED BY THE RESPONDENT TO BE CONSIDERED FOR THE AWARD OF THE DEVELOPMENT OPPORTUNITY.

I affirm my organization is not currently suspended or debarred from bidding or contracting with the United States Federal Government, State of Texas, or City of Austin.

Developer Entity (Printed Name)

Authorized Representative (Printed Name)

Authorized Representative (Signature)

Date

Affidavit of Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying

THIS FORM MUST BE FULLY COMPLETED AND SIGNED BY THE RESPONDENT TO BE CONSIDERED FOR THE AWARD OF THE DEVELOPMENT OPPORTUNITY.

I certify and agree that I have not and will not influence the AHFC RFQ evaluation and award process in any way either directly or indirectly including but not limited to offering or providing any good or service of value to AHFC staff or officers in exchange for more favorable consideration.

I certify I have no present knowledge of a potential or existing conflict of interest with AHFC that may give my proposal an unfair advantage over other proposers or unduly benefit my organization in any way. I agree to notify an AHFC Authorized Contact or Project Manager in writing as soon as I become aware of any potential or existing conflict of interest in the future.

I understand and agree to comply with the City of Austin’s Anti-Lobbying Ordinance (Ordinance No. 20180614-056) while this RFQ is open.

<https://www.austintexas.gov/edims/document.cfm?id=301199>

Developer Entity (Printed Name)

Authorized Representative (Printed Name)

Authorized Representative (Signature) Date

