

September 8, 2020

MEMORANDUM FOR: All potential respondents

FROM: Kim Detrick, Director of Procurement & Chief Contracting Officer

SUBJECT: Request for Proposals (RFP) – Round 5; \$6 Million for the Project Based Voucher and Gap Financing Program

The Housing Authority of the City of Pittsburgh (HACP) is pleased to announce the availability of approximately \$6 million in funding for the Project Based Voucher (PBV) and Gap Financing program (PBV/Gap Financing program). The PBV/Gap Financing program provides rental operating subsidy and last resort gap financing loans for the successful development of quality and affordable rental housing units throughout the City of Pittsburgh.

HACP will accept physical proposals dropped off in person only from 8:00 a.m. until the closing time of 10:00 a.m. on Tuesday, September 29, 2020 in the lobby of 100 Ross St. Pittsburgh, PA 15219. Proposals may be mailed via USPS at which time they will be Time and Date Stamped at 100 Ross St. 2nd Floor, Suite 200, Pittsburgh, PA 15219. In response to the COVID-19 Pandemic, HACP will **also accept online submissions** for this RFP. For respondents wishing to submit online, please go to the following web address to upload documents:

RFP #600-29-20 PBV & Gap Financing 2020

All proposals must be received no later than 10:00 a.m. on Tuesday, September 29, 2020, regardless of the selected delivery mechanism.

The PBV/Gap Financing program RFP, detailed submission instructions and requirements, and underwriting guidelines are attached to this memorandum and are also posted on HACP's website at www.hacp.org/doing-business/procurement-search/.

Attachment: Request for Proposals (RFP #600-29-20)



PROJECT-BASED VOUCHER AND GAP FINANCING PROGRAM

Request For Proposals – ROUND 5 #600-29-20

Due: 10:00 a.m. on Tuesday, September 29, 2020

To: Kim Detrick, Director of Procurement & Chief Contracting Officer

100 Ross Street, 2nd Floor, Pittsburgh, PA 15219 Website: <u>www.hacp.org/doing-business/procurement-search/</u>

September 8, 2020



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Attachment B. Forms (The proposal checklist and all required forms are organized in an Excel Workbook as part of the RFP package.)



SECTION I OVERVIEW

Program Introduction

The Housing Authority of the City of Pittsburgh (HACP), through this Request for Proposals (RFP), is soliciting qualified respondents (Respondents) to apply for funding through the Project-Based Voucher (PBV) and Gap Financing program (PBV/Gap Financing program). Eligible Respondents include private, for-profit developers and non-profit organizations. Respondent and Owner/Developer are used interchangeably in this RFP. Eligible uses of these funds are the development, rehabilitation and/or preservation of affordable, quality housing in the City of Pittsburgh.

HACP's PBV/Gap Financing program provides project-based operating subsidy and last resort development financing for Owners/Developers to develop, rehabilitate and/or preserve affordable rental units throughout the city. HACP founded the PBV/Gap Financing program to address specific housing needs. The first is the need to expand the *availability of housing* to low income families in the city. The second is the need to provide these same families *access to quality housing*, which they can feel safe in and be proud of. To date, the PBV/Gap Financing program has awarded 29 Respondents and has been successful in providing greater availability of affordable and quality rental housing throughout the city. From Rounds 1 through 4, 97 units have been constructed, 62 units are currently under construction, and 179 units are in the pipeline for construction. In this Round 5 of funding, the goal is to further the success of the program by continuing to address the existing housing needs in the City of Pittsburgh.

To support the successful completion of an affordable housing development proposal, HACP is offering funding through this opportunity:

- Section 8 Project-Based Housing Choice Vouchers (PBV); and
- Last resort gap financing in the form of soft and/or hard loans (Gap Financing).

This RFP only accepts proposals that are seeking both PBV funding and Gap Financing. For more information on PBV-only RFPs, please contact HACP's Housing Choice Voucher (Section 8) Department at <u>housingchoicevouchers@hacp.org</u>.

Respondents must refer to, and read in entirety, this RFP, the PBV/Gap Financing Program & Underwriting Guidelines (**Attachment A**) for detailed program requirements, and Forms (**Attachment B**) for all applicable submission requirements and instructions.

Available Funds

The availability of funds under the PBV/Gap Financing program is dependent on the availability of Moving to Work (MTW) funds. In Round 5, the amount of funding available under the PBV/Gap Financing program is **up to \$6,000,000** (\$6 Million). HACP retains the right to award all, part or none of the assistance available through this RFP and



increase or decrease the Gap Financing budget for this RFP. This funding is bound by the approvals and requirements of HACP and the Department of Housing and Urban Development (HUD).

Timeline for this RFP

Following are the key dates and submission instructions associated with this RFP.

Pre-submission Meeting will be held via an audio conference on:	10:00 a.m. on Thursday, September 17, 2020 Join the audio conference by phone: Dial-in number: +1.202.602.1295 Access Code: 598-776-271#
Questions regarding this RFP must be submitted by:	10:00 a.m on Tuesday, September 22, 2020 Email questions to: Kim Detrick at <u>Kim.Detrick@hacp.org</u>
Due Date for Submission of Proposals	10:00 a.m. on Tuesday, September 29, 2020
Submit Applications to:	In person drop-off: Only from 8:00 a.m. until the closing time of 10:00 a.m. on Tuesday, September 29, 2020 in the lobby of 100 Ross St. Pittsburgh, PA 15219. By mail: Proposals may be mailed via USPS at which time they will be Time and Date Stamped at 100 Ross St. 2nd Floor, Suite 200, Pittsburgh, PA 15219. Online: For respondents wishing to submit online, please go to the following web address to upload documents: <u>RFP #600-29-20 PBV & Gap Financing 2020</u>
	All proposals must be received no later than 10:00 a.m. on Tuesday, September 29, 2020, regardless of the selected delivery mechanism.

Critical Timeline Post-Award

- 1. For non-Low-Income Housing Tax Credit (LIHTC) projects, due-diligence items* are due 180 days from the date of the PBV/Gap Financing award letter.
- 2. For 9% LIHTC transactions, the Respondent must submit in its proposal of this RFP evidence that it has applied for the 9% LIHTC or a detailed explanation of intent to apply in the next earliest application opportunity to PHFA. The due-



diligence items* are due to HACP within 180 days following the notification of LIHTC award for the Respondent's proposed project in this RFP by the Pennsylvania Housing Finance Agency (PHFA). If the Respondent's application for 9% LIHTC for the project proposed in response to this RFP is unsuccessful, HACP's RFP commitment will be automatically terminated.

- 3. For 4% LIHTC transactions, the Respondent must submit a 4% LIHTC application to PHFA by June 1, 2021 and provide evidence of the application within 7 days of the LIHTC application submission. Following PHFA's notification of the 4% LIHTC award for the Respondent's project proposed in this RFP, the due-diligence items* are due within 180 days following the LIHTC award. If the Respondent's application for 4% LIHTC for the proposed project of this RFP is unsuccessful, HACP's RFP commitment will be automatically terminated.
 - * The due-diligence items for this purpose are as follows:
 - 1. Securing of all equity and grant funding awards and written commitment of all loans;
 - 2. Draft of HUD Development Proposal package including the TDC workbook;
 - 3. Draft of Exhibits B and C of the Agreement to Enter into a Housing Assistance Payments Contract.

HACP can request more information and documentation, as needed, at its discretion.

What is New in this RFP?

Changes in the PBV/Gap Financing program Round 5 consists mainly of reorganization of information, clarifications, and technical changes. These changes are intended to provide more clarity on the program. The following is a summary of significant changes.

Identifying the RFP by Rounds. This is the first RFP under the PBV/Gap Financing program that is identified by Rounds. This RFP represents Round 5 of funding availability under the PBV/Gap Financing program. Prior PBV/Gap Financing RFPs will be retrospectively identified as Round 1 through 4 according to the order they were issued. The RFP issued in 2015 is recognized as Round 1, 2017 is Round 2, 2018 is Round 3, and 2019 is Round 4.

Attachments. The attachments to this RFP have been streamlined into only 2 attachments. Attachment A is the PBV/Gap Financing Program & Underwriting Guidelines. All previous attachments are now consolidated into a Microsoft Excel document referred to as Attachment B, Forms. All forms that must be completed or referenced as part of the application submission are outlined in Section III of this RFP and in Attachment B.



Changes to Attachment A. Following are some changes to the PBV/Gap Financing Program & Underwriting Guidelines in Round 5:

Section 1.3; Eligible Projects and Applicants: Definition of good standing is added. Section 2.5; Substantial Changes: Any substantial changes to the initial proposal under the RFP are subject to HACP/ARMDC's approval, which may otherwise result in re-evaluation and possible termination of the HACP's contingent commitment for the PBV/Gap Financing loan.

- Section 2.7; Financial Capacity Review: Respondents must submit 2 years of most recent audited financial statements.
- Section 2.8.2; Subsidy Layering Review: All federally funded and/or subsidized development projects are subject to HUD's Subsidy Layering Review (SLR). HUD will perform the SLR certification process for all PBV/Gap Financing projects, including those awarded LIHTCs.
- Section 2.8.5; *Minority/Women-owned Contractors*: ARMDC's Minority and Women Business (MBE/WBE) participation goals are now a percentage of construction and professional contracts.
- Section 2.8.7; Veteran-owned Businesses: PBV/Gap Financing projects are encouraged to provide business contracting opportunities to veteran-owned businesses.
- Section 2.8.8; Federal Accessibility Standards: A development must include a minimum 5% of mobility-impaired accessible units and a minimum 2% of sensory (audio/visual) impaired accessible units in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) or Titles II and III of the Americans with Disabilities Act of 1990 (ADA).
- Section 4.4; Maximum Loan Amounts: The maximum Gap Financing amount per project has been increased to \$1,000,000 for a 9% LIHTC project.
- Section 4.5; Loan Term: The maximum term of each Gap Financing loan shall not exceed 45 years.

Proposal Submission Method. HACP will be accepting physical proposals dropped off in person only from 8:00 a.m. until the closing time of 10:00 a.m. on Tuesday, September 29, 2020 in the lobby of 100 Ross St. Pittsburgh, PA 15219. Proposals may be mailed via USPS at which time they will be Time and Date Stamped at 100 Ross St. 2nd Floor, Suite 200, Pittsburgh, PA 15219. In response to the COVID-19 Pandemic, HACP will also accept online submissions for this RFP. For respondents wishing to submit online, please go to the following web address to upload documents: RFP #600-29-20 PBV & Gap Financing 2020. All proposals must be received no later than 10:00 a.m. on Tuesday, September 29, 2020, regardless of the selected delivery mechanism. Detailed submission instructions and requirements are outlined in Section III of this RFP.

Submission Requirements for a Prior Year's Awardee Seeking Additional

Funding. A prior year's awardee (Prior Awardee) is a Respondent who received a PBV/Gap Financing award as part of a prior funding Round and is now seeking additional funding in Round 5 of the PBV/Gap Financing program. A Prior Awardee



seeking additional funding in Round 5 must submit specific information as outlined in Section III, Tab 16 of this RFP. Eligible Prior Awardees will be scored alongside all other applicants and ranked according to all underwriting guidelines established in this RFP. Prior Awardees' eligibility for additional funding will be established by HACP and will be based on need; which must be proven along with continued project viability. Updated financial and project documents that support an additional award will be reviewed at the time of application.

Submission Requirements for Repeat Respondents. Repeat respondents (Repeat Respondents) are Respondents who responded to and were awarded in a preceding Round of the PBV/Gap Financing program, but had their awards terminated due to the lack of project readiness. Repeat Respondents re-applying for funding must submit additional information on top of the standard submission requirements as outlined in Section III, Tab 17 of this RFP. Repeat Respondents will be required to submit updated and current documentation that demonstrate the projects readiness to proceed. This is not a new project, but a re-tooled project previously submitted.

Evaluation and Scoring. The maximum number of points a Respondent may receive in Round 5 is 100 points.



SECTION II SCOPE OF SERVICES & PROGRAM REQUIREMENTS

The PBV/Gap Financing program represents one of the many funding sources targeted at the development of affordable housing units, either rehabilitated or newly constructed, within the City of Pittsburgh. Through this RFP, HACP provides an open, fair and inclusive platform for Owners/Developers to contribute to the growth of affordable mixed-income housing options.

Respondents are encouraged to propose an optimal number of units given their organizational capacity and project feasibility. Proposals including affordable units within larger unsubsidized developments are encouraged. Owners/Developers are also encouraged to be innovative in the leveraging of these resources and the structuring of financial deals to promote diverse and healthy communities.

Respondents who receive a PBV/Gap Financing award are subject to and must perform services in compliance with HACP's policies, procedures, and Board of Commissioners' approvals; and all rules, regulations and requirements of PBV set forth in 24 CFR 983 and Mixed-Finance Development set forth in 24 CFR Part 905, Subpart F and all other applicable Federal regulations. PBV/Gap Financing projects must also comply with HUD's MTW local non-traditional development program guidelines as described below.

The PBV/Gap Financing program requirements are explained in greater detail below and in the PBV/Gap Financing Program & Underwriting Guidelines (**Attachment A**).

HACP and its instrumentality, Allies & Ross Management and Development Corporation (ARMDC), will perform programmatic and underwriting analysis on all proposals received in response to this RFP.

A. General Requirements

Good Standing and No Debarments/Suspensions

Good standing means continuously being in compliance with all explicit obligations, while not being subject to any form of debt, sanction, debarment, suspension, disciplinary censure or any form of lawful preclusion from participating in any public procurement activity.

Each Respondent must be in good standing with HACP, ARMDC, and any Federal, State or Municipal entity that has or had a contracting relationship with the Respondent. If the Respondent is not in good standing with HACP, ARMDC and/or any Federal, State or Municipal entity, or if a Federal, State or Municipal entity has terminated any contract with a Respondent for deficiencies or defaults, that Respondent must disclose this information to HACP in its proposal. HACP will consider such facts and circumstances during its evaluation of the Respondent's proposal, which may be sufficient ground for disqualification. If the Respondent is selected, but failed to disclose



such information and HACP discovers it thereafter, then HACP could terminate the contract.

Respondents must have and maintain all necessary insurance to cover malpractice liability and workers' compensation at all times, at least from the date of responding to this RFP.

Eligible Projects & Respondents

All of the units supported by the PBV/Gap Financing program must be located within the City of Pittsburgh and Owners/Developers must commit to the long-term preservation and management of the newly developed or rehabilitated affordable housing. An eligible Respondent is a private, for-profit or non-profit individual or business, corporation, partnership, firm, joint venture or other legal entity, duly organized and authorized to do business in the City of Pittsburgh. Eligible Respondents must be financially sound and able to provide the services being procured by HACP.

Prior Year's Awardee Seeking Additional Funding

A prior year's awardee (Prior Awardee) is a Respondent who received a PBV/Gap Financing award as part of a prior funding Round and is now seeking additional funding in Round 5 of the PBV/Gap Financing program. Eligible Prior Awardees will be scored alongside all other applicants and ranked according to all underwriting guidelines established in this RFP. Prior Awardees' eligibility for additional funding will be established by HACP and will be based on need; which must be proven along with continued project viability. Prior Awardees may request up to an additional \$25,000 of Gap Financing loan per PBV unit (regardless of the amount of Gap Financing loan previously awarded and the type of LIHTC attached to that project), subject to funding availability.

Repeat Respondents

Repeat respondents (Repeat Respondents) are Respondents who responded to and were awarded in a prior funding Round of the PBV/Gap Financing program, but had their awards terminated due to the lack of project readiness. This is not a new project, but a re-tooled project previously submitted.

Financial Capacity Review

HACP/ARMDC will perform a responsibility review of Respondents, which will include reference checks and financial background checks. Respondents will submit two years of audited financial statements to HACP/ARMDC as part of the review (see Section III, Tab 10.02 of the RFP). The financial statements will be evaluated by the Chief Financial Officer to determine the applicant entity's financial capacity to perform the tasks delineated in this RFP.

Program Threshold Requirements

To be eligible for evaluation and thereby be eligible to receive funding, projects must meet the program threshold requirements as specified in Section III, Tabs 03, 04 and 05



of this RFP. All Respondents must provide adequate information in their proposals for HACP to determine the Respondent's compliance with the threshold items.

Site Control

Although site control is a threshold requirement for this RFP, HACP, at its discretion, may allow the site control to be completed within 90 days from the PBV/Gap Financing award date. If allowed, the 90-day site control deadline shall be strictly enforced, and any proposed projects failing to meet this requirement will have their award immediately rescinded.

Market Analysis

HACP requires a market analysis for all PBV/Gap Financing projects. This guidance adopts PHFA's market study requirements, regardless of whether the project uses LIHTC or not. The market analysis should provide sufficient and clearly defined information that can be used for HUD's PBV site selection standards justification in conformity with HUD 24 CFR 905.602(d), unless the Respondent provides separate documentation for the site selection standards as described in "Site Selection Standards" below.

<u>Appraisal</u>

If HACP's Gap Financing loan is used to acquire a real estate property for a project, HACP's funds must not be used to pay above the appraised value of the property. Any appraisals submitted must have had an inspection conducted within 120 days of the submission.

Physical Capital Needs Assessment

When applying for HACP funding, a Physical Capital Needs Assessment (PCNA) is needed for proposed projects consisting of existing structures and a rehabilitation scope.

Site Selection Standards

PBV projects must meet or be justifiable in accordance with HUD's site selection standards (24 CFR 905.602[d]) which is enforced by HUD's Office of Fair Housing and Equal Opportunity (FHEO). Pursuant to the RFP award, each awardee shall work with HACP to prepare a site selection standards submission that will be reviewed by FHEO and a HUD field office. Pittsburgh's HUD field office directly coordinates the submission and evaluation with FHEO. Only projects that receive FHEO's approval will be funded.

Subsidy Layering Review

All federally funded and/or subsidized development projects are subject to HUD's Subsidy Layering Review (SLR). In order to ensure that the amount of funds requested is not more than the demonstrated need, a SLR must be performed by HUD or a HUD-approved entity. Pursuant to Administrative Guidelines: Subsidy Layering Review [Docket No. FR–6201–N–01], HUD will perform the SLR certification process for the projects that are awarded the LIHTC. A fully approved SLR is required for an



Agreement to Enter into a Housing Assistance Payments Contract (AHAP) and Gap Financing closing.

Environmental Review

HACP must obtain HUD's Part 58 environmental approval prior to execution of the PBV/Gap Financing program's legal contracts and agreements (e.g., AHAP and Gap Financing loan documents) and release of any HUD funds for PBV/Gap Financing projects. All activities funded by the PBV/Gap Financing program are subject to an environmental review under HUD's environmental regulations at 24 CFR Part 58. Please note that the City of Pittsburgh, as the responsible entity, will commence its environmental review process only upon receipt of Pennsylvania State Historic Preservation Office's (SHPO) approval of the project. This review and approval process may take some time and it is recommended for the Owners/Developers to initiate this process at the onset.

Davis-Bacon Wage Requirements

Regardless of the number of PBV units, awardees of HACP's Gap Financing program are required to comply with HUD-required Davis-Bacon Wage Rates. The Owner/Developer is not "locked in" to a particular wage determination until the construction contract is signed. Wage determinations must not be more than 90-days old at the time the construction contract is signed.

Minority/Women-owned Businesses

Minority and Women Business Enterprise (MBE/WBE) commitment is required for projects funded by the PBV/Gap Financing program. ARMDC's MBE/WBE participation goals are as follows:

- MBE Goal: 25% of Construction and Professional Contracts
- WBE Goal: 10% of Construction and Professional Contracts

Section 3 Employment and Contracting Requirements

PBV/Gap Financing projects must comply with Section 3 training, employment and contracting requirements. Please refer to 24 CFR 135.34 regarding Section 3 Employment and Training Opportunities and 24 CFR 135.36 regarding Section 3 Business Contracting Opportunities.

Veteran-owned Businesses

PBV/Gap Financing projects are encouraged to provide business contracting opportunities to veteran-owned businesses.

Federal Accessibility Standards

A development must include a minimum 5% of mobility-impaired accessible units and a minimum 2% of sensory (audio/visual) impaired accessible units in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) or Titles II and III of the Americans with Disabilities Act of 1990 (ADA). The accessibility standard covered by Section 504 is the Uniform Federal Accessibility Standards (UFAS). The accessibility standard covered by ADA is the 2010 Standards for Accessible Design (2010



Standards). The developer and/or architect must decide on complying with either UFAS or 2010 Standards throughout the project. HACP requires that all units developed must be in compliance with all applicable Federal laws and regulations, Commonwealth of Pennsylvania laws and regulations and the City of Pittsburgh Building Codes.

Relocation

All acquisition, demolition, rehabilitation, and development activities supported by the PBV/Gap Financing program shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (or Uniform Relocation Act) and with implementation regulations at 49 CFR Part 24.

B. PBV Program Overview and Requirements

HACP's PBV program is designed to conform to the Project-Based Voucher Program Final Rule published on October 13, 2005 at 24 CFR Part 983 as modified by the Housing and Economic Recovery Act of 2008 and Federal Register Notice 73 FR 71037, other applicable Notices from HUD, the implementing provisions of the Housing Opportunity Through Modernization Act of 2016 (HOTMA) (Federal Register Notices 82 FR 5458 and 82 FR 32461), and HACP's Housing Choice Voucher Program Administrative Plan, its MTW Agreement, as well as the RFP.

- Any proposed development under the PBV/Gap Financing program must utilize PBV subsidy for a minimum of 10% of the development's total number of housing units.
- The owner entity and HACP will enter into the AHAP which must be approved by HACP and fully executed by both parties prior to construction activities of the proposed project.
- Upon satisfactory completion of construction in accordance with the AHAP, HACP will enter into a PBV Housing Assistance Payments (HAP) contract with the property owner for designated PBV rental units for an initial term of twenty years, with the possibility of a contract extension if offered by HACP.

Ineligible Housing Types

Note that certain types of housing units and/or developments **are not eligible** for PBV assistance including:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care. However, HACP may approve assistance for a dwelling unit in an assisted living facility that provides home health care services such as nursing and therapy for residents of the housing;
- Units that are owned or controlled by an educational institution or its affiliate(s) and designed for occupancy by the students of the institution;
- Manufactured homes;



- Transitional housing;
- Owner/Developer-occupied housing units;
- Units occupied by an ineligible family at the time of proposal submission or prior to execution of the HAP contract; however, HACP will accept proposals for existing properties with a limited number of currently ineligible households.
- Units for which construction or rehabilitation commenced prior to execution of the AHAP.
- Property will not be constructed or rehabilitated with other assistance under the U.S. Housing Act of 1937 in accordance with 24 CFR 983.54.
- Subsidized housing unit types determined ineligible in accordance with HUD regulations. These include, but are not limited to, public housing units; units subsidized with any other form of Section 8 assistance; units subsidized with any governmental subsidy that covers all or part of the operating costs of the housing; units subsidized with rental assistance under Section 236, Section 521 or Section 101; units subsidized with Section 202 including supportive housing for the elderly; units subsidized under Section 811; units subsidized with any form of tenant-based rental assistance as defined at 24 CFR 982.1(b)(2) including units subsidized with such assistance under the HOME program; and, units with any other duplicative federal, state or local housing subsidy as determined by HUD or HACP.

Income Mixing Requirements

The number of PBV assisted units in the building cannot exceed the greater of 25 units or 25 percent (25%) of the total number of dwelling units in the project. The only available exceptions to this cap are:

- Units exclusively serving elderly families (head, co-head, spouse or sole member(s) is 62 years of age or older).
- Units made available specifically for households eligible for supportive services available to all households of the project such as families with a household member with a disability, as well as other populations. This exception is designed for housing with linked supportive services for various special needs populations that have a preference for families requiring the available services. See HUD regulations at 24 CFR 983.56 as amended by notices implementing HOTMA, as referenced above.
- Projects in a census tract with a poverty rate of 20 percent (20%) or less, as determined in the most recent American Community Survey 5-year estimates, are subject to an alternate cap, which is the larger of 25 units or 40 percent (40%) of the total number of dwelling units in the project.
- Respondents considering "Excepted Units" MUST:
 - Specifically identify the exception requested, and provide evidence of eligibility for the exception;
 - For excepted units for supportive services, specifically identify the service to be provided, the entity providing the service, and provide a detailed description of the service including a



description demonstrating service availability to all resident households and any preferences proposed for households requiring those services.

Pre-Construction

The AHAP must be executed before construction can begin on a project. The awarded PBVs will be withdrawn should construction begin prior to execution of the AHAP.

Rent Reasonableness

The amount of the rent to Owner/Developer is determined in accordance with HUD regulations. The rent to Owner/Developer including any applicable tenant utility allowances must not exceed the lowest of:

- An amount not to exceed 110 percent (110%) of the applicable Metropolitan Statistical Area Fair Market Rent (MSAFMR) for the unit bedroom size including any applicable tenant-paid utility allowance. For units meeting the mobility-impaired accessibility requirements, an amount determined by HACP, not to exceed 120 percent (120%) of the applicable MSAFMR for the unit bedroom size including any applicable tenant-paid utility allowance; or
- 2. The rent reasonableness study conducted by HACP; or
- 3. The rent requested by the Owner/Developer.

Note: The 120% accessibility flexibility is subject to HUD's approval. Flexibility is limited to the MTW Agreement between HACP and HUD.

More details on the MSAFMR and utility allowance schedule can be found in **Attachment A**, Section 3.2. Rent levels are subject to HACP review and approval, including review for rent reasonableness, as required by HUD. Final rent levels for the initial HAP contract will be determined upon HAP execution.

C. Gap Financing Program Overview and Requirements

The Gap Financing program will provide funding towards the development of affordable housing units (existing, rehabilitated or newly constructed housing units) within the City of Pittsburgh. HACP intends to offer Gap Financing as the last source of funds required to implement a development plan (i.e., a development project would not be implemented if not for the provision of HACP's Gap Financing loan). HACP will only provide Gap Financing to a particular project that has met all of the following criteria:

- Owners/Developers must secure either a 9% or 4% allocation of LIHTC from PHFA, or raise enough equity from alternate sources.
- Owners/Developers have applied for or secured commitment of other gap financing from 3rd parties other than HACP before HACP can commit any funding to the deal.



• Owners/Developers must secure written commitments from all possible funding sources (i.e. loans, grants, private equity, etc.).

Affordability Restrictions (Use Agreement)

Affordability income range and term must be approved by HACP and HUD. HUD's Use Agreement will govern certain affordability restrictions for each development. HUD's minimum affordability use term is 30 years. Respondents who receive a PBV/Gap Financing award must agree to ensure that the PBV/Gap Financing units remain affordable for a 30-year duration period from the PHFA placed-in-service date or for the term of HACP/ARMDC's Gap Financing loan, **whichever is greater**.

Eligible Activities

HACP's Gap Financing loan can be used for typical development project costs except for the following ineligible uses:

• Ineligible uses

- Operating reserves
- Developer fee or deferred developer fee
- Construction of commercial or retail space

NOTE: HACP/ARMDC does not provide a predevelopment fund or predevelopment loan under the Gap Financing program.

Maximum Loan Amounts

The Gap Financing loans will be provided in the form of a construction loan or a construction/permanent loan. Provided below is a schedule for the maximum amount of Gap Financing that can be provided to each project. Each project must meet all maximum loan limits.

	Per UNIT Maximum	Per PROJECT Maximum
Primary Equity Financing	Maximum Amount	Maximum Amount of Gap
Methods	of Gap Financing	Financing Loan Per Project
	Loan Per PBV unit	
9% LIHTC Project	\$30,000	\$1,000,000
4% LIHTC Project	\$85,000	\$2,000,000
Non-LIHTC Project	\$85,000	\$2,000,000

Loan Term

The maximum term of each ARMDC Gap Financing loan shall not exceed 45 years.

Loan Structure

- Cash Flow-Based Loan
 - HACP's Gap Financing loan can be allowed as a last resort gap financing tool for the proposed projects. HACP will review the project financing and deal structures in detail. As a result, HACP's Gap Financing is often structured as a cash flow-based loan.



- The Gap Financing loan should be the first position with respect to other soft loans except for deferred developer fee. Each project's overall cash flow distribution, especially Gap Financing loan repayment and any other related fees for HACP/ARMDC must be approved by HACP/ARMDC.
- Amortization Loan
 - Under certain conditions, such as favorable financial terms and conditions agreeable by all parties that can also help sustain HACP/ARMDC's affordable housing funds, the Gap Financing loan can be structured to provide a hard amortization debt that requires a fixed amount of loan repayment on an annual basis along with annual service fees.

Debt Service Coverage Ratio

If the Debt Service Coverage Ratio (DSCR) exceeds 1.15 on average for the first 15 years in the operating proforma calculation, the Owner/Developer should either:

- 1. Increase the amount of senior hard loan to increase fixed repayment to lower the DSCR to 1.15 level or
- 2. Convert a portion or all of HACP/ARMDC Gap Financing loan to a hard debt that generates fixed repayment to lower the DSCR to 1.15 or
- 3. Increase cash flow distribution substantially to HACP/ARMDC Gap Financing loan repayment if the loan is structured as a cash flow loan.

Note: ARMDC can consider a higher DSCR limit up to 1.20 if the ARMDC Gap Financing loan is structured for a 30-year or shorter amortization period. Based on a standard proforma assumption (i.e., rents increase by 2 percent (2%) per year and expenses increase by three percent (3%) per year), a higher DSCR can be allowed to maintain DSCR at or above 1.00 during the first 15 years.

Cost Reasonableness

HACP reserves the right to request additional information from all applicants in order to determine the cost reasonableness of a proposed project. Development cost will be evaluated by comparing costs to similar developments or previous phases of a development. Total development costs and operating expenses will be evaluated on a per unit and/or per square foot basis.

HUD Cost Control and Safe Harbors

HACP's PBV/Gap Financing projects are subject to HUD's Cost Control and Safe Harbors. HUD's Cost Control and Safe Harbors regulate various elements of the project's development budget. (Please refer to **Attachment A**, Section 4.11).

Cash Flow

Projects should not generate excessive cash flow. Annual net cash flow should be less than 15% of annual total operating expenses.

Identity of Interest

If there is an identity of interest (IOI) between the developer and the contractor/builder, i.e., a financial relationship between the two parties, the developer may award the



construction contract to the related contractor/builder only if it has met one of the following requirements prior to HUD's approval of the Development Proposal. If an IOI is applicable to a project, the developer must select one of the following check cases and provide the required information.

- <u>24 CFR 905.604(i)(1)</u>: There has been a bidding procedure and the related contractor's bid was the lowest bid received. Provide documentation on the bidding process and the bids received. OR
- <u>24 CFR 905.604(i)(2)</u>: There is an independent third-party cost estimate that shows the related contractor's price to be at or below the cost estimate. Provide a copy of the cost estimate and the related contractor's cost or construction contract.



SECTION III PROPOSAL SUBMISSION INSTRUCTIONS & REQUIREMENTS

The proposal submission instructions below follow the order of the Underwriting Proposal Checklist (Tab 00) and explain each of the submission requirements. **Proposals without all of the required information may be deemed non-responsive and failure to follow the instructions may result in the deduction of points.**

<u>For hardcopy submissions</u>, HACP will accept physical proposals dropped off in person only from 8:00 a.m. until the closing time of 10:00 a.m. on Tuesday, September 29, 2020 in the lobby of 100 Ross St. Pittsburgh, PA 15219. Proposals may be mailed via USPS at which time they will be Time and Date Stamped at 100 Ross St. 2nd Floor, Suite 200, Pittsburgh, PA 15219.

For online submissions, in response to the COVID-19 Pandemic, HACP will also accept online submissions for this RFP. For respondents wishing to submit online, please go to the following web address to upload documents: <u>RFP #600-29-20 PBV & Gap</u> <u>Financing 2020</u>. Please include your name and email address when prompted before submitting, and upload all relevant attachments in the same document (Technical & Fee Proposal separate). Formatting for online submission should be organized in the same manner as if submitting the information via CD or flash drive. The title of the uploaded proposal shall be as follows: **[Full Company Name]_RFP #600-29-20_Proposal**. In the unlikely event your proposal is too large to be uploaded as a single file, add: _Part-1, _Part-2... etc. to the end of the file name.

A hardcopy submission must be submitted in a three-ring binder and tabbed numerically according to the Underwriting Proposal Checklist. An online submission must be organized numerically according to the Underwriting Proposal Checklist. **Proposals not received in this manner may be deemed non-responsive and may result in the deduction of points.**

All proposals must be received no later than 10:00 a.m. on Tuesday, September 29, 2020, regardless of the selected delivery mechanism.

The instructions and requirements are as follows. Items highlighted in gray can be found in **Attachment B**, Forms, in Microsoft Excel format.

<u>A Prior Awardee seeking additional funding</u> in Round 5 of the PBV/Gap Financing program must refer to Section III, Tab 16 for specific submission requirements.

<u>Repeat Respondents</u> whose projects are more shovel-ready from their previous application and are re-applying for funding must refer to Section III, Tab 17 for specific submission requirements.

All other Respondents must refer to all submission instructions and requirements below.



- Tab 00: Underwriting Proposal Checklist The Proposal Checklist must be completed and submitted as the table of contents for the proposal package.
- Tab 01: Letter of Interest Provide a letter of interest clearly stating (i) the name of the proposed development; (ii) the number of PBV units requested; (iii) the amount of Gap Financing requested; and (iv) a contact name and telephone number. Maximum length: 1 page, Times New Roman, font size 12, single spaced. (*Note: If Respondent is a Prior Awardee seeking additional funding or a Repeat Respondent, please clearly identify that in the subject line of the letter of interest.*)
- Tab 02: Organizational Documents
 - 02.01: Type of Organization Corporation, Limited Liability Company, Partnership, Joint Venture or Sole Proprietorship. Names of shareholders, members, partners, principals and any other persons exercising control over the entity(ies).
 - 02.02: Copy of Certificate of Incorporation, Certificate of Organization, Partnership Agreement, Joint Venture Agreement or other organizational documents.
 - o 02.03: All applicable Licenses/Certifications.
 - 02.04: A corporate or partnership resolution signed by the Secretary of the Corporation or Partnership and notarized, certifying the name of the individual(s) authorized to sign the offer, the contract and any amendments thereto.

Tab 03 to Tab 05 are program threshold requirements. To be eligible for evaluation and thereby be eligible to receive funding, projects must meet these requirements. Failure to provide adequate information for these threshold requirements may result in the proposal being deemed ineligible for further evaluation and scoring.

- Tab 03: Evidence of Site Control Provide a copy of applicable documents including a sales agreement, option agreement, deed, letter of intent by Respondent or committed Respondent partner(s). Where the site is controlled by a public entity such as the HACP or the Urban Redevelopment Authority, documentation of the availability of the site, the intent of the controlling entity, and the status of negotiations with the controlling entity and of the disposition process must be included. Please provide fully executed documents and where not possible, provide drafts of documents. If providing more than one document, please have clearly marked dividers between documents.
- Tab 04: Proposed Gross Rents Complete the proposed initial gross rents chart. Proposed initial gross rents must not exceed 110% (120% for mobility-impaired accessible units) of the applicable MSAFMR including any applicable allowance for tenant-paid utilities for the size of the unit.



- Tab 05: PBV Verification Complete the PBV verification form.
- Tab 06: PBV Application Form and Supporting Documents Complete the PBV application form. If applicable, provide supporting documents as requested in the form, for e.g. the Tenant Selection Criteria, Management Plan, Maintenance Plan, and the letter of intent to extend the PBV contract term. Use clearly marked dividers between each document.
- Tab 07: References for the Owner/Developer Entity Provide at least 3 references for projects in which the Owner/Developer Entity has performed services similar to those described in this RFP. Each reference shall include all information as requested in the references table.
- Tab 08: Instructions to Offerors (HUD Form 5369B) and Certifications and Representations of Offerors Form (HUD Form 5369C) – Read the Instructions to Offerors and complete the Certifications and Representations of Offerors form.

Information from Tab 09 to Tab 15 will be used for the evaluation and scoring of each proposal for this RFP. Please provide all required documentation according to the instructions. Details on the evaluation criteria can be found in Section IV of this RFP.

- Tab 09: Site and Neighborhood Standards
 - 09.01: Complete the Site and Neighborhood Standards form.
 - 09.02: Provide a print out of the Transit Score and the Walk Score for the proposed project. Visit <u>https://www.walkscore.com/</u>, enter the project's address and print out the results page that shows the Transit Score and Walk Score. This print-out should be 1 page only.
- Tab 10: Capacity & Experience of Development Team
 - 10.01: Owner/Developer Entity's Capacity and Experience Describe the Owner/Developer Entity's organizational capacity. Include the names of the key staff members that will be assigned to this project if the Respondent is successful and a brief description of their experience, including how many projects (similar to this RFP) each staff has successfully managed. Describe the Owner/Developer Entity's experience in successfully working on projects with a similar scope of work as the one described in this RFP. Also state how many development projects the firm has completed in the past 5 years and provide the following table for each project:

Project Name and Location	
Number of Units	
Number of Low Income Affordable Units	



Financing Sources (i.e. 4% or 9% LIHTCs, Section 8, etc.)	
Current Stage of Development (either	
Pre-development, Construction,	
Lease-Up or Stabilized Occupancy)	

Maximum length: 10 pages, Times New Roman, font size 12, single spaced. Additional documentation, such as resumes, can be provided in Tab 15: Annex.

- 10.02: Financial Capacity Review Provide two years of most recent audited financial statements.
- 10.03: Property Management Agent's Capacity and Experience Describe the property management agent's capacity. Specify the number of total housing units managed and the number of affordable housing units managed. Maximum length: 5 pages, Times New Roman, font size 12, single spaced. Additionally, complete the property management list. Include the properties that the management agent has managed in the past 10 years.
- Tab 11: Project Financing & Compliance with Funding Guidelines
 - 11.01: Development Cost Complete the Development Cost table.
 - 11.02: Compliance with HUD Safe Harbor Standards Complete the fee tables in Tab 11.02.
 - 11.03: Proformas Complete the Proforma Income table, Proforma Assumptions table and the 15-year Proforma table including the 15-year cashflow projection.
 - o 11.04: Financing Summary Complete the Financing Summary chart.
 - 11.05: Evidence of Committed Sources of Funds Financial commitments can take the form of a commitment letter and/or term sheet from financial institutions or a Letter of Intent from other equity providers. Provide only fully executed commitments and arrange them according to their lending position. For e.g. equity, 1st mortgage, 2nd mortgage, etc. For proposals indicating a gap in financing due to pending funding applications or letters of intent rather than binding commitments, Respondents will have one-hundred-eighty (180) days from the date of award to produce evidence of all necessary financial commitments, prior to HACP entering into an agreement. If additional time is required, extensions can be requested. Proposals indicating a gap in financing without a letter of intent, pending application, or specifically identified and available potential funding source (such as an open, announced, or recurring solicitation or competition, including possible last resort gap financing offered by HACP) will not be considered.



- Tab 12: Project Design
 - o 12.01: Unit Mix Chart Complete the Unit Mix chart.
 - 12.02: Provide a statement by the Architect identifying the design narrative including, if applicable, the inclusion of the following characteristics in the proposed project's design, and describe the process the Architect will put in place to ensure that HACP and its 3rd party certifier will be included in the design process. Maximum length: 3 pages, Times New Roman, font size 12, single spaced. Characteristics include:
 - Accessibility Conforming to accessibility requirements.
 - Visitability Visitability is a design criteria that affords all persons basic access to residential buildings. Some design features include zero-step entrances, wider doors and doorways, grab bars, wider hallways, accessible exterior routes, etc. More information can be found in the latest version of PHFA Submission Guide for Architects which can be found in <u>https://www.phfa.org/mhp/technicalservices/</u>.
 - Universal design Size and space designed for all users (with a wide range of abilities, disabilities, and other characteristics) via equitable, flexible, simple and intuitive use.
 - Sustainable energy and energy efficiency standards e.g. Enterprise Green Communities Initiative, the National Green Building Standards, or LEED New Construction, etc.
 - 12.03: Provide available drawings for the proposed project.
- Tab 13: Project Readiness
 - 13.01: Evidence of environmental site assessments Provide the executive summary of the report completed for the proposed project.
 - 13.02: Evidence of Geotechnical assessments Provide the executive summary of the report completed for the proposed project.
 - 13.03: Evidence of zoning approval(s) Provide zoning approval(s) for the proposed project.
 - 13.04: Evidence of community involvement Demonstrate extensive and sufficient amount of community involvement activities by providing
 - A narrative of the community engagement activities to date. Maximum length: 2 pages, Times New Roman, font size 12, single spaced.
 - Letters of support from community groups.
 - Evidence of public meetings (meeting agenda, presentation material, notes of meeting, etc.). Maximum: 10 pages of supporting documents.
- Tab 14: MBE/WBE and Section 3 Plans
 - 14.01: MBE/WBE Special Participation Summary Form Complete the Special Participation Summary form to demonstrate how the Respondent will utilize MBE/WBE businesses to meet ARMDC's goal of 25% Minority-owned



and 10% Women-owned business participation for construction and professional contracts. For every MBE/WBE business listed in the form, the Respondent must provide in Tab 14.02 a corresponding MBE/WBE Certification and a commitment letter from the Respondent to the MBE/WBE business that is signed by both parties.

- 14.02: MBE/WBE Certifications and Commitment Letters For every MBE/WBE business listed in Tab 14.01, the Respondent must provide under Tab 14.02 a corresponding MBE/WBE Certification and a commitment letter from the Respondent to the MBE/WBE business that is signed by both parties. If there is more than one business, use clearly marked dividers between each business.
- 14.03: Section 3 Participation Plan Complete the Section 3 Participation Plan to demonstrate how the Respondent will comply with HACP's Section 3 Policy for hiring HACP residents and/or other local low-income individuals. The Section 3 plan includes various Tiers for selection (select as many as applicable) and depending on the Tiers selected the Respondent must provide the necessary attachments.
- Tab 15: Annex Use clearly marked dividers to separate documents in the Annex.
- Tab 16: Specific submission requirements for a Prior Awardee seeking additional funding.
- Tab 17: Specific submission requirements for Repeat Respondents whose projects are more shovel-ready from their previous application and are re-applying for funding.



SECTION IV EVALUATION CRITERIA

The Evaluation Committee will evaluate and will score each proposal that is submitted as a complete response in accordance with the scoring criteria that are summarized below. Responses may receive a maximum score of one hundred (100) points, subdivided as follows:

Site and Neighborhood Standards:

- Minority Concentration (max. 4 points)
- Poverty Concentration (max. 4 points)
- Unemployment Rate (max. 4 points)
- Access to Schools (max. 4 points)
- Access to Transportation (max. 2 points)
- Walkability (max. 2 points)

Capacity and Experience of Development Team:

- Owner/Developer Entity Capacity and Experience (max. 15 points)
- Property Management Agent Capacity and Experience (max. 10 points)

Project Financing & Compliance with Funding Guidelines: Maximum 20 points

- Gap Financing Request per PBV Unit (max. 5 points)
- Compliance with HUD Safe Harbor Standards (max. 5 points)
- Net Cash Flow (max. 5 points)
- Evidence of Committed Project Financing (max. 5 points)

Project Design:

- Diversification and combination of bedroom-type units (max. 3 points)
- Compliance with accessibility requirements (max. 2 points)
- Inclusion of accessibility, visitability, universal design, sustainable energy and energy efficiency standards in the proposed design (max. 3 points)
- Physical Design (max. 2 points)

Project Readiness:

- Construction Readiness (max. 5 points)
- Community Involvement (max. 5 points)

MBE/WBE and Section 3 Plans:

- Completeness of the MBE/WBE plan and supporting documentation (max. 10 points)
- Completeness of the Section 3 participation plan and supporting documentation (max. 5 points)



Maximum 15 points

Maximum 10 points

Maximum 10 points

Maximum 20 points

Maximum 25 Points

SECTION V PROCUREMENT AND AWARD PROCESS

Pursuant to 2 C.F.R. 200.319/24 CFR 983, 24 C.F.R. Section 85.36(d)(3) and if relevant 24 C.F.R Section 900.316, HACP is conducting this competitive selection. The following instructions are intended to aid Property Owners/Developers in the preparation of their Responses:

A. Pre-Submission Conference

A pre-submission conference will be conducted at **10:00 a.m. on Thursday**, **September 17, 2020.** Nothing discussed or expressed at the Pre-Submission Conference will change, alter, amend or otherwise modify the terms of this Solicitation unless a subsequent written amendment (addendum) is issued. Verbal responses by HACP's representatives shall not constitute an amendment or change to this Solicitation.

Material issues raised and addressed at the Pre-Submission Conference shall be answered solely through an addendum, if warranted, to this Solicitation. Likewise, ambiguities and defects of this Solicitation raised at the Pre-Submission Conference shall be corrected by a written amendment only, which, if issued, shall form an integral part hereof.

All prospective Respondents are strongly encouraged to attend the Pre-Submission Conference and site visit. Failure to attend will not excuse the legal contractual duties imposed by this Solicitation and the subsequent contract on each respondent to familiarize itself with the varying conditions at each site.

B. Amendments to Solicitation

Any and all amendments to this Solicitation shall be sent by certified mail, return receipt requested, and/or by fax, to all potential Respondents who attend the Pre-Submission Conferences and/or receive the solicitation materials.

Notwithstanding any information that may be contained in the solicitation and amendments thereto, Respondents are responsible for obtaining all information required thus enabling them to submit proposals.

C. Submission of Responses and/or Amendments to Responses; Deadlines

Responses may be hand-delivered or sent by certified or registered mail, return receipt requested, to the following address:

Mr. Kim Detrick Director of Procurement & Contracting Officer Housing Authority of the City of Pittsburgh 100 Ross Street, 2nd Floor Pittsburgh, PA 15219



HACP will accept physical proposals dropped off in person only from 8:00 a.m. until the closing time of 10:00 a.m. on Tuesday, September 29, 2020 in the lobby of 100 Ross St. Pittsburgh, PA 15219. Proposals may be mailed via USPS at which time they will be Time and Date Stamped at 100 Ross St. 2nd Floor, Suite 200, Pittsburgh, PA 15219. In response to the COVID-19 Pandemic, HACP will **also accept online submissions** for this RFP. For respondents wishing to submit online, please go to the following web address to upload documents:

RFP #600-29-20 PBV & Gap Financing 2020

All proposals must be received no later than 10:00 a.m. on Tuesday, September 29, 2020, regardless of the selected delivery mechanism.

Any response received after the specified deadline shall be automatically rejected and will be returned unopened. Any amendments to a response must be received before the specified response due date and time established for the delivery of the original response.

D. Evaluation and Award Process

HACP staff will review each proposal to determine if it was complete and if it was responsive to this Request for proposals. HACP may allow a Respondent to correct minor deficiencies in its proposal that does not materially affect the proposal.

All proposals determined to be complete and responsive will be provided to an HACP Evaluation Committee. HACP's Evaluation Committee will evaluate the proposals utilizing the criteria established in Section IV of this RFP.

HACP reserves the right to interview selected Respondents in the competitive range, request additional information from selected Respondents and/or negotiate terms and conditions with selected Respondents.

HACP will perform a responsibility determination of the highest-ranked Respondent, which may include reference and background checks.

HACP shall not be responsible and will not reimburse any Respondent for any cost(s) associated with preparing a proposal.

A proposal submitted by a Respondent does not constitute a contract, nor does it confer any rights on the Respondent to the award of a contract. A letter or other Notice of Award or have the intent to award shall not constitute a contract. A contract is not created until all required signatures are affixed to the contract.

Proposals that meet these requirements will be evaluated and ranked by the HACP evaluation committee. A HACP ranking list will be prepared according to



the points awarded to each proposal. The HACP may, in its discretion, select one or more of the proposals submitted, or none of the proposals submitted. The HACP reserves the right to reject any or all proposals, to waive any informalities in the RFP process, or to terminate the RFP process at any time, if deemed by the HACP to be in its best interests. The HACP shall have no obligation to compensate any applicant for any costs incurred in responding to this RFP.



HOUSING AUTHORITY OF THE CITY OF PITTSBURGH

Request for Proposals For Project-Based Voucher & Gap Financing Program

ATTACHMENT A

PBV/Gap Financing Program & Underwriting Guidelines



HOUSING AUTHORITY OF THE CITY OF PITTSBURGH

Request for Proposals For Project-Based Voucher & Gap Financing Program

ATTACHMENT B

Forms

