

**SANTA FE COUNTY
HOUSING AUTHORITY**

REQUEST FOR PROPOSALS (RFP)



**REQUEST FOR PROPOSALS (RFP) FOR
PROJECT BASED VOUCHERS
IN SANTA FE COUNTY, NM**

RFP NO. 2024-01 HA

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I. ADVERTISEMENT

SANTA FE COUNTY

RFP for Project Based Vouchers

RFP NO. 2024-01 HA

The Santa Fe County Housing Authority (PHA) is accepting proposals for affordable rental housing projects that serve households at or below 60% of Area Median Income for the Santa Fe Metropolitan Statistical Area. All proposals submitted shall be valid for ninety (90) days subject to action by the County. The PHA reserves the right to reject any and all proposals in part or in whole. A completed proposal shall be submitted via email to the County's consultant, Scott Shields at scott@soulminingllc.net by 2pm on Dec 16th. By submitting a proposal for the requested services, each Applicant is certifying that it is a qualified firm and its proposal complies with the requirements stated within the Request for Proposals.

EQUAL EMPLOYMENT OPPORTUNITY: All qualified Applicants will receive consideration of contract(s) without regard to race, color, religion, sex or national origin, ancestry, age, physical and mental handicap, serious medical condition, disability, spousal affiliation, sexual orientation or gender identity.

PROPOSALS RECEIVED AFTER THE DATE AND TIME SPECIFIED ABOVE WILL NOT BE CONSIDERED AND WILL BE REJECTED BY THE PHA.

Request for Proposals
RFP No. 2024-01 HA
Project Based Vouchers (PBV)

II. INTRODUCTION

A. Purpose of Solicitation

The Santa Fe County Housing Authority (hereinafter referred to as the “PHA”) is accepting proposals under the Project Based Voucher Program (hereinafter referred to as the “PBV”) from property owners and/or developers who would like to attach federal subsidies for new construction or existing units. The PBV is part of the Housing Choice Voucher Program (“HCV”).

The HCV Project-Based Voucher Program goal is designed to accomplish two major objectives for the PHA:

- To increase the supply of assisted rental housing for eligible individual families; and
- To improve the efficiency and utilization of the Housing Choice Voucher Program.

According to the County’s 2023 Affordable Housing Plan (“Plan”) approximately 1 of 3 households in Santa Fe County are currently cost burdened as it relates to their housing costs. The Plan further estimates that an additional 6,232 subsidized rental units are needed within the Santa Fe County area, and approximately 17,000 additional housing units will need to be developed to keep-up with current demand prior to the end of 2025. In addition, the Plan showed a significant need for groups with special housing needs, including approximately 600 households experiencing homelessness or are unstably housed, and 2,290 senior households living in poverty in the County. This RFP is aimed at addressing these community housing needs by providing financial resources for affordable housing projects that address these concerns.

B. Organizational Background

The Santa Fe County Housing Authority, hereinafter referred to as PHA, serves as a public housing authority for the purpose of receiving funds from the U.S. Department of Housing and Urban Development (HUD) for the operation and administration of the Section 8 Tenant-Based Housing Choice Voucher (HCV) program. The PHA enters into an Annual Contributions Contract (ACC) with HUD to administer the HCV program requirements on behalf of HUD.

The HCV program is the federal government's major housing program for assisting very low-income families, the elderly, and persons with disabilities. A family is issued a housing choice voucher to find a safe, decent, and sanitary unit of the family's choice, in the private rental market, where the owner agrees to rent the unit under the HCV program. The assisted unit must meet minimum standards of health and safety as determined by HUD and the PHA. The PHA will pay the owner a housing subsidy on behalf of the family and the family is responsible for paying the difference between the housing subsidy and the rent to the owner.

The PHA has developed an Administrative Plan that provides for written policies pertaining to the admissions and continued occupancy of HCV program participants. The Administrative Plan is organized in the order of concerns that the PHA encounters in the selection of applicants from the PHA waiting list to reexamining families for continued assistance.

The PHA shall administer the HCV program in compliance with Fair Housing and Equal Opportunities (FHEO), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA), HUD regulations, notices/guidance, the PHA Plan, the Administrative Plan, the PHA's Procedures Manual, the PHA Personnel Policy, and State and local housing laws.

PHA's Mission Statement

The Santa Fe County Housing Authority's mission is to provide drug-free, safe, decent and sanitary housing to low-income and very low-income families in an environment that fosters self-sufficiency and community pride.

Statement of Local Objectives

The following objectives of the PHA support the above mission statement:

- To provide decent, safe, and sanitary living conditions;
- To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level;
- To promote personal, economic and social upward mobility to assist HCV participants to make the transition from subsidized to non-subsidized housing; and
- To provide an incentive to private property owners/landlords to rent to low-income families by offering timely assistance payments and excellent service.

III. DEFINITIONS

For the purpose of this solicitation, its impending addendums, negotiations, and contracts, the following definitions shall apply.

Act - the United States Housing Act of 1937, as amended.

Adaptive reuse-the process of repurposing buildings for viable new uses and modern functions, other than those originally intended to address present day needs. Reuse allows for a building's continued use and helps it remain a viable community asset.

Administrative Plan - PHA's Administrative Plan Governing Project Based Rental Assistance, as amended and as may hereinafter be amended from time to time, and any successor document adopted by PHA, including any policies and procedures provided to the Owner by PHA for purposes related to the administration of the Project Based Voucher program.

Agreement to enter into Housing Assistance Payment (AHAP) – this is an agreement between PHA and the Owner reserving the number of Project Based Voucher to the proposed project.

Development Fiscal Year - the fiscal year of the Owner, irrespective of whether such fiscal year coincides with PHA's fiscal year.

Fair Market Rents (FMRs) - the payment standard for the Housing Choice Voucher program. FMRs are published on or before October 1 each year by the U.S. Department of Housing and Urban Development (HUD).

Inspection Standards - standards PHA will utilize in determining the suitability of the Owner's units covered by the Project Proposal for occupancy by eligible residents.

Management Team - the Owner's professional property management company or any successor management agent, responsible for the operation, administration and maintenance of all units covered by the Project Proposal, including the PBV Units, at a property under PBV Agreement.

Mixed-Income Community - a residential community providing housing to households having diverse income levels.

New Construction - developments that have not received a Certificate of Occupancy as of the proposal selection date.

Project Based Voucher or PBV - rental assistance awarded and funded by PHA to reserve

a specific number of PBV Units for eligible households in existing residential housing in accordance with the PBV Agreement.

Housing Assistance Payment Contract (HAP) Contract - the agreement between PHA and the Owner that sets forth the terms and conditions for the provision of Project Based Voucher rental assistance for PBV Units. The HAP Contract is executed at project completion.

IV. PHA'S PROJECT BASED VOUCHER PROGRAM

Using the authorization under its Section 8 Annual Contributions Contract ("ACC") with HUD, the PHA designed and implemented a Project Based Voucher ("PBV") Program that is a part of the Housing Choice Voucher Program ("HCV"). The PHA utilizes a PBV program as a strategic tool to promote the expansion of quality, affordable and accessible housing opportunities for low income families, homeless persons, the elderly and persons with disabilities. PBV is deployed in new and existing affordable or mixed income rental communities. PBV housing developments may include supportive housing, in which case wrap-around services are required to be offered to the PBV-assisted households. The PBV requirements are set forth in the HAP Agreement between PHA and the rental community owner. PHA's PBV staff provides financial management, oversight and monitoring activities with respect to each PBV rental community as set forth in the HAP Agreement.

PBV assistance for this RFP may be authorized for newly-constructed, rehabilitated or adaptive reuse housing (units developed pursuant to an agreement for use in the PBV program. HUD approval will be required before PHA can enter into a Housing Assistance Payment (HAP) Contract.

PHA intends to enter into AHAP to provide PBV to Owners/Developers that could include:

1. Properties with Allocations of Low-Income Housing Tax Credits (LIHTC).
2. Properties without Allocations of Low-Income Housing Tax Credits that plan to apply for LIHTC allocations in the next two years.

A. Requirements for Organizations Receiving Project-Based Vouchers from PHA

- The organization must have policies and procedures including admission policies, rules for resident behavior, procedures for involuntary discharge and a grievance procedure.

- The organization must be annually-audited by a certified public accounting firm and the results must be provided to the PHA.
- The organization must comply with all the laws and regulations of the State of New Mexico, Santa Fe County, and Housing and Urban Development (HUD including but not limited to laws involving the use, maintenance and operation of structures, including building permits, zoning, code enforcement and rental certificates of compliance.
- The organization must not be involved in any current litigation or contractual dispute.
- The organization must designate a point of contact for the PHA.
- If requested, the organization must provide to PHA, HUD or its agents reports, financial and other information, including 2530s from Sponsors/Owners with federally assisted housing, that may be needed to ensure compliance with local, state and federal laws and regulations.
- Organizations must be able to enter into an Agreement for Housing Assistance Payment (AHAP) contract and start the project for which PBVs have been requested within a 12- month period after the announcement of award of PBVs or PHA reserves the right to withdraw the award.

Note: Applicants should be aware of the following conditions:

- The property must have zoning in place at time of proposal for PBV. Any award of vouchers is contingent upon receiving all required land use approvals and project funding, including tax credits.
- The Project must meet all applicable requirements of the HUD Project-Based and Housing Choice Voucher program regulations. For more information go to: https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project
- The housing project must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable, and accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8.

- Construction or Rehabilitation may involve application of the Federal Davis-Bacon construction wage guidelines.
- Prospective projects will need a Phase I Environmental Review and/or Environmental Assessment of the Development Site. If a Phase II Assessment is required, PHA may select an appropriate contractor to complete the review at the expense of the applicant.
- Due to the above conditions and requirements, applicants should be aware of the significant lead time necessary to secure all required approvals prior to commencement of construction or rehab.
- Execution of an agreement to enter into a Housing Assistance Payments Contract (HAP) is contingent upon completion of all of the above requirements.

B. PBV Ineligibility

Housing units and/or projects that are NOT eligible for PBV assistance include:

- 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 (assistance may be approved for a dwelling unit in an assisted living facility that provides home health care service such as nursing and therapy for residents of the housing);
- Units owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution;
- Cooperative housing;
- Transitional housing;
- High-rise elevator projects for families with children;
- Owner-occupied housing; or

- Subsidized housing types determined ineligible in accordance with HUD regulations.

C. Site Requirements

- For buildings with 25 or less units, all of the units may be project-based. For buildings with more than 25 units, the number of PBV assisted units in the building shall not exceed twenty five percent (25%) of the total number of dwelling units in the building, except as provided by regulation.
- Higher project cap: A PHA may provide PBV assistance to the greater of 25 units or 40 percent of the number of dwelling units (assisted and unassisted) in the project if the project is located in an area where vouchers are difficult to use as defined in § 983.3. An area where a voucher is difficult to use is:
 - A census tract with a poverty rate of 20 percent or less, as determined by HUD;
 - A ZIP code area where the rental vacancy rate is less than 4 percent, as determined by HUD; or
 - A ZIP code area where 90 percent of the Small Area FMR is more than 110 percent of the metropolitan area or county FMR

The following units are **excluded** from the above project caps:

- Units exclusively serving elderly families;
- Units serving persons with disabilities; or
- Units serving foster youth families needing other services.
- Sites selected for PBV assistance must be:
 - a. Consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities;
 - b. In full compliance with the applicable laws regarding non-discrimination and accessibility requirements;
 - c. Meet HUD's Housing Quality Standards (HQS) or National Standards for the

Physical Inspection of Real Estate (NSPIRE) upon the PHA's implementation; and

- d. Must meet HUD regulations for site and neighborhood standards.
 - The PHA will also consider whether the site and neighborhood are reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants. The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, that could affect the health or safety of the project occupants, such as dangerous walks or steps; contamination; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.
- Proposed sites for new construction will be visited to ensure that construction activities have not been initiated prior to the awarding of any PBV vouchers and the signing of the Agreement for Housing Assistance Payment (AHAP). Activities under the PBV program are subject to HUD environmental regulations and may be subject to review under the National Environmental Policy Act by local authorities.
- When newly constructed housing sites are selected for PBV assistance, the owner must agree to develop the contract units to comply with HQS or National Standards for the Physical Inspection of Real Estate (NSPIRE) upon the PHA's implementation. In addition, new construction sites must meet the local city and county requirements for quality, architecture, or design of housing, over and above the HQS or National Standards for the Physical Inspection of Real Estate (NSPIRE) upon the PHA's implementation. The owner and the owner's contractors and subcontractors must comply with all applicable State and federal labor relations laws and regulations, federal equal employment opportunity requirements and HUD's implementing regulations (CFR 24 Part 983).
- Once selected, all PBV projects must complete required environmental and subsidy layering reviews as approved by HUD. In addition, other actions must be taken to fully comply with HUD regulations including, but not limited to, a rent reasonableness determination prior to the execution of the HAP Contract. Once approval has been received, PHA will enter into a Housing Assistance Payments (HAP) contract with the owner for all sites selected and approved for PBV assistance within ten (10) business days. PHA will make housing assistance

payments to the owner in accordance with the HAP contract for those contract units leased and occupied by eligible families during the HAP contract term.

- PHA has no responsibility or liability to the owner or any other person for the tenant's behavior or suitability for tenancy. The owner is responsible for screening and selection of the tenant referred by PHA to occupy the owner's unit based on tenancy histories. The PHA screens PBV applicants for eligibility to receive the voucher assistance, and the owner screens the applicants for their suitability to enter into a lease agreement.
- During the course of the tenant's lease, the owner may not terminate the lease without good cause. "Good cause" does not include a business or economic reason or desire to use the unit for an individual, family or non-residential rental purpose. Upon expiration of the lease the owner may: renew the lease; refuse to renew the lease for good cause; refuse to renew the lease without good cause.

D. Owner/Developer PBV Program Requirements

- **Fair Market Rent**
 - a. The amount of the rent to the owner is determined in accordance with HUD regulations.
 - b. Except for certain tax credit units in areas outside of Qualified Census Tracts, the rent to owner must not exceed the lowest of:
 - 1b. an amount determined by PHA, not to exceed 110% the approved Fair Market Rent Area (or the amount of any HUD approved exception payment standard for the area in which the project is located), for the unit bedroom size minus any utility allowance;
 - 2b. the reasonable rent; or
 - 3b. the rent requested by the owner.
 - c. The 2025 Fair Market Rents for Santa Fe County Statistical Area (MSA) Area are provided below.

The FY 2025 Santa Fe, NM MSA FMRs for All Bedroom Sizes

Final FY 2025 & Final FY 2024 FMRs By Unit Bedrooms					
Year	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FY 2025 FMR	\$1,235	\$1,368	\$1,627	\$2,057	\$2,157
<u>FY 2024 FMR</u>	\$1,171	\$1,317	\$1,535	\$1,960	\$2,044

- d. All rental amounts under the Project Based Voucher program must include the cost of monthly utilities paid by the tenant. PHA current Utility Allowance Schedule is provided as Exhibit A.

- **Criminal Screening**

Respondents chosen to receive PBV must deny admission to applicants and terminate participants if they or any member of their households who will be living with them:

- Have been evicted from Federally-assisted housing for drug-related criminal activity within the three-year period preceding application;
- Are currently engaging in the illegal use of drugs;
- Have ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of Federally-assisted housing;
- Are subject to a lifetime registration requirement under a State sex offender registration program; and/or
- Are abusing or demonstrating a pattern of abuse of alcohol that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or neighbors.

Respondents may consider any information presented by applicants or participants, or on their behalf, which might support a conclusion that they do not pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or neighbors. Such information could include the fact that the applicant or participant is participating in a program operated or monitored by Respondents in which applicants are required to be crime-free or drug-free for a period of time

prior to admission and in which participants are monitored for and terminated for criminal involvement, drug use or alcohol abuse during participation in the program.

- **Site-Based Administration**

- a. The Owner shall obtain a professional management agent for the entire Development, including the PBV Units, pursuant to the Management Agreement which will be prepared by the Owner and approved by PHA, which approval shall not be unreasonably withheld, conditioned or delayed.
- b. The Owner will be responsible for the administration and management of the Development, and subject to said delegation, in accordance with the terms of the PBV Agreement as delegated to the Management Agent.
- c. The Owner shall lease the PBV Units to Eligible Households and maintain and operate the PBV Units in compliance with all applicable requirements of the Act, the HUD regulations thereunder, and the Annual Contributions Contract (“ACC”) (including any waivers granted pursuant thereto, all as may be modified by PHA’s Administrative Plan, PHA Inspection Standards and in accordance with the PBV Agreement (collectively, the preceding requirements are referred to as the “Applicable PBV Requirements”).

- **Applicable PBV Requirements**

Owners of properties selected for PBV shall lease the PBV Units to Eligible Households and maintain and operate the PBV Units in compliance with all applicable requirements of the Act and any successor legislation, applicable HUD regulations thereunder, and the Consolidated Annual Contributions Contract executed by HUD on date between HUD and PHA for Section 8 funding increments, as amended, the PBV Agreement, PHA’s PBV administrative procedures and PHA Inspection Standards.

E. Non-Discrimination and Other Federal Requirements

Owner shall comply with the following requirements, as applicable:

- a. The Fair Housing Act, 42 U.S.C. 3601-19, and regulations issued thereunder, 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and regulations issued thereunder, 24 CFR Part 107; and the fair housing poster

regulations, 24 CFR Part 110, and advertising guidelines, 24 CFR Part 109;

- b. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and regulations issued thereunder relating to nondiscrimination in housing, 24 CFR Part 1;
- c. Age Discrimination Act of 1975, 42 U.S.C. 6101-07, and regulations issued thereunder, 24 CFR Part 146; and
- d. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and regulations issued thereunder, 24 CFR Part 8, including the Uniform Federal Accessibility Standards, 24 CFR Part 40, App. A; Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., and regulations issued thereunder, 28 CFR Parts 35 and 36; the Architectural Barriers Act of 1968, 42 U.S.C. 4151-4157; and Section 109 of the Housing Community Development Act of 1974 (Section 109), 42 U.S.C. 5301 et seq., and regulations issued thereunder, 24 CFR 570.601 and 570.602.
- e. The Davis-Bacon Act requires the payment of prevailing wage rates (as determined by the Department of Labor) to laborers and mechanics on Federally-assisted construction projects in excess of \$2,000. Also, pursuant to 24 CFR § 983.154, the Owner/Developer's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development or rehabilitation of the housing (with nine or more contract units) using PBV.
- f. The following relates to the wage determinations for New Construction and Substantial Rehabilitation projects:

1. Residential - Less than four (4) stories

Pursuant to Title 29 CFR Parts 1.5 and 1.6(b), a Residential wage determination is issued for this construction project. Residential wages apply to new and substantial rehabilitation of single-family homes and apartment buildings of *less than four* (4) stories. Accordingly, the wages of laborers and mechanics will be monitored for compliance with labor standards.

2. Building - More than four (4) stories

Pursuant to Title 29 CFR 1.5 and 1.6(b), a Building wage determination is issued for this construction project. Building wages apply to new and substantial rehabilitation of structures of *more than four* (4) stories, typically warehouses, machinery and equipment storage facilities etc. Accordingly, the wages of

laborers and mechanics will be monitored for compliance with labor standards.

3. Owners/Developers proposing projects within Santa Fe County bear the responsibility of ensuring that the appropriate wage decision is included with the Project Proposal. As referenced above, the construction type for this RFP is either Residential or Building. No other construction categories apply. Davis-Bacon wage decisions may be accessed via the below-referenced link:
<http://www.access.gpo.gov/davisbacon/ga.html>
4. Existing multi-family properties first occupied after March 13, 1991 are required to meet the accessibility requirements of the Fair Housing Act. The Fair Housing Act requirements are not identical to UFAS and require only basic accessibility. However, Existing Housing Units receiving PBV subsidy are covered by Section 504, and therefore, are expected to comply with UFAS. The number of units subject to the Section 504 requirement will be 5% of the total number of PBV Units (or one PBRA Unit if there are less than twenty PBV Units in the existing multi-family property). PHA may require Owner to obtain an architect's certification that the property complies with UFAS.
5. Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and its implementing regulations at 24 CFR Part 135.

F. PBV Letter of Intent

PHA and Owners/Developers will be required to execute a PBV Commitment Letter followed by a HAP Contract, at the completion of construction (if applicable), with PHA evidencing the specific terms of the Agreement with the project. Low Income Housing Tax Credit Projects are eligible for up to twenty (20) year HAP Contract with possible extensions.

PHA reserves the right to cancel or discontinue its interest in any PBV housing program listed above at any time throughout the duration of this RFP in the event PHA determines it is in its best interest to do so.

G. Tax Exempt Bond Deals with 4% Tax Credits

Under this solicitation, PHA may provide PBV commitments based upon approval of a proposal submitted in accordance with the requirements set forth herein. Respondents receiving PBV from PHA in support of Low-Income Housing Tax Credits ("LIHTC") will be required to provide PHA with a copy of their determination letter (i.e., 42(m)

letter) prior to closing and execution of the PBV Agreement. In the event PHA has provided a PBV Commitment Letter and the project fails to receive tax credits, then the PHA PBV Commitment may no longer be valid. Projects may be provided two LIHTC rounds to secure tax credits.

H. 9% and 4% Tax Credit Requests

Under this solicitation, PHA may provide PBV commitments in support of applications submitted to Housing New Mexico under the competitive 4% and 9% LIHTC Program. PHA will provide PBV commitments based upon approval of a proposal submitted in accordance with the requirements set forth herein. Respondents receiving PBV from PHA in support of LIHTC will be required to provide PHA with a copy of their Tax Credit Allocation Letter prior to closing and execution of the PBV Agreement. In the event PHA has provided a PBV Commitment Letter and the project fails to receive tax credits, then the PBV commitment is no longer valid.

V. TERMS AND CONDITIONS

Under the PBV program, PHA enters into an assistance contract with the owner for specified rental units, for a specified term (up to 20 years), which may be renewed, subject to funding availability. Assistance or subsidy is provided for units that meet the program standards. To fill vacant project-based units, PHA refers families from its waiting list to the project owner. The PHA subsidy standards determine the appropriate unit size for the family size and composition.

VI. PROPOSAL SUBMISSION REQUIREMENTS AND EVALUATION

A. Proposal Submission Requirements

A proposal package will include the following items below as well as all required attachments in Appendix A.

Project Overview:

1. A description of the existing housing or housing to be constructed or rehabilitated, including:
 - a. The number of units by size (square footage)

- b. Bedroom count
 - c. Bathroom count
 - d. Sketches of the proposed new construction or rehabilitation
 - e. Unit plans
 - f. Listing of amenities and services, and
 - g. Estimated date of completion.
2. For rehabilitation, the description must describe the property as is and must also describe the proposed rehabilitation
 3. Evidence of site control
 4. For new construction, identification and description of the proposed site, site plan, and neighborhood
 5. Evidence the proposed new construction or rehabilitation is permitted by current zoning or regulations, or evidence to indicate the needed rezoning is likely and will not delay the project
 6. Proposed contract rent per unit, including:
 - a. Indication of utilities, services and equipment included in rent.
 - b. Indication of utilities, services and equipment not included in rent, and
 - c. For utilities not included, estimated monthly average cost for each unit type for the first year of occupancy.

For Projects Triggering Uniform Relocation Act:

7. For projects triggering relocation benefits they should provide a statement identifying:
 - a. The number of persons (families, individuals, businesses, and non-profit organizations) occupying the property on application submission date
 - b. Number of persons to be displaced, temporarily relocated, or moved permanently within the building complex
 - c. Estimated cost of relocation payments and services, and the sources of funding
 - d. The organization(s) that will carry out the relocation activities

Ownership and Project Principles:

8. Identify the owner and other project principles and the names of officers and principal members, shareholders, investors, and other parties having a substantial interest.
9. Certification showing the above-mentioned parties are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.
10. Disclosure of any possible conflict of interest by any of the parties that would be in violation of the Agreement to enter into a HAP Contract or the HAP Contract itself.
11. Provide information on the qualifications and experience of the principal participants of the development team by providing resumes/bios and a list of similar projects in the last five years.
12. The owners plan for managing and maintaining the units.
13. Evidence project is ready to proceed and anticipates financing by providing pro forma and evidence of funding commitments and timeline for future funding awards.
14. Documentation that the site is free from environmental or safety hazards.
15. Documentation that the site is not on a 100-year Floodplain or does not involve a historic property.
16. For rehabilitation projects, provide a statement that the rehabilitation is or is not being undertaken in areas targeted for revitalization.
17. Provide information on households targeted for PBV. The County has a preference for special needs and households experiencing homelessness.
18. If targeting a special needs population, provide a services plan that describes services being provided to meet the needs of the target population for PBV units.
19. Describe service provider capacity to provide services and include letter/s from services providers detailing the services being provided.

B. Site Selection Policy

The site selection policy and procedures herein promote the PBV goals by ensuring the supply of assisted rental housing is expanded while being in compliance with the HCV Project-Based Voucher Program Final Rule.

The proposal evaluation will be in two (2) tiers:

Tier 1

The first tier is meeting written Qualifying Factors required in a HUD regulation or a HUD notice. Proposals not meeting the qualifying factors will not be evaluated/rated in the second tier. The Qualifying Factors that must be met as they are the minimum threshold are as follows:

- a. The proposal was received by the deadline.
- b. The property is eligible housing per HUD regulations. The PHA will confirm the proposed units are not part of the list of prohibited units.
- c. The proposal complies with the cap on the number of PBV units per building.
- d. The proposal meets the Site Selection standards per HUD regulations.
- e. The proposal meets zoning requirements.
- f. The site is consistent with the goal of deconcentrating poverty and expanding housing opportunity pursuant to elements listed in HUD regulations. The PHA will use a form to document that each element listed in the regulation was considered.
- g. The site facilitates compliance with Civil Rights Requirements listed in HUD PBV regulations.
- h. The site meets Housing Choice Voucher National Standards for the Physical Inspection of Real Estate (NSPIRE) upon the PHA's implementation or HQS beforehand.
- i. If needed, the proposal passes the HUD environmental review and HUD subsidy layering review.
- j. The proposal includes all required attachments listed in Appendix A.

Tier 2

Proposals meeting all Qualifying Factors listed above are then evaluated in the second evaluation tier based upon the PHA's Evaluation Selection Criteria which are as follows:

- a. The Evaluation Selection Criteria will be consistent with HUD regulations and guidelines, including 24 CFR 983.57 (d) and (e).
- b. The criteria will be written and adopted by the PHA's Board prior to the first

Public Notice.

- c. Each criterion will be assigned a maximum point value indicative of its relative importance.
- d. An Evaluation Selection Criteria rating sheet will be prepared, listing each criterion, the maximum points, the points awarded for each criteria, the total points awarded, voluntary comments, the name of the reviewer and the date of the review.
- e. All proposed PBV units in the project must meet the definition of substantially meets Housing Quality Standards.

C. Proposal Evaluation / Site Selection

The PHA will rate and rank proposals for newly constructed housing using the following criteria:

Evaluation Scoring Elements	Maximum Points
Scoring Criteria	
Development Team Experience and capability to build or rehabilitate housing as identified in the RFP	60
Project has a nonprofit or housing authority in the ownership structure	30
Project is ready to proceed and anticipates financing will be in place within 12 months (2024 or 2025 award)	50
Project is serving households with special needs or experiencing homelessness and has a services plan for services to be provided on site or in the immediate area for occupants of the property	30
Total Allowed Points	170

Development team experience and capability to build or rehabilitate housing as identified in the RFP: The highest scoring proposals will best demonstrate the general experience of identified team members in planning, financing, and constructing or rehabilitating affordable or subsidized housing. Direct experience with projects supported by the HCV program will be considered most favorably. Additional consideration will be given to nonprofit entities or involvement by nonprofit entity partners. Highest-scoring proposals will describe specific examples of past projects, including the location, unit count and funding sources of such projects.

Highest scoring proposals will describe specific examples of past projects. PHA will also weigh experience with low income housing tax credit funding as well as the provision of additional amenities or services provided to residents on a voluntary basis.

Project is ready to proceed and anticipates financing will be in place within 12 months (2024 or 2025 award): Evidence of readiness to proceed will be considered. Renderings, floor plans, schematic site plans, scope of work or other documentation all may be submitted. Evidence that financing will be in place within 12 months (2024 or 2025 award) to complete the project will also be considered in this criteria item, in addition to demonstration of an established strategy to meet project schedules.

Project is serving households with special needs or experiencing homelessness and has a services plan for services to be provided on site or in the immediate area for occupants of the property: Highest scores will demonstrate the extent to which the proposed PBV units will serve households with special needs or experiencing homelessness and how the services plan will provide onsite services or services in the immediate area for occupants of the property. Highest scores will also demonstrate the extent to which the services plan will provide supportive housing services to the population of proposed projects and services planned for occupants in addition to the experience of the services provider. If the project is not providing services directly, applicants must demonstrate how services will be available in the immediate area for occupants.

The site selection policy and procedures herein promote the PBV goals by ensuring the supply of assisted rental housing is expanded while being in compliance with the HCV Project-Based Voucher Program Final Rule.

a. The independent entity will review, evaluate, and recommend a proposal. Proposals will not be opened until after the submission deadline.

b. As appropriate, the independent entity shall recommend a proposal or proposals to the Housing Authority (Board), subject to the proposed site passing environmental review

requirements, subsidy layering review and Site and Neighborhood Housing Quality Standards (NSPIRE) inspection.

VII. SUBMISSION CLARIFICATION AND DEADLINE

Submissions must be in a PDF format and should be electronically submitted to Scott Shields @ scott@soulminingllc.net by Dec 16th at 2pm date. Please do not contact Santa Fe County staff directly.

All expenses associated with the preparation and submission of the proposals to the PHA and participation in interviews shall be solely borne by the respondent.

VIII. SELECTION OF AWARD

Before a respondent is considered for award, the respondent may be requested by PHA to submit a statement or other documentation regarding any of the foregoing requirements. Failure to provide such additional information may render the respondent ineligible for award.

PHA reserves the right to waive informalities in any proposals, reject any or all proposals in whole or in part, with or without cause, and to accept that proposal which in its judgment best meets its needs.

Proposals will be evaluated by a third-party certifying agent approved by HUD. All proposals will be evaluated against the evaluation factors stated in this RFP.

The third-party certifying agent reserves the right to request additional clarifying information from the prospective firm over and above that included in the proposal submission, and consider information about a respondent in addition to the information submitted in the response or interview.

Pending successful negotiation with the most qualified respondent, an Agreement to enter into Housing Assistance Payment or Housing Assistance Payment, may be executed with the respondent.

After the Agreement(s) is/are awarded, all of the respondent(s) who submitted a proposal will receive a written acknowledgement of their proposal. PHA will not reimburse respondent(s) for any expenses associated with the submission of proposals or participation in the interviews.

The PHA reserves the right to select more than one respondent, to select a respondent(s) for specific purposes or for any combination of specific purposes, and to defer the selection of any respondent(s) to a time of the PHA's choosing.

IX. CONTRACT TERMS

A. General PHA RFP Requirements

1. Responsibility of Prospective Respondent

The PHA shall award a contract only to a responsible prospective respondent who is able to perform successfully under the terms and conditions of the proposed Agreement. A "responsible" prospective respondent must:

- a. Have adequate financial resources to perform the contract, or the ability to obtain them;
- b. Have a satisfactory performance record;
- c. Have a satisfactory record of compliance with public policy (e.g., Equal Employment Opportunity); and
- d. Not have been suspended, debarred or otherwise determined to be ineligible for award of contract by the U.S. Department of Housing and Urban Development or any other agency of the U.S. Government.

2. Receipt of Proposals

All proposals should be transmitted electronically as described above.

3. Withdrawal of Proposals

Proposals may be withdrawn on written request dispatched by the respondent in time for delivery in the normal course of business prior to the deadline for submission. Negligence on the part of the respondent in preparing their proposal confers no right of withdrawal or modification of the proposal after such proposal has been opened.

4. Rejection of Proposals

The PHA is under no obligation to award a PBV to any proposal received.

The PHA reserves the right to reject any and all responses and waive any irregularities and the proposal of any respondent who: 1) has previously failed to perform properly or completed a contract(s) of a similar nature on time; 2) is not in a position to perform the contract, or 3) has habitually and without just cause neglected the payment of bills or otherwise disregarded his/her obligations to subcontractors or employees.

5. Request for Proposal

This RFP is not an offer to buy and must not be assumed as such.

6. Indemnification

The firm agrees that it will indemnify, save and hold harmless the PHA their officers, employees, or agents, from and against all claims, demands, actions, damages, loss, costs, liabilities, expenses, judgments, and litigation costs, including reasonable attorney's fees, photocopying expenses and expert witness fees, recovered from or asserted against the PHA on account of injury or damage to person or property or breach of contract to the extent that such damage, injury, or breach may be incident to, arising out of, or be caused, either directly or proximately, wholly or in part, by an act or omission, negligence or misconduct on the part of the firm or any of its agents, servants, employees or sub-consultants.

The PHA shall tender the defense of any claim or action at law or in equity, arising out of or otherwise related to an act or omission, negligence, misconduct, or breach of contract on the part of the PHA or any of its agents, servants, employees or subcontractors, to the PHA or its insurer and, upon such tender, it shall be the duty of the firm and its insurer to defend such claim or action without cost or expense to the PHA.

7. Legal Obligations

Compliance with Law in General. The firm shall comply with all the requirements set forth in the Housing and Community Development Act of 1974 and all regulations promulgated pursuant to this Act as contained in 24 CFR 570. The firm shall also comply with all other applicable federal, state and local laws and ordinances, including Affirmative Action. The firm shall assure that its subcontractors/consultants comply with all applicable federal, state and local laws and ordinances.

Compliance with Specific Federal Laws and Regulations. In addition to Law in General above, the Underwriter shall comply with all Federal laws and regulations as referenced or set forth below.

- A. Intellectual Property.
- B. Copyrights. If this Contract results in book or other copyrightable materials, the author is free to copyright the work, but PHA reserve a royalty-free non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all copyrighted material and all materials which can be copyrighted.
- C. Patents. Any discovery or invention arising out of or developed in the course of work aided by this Contract shall be promptly and fully reported to the PHA for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any

patent issued thereupon, shall be disposed of and administered in order to protect the public interest.

8. Termination of Contract for Cause/Convenience

If, through any cause, the firm shall fail to fulfill in a timely and proper manner their obligations under this contract or if the firm shall violate any of the covenants, agreements or stipulations of this contract, PHA shall thereupon have the right to terminate this contract by giving written notice to the firm of such termination and specifying the effective date thereof, at least five work days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, reports, or other material related to the services prepared by the firm under this contract shall, at the option of PHA, become the property of PHA. On PHA's option and sole discretion, PHA shall determine and pay for the value of services already performed by the firm. Notwithstanding the above, the firm shall not be relieved of liability to PHA for damages sustained by PHA by virtue of any breach of the contract by the firm.

Termination for Convenience of the PHA. The PHA may terminate this Contract at any time for any reason by giving at least ten (10) days' notice in writing from the PHA to the firm. If the firm is terminated by the PHA as provided herein, the firm will be paid an amount which bear the same ratio to the total compensation as the services actually and satisfactorily performed bear to the total services of the firm covered by this Contract, less payments for such services as were previously made. Provided, however, that if less than sixty percent (60%) of the services covered by this Contract have been performed upon the effective date of such termination the firm shall be reimbursed (in addition to the above payment) for that portion of the actual out of pocket expenses (not otherwise reimbursed under the Contract) incurred by the firm during the Contract period which are directly attributable to the uncompleted portion of the services covered by this Contract. If this Contract is terminated due to the fault of the firm, Paragraph (VI.C) above, relative to termination, shall apply.

9. Equal Employment Opportunity

The firm agrees that there will not be discrimination as to race, sex, sexual orientation, religion, color, age, creed, or national origin in regard to obligation, work, and services performed under the terms of any contract ensuing from this RFP. The firm must agree to comply with Executive Order No. 11246, entitled "Equal Employment Opportunity" and as amended by Executive Order No. 11375, as supplemented by the Department of Labor Regulations (41 CFR, Part 60).

10. Ethics

PHA may not enter into a contract, subcontract, or arrangement in which any of the following classes of people has an interest, direct or indirect, during his or her tenure or

for one year thereafter: 1) any present or former member or officer of the PHA Commissioners, or any member of the PHA Commissioners immediate family; 2) any employee of PHA who formulates policy or who influences decisions with respect to the contract, or any member of the employee's immediate family or the employee's partner, or 3) any public official, or State or local legislator, or any member of such individuals' immediate family who exercises functions or responsibility with respect to the contract or the PHA.

APPENDIX A - Required HUD Forms

The following forms listed below are from Housing and Urban Development (HUD) and are required to be filled out and returned with RFP submission.

HUD-52531-A: PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 1
HUD-52531-B: PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 2
HUD 51915-A: Contract Provisions Required by Federal Law or Owner Contract with the U.S. Department of Housing and Urban Development
HUD-5369: Instructions to Bidders for Contracts
HUD-5369-A: Representations, Certifications, and Other Statements of Bidders
HUD-5369-B: Instructions to Offerors Non-Construction
HUD-5370: General Conditions of the Contract for Construction Public and Indian Housing
HUD-5370-C1: General Contract Conditions Non-Construction Section I
HUD-5370-C2: General Contract Conditions Non-Construction Section II
HUD-2530: Previous Participation Certification - Multifamily Housing
HUD-50071: Certification of Payments to Influence Federal Transactions
DISCLOSURE OF LOBBYING ACTIVITIES