

Department of Housing and Community Development
1800 Martin Luther King Jr. Avenue SE
Washington, DC 20020

Solicitation For Offers

Benning Road &
G Street SE

Solicitation Released
3/16/2023

Responses Due:
7/21/2023



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INTRODUCTION

The Government of the District of Columbia (the "District"), through the Department of Housing and Community Development's (DHCD) Property Acquisition and Disposition Division ("DHCD") is releasing this Request for Proposals ("RFP" or "Solicitation") as it seeks to receive project proposals (each a "Proposal" and collectively "Proposals") from individuals and/or teams (each a "Respondent" and collectively "Respondents") for the development of the parcel identified by the District of Columbia Tax Assessor's Office as Square: 5359, Lot: 0342, located at Benning Road and G Street SE, (the "Development Site") (see Figure 1: Development Parcel Map).

DHCD, through this Solicitation, shall award the available Development Site to a developer for the purpose of planning, financing, building and managing a mixed-income for sale, housing development. In 2022, Mayor Bowser launched the Black Homeownership Strikeforce¹ and announced a goal of 20,000 new black homeowners by 2030. This RFP seeks to push towards that goal by increasing the available homeownership opportunities in the District while also continuing the push to meet the District-wide housing goals of producing 36,000 new units, of which 12,000 will be affordable across ten planning areas, set by Mayor Bowser through the 2019 Housing Equity Report. More information is available at: <https://housing.dc.gov/>

Furthermore, DHCD is excited to offer this development opportunity with a focus on equitable inclusion and looks forward to working together with the development community to produce affordable homeownership opportunities in the District of Columbia.

¹ More information on the Black Homeownership Strikeforce and its recommendations available here: <https://dmped.dc.gov/page/homeownership>

DEVELOPMENT SITE INFORMATION

Address	Benning Rd SE
Ward	7
Neighborhood	Benning Ridge
ANC	7E03
Square	5359
Lot	0342
Total Sq. Ft	68,294
Zone	RA-1



NEIGHBORHOOD CHARACTERISTICS

The Development Site is located in the Benning Ridge neighborhood, just south of East Capitol Street and east of the Fort Dupont Park. The area includes a mix of single-family and semi-detached homes and apartments and has a few hundred scattered vacant lots. Throughout the area there are opportunities for infill development. The burgeoning growth of the Benning Ridge neighborhood will require neighborhood-serving amenities and retail, mixed-income housing, opportunities for arts and culture, and open space should be encouraged.

The area has an excellent transportation network, including the Minnesota Avenue, Benning Road, and Deanwood Metrorail stations, Interstate 295, and several major avenues linking neighborhoods east of the Anacostia River to Central Washington. Several developments have recently been completed or are planned. Hilltop Terrace, Carver Terrace Apartments, and JW King Senior Center have added more than 200 new homes along Benning Road and East Capitol Street.

SITE CONDITION

As-Is Condition

The Development Site shall be conveyed in "as-is" condition, without representation or warranty by the District as to physical or environmental condition of the land or any existing structures.

ZONING

The zoning information listed herein is for informational purposes only. PADD makes no representation as to the accuracy of any zoning information. Respondents should review all applicable District zoning regulations while preparing their Proposals, including Title 11 of the District of Columbia Municipal Regulations (DCMR) for a complete list of zoning provisions and requirements.

The zoning regulations are available on the Office of Zoning (OZ) website (www.dcoz.dc.gov). Information on any proposed zoning changes is also on the OZ website or may also be obtained from the District's Office of Planning (<http://planning.dc.gov/planning>). This website may also contain city and neighborhood revitalization plans relevant to this RFP. All proposals must be consistent with the appropriate plans. Respondents must demonstrate this consistency through their narrative and by using relevant land use maps.

Development Standards for RA-1

Zone District:	Residential Apartment Zone
Zone:	RA-1
Building Category:	All Other Buildings & Structures
Description:	Permits low to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments
Floor Area Ratio:	0.9
Height (ft):	40
Stories:	3
Minimum Lot Area (sq ft):	1800
Lot Occupancy (%):	40
Rear Setback (ft):	20
Side Setback (ft):	8

HISTORIC PRESERVATION

Development site may be subject to the District's Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144), as amended, and/or the National Historic Preservation Act of 1966, as amended. The District's historic preservation regulations are available on the Historic Preservation Office/Office of Planning website (www.planning.dc.gov/hpo), including information on the required compliance with DCMR Title 10C for both historic preservation and archaeology. The development plan and budgets should note any associated cost items for historic preservation and archaeology review and assessment.

COMPREHENSIVE PLAN

The Comprehensive Plan “Comp Plan” is a high-level guide that sets a positive, long-term vision for the District of Columbia through the lens of its physical growth, equity, and change. The 2021 Comp Plan update will allow the District to meet challenges and opportunities in critical areas such as housing and economic recovery with a focus on equity and resilience.

The Comp Plan includes policies and actions that set priorities for the District's land use, public services, infrastructure, and capital investments. The Comp Plan guides the use, density, and design of buildings within the District, directly shaping the city's physical form as it changes and develops in the future. The Comp Plan is used by District agencies, residents, businesses, developers and other critical stakeholders to help guide growth and change toward a positive future both for today's residents and future generations.

The *Comprehensive Plan for the National Capital: District Elements*, the Comprehensive Plan Generalized Future Land Use Map (FLUM) and the Comprehensive Plan Generalized Policy Map are the legislatively adopted general policy documents that provide guidance for the future development of the District of Columbia and serves as the basis for determining how areas within the City can be developed as related to design, density, and program.

The Development Site is located within the Far Northeast and Southeast Area Element. The Far Northeast and Southeast Area Element encourages the protection of established neighborhoods, but also recognizes a need for a variety of housing and retail choices. Targeted policy guidance for the area also includes the following:

- **Policy FNS-1.1.1: Conservation of Low-Density Neighborhoods.** Recognize the value and importance of Far Northeast and Southeast's established single-family neighborhoods to the character of the local community and to the entire District. Comprehensive Plan and zoning designations for these neighborhoods reflect and preserve the existing land use pattern while allowing for taller and denser infill development that is compatible with neighborhood character. 1708.2
- **Policy FNS-1.1.2: Development of New Housing.** Encourage new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast and seek to ensure that the housing remains affordable for current and future residents. 1708.3
- **Policy FNS-2.5.1: Marshall Heights Infill.** Support the development of the many scattered vacant lots in the Marshall Heights community with new low-density residential development, especially single- and two family homes. This will provide ownership opportunities for area residents and housing stock needed to attract families with children back to the Far Northeast and Southeast Area. Improve schools, parks, and other public services in Marshall Heights to meet the needs created by additional growth and attract families to the area. 1715.3

For more information on the 2021 Comprehensive Plan and supporting documents, visit <https://planning.dc.gov/comprehensive-plan>.

PROPOSAL LOGISTICS

WHO SHOULD APPLY

DHCD will accept and consider eligible Proposals from all qualified Respondents. Respondents and project team members may be non-profit or for-profit entities. Respondents may be based in the District of Columbia or outside, but there are requirements about partnering with District-based enterprises and hiring District residents. Respondents should represent a development team that includes a developer, architect, professional consultants such as a general contractor, property manager, lenders and investors, and any other team members necessary to finance, construct, and sell units at the development. Together, the team must have the experience, financial and technical capacity to deliver a project that meets all of DHCD's requirements.

HOW TO APPLY

All proposals must be submitted by the Submission Date using the DHCD.PADD@dc.gov email below. In the subject line use the following format "SFO Proposal - Benning Rd and G St - Applicant Name".

DHCD.PADD@dc.gov

SITE TOUR

Respondents are encouraged to attend the pre-proposal site tour to conduct inspection activities on April 19, 2023, from 10:00 am until 12:00pm. Respondent shall hold the District harmless from and against any and all liabilities, actions, claims, suits, losses, judgments and damages caused by entry onto the Development Site.

PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held for those who intend to respond to this Solicitation. The tentative schedule for the pre-proposal conference is May 16, 2023. Attendance is strongly encouraged. In the event that any discussions or questions at the pre-proposal conference require additions, deletions, or clarifications of this Solicitation, or any other document, the District, in its sole discretion, will address such revisions in writing and make questions/responses available on the DHCD project website.

Proposal Structure

The District shall determine, in its sole discretion, whether each Proposal received is responsive to the Solicitation and acceptable. Failing to meet even a single requirement may result in disqualification, and the application will not be scored or further evaluated. The decision of the District in this regard is final and any determination on non-responsiveness shall be explained to the applicable Respondent(s) upon request. Proposals that do not provide the information below or meet the following requirements may be deemed "Non-Responsive" and may not be considered for selection.

PROPOSAL CONTENTS

SECTION 1: EXECUTIVE SUMMARY

Respondents shall provide a summary to highlight the following key components: (1) articulate the vision for the Development Site; (2) address how the project will benefit the District and surrounding neighborhood (i.e., economic impact, job creation, etc.); (3) describe how the proposed project fits within the neighborhood fabric; (4) describe how the Proposal meets and incorporates the goals in the "Equitable Development Focus" section.

SECTION 2: RESPONDENT TEAM

Respondent shall provide an introduction for and description of each member of its team, including but not limited to, lead developer, general contractor, design team partner, and any other team members Respondent identifies for consideration by the District.

For each entity identified above, Respondent shall provide the following information for the primary point-of-contact:

- First and last name
- Title
- Address
- Telephone Number
- Email Address

SECTION 3: ORGANIZATIONAL DOCUMENTS

Organization Status

Respondent shall provide the status of the developer's organization (whether a corporation, a non-profit corporation or charitable institution, a limited partnership, a limited liability company, or other entity) indicating under which laws it is organized and operating, and a brief history of the organization and its principals. Please include a certificate of good standing from the formation jurisdiction and a certificate of good standing showing that it is registered to do business in the District.

Respondent shall provide a copy of any written agreement or document creating any entity responding to this Solicitation. The principals, partners, or joint-venture partners who are part of the developer's team must be eligible to transact business both within and with the District.

Organization Chart and Bios

Respondent shall provide an organization chart and a summary of qualifications of the team's senior-level staff who will be directing the project, including a description of their roles and relevant experience.

SECTION 4: QUALIFICATIONS AND EXPERIENCE

Respondent shall identify three to five relevant projects in which the Respondent or its team members have had primary involvement, which demonstrate success in urban affordable residential or similar housing projects. Favorable consideration will be given to Proposals that delineate prior successful experience working with PADD or other DHCD programs/divisions. For each relevant project, the respondent shall identify the following:

- Project Name
- Development Team Name
- Project Location/Address
- Project Status
- Project Scope (new construction, rehab, commercial, residential, mixed use, etc.)
- Estimated total development cost at time of award or start of the project, actual total development cost, including all changes and exercised options and source of financing for the project.
- Original start and completion date, current and actual completion date
- Name and telephone number of persons familiar with the project who may offer performance letters of recommendation and respond to inquiries from the District.

SECTION 5: DEVELOPMENT PLAN

Development Plan Requirements

The Respondent shall submit a development plan for new for-sale residential developments. The plan should identify and describe in detail the elements of its proposed development considering all applicable federal and District laws and regulations. The development plan must meet or exceed the District goals and objections described throughout this Solicitation. Respondent shall include the following:

Project Concept

- A project narrative indicating the detailed scope of work, scale, and character of the project. The narrative should describe the proposed number of units, bedrooms, and bathrooms along with any additional improvements.
- Description of exterior design and parking, if applicable, including site re-grading or retaining wall work, tree removal, the addition of impervious surfaces such as driveways, and public space improvements.

- A visual representation of the proposed development and schematic plans that include basement plan, ground floor plan, typical floor plan and roof plan, elevations of front, side and rear views, as applicable. Such visual representation need not be elaborate or costly but should offer DHCD a clear picture of the proposed end result.
- A proposed project timeline/schedule of performance for the design, construction, and marketing periods.

Implementation Strategy

Respondent shall plan to guarantee the implementation of the development plan, demonstrating the ability to mobilize and commence development programming immediately upon selection.

Affordability Requirement

It is DHCD's intent to facilitate long term affordability. The Respondent must provide a mixed-income, residential project whereby each affordable developed unit is sold to residents with annual household incomes that do not exceed 80 percent of the median family income "MFI". Examples of homeownership models that support long-term affordability include but are not limited to the following: single family dwellings conveyed with restrictive covenants, housing cooperatives, land trusts, shared equity models and affordable condominium projects. The homeownership type of each unit should be identified in the development plan.

All projects will be required to execute a long-term affordability covenant recorded against the property's deed. All units must be both income and price restricted.

SECTION 6: PROJECT DEVELOPMENT BUDGET AND OPERATING PRO FORMA

To prove the economic viability of the construction and operation of the proposed project, Respondent shall provide a detailed, line- item, fully functional Microsoft Excel project development budget. DHCD is a gap lender and seeks to minimize the amount of District funds necessary to complete a project. Respondents must demonstrate that they have pursued and secured all other feasible funding sources before applying for DHCD funds.

Pre-development Cost

All funds expended by the Respondent in responding to this Solicitation, and in performance of due diligence and pre-development work during negotiation with the District shall be at its sole cost and expense. Under no circumstance shall the District be responsible for the reimbursement of any such cost even if the parties do not execute an agreement or proceed to closing or if the project is not successfully completed.

Development Cost

Respondent shall be solely responsible for projecting all pre-development (including possible demolition of existing improvements, environment remediation costs, historic preservation reviews, and other site preparations) and project development costs to include design, construction, and post construction services to be included as part of the budget submission.

PADD Offer Requirement

Respondents should offer the fair market value, based on the District's appraisals of the Development Site (the "Offer Price"). Respondents should provide documentation for funding commitments, and their Proposals should evidence a significant amount of "at risk" capital during the pre-development and development process. PADD is seeking Offers that require the least amount of subsidy (either through the District agreeing to receive less than fair market value for the Development Site or through other District or federal public financing tools) to fill anticipated financing and/or investment gaps in the Project's capital structure.

SECTION 7: FINANCIAL CAPACITY AND FRAMEWORK

Each Proposal shall contain a statement of proposed financing, which should include the development cost budget, amount and sources of debt, and equity financing. The Respondent should include documentation of all financing and/or investment commitments, terms and covenants, as well as the availability of said funds. Respondents shall not include funds from the District operating or capital budget (unless appropriated for such purpose on a multi-year basis) or unidentified Federal funding in its funding plan.

Respondents shall include the following:

- A narrative describing the financial capacity of developer and its team members, including any letters of credit or lines of credit available to the developer;
- Interim financial statements through the prior quarter; and
- Three years of developer financial statements are required and must meet the standards described below.
 - For corporations or other business entities, annual financial statements for the periods stated above must be either:
 - Audited by an independent certified public accountant (CPA), if available, and clearly indicate the net worth and working capital of each entity;
 - A compilation produced by an independent CPA, if available; or
 - Internally produced statements including at least a 2021 tax return with all attachments and an Income Statement and Balance Sheet, all of which must have an original signature from the CEO or the highest financial officer of the corporation with the following text, "I hereby certify that these financial statements are true and correct to the best of my knowledge and belief."
 - For individuals, financial statements at a minimum must be compiled by an independent CPA and clearly indicate the net worth and working capital and contingent liabilities, including liability for estimated or accrued income or other taxes, for each person; and
 - Compiled individual statements must also be prepared in accordance with Generally Accepted Accounting Principles (GAAP) and signed and certified by the individual(s) using the following text: "I (we) hereby certify that these financial statements are true and correct to the best of my (our) knowledge and belief."

- A description of the nature and share of each team member's financial investment in the acquisition and redevelopment of the Development Site.
- A proposed financial structure between Respondent and the District.
- A proposed financing plan for the overall proposed development, including a listing of all anticipated sources of financing (pre-development, land acquisition, construction and seller financing, if any). Respondent should provide sufficient detail for the District to determine the feasibility of the proposed financing plan, including:
 - An estimate of proposed pre-development costs and statement of capacity to carry said costs, how said costs will be paid for and how said costs will be factored into the financing of the Project;
 - Statement of the proposed financial structure, including penalties for lack of performance;
 - Satisfactory evidence of the Respondent's ability to secure financing for the Project, i.e. Letter of Intent;
 - Specifics as to the sequencing of the development process including the proposed sources and uses of funds (submitted on online), including the timing of the funding commitments to the Project; and
 - Any explanatory narrative or notes needed to review the submission's pro formas and budgets.

SECTION 8: FIRST SOURCE, CERTIFIED BUSINESS ENTERPRISES AND LOCAL HIRING

First Source & Certified Business Enterprises

Please refer to the "Common Elements and Requirements" section for details regarding the First Source Agreement and the CBE Agreement that the selected Respondent shall enter into with the District prior to execution of a disposition agreement.

Local Hiring & Opportunities

Respondents are encouraged to incorporate in its Proposal the following:

- Employment and business opportunities for local residents and businesses. If included, Respondent shall submit detailed plans for apprenticeship programs that facilitate placing existing District of Columbia residents into employment opportunities within the project. The commitment and strategy to develop and implement a local apprenticeship program shall be in accordance with D.C. Official Code §32-1402, et seq.

SECTION 9: COMMUNITY BENEFIT

The District is committed to maximizing community benefits for its residents. In view of this commitment, Respondents must present:

- Their overall concept and vision for the Development Site and how the vision will integrate with and enhance the surrounding neighborhood;
- An approach that ensures the meaningful involvement in the development process by

stakeholders and members of the local community who might be affected by the Respondent's proposed development;

- o A detailed description of the post-award approach and strategies to working with the community and stakeholders to ensure their meaningful involvement in the development process.

Evaluation Criteria

All project proposals that contain detailed responses to each proposal category that is clear, concise, comprehensive, and complete will be competitively evaluated based on the following evaluation criteria, established in accordance with federal and District law and the District's housing priorities and needs.

Evaluation Criteria	Potential Weight
Development Team Capacity	20
Past Performance	20
Development Plan	20
Project Budget	20
Financial Capacity	20
Total	100
Additional points will be awarded to Proposals that incorporate the following priorities:	
Inclusive and Equitable Housing	
Family-Oriented Units	10
Wealth Building Opportunities	10
Mixed-Income Level Served	10
Innovative and Community-Oriented Features or Programming	
Non-Profit Participation	5
Resilient Buildings and Innovative Design	5
Resident or Community-Oriented Amenities	5
Workforce Development and Certified Business Enterprise Participation	5
Up to 50 points	

EVALUATION CRITERIA

Development Team Capacity

Respondents must have the development team in place and provide complete information and documentation on its members. At a minimum, the following team members must be identified:

- Owner (including all parties involved in the partnership or limited liability company, as applicable)
- Guarantor(s)
- Developer
- Development or Financing Consultants (if applicable)
- Architect
- General Contractor
- Construction Manager (if applicable)
- Management Agent

- Resident/Supportive Services Provider (if applicable)

The Respondent will be evaluated on the proposed project team's qualifications and technical competence. The availability and experience of the key personnel and staff assigned to this project will be evaluated as part of this evaluation factor. If the Respondent is a team or a joint venture of multiple companies, the evaluation panel ("Evaluation Panel") will consider the experience of each member of the team or joint venture and its relevance in its identified role in the proposed team or joint venture. Development team members may not have had an award terminated by DHCD within the past three (3) years, and the proposed property management company must not have received an unsatisfactory rating from DHCD or HUD.

Past Performance & Experience

Evaluation of past performance allows the District to assess the Respondent's ability to perform the services with a high degree of overall customer satisfaction and the extent to which the Respondent has performed work of comparable complexity, function, and scope with timeliness in service delivery in the past five (5) years. The Respondent will be evaluated on how well the proposed project team's skill sets have been used to complete similar projects on time and on budget. For purposes of this paragraph, comparable shall mean: (i) design and construction projects involving scope, size, and budget similar to this project; (ii) Respondent's familiarity with local and federal regulatory agencies and processes and their requirements. The relevance of the information, source of information, context of the data and general trends in the Respondent's performance shall be considered.

Development Plan

This evaluation factor considers how the Respondent has demonstrated its understanding of the nature of the work related to the design development, construction services, and project management to successfully apply and commit to timely delivery.

Construction Schedule

The Respondent will be evaluated on the proposed development plan that clearly demonstrates the completeness of the construction schedule, including all major tasks and subtasks, dependencies, critical path items, and a demonstration of how the Respondent will meet the schedule to complete the Project successfully.

Project Budget

This factor considers how the Respondent demonstrates maximizing funds in a design-build project. The Respondent must include information on both the design and construction cost of the project.

Financial Capacity

The proposed budgets should be realistic and viable but demonstrate maximum leverage of non-DHCD funding and minimize the gap funding request. The assumptions and figures should be consistent throughout the Proposal, consistent with market data and any supporting documentation, and follow the instructions and guidance issued by DHCD through this Solicitation and any subsequent questions and answers ("Q&As") published through the Online Application

System.

Projects that have proposed uses that are associated with dedicated third-party funding sources must include those sources in the Proposal. Letters of interest with terms and conditions are submitted from multiple lenders and investors (at least two, but no more than three) for each proposed financing source, to demonstrate competitiveness of private loan terms. If multiple alternative financing scenarios are presented, letters of interest must substantiate each scenario. Lender and investor letters must be recent enough to reflect current market conditions and describe the project (for example, income mix) exactly as it is being proposed to DHCD.

Respondents should pay special attention to DHCD's cost and funding guidelines that apply to all projects, which include formula caps on the following:

- Developer Fee
- Builder's Profit
- Builder's Overhead
- General Requirements
- Architect Design
- Architect Administration
- Construction Management
- Development/Financing Consultants

Respondents may exceed the construction and operating cost guidelines, but doing so will negatively impact their project evaluation. Construction cost waiver requests should emphasize any additional sources of funding that the project is leveraging to offset the additional costs.

Family-Oriented Units (Up to +10)

This criteria is evaluated based on the percentage of two and three-bedroom units proposed for a project. Respondents can achieve maximum points if at least 30% of the affordable units have three or more bedrooms.

Wealth-Building Opportunities and Advancing Racial Equity (Up to +10)

Preference will be awarded for projects that incorporate wealth-building opportunities for project owners or development team participants who are designated as a Disadvantaged Business Enterprise (DBE) or Resident-Owned Businesses (ROB) by the D.C. Department of Small and Local Business Development (DSLBD), or who are led or controlled by individuals designated as socially disadvantaged under the Small Business Administration (SBA) definition.

Non-Profit Participation (Up to +5)

Applicants can achieve maximum points for a project in which a 501(c)(3) Qualified Non-profit Organization materially participates (that is, has an ownership interest and decision-making role) in the development and operation of the project.

Resilient Buildings and Innovative Design (Up to +5)

Projects that exceed the minimum Green Building Design and commit to achieving one of the specific certifications defined below will receive preference under this criterion:

Maximum points will be awarded to projects that meet the following:

- Enterprise Green Communities Plus including Criterion 5.4 Achieving Zero Energy.

Partial points will be awarded to projects that meet one or more of the following criteria:

- Enterprise Green Communities Plus (new construction buildings less than 50,000 sf)
- TRUE Zero Waste Certification
- Building Electrification (no on-site combustion)
- 1.7-inch stormwater retention
- Whole Building Life-Cycle Assessment (LCA) Supported Low-Embodied Carbon Design (see guidance from LEED v4.1 Building Life-Cycle Impact Reduction credit)
- Enterprise Green Communities Criterion 5.10 Resilient Energy Systems: Critical Loads
- Mass-Timber Construction
- Universal Design Standard (e.g. DeafSpace Architecture)
- Modular Construction

Any project claiming points in this criterion category must demonstrate the capacity and experience to achieve certification, and to incorporate the innovative features specified. The architectural plans and project budgets (development and operating) submitted in the Proposal must reflect the commitment to certification and the features described.

Resident or Community-Oriented Amenities (Up to +5)

Preference will be awarded to projects proposing high-quality, comprehensive, property-wide resident services designed to improve the quality of life of residents, empower residents, and support broader community-building goals. Preference will be awarded to projects that will provide specific, targeted resident services that tie into proposed project amenities including, but not limited to, the following categories:

- Training and Educational Programming – Academic and Economic Empowerment (e.g. job/vocational training, skill-building activities, tutoring/educational assistance for youth or

adults, financial literacy training, credit counseling, homeownership/wealth-building education)

- Training and Educational Programming –Environment, Health and Wellness (e.g. health initiatives, nutrition workshops, wellness/recreational activities, art and cultural activities, green living education, counseling services)
- Resident Involvement and Organizational Capacity-Building (e.g. cooperative board training program, tenant association participatory role/ownership interest, legal and financial services, other enrichment/community-building activities)
- Onsite Daycare Services (e.g. before/after school care, early childhood care)

Community amenities should be integrated into the resident services plan, the architectural plans, and be consistent with the services proposed for the site. Preference will be awarded to projects that contain amenities including, but not limited to, the following:

- Playground
- Daycare/Preschool
- Community/Multi-purpose Room
- Fitness Center
- On-site Grocery/Farmers Market/Food Provision/Garden

Respondents can achieve maximum points by proposing a comprehensive and financially sustainable resident services plan that is specifically tailored to the needs of the project and its resident population, and thoughtfully integrates complementary project amenities. In addition, maximum preference is given to projects that utilize sources of funding outside the project (e.g. fundraising) or reserve a portion of developer fee to pay for proposed services.

Workforce Development and CBE Participation (Up to +5)

Preference will be awarded to projects that commit to exceeding the minimum workforce development and Certified Business Enterprise (CBE) requirements. Projects must submit a detailed plan as to how they will comply with the additional commitment. Points will be awarded for projects that commit to one or more of the following:

- a local apprenticeship program in accordance with D.C. Official Code §§ 32-1401 et seq that exceeds the minimum apprenticeship hours worked by DC residents by 10% or more;
- exceeding the District's First Source Hiring requirement by 10% or more; or
- Certified Business Enterprise (CBE) participation of 50% or more.

Respondents can receive maximum points in this section by committing to all three of the above options and providing sufficient evidence of exceeding minimum requirements in one or more

cross-cutting programs (i.e., CBE, Section 3, First Source) in at least one project completed within the last three years.

Respondents that were developers for projects with problematic past performance across any cross-cutting hiring and contracting-related programs (i.e., CBE, Section 3, or First Source) are not eligible for these points.

Evaluation Preference

EQUITABLE DEVELOPMENT FOCUS

Mayor Bowser has charged her entire administration with ensuring every Washingtonian gets a fair shot. The Mayor recognizes that the District is a powerful tool for investing in the economic vitality of residents and neighborhoods. As the District of Columbia continues to grow and change, the District's investments and decisions will continue to play an important role in shaping the future of our city and providing opportunity to those who have historically been locked out of prosperity. Building the District of Columbia into a more inclusive and equitable city will not happen by chance, it will be the result of intentional decisions that are designed to overcome long-standing inequities, that reflect our shared DC values, and that provide Washingtonians across all eight wards every opportunity to rise.

In the interest of advancing access to opportunities to manage meaningful development activities, DHCD has designated this project as an instance to serve the dual purpose of promoting economic activity and facilitating equitable access to the opportunities afforded by development projects. Equitable access to meaningful opportunities for development, project management, and delivery is a critical pathway towards ensuring that the District's growth reflects diverse needs and equitably benefits residents.

The District intends to take deliberate steps to assist small, local, and disadvantaged businesses and people to, not just participate in larger opportunities but, build the capacity necessary to lead and manage those opportunities in the future.

EQUITABLE INCLUSION PRIORITY

In the District's efforts to advance equitable access to opportunities to manage meaningful development activities ("Equitable Inclusion Priority"), DHCD will prioritize Proposals that maximize, by leadership and/or inclusion, individuals who are either:

- Black Americans.
- Hispanic Americans.
- Members of other groups for which a rebuttable presumption exists that the individuals are socially disadvantaged (13 C.F.R. §124.103(b)(1)); or
- Socially disadvantaged as established by a preponderance of the evidence (13 C.F.R. §124.103(c))

Further, DHCD will prioritize Proposals that maximize, by percentage of ownership and control, entities that are either:

Designated as Disadvantaged Business Enterprise ("DBE") and as Resident-owned Business ("ROB"); or Led by, or majority controlled by, individuals designated as socially disadvantaged under the Small Business Administration ("SBA") definition as more specifically identified above

Respondent must complete the Equitable Inclusion Priority Form attached as Appendix A, which shall be used to calculate Respondent's percentage of equity participation and reflect Respondent's total equity participation percentage.

Evaluation Process & Selection

SELECTION PANEL

A selection recommendation panel ("Panel") will be established to review and evaluate the Proposal. The composition of the Panel shall be determined by DHCD, in its sole discretion. PADD and/or the Panel may consult with professional consultants, advisors, and/or other stakeholders for technical assistance.

PROPOSAL REVIEW

PADD and/or the Panel shall evaluate each Proposal against the Evaluation Criteria outlined. The selection panel may in its sole discretion request that one or more Respondents modify their Proposals, provide additional information, or provide a "best and final offer" for the selection panel's review. Respondents may be required to present their proposals to the community as part of the review process.

SELECTION

Following the selection panel review, PADD will provide project selection recommendations based on the final rating and ranking of the Evaluation Criteria scores to the DHCD Director. Once the Director has approved the decision of the selection panel, PADD will notify the selected Respondent(s).

Any selected Respondent that elects to withdraw an accepted Proposal will be precluded from responding to and applying for any DHCD requests for proposals and/or Solicitations for a period of one year. Such penalty period shall run one year from the date of withdrawal.

SOLICITATION TIMELINE

The selection process schedule is provided below. All proposals must be submitted to PADD by 11:59 pm, July 21, 2023.

Action	Development Site Award Timeline
Release Date	March 16, 2023
Site Tours	April 18, 2023
Pre-Proposal Conference	May 16, 2023
Submission Deadline	July 21, 2023

These above-referenced dates are estimated timelines and shall not be binding on PADD or the District.

Any questions regarding this Proposal should be submitted in writing via e-mail to online in the application portal. Responses to questions and other clarifications will be posted online.

Available Funding Sources

Respondents are encouraged to leverage private sources for their project. However, this is not required and through this Solicitation, DHCD offers the following types of funding, from the sources listed below:

Available To	Assistance Type	Source
All Eligible Projects	Development Subsidy	Housing Production Trust Fund (HPTF)
		HOME Investment Partnership Program (HOME)
		Community Development Block Grant (CDBG)

Each funding source operates under separate federal or local laws and regulations. All laws and regulations include restrictions on the incomes of families served, and maximum allowable rents, but such restrictions vary among the funding sources.

A brief summary for each funding source is outlined below. Projects must meet the specific income limits in effect at the time of funding and must subsequently adjust income and rent limits to maintain ongoing compliance with program laws and regulations as new limits are published.

All projects funded through this RFP will be required to execute a long-term affordability covenant recorded against the property's deed.

Minimum Affordability Terms by Funding Source	
Funding Source	Homeownership
HPTF	15 years
HOME	5-15 years
CDBG	Determined on a project-by-project basis

Through this RFP, each Respondent will be considered for available and eligible funding sources, but if there are conditions associated with any program that the applicant would be unwilling to accept, they should indicate that they do not wish to be considered for funding from the program.

Provided that the costs are attributable to a use eligible for DHCD funding, development subsidy may be used for purposes including, but not limited to:

- Soft costs
- Predevelopment costs
- Hard costs – new construction and rehabilitation

Financing from the available Development Subsidy sources may not be used for:

- capacity building;
- down payment assistance;
- security or utility deposits;
- capitalized reserves;
- operating and maintenance expenses;
- commissions;
- marketing.

Information specific to each funding source is provided below.

DEVELOPMENT FINANCING

Housing Production Trust Fund (HPTF)

The HPTF is a local fund established under the authority of the Housing Production Trust Fund Act of 1988, D.C. Law 7-202 (the Act). Detailed information about the fund is available in the statute (D.C. Code § 42-2801 et seq.) and regulations (DCMR 10-B41).

Davis Bacon prevailing wage rates apply to any project that uses HPTF.

HOME Investment Partnerships Program (HOME)

Through HUD, HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-and moderate- income households. HOME provides formula grants to states and localities that communities use in partnership with local non-profit groups to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership. Detailed information on the HOME program can be found at: www.hud.gov. Go to "Resources/Handbooks-forms/HUD handbooks, etc./HUDCLIPS/Shortcuts/Code of Federal Regulations.;" HOME is Title 24, Part 92. DHCD's use of HOME funds is guided by the FY2022-FY2026 District of Columbia Consolidated Plan (<https://dhcd.dc.gov/node/1549461>).

Davis Bacon prevailing wage rates apply to any project that uses HOME.

Community Development Block Grant (CDBG)

CDBG are federal funds provided and regulated by HUD. Detailed information on CDBG can be found at www.hud.gov; go to "Resources/Handbooks-forms/HUD handbooks, etc./HUDCLIPS/Shortcuts/Code of Federal Regulations;" CDBG is Title 24, Part 570; Alternatively, call the Superintendent of Documents Office, Government Printing Office, 202-512-1800 to request regulations in hard copy. DHCD uses CDBG funds for a variety of uses, one of which is to produce and preserve affordable housing through this Solicitation. DHCD's use of CDBG funds is guided by the FY2022-FY2026 District of Columbia Consolidated Plan (<https://dhcd.dc.gov/node/1549461>).

Davis Bacon prevailing wage rates apply to any project that uses CDBG.

Development Funding Guidelines

DEVELOPMENT BUDGET

Total development costs include the following: (1) expenses related to the actual construction or rehabilitation of the project; (2) fees related to the construction or rehabilitation such as architecture, engineering and legal expenses; (3) financing fees and charges such as construction interest, taxes, and insurance. Total development costs do not include hard or soft cost contingencies or developers' fees.

CONSTRUCTION COSTS

The construction costs for projects must be within a reasonable range for the scope of work proposed. Construction costs include all work, including site development, associated with the physical development of projects, together with the builder's overhead and profit, but not including architectural and engineering costs or other fees related to design and permitting. The project's per square foot costs are obtained by dividing the amount of the construction contract by the gross square footage of the buildings to be constructed or renovated. The construction contingency should not be factored into this equation.

Contingencies

All projects should include contingency amounts for construction and "soft cost" line items. The expected construction contingency ranges are: five (5) percent to ten (10) percent for new construction, with the higher contingency amounts for smaller or less experienced contractors and those with environmental or other construction uncertainties. The soft cost and financing contingency is expected to range from 5 percent - 8 percent of soft costs and financing costs.

Limitation on Fees

Fees in the development budget are limited according to the following standards established by DHCD.

Architect, General Contractor, and Construction Management Fee Limits	
Category	Limitation
Builder's Profit	5% to 10% of the net construction cost
Builder's Overhead	2% to 3% of the net construction costs
General Conditions/Requirements	5% to 10% of the net construction costs
Architect Design & Administration	3% to 9% of the construction contract*
Construction Management	1% to 2% of the construction contract*

*excluding contingency

Net Construction Costs

Net construction costs are equal to the construction contract amount less builder's profit, builder's overhead, general requirements and bond fees.

Builder's Profit

A builder's profit is permitted even if a relationship or identity of interest exists between the developer and general contractor. However, all general contractors must meet DHCD guidelines and be approved to act as a general contractor for the project. The allowable profit must range from 5 percent - 10 percent of the net construction costs.

Builder's Overhead

Allowable builder's overhead must range from 2 percent - 3 percent of the net construction costs with the lower percentage applicable to larger projects and the higher percentage to projects of lesser amounts.

General Conditions/Requirements

The allowable general requirements are determined based on the size of the project. General requirements must range from 5 percent - 10 percent of net construction costs.

Architect's Fees

The allowable architect's fee for project design ranges from 2 percent - 6 percent of the construction contract amount. For architectural administration, the allowable fee range is from 1 percent - 3 percent.

Construction Management Fee

The allowable construction management fee range is from 1 to 2 percent of the construction contract amount.

Fees for Development Consultants or Other Professional Services

Fees for Development Consultants or professional services other than those listed here (for example, financing consultants, green building consultants, etc.) must be priced competitively. DHCD will scrutinize proposed fees and compare to data from comparable projects in the proposal review.

Common Elements & Requirements

RESPONDENT RESPONSIBILITY TO APPLICABLE LAWS

It is the Respondent's sole and absolute responsibility to ensure its Proposal complies with all applicable District laws.

All elements, requirements, and requests below are provided for guidance purposes only and are not intended to outline all District laws, regulations, and statutes that may be applicable to the Development Parcel, and development thereof, and must be followed. It is the Respondent's responsibility to determine which laws are applicable to the Development Site and Respondent's proposed development thereof and ensure its Proposal complies with all applicable laws.

FIRST SOURCE HIRING

Pursuant to Reform of the First Source Amendment Act of 2011 (D.C. Law 19-84, D.C. Official Code §2-219.01, et seq.), and the rules and regulations promulgated thereunder, Mayor's Order 83-265, one of the primary goals of the District is the creation of job opportunities for District of Columbia residents. Accordingly, Respondent's selected through this Solicitation shall, as applicable, enter into a First Source Employment Agreement ("First Source Agreement") with the Department of Employment Services ("DOES") that shall, among other things, require the Respondent to use diligent efforts to:

- Hire and use diligent efforts to require its architects, engineers, consultants, contractors, and subcontractors to hire at least 51 percent District of Columbia residents for all new jobs by the development project, all in accordance with such First Source Employment Agreement.
- Ensure that PADD's goal of at least 51 percent of apprentices and trainees employed are residents of the District of Columbia and are registered in apprenticeship programs approved by the DC Apprenticeship Council.

CERTIFIED BUSINESS ENTITY REQUIREMENTS

The selected Respondent shall, if the District and selected Respondent shall successfully negotiate an agreement, comply with the requirements of the Small and Certified Business Enterprise Development and Assistance Act of 2005, D.C. Official Code §2-218.01, et seq. (as amended, the "CBE Act"), including entering into a CBE Agreement with the District prior to execution of a disposition agreement. Pursuant to D.C. Official Code §10-801(b)(6), the CBE Act. Respondent shall subcontract to Small Business Enterprises ("SBEs"). The District's Department of Small and Local Business Development ("DSLBD") determines which entities qualify as SBEs, Certified Business Enterprises ("CBEs"), Small Investors, Disadvantaged Investors, and Certified Equity Participants pursuant to the CBE Act.

DAVIS BACON

To the extent applicable, the selected Respondent shall be required to develop the Development Site in compliance with the provisions of the Davis-Bacon Act, 40 U.S.C. §276(a), and the regulations promulgated therewith. It shall be Respondent's responsibility to determine if the Davis-Bacon Act is applicable to its project.

Reservation of Rights and Miscellaneous Provisions

RESERVATION OF RIGHTS

- The District reserves the right, in its sole and absolute discretion and as it may deem necessary, appropriate, and/or beneficial to the District with respect to the Solicitation, to:
- Cancel, withdraw, or modify the Solicitation prior to or after the response deadline for Proposals;
- Modify or issue clarifications to the Solicitation prior to the Submission Due Date for Proposals;
- Request submission of additional information from one, some, or all Respondents after review of one or more Proposals;
- Request Respondent modify its Proposal or provide a BAFO for the District's review;
- Enter into negotiations with one or more Respondent based on Proposals submitted in response to the Solicitation;
- Begin negotiations with a different Respondent in the event that a disposition agreement cannot be executed within the allotted period of time for negotiations with the prior selected Respondent;
- Make and memorialize modifications to any Proposal between the District and Respondent during the course of negotiations between the District and Respondent;
- Reject any Proposals it deems incomplete or unresponsive to the Solicitation requirements;
- Reject all Proposals that are submitted;
- Terminate negotiations with a Respondent if such Respondent introduces comments or changes to a disposition agreement or any other documents the District and Respondent negotiate that are inconsistent with its previously submitted Proposal materials; and
- Modify the deadline for Proposals or other actions and (a) reissue the original Solicitation, (b) issue a modified Solicitation, or (c) issue a new request for proposals, whether or not any Offers have been received in response to the initial Solicitation.

CONFLICTS OF INTEREST

DISCLOSURE

By responding to this Solicitation, Respondent is representing and warranting the following to the District:

- The compensation to be requested, offered, paid, or received in connection with this Solicitation has been developed and provided independently and without consultation, communication, or other interaction with any other Respondent or potential Respondent for the purpose of restricting competition related to this Solicitation or otherwise;
- No person or entity currently or formerly employed by the District or retained by the District in connection with this Solicitation: has provided any information to Respondent that was not also available to all Respondents; (b) is affiliated with or employed by Respondent or has any financial interest in Respondent; (c) has provided any assistance to Respondent in responding to the Solicitation; or (d) shall benefit financially if Respondent is selected in

response to the Solicitation; and

- o Respondent has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under the Solicitation or any other Solicitation or contract, and Respondent has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Respondent has not and shall not offer, give, or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers, or other person or firm representing the District, or to a member of the immediate family (i.e., a spouse, child, parent, brother, or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this Solicitation. As used herein, "anything of value" shall include, but not be limited to, any (a) favors, such as meals, entertainment, and transportation (other than that contemplated by this Solicitation, if any, or any other contract with the District) which might tend to obligate a District employee to Respondent; or (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation thereof, preferential treatment, or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.

ON-GOING REPORTING

Respondent shall report to the District directly and without undue delay any information concerning conduct which may involve: (a) corruption, criminal activity, conflict of interest, gross mismanagement, or abuse of authority; or (b) any Solicitation of money, goods, requests for future employment, or benefit of thing of value, by or on behalf of any government employee, officer, or public official, any Respondent's employee, officer, agent, subcontractor, labor official, or other person for any purpose which may be related to the procurement of the Solicitation by Respondent or which may affect performance in response to the Solicitation in any way.

MISCELLANEOUS PROVISIONS

NOTICE OF MODIFICATIONS

DHCD shall post on its website (<http://dhcd.dc.gov>) any notices or information regarding cancellations, withdrawals, and modifications to this RFP (including modifications to the deadlines included herein). Respondent shall have an obligation to periodically check the Project Website for any such notices and information, and the District shall have no duty to provide direct notice to Respondent.

CHANGE IN RESPONDENT'S INFORMATION

If, after a Respondent has submitted a Proposal to the District, information provided in such Proposal changes (e.g., deletion or modification to any of Respondent's team members or new financial information), Respondent must notify the District in writing and provide updated information in the same format for the appropriate section of the Solicitation. The District reserves the right to evaluate the modified Proposals, eliminate Respondent from further consideration, or take other action as the District may deem appropriate in its sole discretion. The District shall require similar notification and approval rights to any change in Respondent's Proposal or team following Selection.

OWNERSHIP AND USE OF OFFERS

All Proposals shall be the property of the District. The District may use any and all ideas and materials included in any Proposals, whether the Proposal is selected or rejected.

RESTRICTED COMMUNICATIONS

Upon release of this Solicitation and until Selection, Respondent shall not communicate with DHCD, its staff, or any other District staff about the Solicitation or matters related to the Solicitation, except as permitted under this Solicitation.

SELECTION NON-BINDING

The Selection by the District of a Respondent indicates only the District's intent to negotiate with a Respondent, and the Selection does not constitute a commitment by the District to execute a final agreement or contract with Respondent. **Respondent, therefore, agrees and acknowledges that it is barred from claiming to have detrimentally relied on the District for any costs or liabilities incurred as a result of responding to this Solicitation.**

CONFIDENTIALITY

Proposals and all other information and documents submitted in response to this Solicitation are subject to the District's Freedom of Information Act (D.C. Official Code §2-531 *et seq.*, (2008 Supp.)) ("FOIA"), which generally mandates the disclosure of documents in the possession of the District upon the request of any person, unless the content of the document falls within a specific exemption category (e.g., trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained).

If Respondent provides information that it believes is exempt from mandatory disclosure under FOIA ("Exempt Information"), Respondent shall include the following legend on the title page of the Proposal:

"THIS PROPOSAL CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT."

In addition, on each page that contains information that Respondent believes is Exempt Information, Respondent shall include the following separate legend:

"THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT."

On each such page, Respondent shall also specify the Exempt Information and shall state the exemption category within which it is believed the information falls.

Although DHCD shall generally endeavor not to disclose information designated by Respondent as Exempt Information, DHCD shall independently determine whether the information designated by Respondent is exempt from mandatory disclosure. Moreover, Exempt Information may be disclosed by DHCD, at its discretion, unless otherwise prohibited by law, and the District shall have no liability

related to such disclosure.

NON-LIABILITY

By participating in the Solicitation process, each Respondent agrees to hold the District, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this Solicitation or the Development Site.

OTHER LIMITING CONDITIONS

WITHDRAWAL & CANCELLATION

If, at any time after Selection, Respondent does not proceed with the project, then Respondent must notify the District in writing and provide reasons for its decision. The Respondent wishing to withdraw may be subject to the loss of part or all of any deposits previously provided to the District and may be responsible for certain costs previously waived by the District, in addition to any other remedies available to the District under the executed disposition agreement, if any, or by law.

STAND-ALONE PROJECT

Respondent is prohibited from cross collateralizing and cross defaulting the Development Site, or any portion thereof, with any other assets. Moreover, Respondent is prohibited from assigning, pledging, hypothecating, or otherwise transferring its interest in the net cash flows or ownership in the Development Site and project in part, or in whole, without prior District approval, which may be granted or withheld at the District's sole discretion. Any additional debt shall require prior written District approval, which may be granted or withheld at the District's sole discretion.

DISCLOSURE OF FEES

Respondent shall disclose all development management fees, general contracting fees, construction management fees, property management fees, and other fees that are paid to Respondent or affiliated parties during the life of the project. Failure to do so may result in the District terminating, in its sole and absolute discretion, negotiations with a Respondent or terminating the project.

DISCLOSURE OF SUBMISSIONS

Respondent shall provide the District with any and all financial and other submissions provided to prospective and actual lenders and equity providers related to the project.

DISCLOSURE OF FINAL DEVELOPMENT COSTS

Respondent shall provide the District with documentation evidencing the actual costs and fees incurred to develop the Development Site as a condition of receiving the certificate of final completion for the project from the District.

RESTRICTIONS

The District is subject to various laws, rules, policies, and agreements that impose legal and ethical constraints upon current and former District employees and consultants with regard to post-

employment restrictions vis-a-vis such employee's or consultant's involvement in District-led projects. In particular, restrictions include, but are not limited to, the following guidelines:

- Respondent, and its members, agents, and employees, are prohibited from: (a) making offers of employment, (b) conducting any negotiations for employment, (c) employing, or (d) entering into contracts of any sort, with current employees, consultants, or contractors of the District who are personally and substantially involved in any aspect of this Solicitation;
- Respondent must disclose in its initial Proposal the names of any member, employee, or agent who were District employees, consultants, or contractors to the District within the three years prior to the publication of this Solicitation. On a continuing basis, Respondent shall be required to provide the District with regular and periodic notices of any and all new hires of employees, contracted agents, or consultants within five days of any such hire;
- This provision shall apply to Respondent during the conduct of this competition, and shall subsequently apply to the selected Respondent until such time as final completion of the development of the project; and
- Required disclosures and notices notwithstanding, failure to comply with any obligation described in this provision may result, in the District's sole and absolute discretion, in a Respondent's disqualification from consideration under this Solicitation, the rescission of a Respondent's Selection, and/or termination of any agreement between a Respondent and the District.