

CITY OF VICTORVILLE



**REQUEST FOR PROPOSALS FOR
QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
RFP #CC22-023**

PROPOSALS WILL BE ACCEPTED UNTIL:

AUGUST 20, 2021 @ 2:30 P.M. PST

SECTION I

CITY OF VICTORVILLE
REQUEST FOR PROPOSALS
QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
PROJECT CC22-023

- A. **INTRODUCTION:** The City of Victorville (hereinafter referred to as the “City”) is requesting proposals from qualified developers for the development of City Housing Assets properties.
- B. **SUBMITTAL LOCATION, CLOSING DATE, AND TIME:** Proposals will be accepted until **August 20, 2021, at 2:30 p.m.** Upon closing, the City will review all proposals submitted and choose the most qualified proposals for the properties available for development. All application materials and back-up documents must be submitted electronically via flash drive. ***However, please be informed that the selected developer(s) (if any) will be required to submit all original signed documents prior to commencement of negotiations.***
- C. **INQUIRIES:** To ensure fairness and avoid misunderstandings, any prospective Proposer desiring an explanation, interpretation, or clarification of the provisions of this RFP must request it in writing, no later than **SEVEN (7) days** before the submission closing date to allow a reply to reach prospective Proposers. Proposers must submit all requests in writing to the individual identified below. Verbal explanations or instructions given during this solicitation will not be binding. Any information given to a prospective Proposer will be furnished promptly as addenda to this solicitation if that information is necessary in submitting proposals, or if the lack of it would be prejudicial to other prospective Proposers. Inquiries regarding this solicitation should be directed to:

City of Victorville Housing Assets Successor Affordable Housing RFP
City of Victorville
Attn: Celeste Calderon, Finance Specialist
14343 Civic Drive
Victorville, CA 92392
Email address: ccalderon@victorvilleca.gov

Please reference "Request for Proposal CC22-023" when contacting the City regarding this solicitation. The City of Victorville web page, **www.victorvilleca.gov**, under the heading “**Bids**”, will contain a reference to this document as well as all applicable addenda.

Dated:

Charlene Robinson, City Clerk

SECTION II
CITY OF VICTORVILLE
SCOPE OF SERVICES
QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
PROJECT CC22-023

OVERVIEW:

The City seeks to engage highly qualified, experienced, and financially capable affordable housing and mixed-use developers or development teams (“**Developer(s)**”) to develop various City-owned properties (“**Project Sites**”) located in the Old Town Victorville area with affordable housing projects. Developers meeting the qualifications described in this Request for Proposals (“**RFP**”) that have demonstrated their ability to design, build, and manage quality affordable housing projects in the High Desert or in the wider Southern California region, are requested to submit creative proposals for the Project Sites. A map of the Project Sites’ boundaries and assessor’s parcel numbers, as well as a Vicinity Map, are provided in **Exhibit A** of this RFP.

The Project Sites are owned by the City as Housing Assets Successor (“**CHAS**”) to the former Redevelopment Agency. The Project Site(s) may potentially be considered as part of the City’s contribution to any selected Proposal(s). The following are conditions and requirements of any Developer(s) desiring to submit a Proposal:

- Project Sites are “as is.”
- Developer(s) shall have full responsibility for obtaining all required approvals for their project, including environmental studies, site survey, environmental remediation, if needed, site preparation, permits, and any other pre-development costs.
- Any property tax liability following Developer(s) taking possession of Project Site(s) shall be the sole responsibility of the Developer(s).

Proposals requesting financial assistance from the City in addition to a proposed land donation are required to meet the income targeting provisions of Senate Bill 341, enacted in 2013, which amended California Health and Safety Code (“**HSC**”) Section 34176. Proposals are also required to provide housing to two or more of the following groups:

- Housing First / Transitional / Supportive / Homeless
- Large Families
- Seniors within or below 80% AMI
- Special Needs
- Veterans
- General household/families is an acceptable population; however this group is restricted to not exceed 80% AMI
- Other (applicants with other housing need specialties will be considered)

Proposals must also conform to the Old Town Specific Plan (“**OTSP**”), available to view at the following web page:

<https://www.victorvilleca.gov/government/city-departments/development/planning/old-town-specific-plan>.

If Developer(s) intend to partner with service organizations or non-profits, proposals must detail the structure of that partnership.

The City anticipates that the RFP process will take approximately one month, after which time City Staff may recommend a Developer or Developers to the City Council for negotiation of the appropriate development agreement. While the dates and schedule stated in this RFP represent the City's preferred timetable, it shall not be considered binding upon the City. In addition, the submission of a proposal in response to this RFP shall not be binding upon the City nor construed as a contract with or commitment by the City to enter into any contract or agreement with any proposer. All expenses incurred in responding to this RFP are not reimbursable by the City and shall not be considered an expense incident to the development of any Project Site(s). All expenses incurred are considered the sole responsibility of the organization or entity submitting the proposal.

ABOUT THE CITY OF VICTORVILLE:

Located in Southern California at the high point between Los Angeles and Las Vegas, Victorville is the leading city for both industry and retail in the High Desert region. The City of Victorville was incorporated in 1962 as a general law city and re-incorporated in 2008 as a charter city. The City is governed by a five-member City Council and is administered by a City Manager, providing a full array of municipal services. Victorville is a growing, vibrant community that is home to approximately 130,000 residents and some of the area's largest employers with a land mass of 74.16 square miles.

The dissolution of California redevelopment agencies in 2012 resulted in a dramatic change to property tax finance. It eliminated the major source of local publicly generated dollars earmarked for affordable housing. Housing authorities have been left in a challenging position – the need for affordable housing is greater than ever, yet a key funding source no longer exists.

On November 10, 2012, the City elected to become the Victorville Housing Trust (“Successor”) to the former Victorville Redevelopment Agency (“RDA”) and assumed its housing functions. The Successor’s assets were transferred from the former RDA, when it dissolved pursuant to the Dissolution Act (enacted by Assembly Bills x1 26 and 1484). All “rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding any amounts in the Low- and Moderate-Income Housing Fund” were transferred from the former RDA to the Successor. Although, the Successor inherited the RDA’s housing assets and functions, it does not have an ongoing financing mechanism to maintain them. The former RDA primarily funded projects with redevelopment tax increment, which was abolished with the dissolution of redevelopment.

On June 21, 2016, the City Council performing the housing functions of the former RDA adopted Resolution No. R-HF-16-001 repealing Resolution R-HF-12-002 to abolish the Victorville Housing Trust, amending all subsequent resolutions of the Victorville Housing Trust, and confirm that the “City of Victorville” (“CHAS”) is the lawfully-designated housing successor entity and authorized the taking of certain actions thereof. Following the dissolution, 36 vacant properties were transferred to the CHAS.

As part of a prior RFP, affordable housing proposals for 17 of the 36 vacant properties were received and are under evaluation. This solicitation pertains to the remaining 19 vacant properties.

Pursuant to HSC Section 34176.1(e), all real properties acquired by the RDA prior to February 1, 2012 and transferred to the Successor must be developed in accordance with the requirements of and within the time periods detailed in HSC Section 33334.16. Pursuant to CHAS Resolution No. 17-001 and the provisions of HSC Section 33334.16, **physical development of the properties must commence prior to August 27, 2022**. Examples of “physical development” include earth work, pad preparation, etc. If physical development cannot timely commence, the properties must be sold by the Successor in accordance with applicable State laws and the sale proceeds deposited into the Successor’s Low and Moderate Income Housing Asset fund. If the transfer of title has occurred and vesting has changed to the Developer, but “physical development” has not occurred by August 27, 2022, or an earlier date as negotiated in a ENA or DDA, then the property would revert back to the City. Once under the City’s ownership, the undeveloped properties will be sold.

GOALS & OBJECTIVES:

The City’s primary goal is that the Project Sites be developed in a manner that encourages production of affordable housing within the City (in accordance with State law) and increases the City’s overall supply of housing and opportunities consistent with the City’s Housing Element and Regional Housing Need Allocation (RHNA) state-mandated process.

In order to achieve this primary goal, the City seeks knowledgeable, financially sound and experienced providers of affordable housing that will meet the current and future needs of lower-income residents (80% of area median income or below). The City seeks proposed projects that provide a mix of units affordable to lower-income households, or other types of households, which may include seniors, disabled adults, homeless or at-risk households, or other types of households defined as having special housing needs in the City’s Housing Element and the OTSP. The City understands that site constraints and other factors may preclude the development of all Project Sites as one project and may also preclude the provision of all affordable units.

The City has identified the following objectives for the Project Sites:

Preferred Development Options

The following outlines the options for development, in *declining priority/preference*:

1. Development of all-affordable housing projects on each site (no moderate-income housing included).
2. Development of mixed income housing projects, with the majority being affordable units.
3. Development of mixed-use projects, including affordable housing. Examples of acceptable commercial storefronts areas include community space and services that would normally be provided to residents of the project. Examples include the development of having a rental office, community meeting space, recreational space, club house, or other space occupying some retail floor area.
4. Acquisition of infill properties for market-rate and affordable housing and/or commercial development. Proceeds from such a sale would be used to develop additional affordable housing elsewhere, consistent with State law.

It is important to note that regardless of the proposal, any proposed project(s) must comply with the State law pertaining to Redevelopment Agency Housing Assets Successor requirements.

High Quality Development

Development of the Project Site(s) must include high quality design, materials, and construction. Their architectural character must meet the OTSP standards and community expectations by engaging the community both physically and aesthetically. Development of Project Site(s) must comply with the standards of architecture, materials, and construction defined in the OTSP. Proposers are encouraged to consult with the City of Victorville Planning Division with questions relating to the development standards.

Sustainable & Energy Efficient

In addition to high-quality development, the City expects that the projects will achieve sustainability and energy efficiency goals that exceed the minimum requirements of the California State Building Code. The Projects should use environmentally friendly and sustainable principles in project design and construction.

Distinctive Community Character and Input

Projects should be attractive and compatible with the character of the neighborhood and larger community, both aesthetically and functionally, and consistent with land use and zoning requirements. Proposals should include ways to involve the community in the development of the sites and the physical design of the projects.

Local Preference

To the extent possible, the Projects should include a preference for both Victorville residents and those who are employed within the City in accordance with State and federal laws.

Compressed Timeline

The City seeks to have the Project Sites developed as soon as is practicable. Therefore, proposals will be judged on the practicality of timeliness and the Developer's demonstrated adherence to time schedules, as well as its ability to obtain all necessary plan approvals, financing, and construction commitments so that construction may commence as soon as possible. The City expects that Developers will also apply for the State density bonus if necessary, to accommodate proposed projects on the Project Site(s) while complying with the City development standards.

Eligible Applicants

Eligible proposers under this RFP may include one entity or a team of several entities, including any of the following: for-profit or non-profit housing Developers, joint ventures, resident services providers or other services agency. Applicants that include several entities must include a lead entity which has demonstrated experience and capacity in the development and management of affordable housing, and must have successfully completed affordable housing projects of similar size and complexity as the proposed project(s), within San Bernardino County (preferred) or another county in Southern California within the past fifteen years.

Labor and Contract Requirements (Prevailing Wage)

All selected Developers must abide by and comply with all applicable labor and wage laws, including California's Prevailing Wage Law (California Labor Code Section 1720 *et seq.* and 1770 *et seq.*, as well as California Code of Regulations, Title 8, Section 16000 *et seq.*) and/or the Federal Davis-Bacon Act and Equal Opportunity standards. The more stringent law applies where federal and state law conflict, and the higher of the two prevailing wage rates must be paid for any projects which qualify as "public works" under the California Labor Code. Proposers are advised that the Project Sites were acquired with former Victorville Redevelopment Agency Low-Mod Set Aside funds.

Non-Discrimination in Contracts

All approved Projects are subject to the non-discrimination requirements of the California Health and Safety Code Section 33436, et seq., requiring that non-discrimination and non-segregation clauses be included in all deeds and contracts relating to the subject development or property transactions. If federal funding is included in the Proposer’s financing plan, additional non-discrimination requirements associated with such funding may apply.

Development Standards – Old Town Specific Plan (OTSP)

The projects must conform to the OTSP; Proposers are encouraged to obtain a copy of the Plan and consult with City Planning staff with any questions about these requirements.

Site Control/Property Disposition

The properties are currently owned by the City of Victorville as Housing Successor to the former Victorville Redevelopment Agency. The proposer(s) selected by Council will be invited to begin negotiations with the City and, if successful, possibly enter into an Exclusive Negotiating Agreement (ENA) with the City. The ENA will allow the selected Developer(s) reasonable time, with possibility for limited extension of the term under certain circumstances, to complete its due diligence on the Project Site(s), conduct initial community outreach and other pre-development tasks, prepare conceptual designs, and, once the due diligence phase has ended, apply for planning permits for the project.

Site Condition/Environmental Conditions

Environmental review of the proposed development for compliance with the California Environmental Quality Act (CEQA) will be completed by the City after a complete planning application for the project(s) has been submitted by the selected Developer(s), which is not anticipated to occur until after an ENA has been executed by the City and selected Developer(s). If federal funding is included in the Proposer’s financing plan, the agency providing those federal funds will be required to complete federal environmental review under the National Environmental Protection Act (NEPA). Selection of Developer(s) through this RFP does not constitute “a project” as defined in CEQA.

Entitlements

The Developer(s) will be responsible for obtaining all necessary entitlements. The City will assist with the process to maximum extent possible, recognizing that ultimate decision-making will be with the City Planning Commission and City Council. During the exclusive negotiation period specified in the ENA or similar document, the City, in consultation with the Developer, will determine and implement the appropriate CEQA and/or NEPA review for the project.

Value of Land/Appraisal

A new appraisal shall be obtained to reflect current land values. Development proposals shall include proposed sale (or other proposed possessory interest) amount and terms.

Legal Matters

This RFP and the selection process shall in no way be deemed to create a binding contract or agreement of any kind between the City and any respondent. It is anticipated that a Disposition and Development Agreement or other appropriate development agreement (“**DDA**”) will be negotiated between the successful Proposer(s) (if any) and the City in accordance with the terms of an ENA. All legal rights and obligations between the selected Developer(s), if any, and the City will come into existence only when an ENA and/or a DDA are executed by the Developer and subsequently approved by the City Council. The legal rights and obligations of each party shall be only those rights and obligations which are set forth in the ENA, and if exclusive negotiations

are successful, the DDA and any other documents specifically referred to in that DDA and executed by the City and Developers.

Each respondent to this RFP agrees that the preparation of all materials for submittal to the City and all presentations are at the respondent's sole cost and expense, and the City shall not, under any circumstances, be responsible for any costs or expenses incurred by a respondent. In addition, each respondent agrees that all documentation and materials submitted with a proposal shall remain the property of the City.

City Planning, Zoning and Other Information

Please refer to the following for more detailed development information and requirements:

<https://www.victorvilleca.gov/government/city-departments/development>

Victorville Building and Municipal Code:

<https://www.victorvilleca.gov/government/city-departments/development/permit-center/building-codes>

City of Victorville Housing Element is found in the General Plan 2030:

<https://www.victorvilleca.gov/government/city-departments/development/planning/general-plan>

SITE INFORMATION

Site Descriptions

The Project Sites include various individual sites for potential development as affordable housing as follows:

The successful proposer(s) shall confirm the exact site area(s) by commissioning a survey of the Project Sites(s) during the due diligence phase. All public utilities including water, sewer, natural gas, and electricity are within proximity to the sites. Proposers may contact Economic Development with any questions regarding utility connections.

Submittal Requirements

If the Developer(s) consists of a team of several entities, an authorized representative of each entity shall sign and submit a cover letter from their own organization. All application materials and back-up documents must be submitted electronically via flash drive. ***However, please be informed that the selected developer(s) (if any) will be required to submit all original signed documents prior to commencement of negotiations.***

Proposals that are not received at the designated address by the specified deadline will not be accepted. The proposal submittal shall reference "City of Victorville Housing Assets Successor Affordable Housing RFP" and the name and address of the submitting organization(s). The City will not provide any pre-selection information concerning the status of Proposals other than the acknowledgment that they were received.

Submissions shall include the following:

1. **Development Project Experience:** Provide up to five (5) examples that demonstrate successful affordable housing projects in urban environments. If the Developer intends to propose a mixed-use development, provide at least two (2) examples of projects that

incorporate residential with retail/commercial uses into the development. Please include the following for each past project example:

- a) Description for each project;
- b) Location and photographs;
- c) Identify the number of units, the mix of units, the unit sizes, number of square feet and any customer survey/satisfaction information;
- d) Present the total development cost; identify the amount of debt and the amount of equity used to finance project, and economic return(s) achieved;
- e) Identify the key development team members and the specific role of each entity. If any team members are different from the team being proposed for this project, provide an explanation of why the new team member(s) were selected. Highlight experience where all members of the development team worked together to successfully complete the project;
- f) Identify any community uses incorporated into the project, or other benefits to the community at large or the specific neighborhood, which were part of our resulted from the project; and
- g) Provide at least two (2) public agency references for each team member, or team being assembled, for this proposal.

2. **Project Description:** Provide a narrative description of the general development concept proposed for the Project Site(s), addressing the details noted in the Section II of this RFP (Overview and Goals & Objectives sections), such as unit mix, target clientele, financing plan, etc. Describe how the proposed concept addresses the objectives listed in this RFP. Renderings or graphic portrayals of the proposed project and/or preliminary site plans may be submitted but are not required.

RFP Property Listing

	Zoning	Project Name	Legal Title and Description	Project Description	Total sf	Map Reference
1	low mod housing	Old Town Revitalization	0478-211-24	Affordable Housing	7,100	A Street & Hesperia Road
2	low mod housing	Old Town Revitalization	0478-212-10	Affordable Housing	4,356	8th Street & A Street
3	low mod housing	Old Town Revitalization	0478-212-11	Affordable Housing	7,100	8th Street & A Street
4	low mod housing	Old Town Revitalization	0478-212-12	Affordable Housing	7,100	8th Street & A Street
5	low mod housing	Old Town Revitalization	0478-244-09	Affordable Housing	7,100	2nd Street & B Street
6	low mod housing	Old Town Revitalization	0478-244-10	Affordable Housing	7,100	2nd Street & B Street
7	low mod housing	Old Town Revitalization	0478-244-11	Affordable Housing	3,550	2nd Street & B Street
8	low mod housing	Old Town Revitalization	0478-244-12	Affordable Housing	14,200	2nd Street & B Street
9	low mod housing	Old Town Revitalization	0478-244-17	Affordable Housing	14,200	2nd Street & B Street
10	low mod housing	Old Town Revitalization	0478-232-16	Affordable Housing	14,200	4th Street & A Street
11	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-13	Affordable Housing	30,291	D Street
12	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-15	Affordable Housing	31,570	D Street
13	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-29	Affordable Housing	7,590	D Street
14	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-30	Affordable Housing	33,403	D Street
15	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-34	Affordable Housing	8,665	D Street
16	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-35	Affordable Housing	7,221	D Street
17	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-36	Affordable Housing	14,406	D Street
18	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-37	Affordable Housing	28,555	D Street
19	Attached multifamily housing w/ ground floor commercial	Old Town Revitalization	0478-044-43	Affordable Housing	21,348	D Street

Applicants responding to this RFP should refer to the Old Town Specific Plan for more information on the density

3. **Development Parameters:**

- a) **Unit Size and Tenure** – The Project may include a range of unit sizes, from studios to multiple-bedroom units. Proposals shall explain the basis for the proposed mix of unit sizes in the project and its relationship to the target tenant population described in the proposal;
- b) **Affordability Requirements** – Proposals must provide a majority of units affordable to lower-income households (80% of area median income or below), but no moderate income permitted. Income levels are defined using the income limits published by the California Department of Housing and Community Development (“HCD”) for extremely low, very low, and low-income households in San Bernardino County, as published annually by HCD;

- c) **Length of Affordability Term** – The term of affordability is required to adhere to applicable California law and any affordability term required by proposed financing sources;
- d) **Target Tenant Population** – Proposals shall describe the target tenant population for the project, which may include any of the following: general households/families (i.e., units not subject to age restrictions), seniors, disabled persons, homeless persons, youth aging out of foster care, and/or any other special needs groups. To the extent possible, the Projects should include a preference for both Victorville residents and employees in accordance with State and federal laws.

4. **Financial Sources and Proforma Analysis:**

- a) **Terms:** Proposals shall specify a proposed purchase price for the land, or propose some other possessory interest. Proposals will be evaluated not only on price, but also on the quality of the proposal and the desirability of the public benefits of the proposed development. If any City funds are contemplated in the Proposer's financing plan, the Proposal must indicate what type of funding is proposed, the amount requested, and proposed use(s) of such funds (i.e., pre-development, soft costs, and/or construction). Proposers must also include a timeline indicating when such funds would be required by Developer(s);
- b) **Sources:** Identify each funding source and how the proposed project(s) meet the funding requirements. For State and Federal Funding sources, identify the timing of the application. Include the following information:
 - **Leverage:** It is anticipated that the selected developer will obtain the majority of financing for development of the project from non-City sources (leverage). Proposals with higher leverage ratios than other proposals will be evaluated favorably.
 - **Federal requirements:** If the proposed financing plan includes federal funding sources such as HOME, CDBG, or Section 8, include costs and time for compliance with all applicable federal requirements (Section 3, Davis Bacon, URA, NEPA, etc.) in project pro forma and timeline;
- c) **Proforma Analysis:** Under separate cover, Proposers shall submit a pro forma analysis (in excel format), identifying anticipated construction costs, operating income, operating expenditures, capitalization rates, a minimum 30-year cash flow and other relevant information. The pro forma analysis will be treated and reviewed confidentially and will not become a part of the public record, to the extent permitted by the provisions of the California Public Records Act and the other provisions of this RFP, including without limitation, the Terms and Conditions set forth in Section III.

The following information is required to be included in the proforma analysis submitted with all proposals:

- The general terms Proposer proposes for the land transfer and the approximate amount and form of any City assistance applicant deems necessary to finance the project.
 - Construction estimates: Use state prevailing wage requirements and local wage and/or hiring requirements.
 - Contingencies: Use at least 15% for hard construction costs and 5% for soft costs.
 - Operating cash flow projections: Use California Tax Credit Allocation Committee (TCAC) standards.
5. **Property Management Experience:** Provide a list of apartments or other relevant projects that the company currently manages. Include the project location, number of units, number of affordable units, number of years under company's management, name and address of the property owner, and current vacancy rates;
 6. **Estimated Project Schedule (Milestones):** Proposers shall provide a detailed project development schedule through completion that contains time and performance benchmarks. Include all phases of the project, including acquisition, entitlements, design, construction, marketing, and tenant selection;
 7. **Certifications:** Provide signed certifications from the Developer(s) authorized signatory(ies) containing the following:
 - a) A statement that the proposer eligible for management general partner experience points, and the proposed property manager is eligible for maximum property manager experience points, under current TCAC Regulations (if tax credits are proposed);
 - b) A statement regarding prior bankruptcy, all outstanding judgments, pending or final, and ongoing or threatened lawsuits against the proposer, individual or any related entity;
 - c) A statement assuring the availability of all principal staff named in the Proposal, including the name of the Project Manager(s) for the proposer;
 - d) A statement that the candidate is willing and able to provide all required financial guarantees and net worth obligations of lenders and the limited partner investor;
 - e) A statement that the candidate is prepared to abide by all applicable City policies with respect to the City's zoning code, design guidelines, and City objectives for local contracting;
 - f) A statement certifying that Developer(s) has made no financial contributions to City officials, elected or otherwise, in last five years; and
 - g) Disclosure of all communications with any City elected official between date of issuance of this RFP and the time of submission of a proposal thereunder and the nature of communications

8. **Other Items:** Include a detailed community outreach plan, according to the proposed funding source identified by the Developer, and proposed tenant selection plan for the project. Community outreach varies and no specific outreach is required by the City.

The City recognizes the sensitive nature of the financial information requested in this RFP. Therefore, such information may be submitted under separate cover and labeled "Confidential." If an electronic version is provided, please email the financial information in a separate email with the word "Confidential" in the subject line. This information will be used solely for purposes of evaluation and will be kept confidential to the fullest extent allowed by law.

Proposal Evaluation and Selection

The Victorville City Council has the ultimate responsibility for determining the responsiveness of the proposals and selecting the preferred Proposer(s), with the assistance of City staff and consultants, as needed. There is no guarantee that the City will select any of the respondents to develop the Project Site(s) and any Proposals shall be submitted at the proposer's sole risk and cost.

Evaluation Criteria

Staff will evaluate proposals received by the submittal deadline based on the qualifications of the Proposer(s)/Developer(s), how well the proposed project concept(s) addresses the goals and objectives of the RFP and the City's Housing Element, as well as the OTSP, the City's zoning ordinances/code, and other land use and /or policy documents. The staff committee will award points based on the Scoring Sheet provided at the end of this RFP, as well as on the committee's assessment of how well the proposal(s) responds to the criteria below, the goals of this RFP, and overall positive attributes and expected public benefits of the proposal. The scores issued by the staff scoring committee shall be advisory to the City Manager, serving as an evaluation tool in the selection process, but shall not limit the City's discretion in final selection of a developer(s), and may not be appealed by the proposers or any other party for any reason.

Selection and Negotiation Process

A staff evaluation committee established by the City Manager for this purpose will review proposals for completeness and to verify that both the Developer(s) and the proposed project(s) are responsive to the requirements of this RFP. Proposals determined to be non-responsive will not be considered or evaluated. Any proposals deemed ineligible or non-responsive may appeal to the City Manager for reconsideration at the City Manager's sole discretion. The City Council is the and final decision-maker regarding this selection, and it reserves the right to reject any or all submittals or proposals.

Following City Council approval of the ENA, the selected developer(s), if any, will be authorized to work with City staff to further develop a project proposal, begin the land use entitlement process, conduct community outreach, and negotiate the DDA. The DDA would establish the preliminary terms for the sale/other possessory interest (as proposed); loan and regulatory agreements; and other project prerequisites.

Following City Council approval of the DDA, the preferred developer(s) would complete the land use entitlement process (as needed), finalize its financing of the project, and obtain the City building permits and other agency approvals. This step is subject to further refinement upon discussion with the preferred developer.

Limitations/Disclosures

The City expects to select preferred Developer(s) based on the responses to the RFP. If negotiations with the preferred Developer(s) do not proceed in a timely or satisfactory manner, alternative Developer(s) may be selected or the City may reissue the RFP.

- Selection of the development team and entering into an ENA with preferred Developer(s) in no way obligates the City to enter into a DDA with any such Developer(s). All DDA's must be approved by City Council prior to execution by the City.
- The final selection will be made solely by the City of Victorville. **The City of Victorville reserves the right to request additional information from applicants, reject and all submittals, waive any irregularities in the submittal requirements, or cancel, suspend, or amend the provisions to this RFP at any time.**
- By submission of a proposal, the Developer(s) represents that it and any subsidiary, partner or affiliate will not discriminate against any individual for housing because of race, religion, sex, color, national origin, sexual orientation, ancestry, marital status, physical condition, pregnancy or pregnancy-related conditions, political affiliation or opinion, or medical condition. This requirement and other requirements pursuant to California law will be part of all contracts and agreements.
- This solicitation does not commit the City to award a contract, to pay any cost incurred with preparation of the proposal, or to procure or contract for services or supplies. The City reserves the right to accept or reject any or all submittals received in response to this request, to negotiate with any qualified source, request additional documentation, or cancel in whole or part this process in its sole and absolute discretion. Subsequent to negotiations, prospective Developer(s) may be required to submit revisions to their proposals.
- False, incomplete, or unresponsive statements in connection with the Developer's submission may be sufficient cause for rejection. The City reserves the right to postpone selection for its own convenience, to withdraw this RFP at any time, and to reject any and all submittals without indicating any reason for such rejection. As a function of the RFP process, the City reserves the right to remedy any technical errors and modify the published RFP. The City reserves the right to request that specific personnel with specific expertise be added to the team, if the City determines that specific expertise is lacking in the project team.
- The City reserves the right to abandon the RFP process and/or change its procurement process for the development of the Project Site(s) at any time if it is determined that abandonment and/or change would be in the City's best interest. The City will not be liable to any Proposer/Developer for any costs or damage arising out of its response to the RFP.

SAMPLE SCORING SHEET

SELECTION CRITERIA
Completeness and accuracy of the submitted proposal (10 Points)
Qualifications and Experience of the development entity and team in designing and constructing high-quality affordable housing projects (20 Points)
Completeness and competitiveness of proposed financial structure and project costs estimate identified in the preliminary development pro forma (10 Points)
Leverage of public and private funding (25 Points)
Financial and organizational capacity of the team to successfully complete the project, including the ability to secure financing and leverage other funding sources to build the high-quality affordable housing project (25 Points)
Proposed levels of affordability (10 Points)
TOTAL OF 100

EXHIBITS:

Exhibit A: Project Sites Map

SECTION III

CITY OF VICTORVILLE ADDITIONAL TERMS AND CONDITIONS QUALIFIED AFFORDABLE HOUSING DEVELOPER PROJECT CC21-051

- A. **PROPOSER RESPONSIBILITIES:** It is the responsibility of each Proposer to examine this "Request for Proposals" solicitation in its entirety prior to submitting a proposal. **ALL TERMS AND CONDITIONS SPECIFIED IN THIS SOLICITATION, INCLUDING THOSE SPECIFIED IN THIS SECTION III APPLY TO ANY PROPOSAL(S) SUBMITTED.**
- B. **INDEMNITY AND INSURANCE REQUIREMENTS:** The selected Developer(s)/Proposer(s) (if any) will be required to maintain General Liability insurance with limits of not less than ten (10) million dollars for injury to, or death of, persons and/or property damage arising out of a single accident or occurrence, as well as Worker's Compensation, Automobile Liability, Professional Liability, Builder's Risk, and other forms of insurance with firms authorized to do business in the State of California, during the duration of any agreement(s) entered into pursuant to this RFP. Endorsements naming the City as an additional insured and waiving rights of subrogation against City will be required. All policies, endorsements, certificates and/or binders shall be subject to approval by the City's Risk Manager as to form, content, and appropriate coverage limits. Notwithstanding the limits of any required insurance, selected Developer(s) (if any) will also be required to defend, indemnify, and hold harmless the City and its respective officers, agents, and employees from and against any and all losses, liability, damages, claims, costs and expenses (including reasonable attorneys' fees, court and litigation costs and fees of expert witnesses) resulting or arising from or in any way connected with Developer(s)'s acts or omissions (or those of its officers, agents, or employees) under or in connection with any agreement it enters into with the City resulting from this RFP. Detailed terms of required insurance and indemnification will be included in the ENA and/or the DDA, including a requirement to execute the certification required by California Labor Code sections 1860 and 1861 relating to Worker's Compensation Insurance.
- C. **WITHDRAWAL OF PROPOSAL BEFORE CLOSING:** Any Proposer may request the withdrawal of their submitted proposal, by written request, within **THREE (3)** days after their submitted proposal. Upon receiving the written request to withdraw any proposal, the City will consider the Proposer's proposal null and void and return the proposal to the Proposer unopened. Withdrawal of Proposer's proposal will not prejudice Proposer's resubmittal for this or any future proposal(s).
- D. **EXCEPTIONS TO THIS REQUEST FOR PROPOSALS:** Any changes from the provisions of this Request for Proposals which may be desired by the Proposer, shall be specifically noted on the form provided in Section IV. However, submission of requests for exceptions by Proposers shall in no way be considered or construed as binding upon the City or an acceptance of any such request for exception.
- E. **UNDERSTANDING OF THE PROJECT:** The proposal shall contain a detailed explanation of the proposed development of the Project Sites. Do not reiterate the contents of the RFP.

- F. **PUBLIC RECORD:** Be advised that all information contained in submitted proposals shall become a matter of public record and subject to public disclosure pursuant to a valid request made under the California Public Records Act, Gov. Code §§ 6250 et seq. (the “CPRA”), upon award of a contract. The City will not disclose any part of any proposal before it announces a recommendation for selection on the grounds that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a recommended award, all proposals will be subject to public disclosure. Should Proposer believe that submitted information is exempt from disclosure under the CPRA, Proposer must identify all such material by conspicuously marking the same “confidential” or “proprietary”. In addition, Proposer shall identify the specific exemption of the CPRA justifying nondisclosure of the information. In the event Proposer requests notification from the City of receipt of a CPRA request seeking such information, the City will provide notification of such a request to Proposer as soon as is reasonably practicable. The City will produce or exempt material in accordance with the CPRA in its sole and absolute discretion. In the event Proposer believes such information should be withheld or exempted, Proposer may bring appropriate legal action, including, without limitation, a reverse Public Records Act suit, to protect its alleged interests.
- G. **FEDERAL, STATE, AND LOCAL LAWS:** Any Developer(s) who may be selected to develop any of the Project Sites shall comply with all applicable federal, state, and local laws, rules, and regulations, including without limitation, the Drug-Free Workplace Act of 1990 (Government Code Sections 8350 et seq.) the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.
- H. **PROHIBITED INTEREST:** No member, officer, or employee of the City of Victorville engaged in the selection, award, or administration of any agreement or contract arising out of the RFP shall have any prohibited conflict of interest, whether real or apparent, in any agreement or contract arising out of this RFP, or the proceeds thereof.
- In the interest of a fair, equitable selection process, Developer(s) shall not have or obtain any prohibited conflicts of interest. City reserves the right to require Developers to provide information regarding such conflicts, should it appear to City that such conflict may exist. Such information shall include, without limitation, financial interest disclosure forms and other documentation necessary to determine conflicts under Public Reform Act (*California Government Code section 87100 et seq.*), California Government Code section 1090, and other conflict laws.
- I. **HIRING OF UNDOCUMENTED IMMIGRANTS PROHIBITED:** Selected Developer(s), if any, shall not hire or employ any person to perform work within the City or allow any person to perform work under any agreement with the City which might arise a result of this RFP, unless such person is properly documented and legally entitled to be employed within the United States.
- J. **CITY BUSINESS LICENSE:** Selected Developers(s), if any, and their subcontractors shall obtain a City business license prior to commencing work for the City of Victorville.

SECTION IV
CITY OF VICTORVILLE
FORMS
QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
PROJECT CC22-023

SUBMISSION CERTIFICATION

I hereby submit to the City of Victorville the following proposal in response to the solicitation entitled **“RFP FOR QUALIFIED AFFORDABLE HOUSING DEVELOPER(S), PROJ. #CC22-23”**. All the following documents (check below) are completed, fully executed, and included in my proposal as required in the RFP document:

- Submission Certification
- Proposer Identification
- Worker’s Compensation Certification
- Non-Collusion Declaration
- Exceptions Form
- Additional Information
- Acknowledgement Pages for All RFP Addenda

My signature on this Submittal Certification is affirmation that all items listed above are fully completed and executed and are hereby submitted with the proposal as required. I understand that failure to complete and/or submit any of the required documents may be cause for rejection of my proposal.

Authorized Signature

Printed Name and Title

Date Signed

Telephone Number

CITY OF VICTORVILLE
QUALIFIED AFFORDABLE HOUSING DEVELOPER
PROJECT CC22-023

PROPOSER IDENTIFICATION

1. Legal name of Proposer: _____
2. Street Address: _____
3. Mailing Address: _____
4. Business Telephone: _____
5. Facsimile Telephone: _____
6. Email Address: _____
7. Type of Business:
 Sole Proprietor Partnership Corporation
Other: _____
If corporation, indicate State where incorporated: _____
8. Business License number issued by the City where the Proposer's principal place of business is located.
Number: _____ Issuing City: _____
9. Federal Tax Identification Number: _____
10. Proposer's Project Manager: _____
11. Proposer's Name and Title Authorized to sign legal documents: _____

CITY OF VICTORVILLE

**QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
PROJECT CC22-023**

**NON-COLLUSION DECLARATION
TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH PROPOSAL
(Public Contract Code Section 7106)**

The undersigned declares:

I am the _____ of _____, the party making the foregoing proposal. The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal. The proposer has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or to refrain from proposing. The proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the proposer or any other proposer, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other proposer. All statements contained in the proposal are true. The proposer has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the proposer.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____ [date], at _____ [City], _____ [state].

Signature

Company Name

Printed Name

Title

CITY OF VICTORVILLE
QUALIFIED AFFORDABLE HOUSING DEVELOPER(S)
PROJECT CC22-023
EXCEPTIONS FORM

Should Proposer take exception to **ANY** of the terms and conditions or other contents provided in the "Request for Proposals," list the exceptions below. **THIS COMPLETED FORM MUST BE RETURNED WITH YOUR PROPOSAL.** If no exception(s) are taken, enter "**NONE**" for the first item. *(Make additional copies of this form as necessary)*

Page Number: _____ Section Title: _____

Paragraph Number: _____ Exception Taken: _____

Page Number: _____ Section Title: _____

Paragraph Number: _____ Exception Taken: _____

Page Number: _____ Section Title: _____

Paragraph Number: _____ Exception Taken: _____
