

**CITY OF ALBUQUERQUE**  
**Department of Family and Community Services**  
**RFP-DFCS-CD-AHD-20-03-BROWN**

**QUESTIONS AND ANSWERS**

**(updated 1/29/2021)**

1. Is it the City's goal to have single family units to be for sale or rentals?

A: The RFP calls for both single-family **homeownership** (on the west portion) and **rental** housing (on the east portion).

2. If for sale, is the City receptive to a proposal that solely focuses on the East parcel with an affordable restricted rental development with divisible commercial space on the first floor?

A: It has been envisioned that the commercial use would accompany the rental development closest to 4<sup>th</sup> Street. In addition to the RFP, please refer to the Exhibit B: Brown Property Public Process Report for more details.

3. Does the Ranking Matrix need to be filled out for the RFP response (it is not on the Proposal Checklist, but mentioned in the body that this is how the response will be ranked)?

A: Yes, the Ranking Matrix must be completely filled out and self-scored with the proposal.

4. If we use HOME/WHTF as a source in our model, do we submit that application when we submit the application for the 9% tax credits (also in our model)?

A: The application for Workforce Housing Trust Funds (WHTF) is part of this RFP and shall be submitted within the proposal response by the October 21, 2020 deadline, whether or not the rental development portion will be submitting an application for Low Income Housing Tax Credits (LIHTC) or not. No federal HOME funds are allocated under this RFP.

5. Is there a requirement to distribute the low-income units between both the single-family and multi-family components of the project? In other words, if 100% of the multi-family units are below 60%, could all the single family dwellings be market-rate?

A: No. All affordable units are not required to be distributed across single-family and multi-family developments. If the multi-family development is able to satisfy the WHTF requirements within the RFP, then the single-family dwellings can be market rate. However, there are incentive points within the matrix for the affordability within the single-family development.

6. Does the \$3.5M WHTF need to be used for both the single-family and multi-family components of the project?

A: No. The \$3,500,000 can be used for just one component of the development. However, that single component must still meet WHTF requirement of a 4:1 ratio. Therefore, the WHTF investment should not be more than 20% of the Total Development Cost for that development type.

7. If all the WHTF are used for the multi-family component of the project, can all the single-family dwelling units be market-rate

A: Yes. As previously mentioned in #3 above, as long as the WHTF requirements are met based

on the total units, one component can contain the required percentages of restricted units.

8. Will the City provide a copy of the plat survey for the project site?

A: If available, the City will post the requested survey on the RFP website. Notification of such posting will be send out to the RFP listserv.

9. Can the neighborhood outreach meeting required by the RFP be accomplished via ZOOM?

A: Yes, given the challenges for the COVID-19 pandemic, a Zoom meeting will satisfy letter d. (below), provided that there is adequate evidence that the meeting occurred and includes details of those in attendance. Please keep in mind that all other documentation listed under Evidence of Neighborhood Outreach are threshold items and therefore, are also required.

Evidence of Neighborhood outreach by providing the following documentation (must be 6 months current):
a. Map of Neighborhood Associations from the City's Office of Neighborhood Coordination and their proximity to the potential Project.
b. Fliers disseminated in immediate neighborhood of project.
c. Notification in the form of e-mails and/or letters to neighborhood association(s) or area residents within ¼ mile of the project.
d. Agendas, meeting minutes, and sign-in sheets from Community Meeting(s) with area residents. Sign-in sheets should identify neighborhood represented, and physical address, and signed surveys about the Project).

10. Does the amount of WHTF funds used to purchase the land need to be added included in the 20% leverage calculation? If it does, what dollar amount should be used.

A: Yes, all WHTF contributed to the project must be reflected in this calculation. Per the Workforce Housing Ordinance: *(d) Projects receiving funding or land under the Workforce Housing Opportunity Act shall leverage non-city funds by at least a 4:1 ratio (non-city to city resources). The Affordable Housing Plan may make exception to this ratio for certain hard to develop projects as defined in the Affordable Housing Plan and that would otherwise be financially impacted without such an exception. Federal and state funds flowing through the city are not considered city funds for purposes of this requirement.* Section H. of the RFP indicates that the City contributed \$902,595.

11. If all the required unit affordable percentages are met by the multifamily portion of the project, will the single family homes be free of all affordability period requirements required in the WHTF ordinance?

A: Yes. If the affordability requirements of the RFP and Workforce Housing regulations are satisfied by one component of development, the other housing component would not have WHTF affordability period associated with it.

12. Option 5 in the Brown Property Process Report, which was the most favored by most the participants, requires the extension of the Northfield Court north into the Brown property. This will require a consent to a dedication of additional Right of Way for this to happen by the property owners of Lots 9 & 24. The Report also states that residents living on the Northfield Court cul-de-sac were not in favor of Option 5. I suspect that losing the feature of being at the end of the cul-de-sac and increased traffic plays into their preferences. Assuming owners of Lot 9 and 24 are unwilling to grant the ROW dedication or to sell the small area of property needed, can the City in its power, acquire the property for ROW to enable Option 5 to be built?

- A: Unfortunately, City acquisition of ROW was not provided for in the RFP. Therefore, it is up to the developer to select a site design that best suits its proposed development, as the City will not commit to such a request ahead of the RFP deadline.
13. Question #1 in Part 1 of the Ranking Matrix has the following question it asks me to affirm: Does this project contain the required percentage of units (30%) at or below 80% of the Area Median Income (AMI) and at least 20% of the rental housing units at or below 50% AMI? The RFP states that the affordability rent requirements are: 30% of the units to households at 80% AMI, 40% of the units to households at 60% AMI, and in addition, 20% of the SF to be used for economic activities. I would like clarification as I assume the RFP is correct and the Matrix is not.
- A: The RFP is correct and there was an inconsistency in the Ranking Matrix. However, the matrix has been revised and posted on the RFP webpage for developer's use.
14. Does the Rental Development Application have to be a separate submission to the City Clerk rather than to City Hall?
- A: No, the Rental Development Application should be within the submission binder to City Hall. Any inconsistencies referenced in that portion of the application have been updated to clearly state that it should be delivered to City Hall between 9:00 a.m. and 4:00 p.m. on October 21, 2020.
15. Does there need to be 8 or 9 binders submitted to City Hall?
- A: There needs to be nine (9) binders in total (one original and eight copies). The reason for so many is that there are 9 members on the Ad Hoc committee which will review each proposal.
16. As you know, the WHTF application is a complex funding request. Further, there are no tab instructions for those in the RFP. The app for WHTF requires site documentation information – evidence of site control, evidence of utilities – that we do not currently have and cannot obtain as we do not yet have as the City retains site control. How would you like us to handle this?
- A: Since the City owns the property, site control will be provided to the project awarded under this RFP. Only a statement from the developer stating such, shall be necessary to fulfill the site control section. No further documentation is needed for evidence of site control.
17. In essence, we have to respond to this RFP, the WHTF application and work to obtain MRA infrastructure support to have a viable application. Can the timeline for submittal be extended so that these can be thoroughly responded to? This will ensure that the applicant will have a "Ready/Go" plan that is feasible. We respectfully ask for an extension of the submittal of another 30 days.
- A: After considerable discussion of the timing necessary for a 2021 Low Income Housing Tax Credit application to the New Mexico Mortgage Finance Authority by its January 15, 2021 deadline, the City has determined that proposals review, recommendation of award, negotiating a Development Agreement, and obtaining City Council approval is not feasible. The City prefers that proposal are well developed, well designed, and address all aspects of the RFP. Therefore, the City is granting an extension of the RFP due date to **December 4, 2020**. All RFP documents will be updated on the City's website to indicate that proposals will only be accepted on that date, with all other details of submitting proposals remaining the same.
18. Rental project mix, 5c: Do 15% of the units need to be at 80% or does the project just need to have units at affordable to those at 80%? I wasn't clear if 15% of the total units needed to be AT 80%.
- A: To be awarded points under this section, there must at least 15% of the rental units at Market Rate (above 80% AMI) OR an election to use the LIHTC Income Averaging approach to a mixed-income development (at

or below 80% AMI).

19. Homeownership, 6a-c: If all the WFH dollars (\$3.5mm) are being utilized for the rental portion, can we still score ourselves if we're willing to income restrict homeownership units? What would the City require as ongoing LURAs for those ownership units? Since the land transfer is part of the Brown "project" we were wondering if those targets could be used for scoring.

A: Yes, if all funding under this RFP was allocated to the rental development portion, a developer can still score itself if there is an affordable component to the homeownership units, if those units were sold to income-qualified buyers at or below 80% AMI. Assuming that all of the affordability requirements are being met by the rental portion, there would not be any City-required restrictions on the homeownership portion. However, it is up to the developer to clearly describe its process for selling such affordable units and how it intends to subsidize the units to make the project financially feasible.

20. There is a list of Required Attachments (section 8.8) and a proposal checklist... and they're a bit different. The required attachments #9 is Appendix 8 - #21 is Appendix 9. In the proposal checklist, those two items are basically reversed. Can you let us know the ORDER you'd like to see? Also, the Required Attachments includes #25 – Copy of the IRS documents. This is left off of the Proposal Checklist, but you want us to include this... correct? As we discussed before, we are planning to insert the WFH/AHDO app behind Tab #30 – a LOT of the attachments duplicate what is in the RFP, so we were just going to create a roadmap of where to find ("see Tab 7 for resumes", for example).

A: As long as all required documents are provided in the binders submitted, it does not matter the order. What matters is that all sections are addressed and if redundant, those sections identify such and provide direction to documentation provided in other required sections. IRS documents should be included in the submission, as part of the evidence that the respondent is a not-for-profit organization.

21. Tab 2 – WHTF – *Provide a certificate from a third party certified public accountant which states that for the developer's current housing projects in operation for over 3 years, that the projects have maintained a positive operating cash flow from operating income alone, for the year in which each development's last financial statement has been prepared, and have funded reserves in accordance with the partnership agreements and any applicable loan documents.*

We have a lot of properties and work with 4 different audit firms. We can provide a copy of our corporate audit which shows the audited financials for our properties and the LP audits for each individual property (a lot of paper!) – would that suffice to answer that question?

A: The goal of this requirement is not to cause additional expense to the developer in obtaining certifications from multiple audit firms, but rather, to ensure that the developer's existing properties are financially sustainable based on a third-party, professional opinion. Therefore, the certification can be from a corporate audit, provided that the items mentioned in Tab 2 are clearly illustrated and addressed by excerpts from the individual property's certified financial audits. Should such a route be taken, the developer should clearly explain address the compliance of each property in narrative form and provide its corresponding "certified" documentation.

22. Signatures for documents – Are DocuSign signatures acceptable?

A: Yes, the City recognizes DocuSign signatures as acceptable forms of signing legal documents, including items within this RFP.

23. Can we get clarification regarding the Homeowner Project Mix points, per the RFP matrix. Item (a) is that at least 10% of the Homeownership units benefit households at 65% AMI or below. Item (b) is that 30% of the homeownership units benefit households at or below 80% AMI. Are we allowed to count the units reserved for 65% as part of the 30% at 80% AMI or below?

A: Yes, the unit set asides below 80% AMI can be counted in the overall requirement. For example, if 10% of the homeownership units are at or below 65% AMI, then the project would technically only need an additional 20% at or below 80% AMI to meet the 30% requirement on Item (b).

24. What documentation do we need to provide regarding obtaining LEED certification for the project? Tab 10 has the LEED Compliance Narrative and Checklist. This is also mentioned in the Matrix as 3.a., but it just says "Provide documentation" not Narrative and checklist. Do we need to have a LEED consultant identified?

A: The checklist corresponding to Tab 10 (on page 7 of the application) indicates that besides the required narrative, the documentation required is specific to the applicable green building checklist (LEED or BGNM or HERS, etc.) and the name and contact of the accredited professional who completed and certified that the project anticipates to meet the chosen "Green" building standard. Therefore, yes, a professional must not only be identified, but also be the person that completed and certified the checklist.

25. What providers do we need to show contracts with? This is requested in the Rental Development Project Application Checklist and Submission Organization Guide tab 2; it specifically asks for agreements and MOUs.

A: The checklist corresponding to Tab 2 (on page 4 of the application) state, "Provide a copy of any Developer partnership, operating agreement, or Memorandum of Understanding with other not-for-profits, for-profits, or service providers in project development or specific service delivery related to scope of the Project."

26. How do we find the list of city funded affordable housing to know if our development is within .5 miles of one of them, per the Growth Management Plan (tab 10 or attachment C)?

A: Since the project is site-specific, it has been determined that there are no City-funded affordable housing developments within .5 miles of the site. The closest such development, is located at 1319 4<sup>th</sup> Street NW, Albuquerque, NM 87102.

27. Where can the Workforce Housing Trust Fund Ordinance be found?

A: The Workforce Housing Opportunity Act (ordinance) and the Affordable Housing Ordinance can be found through the following link:  
[https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque\\_nm/0-0-0-20437](https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-20437)

#### **NEW AS OF: 1/29/2021**

28. If WHTF is not used on a certain component of the property, can State Prevailing Wages be avoided on that portion?

A: No. Since the overall project is being procured by the City and contains City WHTF funding in the land, the City requires that Prevailing Wages are paid on the City project selected.

29. We have not filled out Appendix #7 in previous applications and are unclear what is being asked for as it seems to be geared towards social services not real estate development. In the Instructions for Completing Form [of Appendix #7], it states "Measurable outcomes in the column headed

“Measurable Outcomes” refer to Section 4.0...” Is this referring to Section 4.0 “Community Building and Input, and Scope of Work” on page 11 of the RFP and if so, does it include Sections 4.1, 4.2 and 4.3?

A: Affordable Housing is considered a Social Service by the City of Albuquerque and the Department of Family and Community Services and its *FCS Social Services Procurement Rules*. While it may not appear to be an exact fit for construction type projects, Appendix 7 shall be filled out with “Major Project Activities” similar to items within a development schedule such as activities and timeframes. The Output from City funds, Outcomes, Outcome Progress Indicator, and Measurement Tools are all going to be construction related with the end goal of creating affordable housing units. No, Appendix 7 is not directly related to Section 4.0 or 4.1, and 4.2. Those sections are specifically for community building activities, the outlined scope of work, adherence to regulations. Section 4.3 is broadly related to Appendix 7, in that it generally talks about the service period commencement, construction, and occupancy.

30. Is the replacement reserve analysis needed since we’re doing new construction and this isn’t HOME funding? There is also a specific tabs of the multifamily workbook called Administrative Record. Does that need to be completed?

A: Yes. The replacement reserve analysis is required on all new affordable rental housing projects, to ensure that there are adequate funds available in the Replacement Reserve account to address potential issues once the project is operational.

31. Appendices 2 through 6 appear to be referencing government funds received for Social Service offerings and the associated expenditures etc. Are we correct in assuming that these forms are not applicable for the construction/development of the project?

A: All appendices are required to be completed. For example, Appendix #2 may only have one line item under Contractual Services, which must be totaled at the bottom; Appendix #3 is to show any federal, County, or City Contracts which your agency may receive. Even if none, there must be zeros entered for the form to be completed; Appendix 4 must be completed if Personnel costs are itemize in Appendix #2. If not, N/A- No Salaries requested for construction project; Appendix #5 must be completed if for each operating costs, (such as Contractual Services), are itemize in Appendix #2; Appendix #6 must be completed to get a general understanding of the timeframe in which City Funds will be expended and requested by the Developer. Please use the Explanation box at the bottom to accurately describe the reasoning behind the Projected Drawdown Schedule.