

# DEPARTMENT OF VETERANS AFFAIRS



**REQUEST FOR PROPOSALS No. VA-xxx-xx-xx-xxxx**

**NAME(S) OF VA MEDICAL CENTER**

**ENHANCED-USE LEASE DEVELOPMENT PROJECT(S)**

**CITY(IES), STATE(S)**

**REVISED TEMPLATE DRAFT**

**AUGUST 12, 2011**

**DATE OF ISSUANCE: MONTH DAY, YEAR**

**DATE AND TIME PROPOSALS DUE: MONTH DAY, YEAR, TIME A.M./P.M. ED/ST**

## DISCLAIMER

The information presented in this Request for Proposals and all supplements, revisions, modifications, updates, and addenda thereto (collectively, the “**RFP**”), including (without limitation) narrative descriptions and information, is not represented to be all of the information that may be material to an Offeror’s decision to submit a proposal in response to this RFP or to develop, construct, manage, and maintain the Project(s) (as defined below) on a portion of the VA campuses named in Attachment B.

Neither the United States Department of Veterans Affairs (“**VA**”), nor any of its contractors, subcontractors, officers, employees, counsel, advisors, or agents make any representation or warranty, whether express, implied, or created by operation of law, as to the accuracy or completeness of this RFP or any of its contents or materials referred to or provided pursuant to or in connection with this RFP, and no legal liability with respect thereto is assumed or may be implied. Any information or site description is merely provided to assist Offerors in their independent analysis of the decision to submit a proposal. The transactions contemplated by this RFP involve significant risks. Offerors and their advisors should review carefully all the information set forth in the RFP and any additional information available to them to evaluate such risks.

Except as expressly provided in the Transaction Agreements (as defined in Section 1.4) executed by VA, no additional representation or warranty, whether express, implied, or created by operation of law, will be made by VA. No person has been authorized to make or give on behalf of VA any other written or oral representation, warranty or assurance with respect to the Project or the accuracy or completeness of the information provided in this RFP or otherwise and, if any such representation, warranty, or assurance is made or given, it may not be relied upon by any Offeror as having been made by or on behalf of VA, and VA shall not have any liability for or with respect to such statements.

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**REQUEST FOR PROPOSALS****INSERT VAMC NAME(S)****ENHANCED-USE LEASE DEVELOPMENT****INSERT CITY, STATE****1. EXECUTIVE SUMMARY**

**1.1** The Department of Veterans Affairs (“**VA**”) is pleased to issue this Request for Proposals (“**RFP**” or “**Solicitation**”), seeking competitive proposals from private, public, and/or not-for-profit entities interested in leasing and redeveloping certain property(ies) described in Attachment B.

**1.2** These projects (“**Projects**”) contemplate that under its enhanced-use leasing (“**Enhanced-Use Lease**” or “**EUL**”) authority, codified at 38 U.S.C. Sections 8161-8169 (**INSERT LINK**), VA will lease the EUL Site(s) to selected Offeror(s) (“**Offeror(s)**” or “**Lessee(s)**”) for a term of up to seventy-five (75) years. The Offeror(s)/Lessee(s) under the EUL(s) will, in part, be authorized and responsible for financing, designing, developing, occupying, operating, and maintaining the EUL Site(s) in accordance with detailed development plan(s) approved by VA (“**Development Plan(s)**”) and applicable Federal, State, and local laws, codes, ordinances, and regulations. VA envisions that development of the EUL Site(s) will entail well-planned and coordinated endeavor, which are compatible with the campus(es)’ ongoing mission-related activities and the surrounding non-VA community.

**1.3** Through the EUL authority of 38 U.S.C. Sections 8161-8169 (**INSERT LINK**), VA can outlease the targeted property(ies) for a term of up to 75 years to accommodate the scope of the Project(s). In return for the long-term lease(s) of the asset(s), the Offeror will provide “fair consideration” to VA. VA’s primary objective in leasing the property(ies) is for the selected developer(s) to establish and thereby increase the number of permanent housing units available to the target population(s) described in Attachment C. For more details addressing the type of consideration that may be approved by the Secretary, see Section 2.5.9 of this RFP.

**1.4** By submitting a proposal, each Offeror accepts all of the terms and conditions set forth in this RFP, and its Attachments, including but not limited to the Bid Terms Agreement and the EUL Agreement (i.e., **Attachments D and E, respectively**). Any conflict (whether actual or perceived) between the terms of the Bid Terms Agreement, the EUL Agreement (collectively, the “**Transaction Agreements**”), this RFP, or provision there in shall be resolved at and in accordance with VA’s sole and absolute discretion, notwithstanding

any provisions of the “Disclaimer” indicating otherwise, which is included and made part of this RFP, or any other document.

**1.5** This RFP may be amended or supplemented and all such amendments and supplements shall be considered part of this RFP (and references to the RFP shall include all amendments and supplements unless otherwise specified). In order to receive any amendments or supplements to this RFP, Offerors will be required to register on the transaction website: **INSERT LINK**.

**1.6** VA reserves the right, at any time, without notice, at its sole and absolute discretion, to (a) modify, suspend, or waive any terms and conditions of this RFP; (b) waive any deficiency or irregularity in any proposal submitted; (c) reject any or all proposals; (d) extend any deadline set forth in this RFP; (e) terminate the RFP process, in whole or in part; (f) discuss any submission with the Offeror that submitted it and require the submission of additional information regarding any aspect of the Offeror’s proposal; (g) make an award to an Offeror which submits a proposal that is not the proposal that would provide VA with the highest value in terms of consideration to be paid under the EUL or otherwise; (h) initiate further discussions and/or negotiations directly with the Offeror (after VA selects it for award), if VA believes that the type and/or amount of EUL consideration offered in the Offeror’s proposal warrants further refinement and/or enhancement; and (i) award individual EUL Sites to different Offerors.

## **2. PROPOSED DEVELOPMENT OF EUL SITE(S)**

### **2.1 Overview of Solicitation Structure**

Through this RFP, VA is making **X** EUL Site(s) available for redevelopment by one or more Offerors under **X** separate EULs. Offerors may submit a single proposal in response to this RFP to develop one or more of the EUL Site(s) referenced in Attachment B. See Sections 4 and 5 of this RFP for required proposal content and evaluation criteria.

### **2.2 Location, Background & Description of EUL Site(s)**

Attachment B contains information regarding the location(s), background information, and descriptions of the subject EUL Site(s). In addition, VA has identified in Attachment A available dates and times for in-person tours of the EUL Site(s). Attachment A includes directions on how to participate in the in-person tours of the EUL Site(s).

## 2.3 Development Considerations

In considering whether to submit proposal(s) to develop the EUL Site(s), Offerors should consider certain factors.

### 2.3.1 Timeline

VA anticipates awarding the EUL Site(s) described in Attachment B to selected Offeror(s) by October 31, 2011. Developers will be required to prepare a draft Development Plan (see Section 3 for details) for each EUL Site they are awarded within 21 calendar days of selection and a final draft for VA review and approval within 45 calendar days of selection. Upon the completion of the Development Plan and final approval by VA, and the completion of any other outstanding key milestones required under the EUL Statute (**INSERT LINK**), the Offeror will enter into the EUL(s) with VA. VA anticipates executing an EUL for each site by December 31, 2011. The EUL Agreement will be in the form contained in Attachment E to this RFP, with such modifications as are deemed necessary and appropriate by VA at their sole and absolute discretion.

### 2.3.2 National Historic Preservation Act

Prior to entering into an EUL with VA, the Offeror must fulfill the requirements of the National Historic Preservation Act, 16 U.S.C. §§ 470, et seq. (“**NHPA**”) in conjunction with the proposed Development Plan(s). NHPA requires the consideration of the effects of the Project(s) on historic properties listed in the National Historic Register and representatives of the local government a reasonable opportunity to comment on the Development Plan(s) prior to execution of the EUL(s). Section 106 of the NHPA also requires the seeking of ways to avoid, minimize, or mitigate adverse effects (e.g., demolition) that the Development Plan(s) might have on any historic properties during the execution stage of the EUL(s). Consummation of this effort will be accomplished by VA. VA will act in concert with the Offeror when necessary in the accomplishment of historical compliance. For guidelines related to historic preservation at VA and to determine whether any asset(s) at the EUL Site(s) are subject to historic preservation requirements, visit <http://www.cfm.va.gov/historic/>.

### 2.3.3 National Environmental Policy Act and Other Environmental Considerations

EUL(s) and Project(s) will be subject to all applicable Federal, State, and local environmental laws, codes, ordinances, and regulations, including but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act (“**CERCLA**”), 42 U.S.C. §§ 9601-9675; the Resource Conservation and Recovery Act (“**RCRA**”), 42 U.S.C. §§ 6901, et seq; and the National Environmental Policy Act (“**NEPA**”), 42 U.S.C. §§ 4321-4347. NEPA requires that Federal agencies, including VA, avoid adverse environmental impacts to the maximum extent practical when considering major Federal actions that could affect the quality of the human environment (e.g., an EUL). The NEPA analysis will be initiated upon VA’s selection of the Offeror(s). The Offeror(s) will be required to provide development-specific

information to support the analysis. The NEPA documentation must be completed prior to execution of the EUL(s). Offeror(s) will be responsible for complying with mitigation requirements of the NEPA analysis. In addition, the Offeror(s) will be responsible for complying with regulatory requirements for the removal of any asbestos and/or lead-containing material. Information regarding how to obtain any available environmental information for the EUL Site(s) can be found in Attachment F. Other than the information referenced in Attachment F (if any), all required environmental studies, reports, site assessments, and any required or appropriate remediation or abatement, as well as compliance with all applicable environmental laws, will be the responsibility of the Offeror(s), unless and to the extent that VA otherwise agrees at its sole and absolute discretion.

### **2.3.4 Infrastructure**

Any available information about infrastructure at the EUL Site(s) is included in Attachment B. It is the responsibility of the selected developer to pay for all utilities either through separate metering or reimbursement of VA.

### **2.3.5 Legal Considerations**

#### **A. Overview**

The Offeror is responsible for conducting its own due diligence regarding the EUL Site(s) including, without limitation, whether (a) the development of the EUL Site(s), as contemplated by the Proposal, can be accomplished in compliance with applicable Federal, state, and local requirements (including fire, life safety, accessibility, zoning, state and local building codes, and other local land use restrictions); (b) the condition of the EUL Site(s) is suitable for the Offeror's contemplated use; (c) the necessary permits, variances, special exceptions and other governmental actions or approvals required for the contemplated development(s) can be reasonably obtained (at no cost or expense to VA); and (d) the contemplated use(s) is otherwise practical and economically feasible.

#### **B. Taxes**

In accordance with the pertinent provisions of the EUL Statute (i.e., 38 U.S.C. § 8167) ([INSERT LINK](#)), the Offeror during the EUL(s) term will be subject to any and all applicable State and local taxes, fees, assessments, and special assessments legally chargeable to the EUL(s), the Offeror's leasehold interest, and the Offeror's underlying improvements. However, neither VA's interest in the EUL(s) nor the United States' fee interest in the underlying property(ies) shall be subject, directly or indirectly, to any State or local laws relative to taxation, fees, assessments or special assessments.

#### **C. Physical Security**

The Offeror shall include in their proposal an overview of the physical security that will be provided based upon the individual space requirements and tenant mix of the proposed EUL project(s).



### **D. Energy Conservation and Sustainable Design Requirements**

The VA Sustainable Design Manual is the guidance that defines the methodology to incorporate sustainable design on every phase of this EUL project(s), from proposals, goal setting, and preliminary planning, through design and construction. Offerors will be evaluated on their plan(s) to meet Federal mandates as outlined in VA's Sustainable Design and Energy Reduction Manual: <http://www.cfm.va.gov/til/sustain.asp>. In previous projects, some developers have proposed more aggressive energy efficiency and sustainability milestones that made their proposals, all other elements considered equal, more attractive.

To take advantage of existing sustainable work in the private sector that is well accepted by the construction industry, VA has determined that using a third-party rating system is the most efficient methodology for achieving the federal mandates. The Offeror may propose using either the Leadership in Energy and Environmental Design (LEED) or the Green Globes rating system. VA requires that the Project(s) obtain a minimum of either LEED Silver or Two Green Globes certification by their respective rating organizations. However, VA encourages innovative thinking in terms of sustainability over and above the current EUL Standards.

#### **2.3.6 Prevailing Wages**

Unless the Offeror can demonstrate to the satisfaction of VA in the form of a written determination or written correspondence from the U.S. Department of Labor that the Offeror or the Project(s) is exempt therefrom, Offeror shall comply with the requirements of the Davis-Bacon Act, as amended, 40 U.S.C. Section 3141, et seq. and the relevant rules, regulations, and orders of the Secretary of Labor applicable thereto.

#### **2.3.7 Handicap Accessibility**

The Offeror will be required to ensure that its design, development, construction, operation, and maintenance plans and activities on the EUL Site(s) comply in all respects with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., and the Architectural Barriers Act of 1968, 42 U.S.C. § 4151, et seq., as amended.

#### **2.3.8 EUL Statutory Requirements**

First, under 38 U.S.C. Section 8162(a)(2)(A) and 8162(B)) of the EUL Statute (**INSERT LINK**), the Secretary of VA must make certain determinations before entering into EUL(s), including that the contemplated EUL(s) will (a) contribute to VA's mission; (b) not be inconsistent with, or adversely affect VA's mission; and (c) enhance the use of the underlying property(ies); or, under a proposed business plan(s), the EUL(s) would provide consideration to be used to improve the health care for Veterans in the affected community. Second, under 38 U.S.C. § 8163, VA must provide adequate notice of and conduct a public hearing prior to entering into the proposed EUL(s) to receive the views of the Veteran service organizations and other interested parties. Third, not less than 45 days prior to entering into EUL(s), the Secretary of VA must provide formal written

notice to the Congressional Veterans' Affairs Committees advising of their intent to enter into the EUL(s).

### **2.3.9 EUL Consideration**

In exchange for VA entering into the contemplated EUL(s), the Offeror (per 38 U.S.C. § 8162(b)(1)(A)(3)) (**INSERT LINK**) will be required to provide VA with fair monetary (i.e., rent) and/or in-kind lease consideration as approved by the Secretary of VA. In order to comply with the EUL Statute, the Secretary of VA must make certain determinations, including that the use of the Site(s) will (a) contribute to VA's mission; (b) be consistent with, or will not adversely affect VA's mission; and (c) enhance the use of the EUL Site(s). In this regard, Offerors should note that the EUL(s) will provide that any activities to be conducted on the Site(s) cannot conflict with the mission or operations of the VA healthcare facilities remaining on campus. In addition, the Secretary must find that the EUL(s) provide for fair consideration to VA. Per the EUL Statute, such consideration may be monetary and/or in-kind, which may include the provision of goods or services as benefit to VA including development, operation, construction, repair, remodeling, maintenance or other physical improvements of VA facilities, or the provision of office, storage, or other usable space. For the purposes of the Project(s), VA envisions that the EU lessee will provide VA with in-kind consideration that includes the development and operation of permanent housing units for the target population(s) described in Attachment C and the provision of on-site supportive/resident services also described in Attachment C.

#### **2.3.10 VA's Goals and Objectives**

VA has the following goals and objectives for the Project(s):

- Reuse underutilized VA property(ies) to create safe, affordable, permanent housing for the target population(s) described in Attachment C. The Offeror may also propose mixed-use developments. Note: Target population(s) should have priority placement in any housing project created on the EUL Site(s).
- Provide the target population(s) described in Attachment C, with housing and on-site supportive/resident services also described in Attachment C.
- Develop a housing model geared towards enabling Veterans to achieve self-sufficiency and live independently.
- Avoid ongoing operating costs associated with the upkeep of vacant and/or underutilized assets.

#### **2.3.11 Other Considerations**

When preparing proposals in response to this RFP, Offerors should be cognizant of the following:

VA will not participate in, or allow its or the United States' interest in the EUL Site(s) to be used as security for financing for the Project(s) or otherwise, including without limitation, providing any kind of guaranty or act in any way as a beneficiary for a financing vehicle.

In regard to any proposed Project-related financing to be obtained by the Offeror, VA as a general rule will not approve any financing that includes requirements that operate to deny, restrict, or subordinate VA's right to terminate the EUL(s) upon the Offeror's failure to cure an outstanding event of default thereunder. This includes any document, to include the EUL(s), that would prevent VA from terminating the EUL(s) due to "cross default" arising from one or more parcels on the Property. Any proposed Project financing that does not comply with this restriction must be explicitly identified in the RFP proposal for VA's unilateral review and evaluation.

The successful Offeror(s) must establish and maintain positive relations and communications with State and local governmental authorities and the local communities during negotiations with VA and any of its representatives.

The successful Offeror(s) must integrate development activities with cultural resources and historical and environmental policy management requirements in support of VA's mission and operations.

The Offeror(s) will be responsible for coordinating the work schedule(s) with VA in order to minimize disruption to the campus' activities and operations. This coordination includes the work of any contractor or subcontractor that the Offeror(s) retain in connection with the Project.

Although VA will have no obligation to lease any space on the EUL Site(s), the EUL(s) will include a provision granting VA certain rights of first refusal for space that becomes available on the EUL Site(s), throughout the term of the EUL(s).

### **3. CONCEPTUAL DEVELOPMENT PLAN OUTLINE**

Following its selection, the Offeror will be responsible for preparing detailed Development Plan(s) for the Project(s). If an Offeror is awarded multiple sites, the Offeror must provide a separate Development Plan for each site. The Development Plan(s) will be required to contain a description of the Project(s) and to address comprehensively all significant issues regarding its development, operation, management, and maintenance. Offeror will have forty-five (45) days after Offeror(s) are notified to complete and submit the final Development Plan(s), per the requirement contained in this RFP. Each Development Plan must include, but should not be limited to, the following:

#### **3.1 Project Overview**

- a.** The specific type of Project contemplated by the Offeror and a comprehensive plan for the redevelopment of the EUL Site
- b.** Project feasibility, including any anticipated barriers and a plan to overcome those barriers

- c. Plans to ensure proposed uses are compatible with VA's mission
- d. Development schedule
- e. Development team composition
- f. Community awareness strategies
- g. Plan to secure local approvals/concurrences for zoning, permits and other building and land use requirements; note any expected obstacles and a strategy to overcome those obstacles.

### **3.2 Transaction Terms**

- a. Proposed entity of the Offeror that would serve as the lessee (on behalf of the Offeror) under the EUL, including all ownership structures associated with the lessee
- b. Proposed term of EUL (i.e., up to 75 years)
- c. Description, timing, and structure of in-kind consideration to be provided to VA under the EUL

### **3.3 Project Financing**

- a. Financing plan, including sources of funds and any proposed tax abatements
- b. Development budgets
- c. Pro forma statements for a minimum of 35 years or as long as there is debt service on the project
- d. Supportive/resident services budget
- e. Sources and uses of funds
- f. Plan to obtain Financing Commitment Letters that will provide written assurance(s) from the proposed funding sources that those sources will provide the project financing proposed as part of the Offeror's financing structure at the EUL closing, with all conditions required for such funding clearly articulated
- g. Plan to execute a Performance bond that will provide a written commitment from a surety to provide a performance bond in the appropriate amount at the EUL closing

### **3.4 Construction Plan**

- a. Conceptual drawings and site plans
- b. Analysis of existing land use restrictions governing the EUL Site, development and land use recommendations, variances required and plans for obtaining them
- c. Preliminary utilities, parking, site accessibility, traffic mitigation, and landscape plans

- d. Impact of proposed Development Plan on historic properties, including documentation required to comply or facilitate compliance with NHPA
- e. Plan for obtaining all necessary public/private entitlements
- f. Development and construction management plan

### **3.5 Project Operations**

- a. Marketing and Leasing Plan, including an ongoing outreach plan to identify and screen potential residents to ensure that the facility is fully occupied
- b. Property and asset protection (e.g., security, police, and fire arrangements), management, and maintenance (e.g., a funded maintenance account to cover non-routine repairs), water, gas, electricity sources and arrangements with VA or utility companies
- c. Realistic on-site staffing plan for resident management, service needs and other operational considerations, qualifications for positions
- d. Supportive/resident services plan, which outlines how services appropriate for permanent housing will be coordinated and managed; the plan must:
  - (1) Discuss how residents are to be involved in making facility decisions that affect their lives, including how they are to be involved in selecting supportive/resident services, establishing personal goals, and developing plans to achieve these goals so that they achieve greater self-determination
  - (2) Include an employment plan designed to help the residents attain long-term employment
  - (3) Include a plan to minimize legal substance use in Project (Note: Use of illegal substances is prohibited)
  - (4) Identify which supportive/resident services are to be provided on-site
  - (5) Discuss how residents are to be assisted in assimilating into the community through access to neighborhood facilities, activities, and services

### **3.6 Energy Conservation and Sustainable Design**

- a. Discuss the building design, construction and other administrative work necessary to apply for and receive a minimum of the Silver Certification for the Leadership in Energy and Environmental Design for Homes (LEED-H) of the U.S. Green Building Council's (USGBC) Green Building rating system for homes

VA recognizes that formulation of the Development Plan(s) will require the Offeror to work closely and cooperatively with VA. VA will provide final approval and cooperate with the Offeror during the drafting process to facilitate preparation of the final Development Plan(s). It is anticipated that the Offeror will provide VA with drafts of the Development Plan(s) (or portions thereof) throughout the drafting process. The Development Plan(s) will be subject to VA's review and approval and may be subject to review and comment by local government and other stakeholders.

The Offeror will be required to meet the milestones within the timeframes set forth in Section 2.3.1 of this RFP and the proposed timeline provided by the Offeror in their proposal and agreed to in the Bid Terms Agreement (Attachment D, Bid Terms Agreement), with any such extensions or modifications that VA agrees to at its discretion. If the Offeror fails to complete the Development Plan(s) or any other milestone in a timely manner, VA shall have the right, at its discretion, to provide written notice terminating all future discussions with and rights of the Offeror under this RFP and the Bid Terms Agreement. Upon such termination, VA shall neither owe nor pay any fees, costs, expenses, or monetary penalties to the Offeror for any reason(s) regarding or stemming from this RFP and its process, and VA shall, at its discretion, be free to select another Offeror in order to further pursue the EUL and Project.

## **4. CONTENTS AND PROCESS FOR SUBMISSION OF PROPOSALS**

### **4.1 Submission of Proposals**

Offerors interested in the one or more Projects should submit one proposal in accordance with and meeting the following requirements:

#### **4.1.1 Time and Date of Submission**

Proposals must be received by **INSERT DATE at INSERT TIME** (the "Closing Time"). Proposals received after the Closing Time will not be considered and will be returned to the bidder. All proposals will be irrevocable after the Closing Time until the date that is 180 days after the Closing Time.

Questions regarding this RFP may be submitted in writing by emailing **INSERT EMAIL** by **INSERT DATE**. Questions received after this date may not be considered. Responses will be provided by either an amendment to the RFP or through a posting on the RFP website, which can be accessed at the following location: **INSERT LINK**. All Government communication regarding this RFP shall be from the Contracting Officer, Dr. Maina Gakure.

#### **4.1.2 Place and Manner of Submission**

Proposals must be delivered to the following address:

Dr. Maina Gakure  
Office of Asset Enterprise Management (044)  
Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Room 275Z  
Washington, D.C. 20420

Proposals must be delivered by mail, courier, or hand delivery. Proposals will not be accepted if delivered by electronic means (including facsimile).

### 4.1.3 Packaging and Copies

Proposals must be in a sealed envelope or package with the following information conspicuously and legibly written or typed on the outside:

Offeror’s name:

Offeror’s complete address:

Name and contact information for Offeror’s contact person (e.g., telephone, email and facsimile)

The following statement (to be completed upon delivery to VA):

“Proposal Received by VA as of \_\_\_\_\_(time) on \_\_\_\_\_ (date)”

In addition, the following sentence must appear in the lower left hand corner of the envelope or package:

**“Sealed Proposal for EUL at the INSERT VAMC NAME”.**

In order to be considered, Offerors must submit one (1) original and six (6) hard copies of its proposal plus one (1) electronic working copy of the proposal on a CD ROM to VA. The entire proposal must be included on the same CD ROM in PDF format. In addition, any Excel or other spreadsheets that allow data to be manipulated must be included in their native (i.e., Excel), unprotected and accessible format. Each hard copy of the proposal must be bound in a three-ring binder (to allow VA to easily remove parts for copying and/or circulation). Submissions must be formatted as follows:

### 4.2 Proposal Content

Each proposal must contain the following sections in the following order, with each section clearly labeled, beginning on a new page and not exceeding the applicable section page limit.

Section	Description	Page Limit
1.	Cover Letter	1 page
2.	Offeror’s Background and Administrative Information	5 pages
3.	Relevant Offeror Qualifications, Experience, and Past Performance	10 pages*
4.	Development Concept, Financial Feasibility, and Timeline	10 pages*
5.	Property Management, Supportive/Resident Services Plan	7 pages*
6.	Community Relations	3 pages*

\* Page limits for Sections 3 through 6 are per proposed EUL site. For example, if an Offeror is interested in three sites, the Offeror is allowed 10 pages per site to describe Section 4 – Development Concept, Financial Feasibility and Timeline, for a total of 30 pages for this Section.



Offerors interested in more than one site should provide specific site information for Sections 3 through 6. Specific site information for Sections 3 through 6 should be separated to clearly state information regarding each specific site. Pages submitted that are in excess of any page limit (including a section page limit) will, at VA's sole discretion, be discarded and not reviewed or evaluated by VA. Supporting data, such as resumes, explanations of any legal issues, and auditor's opinion letter, will not count against the page limits. Proposals must be typewritten in Arial 11-point font size or greater. For purposes of the proposal, a "key team member" should be considered any member that will be responsible for approximately 20% or more of the services or fees under this proposed EUL.

#### **4.2.1 Cover Letter**

A cover letter (on the Offeror's letter head) must state that the Offeror has read and agrees to comply with all of the terms, conditions, and instructions provided in this RFP. Any requests for waivers or exceptions must be clearly identified in the cover letter, and shall be subject to VA's review and approval.

#### **4.2.2 Offeror's Background and Administrative Information**

This section must contain the following general information about the Offeror and all key team members. In the case of an Offeror that is a special purpose entity (i.e., an entity that does not have or is not expected to have an ongoing business other than the development and operation of the Project), each partner, member, or shareholder of the Offeror.

##### ***A. Offeror Administrative Information***

Name; Employer Identification Number; Dunn and Bradstreet (DUNS) number (if available); mailing address; telephone number; e-mail address; and facsimile number.

##### ***B. Authorized Representative***

Name (and contact information) of the representative authorized to act on behalf of the Offeror;

##### ***C. Day-to-Day Point of Contact***

Name (and contact information) of the individual designated by the Offeror as the person to whom questions and/or requests for information are to be directed;

##### ***D. Form of Business***

Description of the form of business (whether a corporation, a nonprofit or charitable institution, a partnership, a limited liability company, a business association or a joint venture), the jurisdiction of organization and operation, and a brief history of the organization and its principals:

- (1) Articles of incorporation, partnership, joint venture, or limited liability company agreement (Note: For any Offeror or key team member, as applicable, that is a sole proprietorship, provide the date of birth, current address, and a summary of current business activity);



- (2) Certificate of good standing;
- (3) By-laws; and,
- (4) Copy of corporate resolutions, certified by a corporate officer, authorizing the Offeror's submission of, or key team member's participation with the Offeror in the submission of, the proposal and the entity's authority to proceed with the Project (assuming an RFP award is made and VA's approval is obtained).

#### ***E. Start-Up Date of Operations of Offeror and Key Team Members***

#### **4.2.3 Relevant Offeror Qualifications, Experience and Past Performance**

The Offeror should include in this section, the relevant information necessary to allow VA to assess the Offeror and its team members' qualifications, experience and past performance. Specifically, this section must include the following for each Project:

##### ***A. Offeror / Developer***

List and explain in reasonable detail the Offeror's relevant development qualifications, experience and past performance. The Offeror should describe past experience working with the selected team members; proposed teaming structure for the EUL Project(s); past experience working with VA and Federal, State and Local Governments and undertaking residential development, redevelopment and adaptive reuse. Provide an organizational chart showing the relationship between the Offeror and key team members. In addition, Offeror should provide the following information about key team members if they are different entities from the Offeror:

##### **(1) Property Management Firm**

List and explain in reasonable detail the proposed property management firm's background and experience, location and number of employees.

##### **(2) Supportive/Resident Services Provider**

List and explain in reasonable detail the proposed supportive/resident services provider's background and experience, location and number of employees.

##### ***B. Comparable Projects and References***

Description of up to three (3) projects (past or current) that are comparable in magnitude and complexity to the proposed Project on which either the Offeror or a team member has acted as a prime Offeror. Each project described must have been completed within the past ten (10) years. For each project listed, provide sufficient information to allow VA to identify the project, confirm that the project is comparable in magnitude and complexity to the Project. For each project, provide a reference who VA can contact regarding performance and client or stakeholder (as applicable) satisfaction. Provide the name, title (if any), project role (if any), address, telephone number, facsimile number, and email address for each reference. Including a reference

on this list will constitute authorization for VA to contact and discuss the Offeror's or team member's performance.

### **C. Development Key Personnel**

Identify all key development personnel (i.e., persons considered critical to the performance of services), and for each such person provide a:

- (1) Description of their respective role in the Project(s);
- (2) Discussion of the extent to which key personnel have worked together on other projects similar to the Project(s); and,
- (3) One (1) page resume that includes a description of the person's duties and responsibilities, education, skills, expertise, and other qualifications relevant to the Project(s) (Note: Resumes do not count against page limits).

### **D. Legal Past Performance**

- (1) State whether the Offeror or key team member, as applicable, has ever been terminated for default, non-compliance, or non-performance on a contract or lease, or debarred from any Federal, State, or local government contracts and, if so, provide the date and a detailed description of the occurrence in an appendix – please note this additional detail does not count against page limits;
- (2) List and explain in reasonable detail (include additional detail in an appendix as necessary – detail does not count against page limits) each instance within the past 10 years in which the Offeror, any key team member, or any principal, partner, director, or officer of the Offeror was:
  - i. Convicted of or pleaded guilty or *nolo contendere* to a crime (other than a traffic offense);
  - ii. Subject to an order, judgment, or decree (including as a result of a settlement), whether by a court, an administrative agency, or other governmental body, or an arbitral or other alternative dispute resolution tribunal, in any civil proceeding or action in which fraud, gross negligence, willful misconduct, misrepresentation, deceit, dishonesty, breach of any fiduciary duty, embezzlement, looting, conflict of interest, or any similar misdeed was alleged (regardless of whether any wrongdoing was admitted or proven); and
  - iii. Subject to an action or other proceeding, whether before a court, an administrative agency, governmental body, or an arbitral or other alternative dispute resolution tribunal, which, if decided in a manner adverse to the Offeror, team member, principal, partner, director, or officer (as applicable), would reasonably be expected to adversely affect the ability of the Offeror or team member to perform its obligations with respect to the Project (including the ability to obtain or repay financing).

- iv. Debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
- v. Notified that it is in default of any Federal contract or grant, the reason for the default, and whether the default was cured.
- vi. Had one or more public transactions (Federal, State, or local) terminated for cause or default.
- vii. Party to litigation or a formal Alternative Dispute Resolution (ADR) process (e.g., binding arbitration) involving a claim in excess of \$50,000. For those matters involving a claim equal to or in excess of \$500,000, describe in detail the litigation or ADR process.

#### **4.2.4 Development Concept, Financial Feasibility, and Timeline**

The Offeror must provide clear description(s) of the proposed Project(s), the site construction and building design(s), the Offeror and its team members' financial stability, the financing plan(s) for the project(s), and timeline(s) for accomplishing the Project(s). Specifically, the section should include:

##### **A. Project Description**

Provide an overview of the proposed project(s), including but not limited to the type of project (e.g., mixed-income housing, permanent housing, mixed-use, etc.), number of housing units, target populations, estimated breakdown of units among the selected target population(s) (Note: At a minimum, Offeror is required to provide priority placement in the Project(s) to the target population(s) identified in Attachment C. However, Offeror may identify additional populations to be served.). Provide a justification for the proposed project size for the given target residents (see Attachment C for VA's preferred target population(s)). Offerors should support the proposed project size(s) and selected target population(s) by citing available market demand data and local market knowledge. The project(s) developed on the EUL Site(s) must be affordable to the applicable target population(s). Unless and to the extent VA otherwise agrees, rents can be set at no more than 30% of a tenant's adjusted gross income.

##### **B. Site Construction and Building Design**

Describe any proposed development, demolition, relocation, refurbishment, or renovation of the Site(s) and/or the facilities currently located on the Site(s) (including any historic structures or properties).

- (1) Include a graphical depiction showing the conceptual layout of the Project(s) on the EUL site(s). At the Offeror's discretion, such imagery could include conceptual drawings, site plans, and/or floor plans.
- (2) Describe the proposed A&E firm's background and experience, design philosophy, location, and number of employees.

- (3) Describe proposed construction firm's background and experience, location, number of employees, and bonding capacity.

### **C. Offeror Financial Stability**

Provide a general overview of the Offeror and its team members' financial stability. Provide a summary of the total sources and uses of funds for the Offeror and its team members and if available, attach as an appendix, which does not count against the page limit, the auditor's opinion letter(s) from the Offeror and its team members' most recent financial audit(s).

### **D. Project Financing**

Offerors are requested to provide the following items:

- (1) Development Budget(s): Development budget must show (1) total development costs, including hard and soft costs (including legal fees); (2) financing costs, including types, anticipated debt and equity amounts, and underlying amortization period; and (3) ownership structure, including percentage of ownership by the Offeror (or in the case of a special purpose entity, each team member);
- (2) Annual Operating Budget(s): Offeror should list all expected annual revenues and operating expenses associated with the Project(s);
- (3) Annual Supportive/Resident Services Budget(s): Offeror should list all expected annual supportive/resident services expenses; and,
- (4) Sources and Uses: The proposal must provide list(s) of all capital, operating and supportive/resident services funding sources (e.g., Low Income Housing Tax Credit equity, equity provided by the Offeror, Federal, State and local government funding, grant proceeds, loan proceeds, net operating income generated from tenant rent contributions, rental vouchers, etc.) used to finance the project. The discussion should include a description and/or documentation demonstrating the Offeror's strategy to obtain financing for the Project(s), including contingency plan(s) in the event one or more sources of funding are not available.

### **E. Project Timeline**

The Offeror must provide a timetable containing the following key dates:

- (1) Project financing sources: Anticipated application, award and closing dates;
- (2) Required permits, approvals and variances: Anticipated application and approval dates;
- (3) Schematic design and construction documents: Completion dates;
- (4) Construction: Start and completion dates; and,
- (5) Occupancy: Date the in-kind consideration will be provided to VA.

#### **4.2.5 Property Management and Supportive/Resident Services**

The Offeror will be responsible for ensuring the proper operation, management, and maintenance of the Project during the term of the EUL. This section must contain the following:

##### ***A. Property Management Approach and Key Personnel***

Describe Offeror's approach to operation, management, and maintenance of the Project(s) in accordance with private sector standards. The Offeror should include detailed information (i.e., entity name, resumes, headquarters and principle places of business, etc.) on any personnel that are proposed to be responsible for management of the Project(s) (Note: Resumes do not count against the page limits).

##### ***B. Supportive/Resident Services Offered and Key Personnel***

Identify which supportive/resident services are to be provided on-site, as well as who is going to provide them. Offeror must also provide detailed information about the following topics: needs assessment and outreach strategy; service delivery strategy; coordination with other programs and service providers; and performance objectives. The Offeror should include detailed information (i.e., entity name, resumes, headquarters and principle places of business, etc.) on any personnel that are proposed to be responsible for supportive/resident services at the Project(s) (Note: Resumes do not count against the page limits).

#### **4.2.6 Community Relations Experience and Strategy**

This section should include an explanation of the Offeror's experience and approach to managing community relations and interacting with local and state government officials (i.e., zoning, environmental, SHPO, local community, etc.). Specifically, this section must contain the following:

- (1) **Community Relations Experience:** Describe any experience in managing relations with the surrounding community. (Information provided in Section 3 may be cross-referenced or incorporated by reference into this section and need not be repeated.)
- (2) **Community Relations Strategy:** Describe Offeror's approach to establishing constructive dialogue and maintaining proactive contact with key public officials and private stakeholders. Offerors should also provide an outline describing strategies to overcome any potential challenges.

## **5. EVALUATION CRITERIA**

### **5.1 Initial Review**

Following the RFP proposal submission deadline, VA will initially review all submissions for completeness and adherence to the requirements and conditions set out in this RFP.

## 5.2 Formal Presentations

Complete and acceptable submissions will be further reviewed and evaluated by VA, ranked in order, and a “competitive range” established. Offerors whose submissions are found to be within the competitive range may be given the opportunity, at VA’s option, to make a formal presentation to VA and receive questions regarding their proposal. If a presentation is required, notice will be provided to those Offerors asked to make a presentation and the details regarding that presentation (i.e., length of presentation, etc.) will be provided in the notice. Based thereon, VA may ask Offerors within the competitive range to submit their Final Revised Proposal (“**FRP**”). Once submitted, VA will treat each Offeror’s FRP as a firm proposal submission that supersedes that Offeror’s proposal originally submitted.

## 5.3 Selection Process

The Government intends to review all factors for award in making a best value selection. After the final evaluation of the proposals, VA will select the Offeror(s) whose proposal(s) offer the **best overall value**. Selection will be based on an integrated assessment of the factors set forth below. Upon selection of the selected developer(s), the Developer(s) will commence work on the Development Plan(s), as outlined in Section 3 of this RFP, with the intent to execute lease(es).

## 5.4 Evaluation Criteria

The proposals will be evaluated on the basis of the following factors that are equally weighted. If all proposals are deemed equal based on the below evaluation criteria and more than one site is identified in Attachment B of this RFP, than the number of sites included in the Offeror’s proposal becomes the determining factor. The evaluation factors are as follows:

### 5.4.1 Relevant Offeror Qualifications, Experience, and Past Performance

VA will review the extent to which the Offeror and its team members have demonstrated expertise and a proven track record in developing and operating multifamily, permanent, affordable housing projects. Offerors should show that they have experience with projects of similar size and scope to the proposed Project(s) and have completed or placed in service at least one comparable, currently-operating housing project of a size comparable to or larger than the Project(s) contemplated in this RFP. Offerors should possess a strong, positive reputation for reliability, service, and a commitment to serving the target population(s) described in Attachment C. VA will also review the Offeror and its team members’ history of complying with agreements and not defaulting on financial responsibilities.

### 5.4.2 Development Concept, Financial Feasibility, and Timeline

VA will evaluate the feasibility of the Offeror’s development concept(s) and proposed site construction/building design(s). VA will assess the financial stability of the Offeror

and its team members, as well as the proposed financing plan(s) for the Project(s). The development concept(s) should reflect VA's goals and objectives, as well as the agency's expectations concerning in-kind consideration (see Sections 2.4.9 and 2.4.10 of this RFP). Offerors should provide realistic project development timeline(s) for VA's review.

#### **5.4.3 Property Management and Supportive/Resident Services**

VA will evaluate the Offeror's approach to delivering property management and supportive/resident services to the Project(s) and ensuring the long-term viability of the Project(s). VA will review the qualifications of the proposed Key Personnel to determine their ability to deliver the proposed property management and supportive/resident services to the Project(s). Both the property management and supportive/resident services plans should be customized to the proposed product type and the Offeror should be familiar with and have developed strong working relationships with local community organizations.

#### **5.4.4 Community Relations Experience and Strategy**

Although community approval is not required for this Project, VA intends to evaluate the Offeror and its team members' experience with and strategy for managing community relations. Offerors should demonstrate local market knowledge and a community relations strategy that accounts for potential community opposition to the Project(s).

### **6. MISCELLANEOUS TERMS AND CONDITIONS APPLICABLE TO THIS RFP**

#### **6.1 Website**

A website has been created to provide interested parties an opportunity to learn more about this opportunity and the VA EUL program. The website is located at **INSERT LINK**.

#### **6.2 Questions and Information**

Questions, requests for clarifications, and general information requests must be sent by email to **INSERT EMAIL**. VA, in its sole and absolute discretion, reserves the right to provide all prospective Offerors with copies of any Offeror questions it receives and any answers, clarifications, and/or information it provides in response thereto, if it determines that doing so may be of general interest to potential Offerors. To receive all project related updates, please subscribe to updates via the website: **INSERT LINK**.

#### **6.3 Authorizations by Submission of Proposal**

Any and all information provided by an Offeror and its team members may be used by VA to conduct credit and background checks.



#### **6.4 Teaming Arrangements and Special Purpose Entities**

Multiple Offerors may form a joint venture for the purpose of submitting a proposal in response to this RFP. A special purpose entity may also be created for the purpose of submitting a proposal. VA may require that financial and performance guarantees be provided by these and other Offerors as well as team members. Supportive housing development and management can be a complex and challenging process and may require substantial expertise. Potential Offerors who do not have strong experience or skills in these areas may consider submitting proposals jointly with entities whose experience can complement their own. (Note: VA will not be involved in facilitating partnering or teaming arrangements.)

#### **6.5 Hold Harmless**

By participating in the RFP process, each Offeror agrees to indemnify and hold harmless VA and the United States and each of their respective officers, employees, contractors, and advisors from and against any and all real estate and other brokerage fees or commissions, finder's fees, and other forms of compensation related in any way to activities undertaken by any person as a result of such person's efforts towards and/or participation in this RFP process or the submission by such person of a proposal, and liabilities, losses, costs, and expenses (including reasonable attorney's fees and expenses) incurred by any indemnified party (including VA) as a result of, or in connection with, any claim asserted or arising as a result of, or in connection with, this RFP process.

#### **6.6 Financial Security**

Upon selection, the Offeror will be required, pursuant to the terms of the Bid Terms Agreement, to post some form of financial security for VA's benefit in the event of a default in the Offeror's obligations there under. The details regarding such financial security will be addressed in a supplement to this RFP, or otherwise discussed directly between VA and the Offeror.

#### **6.7 Ineligibility**

The following persons (including entities) are ineligible to be an Offeror or a team member of an Offeror or otherwise participate in the Project (including as a contractor, subcontractor, or professional): (a) any person that has been debarred or suspended from doing business with VA; (b) any person that is listed on the most current "Excluded Parties List System" published by the U.S. General Services Administration at <http://epls.arnet.gov/>, as updated from time to time; (c) any person who poses a security or safety risk, as determined by the Secretary of State, including but not limited to any person who either represents a country, or is a member of or provides political, financial, or military support to a group, that is listed in the most current "Patterns of Global Terrorism" report, issued by the Secretary of State in compliance with 22 U.S.C. § 2656f(a), available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402 and also available at: [http://www.state.gov/www/global/terrorism/annual\\_reports.html](http://www.state.gov/www/global/terrorism/annual_reports.html); and (d) any person who



is subject to a criminal indictment or information for a felony in any U.S. court. VA reserves the right to require any participant in the Project to confirm that it is not ineligible under the foregoing criteria.

## 6.8 Additional Information

All of the information required to be provided in each proposal pursuant to Section **Error! Reference source not found.** of this RFP is important to VA's analysis and evaluation of the proposal. VA may utilize all information provided in a proposal in evaluating the proposal. Neither VA nor any of its contractors, subcontractors, officers, employees, counsel, advisors, or agents, make any representation or warranty, whether express, implied, or created by operation of law, as to the accuracy or completeness of this RFP or any of its contents or materials referred to therein, and no legal liability with respect thereto is assumed or may be implied.

VA reserves the right to (a) update, supplement, and revise this RFP; (b) make an award under this RFP as a result of initial offers submitted; (c) reject any or all Offers at any time prior to award and cancel this Solicitation; (d) award to other than the offer with the highest level of consideration offered; (e) independently waive informalities and minor irregularities in offers received; and (f) make an award and then enter into negotiations with a selected Offeror on the basis of initial offers received without discussions. Therefore, all initial offers should comprehensively address each of the requirements set forth herein, and contain the Offeror's best terms.

By submitting a proposal, each Offeror accepts all of the terms and conditions set forth in this RFP, and any updates, supplements, and amendments thereto. Any conflict (whether actual or perceived) between different parts of this RFP, as between an Offeror and VA, shall be resolved at the sole and absolute discretion of VA.

In no event shall VA be liable for any fees, costs, or expenses associated with any of the Offeror's (or their brokers, if any) activities (e.g., preparation, discussions, clarifications, submissions, or negotiations), relating directly or indirectly to this Solicitation. Accordingly, as a condition of submitting its proposal, each Offeror hereby agrees to indemnify and hold VA harmless for any and all such fees, claims, liabilities, and costs arising in connection with this RFP and its underlying process.

Any relationship between VA and an Offeror arising from the Solicitation is subject to the specific limitations, terms, conditions, and representations expressed in this RFP. Any substantive questions or concerns to include conflicts, apparent conflicts, or any other substantive matters regarding this RFP which may arise during preparation of an Offeror's proposal should be addressed, in writing, via the dedicated email address **INSERT EMAIL**.

**ATTACHMENT A – INFORMATION ON SITE TOURS**

(DATES, TIMES, AND CONTACT INFO FOR SITE TOURS IN ORDER TO GIVE OFFERORS OPPORTUNITY TO VIEW AVAILABLE ASSETS AT EUL SITE(S))

**ATTACHMENT B – EUL SITE(S) INFORMATION**

(DESCRIPTION OF THE EUL SITE(S) TO BE MADE AVAILABLE FOR REUSE, INCLUDING LOCATION, LAND ACREAGE/SIZE OF BUILDINGS, INFRASTRUCTURE INFORMATION, HISTORIC AND/OR ENVIRONMENTAL CONSIDERATIONS, ETC.)

**ATTACHMENT C – TARGET POPULATION(S) AND SUPPORTIVE/RESIDENT SERVICES**

(DESCRIPTION/DEFINITION OF THE TARGET POPULATION(S) WHO MUST RECEIVE PRIORITY HOUSING PLACEMENT IN PROJECT(S) AND SUMMARY OF MINIMUM RECOMMENDED SUPPORTIVE/RESIDENT SERVICES TO BE INCLUDED IN PROJECT(S))

**ATTACHMENT D – BID TERMS AGREEMENT**

(TERMS AND CONDITIONS OF PROPOSAL – TO BE ATTACHED TO RFP)

**ATTACHMENT E – EUL AGREEMENT (SAMPLE)**

(LINK TO OAEM WEBSITE TO BE PROVIDED)

**ATTACHMENT F – AVAILABLE ENVIRONMENTAL INFORMATION**

(LINK TO OAEM WEBSITE TO OBTAIN PHASE 1 ENVIRONMENTAL ASSESSMENT IF AVAILABLE)