



# REQUEST FOR PROPOSALS

SMALL ACRE MULTIFAMILY RENTAL SINGLE-FAMILY OWNERSHIP BENCH

RFP 2021-SA1: RIVERDALE

ISSUE DATE : 18 JUNE 2021

PROPOSAL DUE DATE: 18 AUG 2021

Prepared by:

## HAPGC

HOUSING AUTHORITY OF PRINCE GEORGE'S COUNTY

All questions regarding this Request for Proposals should be submitted via e-mail only to James McGraw at **[jfmcgraw@co.pg.md.us](mailto:jfmcgraw@co.pg.md.us)**. Respondents shall not direct questions to any other person within HAPGC except as allowed elsewhere in the RFP. Responses to Respondent questions will be aggregated and posted on the following website:

**<https://www.princegeorgescountymd.gov/bids.aspx>**



**Responses are to be sent to the following address:**

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# SECTION 1: INTRODUCTION

## A. THE OPPORTUNITY

This Request for Proposals ("RFP") is issued by the Housing Authority of Prince George's County ("HAPGC") for the purpose of obtaining proposals for the development of vacant and infill lots located in the Riverdale area of Prince George's County ("County") near the planned Riverside Park – Kenilworth Avenue Purple Line light rail station. This RFP is open to developers ("Respondents") previously selected under HAPGC's Small-Acre, Multifamily Rental, and Home Ownership Request for Qualifications No. 2020-02.

HAPGC invites Respondents to submit proposals for the development of six (6) sites ("Development Parcels") that collectively include 66 individual lots for a total of ~4.55 acres as detailed in Section 2 of this RFP. The Development Parcels, currently zoned R-55 and designated for single family residential use, are strategically located within an Employment Area and near an Innovation Corridor targeted for future growth in Plan Prince George's 2035, the County's approved General Plan ("Plan 2035"). Further, the Development Parcels are located between the Riverdale Park-Kenilworth and Beacon Heights-East Pines Purple Line Stations, both of which are targeted for mixed-use redevelopment. The approved East Riverdale-Beacon Heights Sector Plan ("Sector Plan") designates Development Parcels 1 through 5 for Residential Medium-High use, supporting residential development at densities ranging from 8 to 20 dwelling units per acre, and Development Parcel 6 as Residential Medium use, supporting residential development at densities ranging from 3.5 to 8 dwelling units per acre.

Given the Development Parcels' unique location and redevelopment potential, HAPGC is seeking innovative development plans that deliver quality, affordable housing in a manner that aligns with the County's planning framework, is responsive to the needs of the local community, and meets HAPGC's goals and requirements as enumerated below. Respondents may submit development proposals that include "by right" development plans (based on the Development Parcels' current R-55 zoning) and/or development plans that deliver higher density residential development (based on the designation of Development Parcels 1-5 for Residential Medium high use in the Sector Plan as discussed in Section 2 below) subject to any required rezoning, site plan review, and subdivision approval processes. Respondents may propose to acquire the Development Parcels via fee simple transfer or via long term ground lease at a term no less than ninety-nine (99) years.

## B. THE GOALS

HAPGC is a public body corporate and politic organized under the laws of the State of Maryland and a "public housing agency" as defined in the United States Housing Act of 1937 (42 U.S.C. §1437 *et seq.*, as amended.) HAPGC was established in 1967 for the purpose of providing quality affordable housing for Prince George's County residents with low to moderate incomes. HAPGC is governed by a Board of Commissioners consisting of seven (7) members appointed by the County Executive Director. HAPGC's mission is to: (i) expand access to a broad range of quality, affordable housing options; (ii) create safe, well planned, attractive residential communities while assisting families

in maintaining self-sufficiency; and (iii) promote stability within communities. HAPGC carries out its mission largely from federal funds received directly from the United States Department of Housing and Urban Development ("HUD"), which support HAPGC's Public Housing Programs and Housing Choice Voucher ("HCV") Program. HAPGC currently has an annual budget of ~\$100 Million, which supports a portfolio of 6,248 Affordable Housing Units either directly owned and managed by HAPGC or administered through its HCV program.

In addition to its Affordable Housing portfolio, HAPGC owns a portfolio of vacant land, including the Development Parcels, generally located on or near transit routes in close proximity to schools, grocery stores, commercial retail, and community amenities. HAPGC's goal is to utilize these vacant parcels to support its mission of expanding access to a broad range of quality, affordable housing in a manner that fully aligns with *Housing Opportunity for All*, the County's Comprehensive Housing Strategy ("CHS"), and *Plan Prince George's 2035*, the County's Approved General Plan.

Accordingly, HAPGC encourages Respondents to submit innovative development plans that meet and/or balance the following policy goals:

- **DELIVER QUALITY AFFORDABLE HOUSING:** Respondents are encouraged to submit proposals that deliver quality housing plans with a diverse range of affordability levels and product types, help strengthen the Riverdale Hills neighborhood, and help promote economic prosperity by expanding opportunities for homeownership.
- **CREATE SUSTAINABLE COMMUNITIES OF CHOICE:** Respondents are encouraged

to submit innovative development plans that fully respond to the County's sustainability goals by delivering energy-efficient homes within site plans that maximize the density of the Development Parcels in a manner that appropriately responds to the Sector Plan, incorporates urban design best practices from Plan 2035, and delivers a safe, walkable community of choice that connects residents to nearby schools, parks, and transit nodes via complete and green streets.

- **SUPPORT LOCAL BUSINESSES AND ECONOMIC DEVELOPMENT:** Respondents are encouraged to submit proposals that include commitments providing meaningful economic participation for Certified Business Enterprises ("CBEs"), local businesses, and local residents in the overall development project.
- **LEVERAGE AVAILABLE STATE AND COUNTY FUNDING PROGRAMS:** Respondents are encouraged to submit proposals that effectively utilize eligible State and County financing programs as discussed in Section 2 below.
- **STRUCTURE EXECUTABLE DEALS THAT DELIVER A FAIR RETURN ON HAPGC'S INVESTMENT:** Respondents are encouraged to submit executable development and financing plans structured to provide a fair return on HAPGC's land investment based on market conditions and the Respondent's proposed housing plan. Further, Respondents are encouraged to propose opportunities for HAPGC to participate as a Co-Developer in the project. **However, Developers should note that HAPGC will not serve as a joint venturer in the Project.**



## C. THE TIMELINE

### SELECTION PROCESS TIMETABLE

1	Issuance of RFP	18 June 2021
2	Pre-Response Conference & Site Tour	July 2021
3	Respondent Question Deadline	9 July 2021
4	RFP Proposal Submission Deadline	18 August 2021
5	Selection Panel Convenes	Fall 2021
6	Community Presentation by Respondents (if Applicable)	Fall 2021
7	Request for Best and Final Offer (if Applicable)	Fall 2021
8	Best and Final Submission and Due Date (if Applicable)	Fall 2021
9	Final Selection of Development Team	Fall 2021
10	Finalize Conveyance and Development Agreements ("Agreements")	Fall-Winter 2021
11	Submission of Agreements to HAPGC Board of Directors	Fall-Winter 2021

## SECTION 2: PROJECT OVERVIEW

Please refer to **Appendix A** for the maps and tables referenced below in this Section 2.

### A. LOCATION OVERVIEW

The Development Parcels, totaling ~4.55 acres are located within the East Riverdale-Beacon Heights Sector Planning Area and are subject to the East Riverdale-Beacon Heights Sector Plan. Further, the Development Parcels are located in close proximity to major employment nodes including the University of Maryland Research Park, College Park, and Greenbelt, as well as neighborhood retail amenities such as The Station at Riverdale Park, a Whole Foods anchored mixed-use

project located approximately two (2) miles to the west of the Development Parcels. Further, the Development Parcels are situated within the Riverdale Hills subdivision between the Purple Line Stations at Riverdale Park-Kenilworth and Beacon Heights-East Pines, both of which are under construction, as illustrated in the **Location Overview Map** in **Appendix A**. The Development Parcels are located on the western side of 64<sup>th</sup> Avenue, a platted but partially unbuilt street with existing multifamily and townhouse communities further to the east, as shown in the **Site Map** in **Appendix A**. The characteristics of the Development Parcels are summarized in the table below.

DEVEL. PARCEL	NUMBER OF LOTS	OWNER	CURRENT ZONING	PROPOSED ZONING*	APPROX. ACRES	REFERENCE (APPENDIX A)	BOUNDARIES
1	9	HAPGC	R-55	RSF-A	0.60	Table 1 Development Parcels 1-4 Map	64 <sup>th</sup> Avenue to the east, an easement to the north, and existing residential homes to the west and south
2	7	HAPGC	R-55	RSF-A	0.50	Table 2 Development Parcels 1-4 Map	64 <sup>th</sup> Avenue to the east (which terminates in a dead-end at Lot 43), Roanoke Avenue (unimproved) to the north, existing residential homes to the west, and an easement to the south. Some lots within Development Parcel 3 do not adjoin a developed roadway.
3	7	HAPGC	R-55	RSF-A	0.48	Table 3 Development Parcels 1-4 Map	64 <sup>th</sup> Avenue (unimproved) to the east, a privately owned vacant parcel to the north, existing residential homes to the west, and Roanoke

DEVEL. PARCEL	NUMBER OF LOTS	OWNER	CURRENT ZONING	PROPOSED ZONING*	APPROX. ACRES	REFERENCE (APPENDIX A)	BOUNDARIES
							Avenue (unimproved) to the south. The lots within Development Parcel 3 do not adjoin a developed roadway.
	11	HAPGC	R-55	RSF-A	0.79	Table 4 Development Parcels 1-4 Map	64 <sup>th</sup> Avenue (unimproved) to the east, Sheridan Street (unimproved) to the north, existing homes to the west, and a privately owned vacant parcel to the south. The lots within Development Parcel 4 do not adjoin a developed roadway.
5	11	HAPGC	R-55	RSF-A	0.77	Table 5 Development Parcels 5-6 Map	64 <sup>th</sup> Avenue (unimproved) to the east, existing homes to the north and west, and a privately owned vacant lot to the south. The lots within Development Parcel 5 do not adjoin a developed roadway.
6	21	HAPGC	R-55	RSF-65	1.41	Table 6 Development Parcels 5-6 Map	64 <sup>th</sup> Avenue (unimproved) to the east and north, 63 <sup>rd</sup> Place (unimproved) to the west, and existing homes to the South. The lots within Development Parcel 6 do not adjoin a developed roadway

*\*Note: The proposed zoning categories set forth above are subject to the County's approval of the Sectional Map Amendment discussed below.*

## B. HAPGC GOALS AND REQUIREMENTS

### B.1. COMPREHENSIVE AND SMALL AREA PLANS

The Development Parcels are located within the East Riverdale-Beacon Heights Sector

Planning Area and subject to the East Riverdale-Beacon Heights Sector Plan, which was approved in 2017 and incorporates, consolidates, and updates recommendations from applicable plans and studies conducted by the County over the past 20 years including, but not limited to, the County's 2014 Approved General Plan (Plan 2035) and the 2013 Purple Line Transit-Oriented Development Study.



The Sector Plan's Land Use and Housing and Neighborhoods sections provide important strategic and policy guidance for the Development Parcels including, but not limited to, the following:

- **LAND USE STRATEGY #12.4 (LU 12.4):** LU 12.4 calls for the Introduction of townhouse and single-family attached development, where appropriate, to provide additional infill housing options;
- **HOUSING AND NEIGHBORHOODS STRATEGY #1.10 (HN 1.10):** HN 1.10 calls for the identification of opportunity sites for the construction of new, affordable housing, including units affordable to the workforce, seniors, and families;
- **HOUSING AND NEIGHBORHOODS STRATEGY #2.2 (HN 2.2):** HN 2.2 calls for the identification of opportunities to increase single-family housing stock, including intensification of single-family zone classifications on vacant lots currently zoned for single-family detached houses, and incorporation of townhouses into mixed-use redevelopments;
- **HOUSING AND NEIGHBORHOODS POLICY #4 (HN 4):** HN 4 calls for townhouse and single-family attached development to be introduced or retained, where appropriate, as a transformational land use between multifamily, commercial, mixed-use, and existing single-family detached neighborhoods, and as an opportunity to provide additional affordable housing options;
- **HOUSING AND NEIGHBORHOODS STRATEGY #4.1 (HN 4.1):** HN 4.1 call for the consideration of townhouse or single-family attached development along 64<sup>th</sup> Avenue, including any redevelopment of Parkview Gardens;

and

- **HOUSING AND NEIGHBORHOODS STRATEGY #4.3 (HN 4.3):** HN 4.3 notes that where vacant or underdeveloped lots can be subdivided to create multiple buildable lots under a more intense zone, consider intensification of zoning for vacant lots in existing residential zones to permit the construction of additional dwelling units in existing neighborhoods.
  - Further, the corresponding text box for Strategy HN 4.3 states: "HN #4.3 recommends considering a strategy to increase the zone intensity of vacant or underutilized lots to permit additional single-family housing. Using the 1949 Zoning Ordinance for reference, this strategy would be implemented through the following zoning changes for these properties: **R-55 to R-20**, R-80 to R-35. This strategy is intended, in effect, to facilitate the strategic and limited construction of two or three dwelling units on a vacant lot previously zoned for single dwelling units. This facilitates the construction of additional, potentially affordable and/or for-sale, dwelling units without significant impact on the neighborhood."
  - *NOTE: The R-20 zone translates into the County's new RSF-A zone pursuant to the Decision Matrix in Part One of the County's Guide to the New Zones.*

## B.2. ZONING

All of the Development Parcels are currently zoned R-55. Development Parcel 6 is partially located within an Aviation Policy Area as shown in **Existing Land Use Map** in **Appendix**

**A.**

Development Parcels 1 through 5 are designated for Residential Medium-High use in the approved Sector Plan as shown in **Future Land Use Map** in **Appendix A** and will transition to the County's new Residential Single Family Attached ("RSF-A") zone as part of the Countywide Sectional Map Amendment ("Map Amendment") which is expected to be presented to the County Board for final approval in 2022 after required outreach, public hearings, and Department of Planning reviews are complete.

Development Parcel 6 is designated to remain Residential Medium use in the approved Sector Plan as shown in **Future Land Use Map** in **Appendix A** and will transition to the County's new RSF-65 zone pursuant to the County's pending adoption of the Map Amendment.

The County's new RSF-A zone supports a mix of residential types emphasizing attached dwellings such as townhouses, two-family and three-family attached homes at densities ranging from 8.70 dwelling units per acre ("DUs/acre") to 32.66 DUs/acre as detailed in **RSF-A Zoning Overview** in **Appendix A**.

The County's new RSF-65 zone, which generally conforms to the County's existing R-55 zone, supports detached single-family development at a max density of 6.7 DUs/acre as detailed in **RSF-65 Zoning Overview** in **Appendix A**.

Respondents are encouraged to prepare development plans that align with the strategies and policy guidance set forth in the County's Sector Plan.

### B.3. HISTORIC PRESERVATION AND REHABILITATION

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There are no structures designated for historic

preservation or rehabilitation on the Development Parcels. Further, the Development Parcels are located outside of the Baltimore-Washington Parkway historic district.

### B.4. TRANSPORTATION AND MOBILITY

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#### 64<sup>TH</sup> AVENUE EXTENSION

Section 5 ("Transportation and Mobility" or "TM") of the Sector Plan calls for the construction of 64<sup>th</sup> Avenue on the existing public Rights of Way with connections to Roanoke Avenue, Sheridan Street, and Tuckerman Street as shown in the **64<sup>th</sup> Avenue Extension Exhibit** in Appendix A. While the Sector Plan envisions the extension of 64<sup>th</sup> Avenue occurring as part of the adjacent Parkview Gardens redevelopment, there is no language in the Sector Plan that expressly prohibits the 64<sup>th</sup> Avenue extension from occurring prior to the redevelopment of the Parkview Gardens site. The Sector Plan also envisions new streets being constructed to the County's Complete and Green street standards as discussed in Section B.6 below.

Section TM 4.3 of the Sector Plan encourages construction of sidewalks on both sides of the streets in areas that are within 1.5 miles of an elementary school and 2 miles of a middle school or high school. All of the Development Parcels are located within 2 miles of William Wirt Middle School as shown in the **Site Map** in **Appendix A**. More information regarding the sidewalk considerations set forth in the County's Complete and Green Street standards are discussed in Section B.6 below.

New roadways and sidewalks must conform to the design requirements and standards set forth in Subtitle 23 (Roads and Sidewalks) and all other applicable provisions of the County's Code of Ordinances ("County Ordinance.") Wherever possible, Respondents are encouraged to incorporate the design

considerations set forth in the County's Department of Public Works and Transportation (DPW&T) 2017 Urban Street Design Standards and the County's Vision Zero Action Plan, which focuses on: (i) reducing speeds; (ii) minimizing potential conflicts between vehicles and pedestrians or bikers; and (iii) establishing safer and fully accessible crossings, walkways, and bikeways. The planned extension of 64<sup>th</sup> Avenue is anticipated to be categorized as a Neighborhood Street under the County's 2017 Urban Street Design Guidelines, which may provide for a dedicated bike lane (subject to the width of the Right of Way) and for street parking to be consolidated on one side of the 64<sup>th</sup> Avenue.

**Respondents should note that HAPGC intends to work cooperatively with the selected Respondent and its respective Civil Engineer to seek Federal and/or State funding for the 64<sup>th</sup> Avenue extension and related utility improvement costs. Accordingly, HAPGC encourages Developers to select Civil Engineers that, in addition to having extensive residential subdivision design experience in the County, also have significant experience managing the design and permitting process for County roadways and wet utility infrastructure. HAPGC anticipates that applications for Federal and/or State funding for the 64<sup>th</sup> Avenue extension and related utility infrastructure may require supporting budgets and related preliminary documentation. Accordingly, Respondents and their selected Civil Engineers may be required to prepare supplemental preliminary roadway and wet utility exhibits, engineer estimates of costs, and/or other technical information that may help HAPGC and the Respondent secure Federal and/or State funding for all, or a portion of, the planned 64<sup>th</sup> Avenue Extension roadway and wet utility infrastructure improvements.**

## PURPLE LINE CORRIDOR

The Development Parcels are located between the Riverdale Park-Kenilworth Purple Line Station and Beacon Heights-East Pines Purple Line Station as shown in the **Submarket Map** in **Appendix A**. The Purple Line is a 16-mile light rail line that will extend from Bethesda in Montgomery County to New Carrollton in Prince George's County and will provide a direct connection to the WMATA Metro Green, Yellow, Orange, and Red lines, as well as MARC and bus lines. Light rail construction is currently underway in the Riverdale Park purple line corridor area and at both the Riverdale Park-Kenilworth and Beacon Heights-East Pines Purple Line Stations.

In addition to providing significant transit benefits to the Riverdale and Beacon Heights neighborhoods, the Purple Line will also serve as a catalyst for the mixed-use redevelopment of the areas surrounding both stations as depicted in **Riverdale Park-Kenilworth Station Area Redevelopment Map** and **Beacon Heights-East Pines Station Area Redevelopment Map** both of which are located in **Appendix A**.

Respondents are encouraged to prepare conceptual site plans that incorporate complete and green street design features in the planned extension of 64<sup>th</sup> Ave, clearly depict vehicular access and parking for each Development Parcel, including new residential housing thereupon, and include design and accessibility features that support pedestrian, wheelchair, and bike access to neighborhood schools, amenities, and nearby transit nodes.

## B.5. PUBLIC SPACE FRAMEWORK

### URBAN DESIGN

Both Plan 2035 and the Sector Plan emphasize the importance of urban design in creating walkable communities of choice that connect residents to surrounding open spaces, neighborhood amenities, and transit nodes. Urban design emphasizes focuses the importance of “placemaking” or creating sustainable, walkable, and safe human-scaled places where people can live healthy and happy lives in a manner that is responsive to environmental, social, and cultural considerations.

In addition to addressing all applicable building code provisions set forth in the County's Ordinance, Respondents should present development plans for each Development Parcel that appropriately respond to the requirements set forth in the County's 2010 Landscape Manual, as well as urban design planning considerations set forth in the Sector Plan and Plan 2035.

Respondents are encouraged to pay particular attention to the relationship of new buildings relative to adjacent uses and the surrounding environment. Further, respondents are encouraged to submit plans featuring quality building designs with attractive facades and windows providing sight lines over well-lit sidewalks, streets, and common areas, thus contributing to a safe community of choice.

### PARKS

The Sector Plan's Parks and Recreation Section prioritizes the creation of new parks, with a particular emphasis on new parks near Purple Line station redevelopment areas, with the goal of ensuring that all area residents are connected to parks, recreation, and open

space. The Sector Plan identifies the vicinity of Parcel 6 as being a targeted location to receive a new community park as shown in **Parks and Recreation Overview Map in Appendix A.**

Respondents are encouraged to conduct their own due diligence into the County's parks requirement and submit development plans that appropriately respond to the Sector Plan's vision for the incorporation of new park space in the vicinity of Development Parcel 6.

## B.6. GREEN BUILDING REQUIREMENTS, COMPLETE AND GREEN STREETS, AND UTILITY CONSTRAINTS

### ENVIRONMENTAL CONSIDERATIONS

The majority of the Development Parcels are located within a Green Infrastructure Evaluation Area, with a portion of Development Parcel 6 located within a Green Infrastructure Regulated Area as shown in the **Green Infrastructure Map in Appendix A.** Further, a portion of Development Parcels 4, 6, and the unimproved 64<sup>th</sup> Ave extension are located within a Regulated Green Infrastructure Area as shown in the **Green Infrastructure Map in Appendix A.** Respondents should note that a stream traverses a portion of the unimproved 64<sup>th</sup> Avenue right of way.

Respondents are encouraged to prepare innovative development plans and provide a detailed narrative describing how their proposed plans will address the environmental considerations noted above as well as all other applicable environmental guidance including, but not limited to, County Ordinance governing stormwater management and tree canopy coverage.

## GREEN BUILDING ENERGY PROGRAM

The Development Parcels shall be developed in compliance with the County's Green Energy Program and all applicable federal, state, and local laws regarding green buildings. HAPGC intends to build upon Maryland and County energy efficiency and carbon reduction goals with the goal of helping make the County more energy resilient.

In order to achieve the targets set forth by Maryland and the County, HAPGC seeks to lead by example and give consideration to responses that exceed basic legal requirements and forge a path towards true sustainability. Therefore, preference will be given to responses that:

- Exhibit a commitment to environmental performance beyond the requirements set forth in existing laws and regulations, including commitments to the newest version of the LEED rating system; OR
- Surpass basic LEED certification by designing net zero energy "ready" (deep efficiency with energy use intensities below 30 kBtu/square foot/year), achieve net positive energy (either produced onsite and/or from newly installed renewable energy in the region), zero waste (meaning 90% above diversion of waste both during construction and when occupied), and / or retain stormwater volume for the 1.7 inch rain event, and reuse of rainwater or greywater onsite; OR
- Design and construct the project to achieve either full or Petal certification under the Living Building Challenge certification. The Living Building Challenge is the most rigorous building performance standard. Projects

achieving full certification demonstrate a connection to nature and place, net-positive energy generation, net-zero water use, healthy and active design, integration of ecologically responsible material, and equitable development strategies.

## COMPLETE AND GREEN STREETS

The Sector Plan also envisions new streets and sidewalks being constructed to the County's Complete and Green street standards which are mandatory for all County financed roadway and sidewalk improvements pursuant to Chapter 23-615 of the County Ordinance. The Complete and Green Streets Program is focused on: (i) creating safer, more livable communities through the design and construction of roadways and sidewalks that accommodate vehicular, pedestrian, and bike users; (ii) managing stormwater in an environmentally-friendly way that reduces the total maximum daily load ("TMDL") of pollutants entering County watersheds pursuant to the County's NPDES/MS4 permit and Watershed Improvement Plan ("WIP"); and (iii) increasing tree canopy coverage.

Respondents are encouraged to prepare conceptual site plans that incorporate complete and green street design features in compliance with Chapter 23-615 of the County's Ordinance (and all other applicable laws), clearly depict vehicular access and parking for each Development Parcel including new residential housing thereupon, and include design features that support pedestrian, wheelchair, and bike access to neighborhood schools, amenities, and nearby transit nodes.

## UTILITY CONSTRAINTS

There is an existing WSSC owned water main in the improved portion of 64<sup>th</sup> Avenue near Development Parcels 1 and 2, as well as a WSSC sanitary sewer main in the general



vicinity of the 64<sup>th</sup> Avenue right of way as shown in the **Water and Sewer Map** in Exhibit A. Respondents are responsible for conducting their own water and sewer due diligence and are encouraged to coordinate with both WSSC and the County to prepare preliminary conceptual plans depicting proposed new water and sewer infrastructure that may be required to serve the Development Parcels. Further, Respondents are responsible for conducting their own due diligence into other utilities (e.g. natural gas, power, telecom) and providing a narrative in their response addressing any utility constraints and how their development plans will address those utility constraints.

As discussed in Section 2.B.4. above, Respondents should note that HAPGC intends to work cooperatively with the selected Respondent and its respective Civil Engineer to seek Federal and/or State funding for the 64<sup>th</sup> Avenue extension and related utility improvement costs. Accordingly, HAPGC encourages Developers to select Civil Engineers that, in addition to having extensive residential subdivision design experience in the County, also have significant experience managing the design and permitting process for County roadways and wet utility infrastructure. HAPGC anticipates that applications for Federal and/or State funding for the 64<sup>th</sup> Avenue extension and related utility infrastructure may require supporting budgets and related preliminary documentation. Accordingly, Respondents and their selected Civil Engineers may be required to prepare supplemental preliminary roadway and wet utility exhibits, engineer estimates of costs, and/or other technical information that may help HAPGC and the Respondent secure Federal and/or State funding for all, or a portion of, the planned 64<sup>th</sup> Avenue Extension roadway and wet utility infrastructure improvements.

## B.7. COMMUNITY AND STAKEHOLDER OUTREACH

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The success of any development project hinges on the inclusion and support of the local community in the planning process. Accordingly, Respondents are encouraged to submit development plans that are fully responsive to the goals and strategies set forth in the Sector Plan which was developed through an extensive planning effort with assistance from area residents, civic associations, businesses and property owners. Further, Respondents are encouraged to seek feedback from community stakeholders, particularly residents in the single-family homes that are directly adjacent to the Development Parcels, and submit development plans that appropriately respond to community stakeholder feedback.

## B.8. ECONOMIC DEVELOPMENT

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### CERTIFIED BUSINESS ENTERPRISE

Respondents are encouraged to submit proposals that provide for meaningful economic participation by County certified MBE, WBE, DBE, and VBE sub-contractors, and vendors. Preference will be given to responses that commit to a sub-contracting goal of that awards at least 30% of the project's total hard cost budget and soft cost budget to County certified MBE, WBE, VBE, and DBE sub-contractors, vendors, and/or suppliers.

### DAVIS BACON ACT ("DBA") AND RELATED ACTS ("DBRA")

The provisions of the DBA, 40 U.S.C. Para. 276(a) and related acts, such as the Housing and Community Development Act of 1974 (collectively "DBRA"), require Davis-Bacon

labor standards for federally assisted construction projects and may apply to this Project subject to Respondent's development plan and proposed financing approach. Respondents must include an assessment of DBA applicability in their proposal submissions that takes their proposed development plan and financing program into consideration. Respondents submitting project proposals that are subject to DBA must include budgets that appropriately incorporate DBA prevailing wages, where applicable.

### LOCAL HIRING & BUSINESS OPPORTUNITIES

The County's CHS emphasizes the importance of using new housing development and coordinated public investments to build stronger economic opportunities and revitalize neighborhoods. Accordingly, Respondents are encouraged to submit proposals that provide meaningful economic participation for area residents and local businesses. Preference will be given to responses that commit to: (i) implementing a local hiring and/or apprenticeship program providing meaningful employment opportunities within different construction trades for area residents; and (ii) implementing a local business program that provides meaningful opportunities for neighborhood-based businesses to participate in the project. **Section 3 may be required if certain federal funds are utilized. Respondents are advised to conduct their own due diligence regarding the applicability of Section 3 requirements based on their proposed financing and development plans.**

## B.9. AFFORDABLE HOUSING

Respondents are encouraged to prepare innovative development plans that maximize the development potential for each Development Parcel in a manner that: (i) is contextually appropriate for the

neighborhood and adjacent uses; (ii) yields the greatest number of committed affordable homes; (iii) meets the County's housing diversity requirements; and (iv) is financially viable without any subsidy from HAPGC. Accordingly, Respondents are encouraged to complete their own in-depth housing market analysis and submit innovative development plans that include a mix of quality, affordable housing with maximum sale prices (or maximum rents) ranging from the 60% AMI target to the 120% AMI target as set forth in Chart X in **Appendix F**. Preference will be given to those responses that deliver a range of quality, affordable housing in a manner that requires no subsidy from HAPGC.

Affordable rental and for-sale units shall be delivered and administered in accordance with an affordability covenant that will be entered into by the HAPGC (Grantor) and the selected Respondent (Grantee) and recorded. Among other provisions, the affordability covenants will require residential buildings to have a proportional distribution of unit types and sizes across multiple AMI levels so that affordable units are not clustered in any portion (floor, section, or tier) of the development. Further, the affordability covenants will obligate the Respondent (Grantee) to develop and operate (if applicable for proposed rental projects) the affordable housing in accordance with all applicable federal, state, and County laws.

Chart X, along with associated supporting charts, is provided in **Appendix F** and intended as a general guide for the maximum affordable home sale prices for different designated affordability levels and housing unit types. The Maximum Affordable Rents table in **Appendix F** is similarly intended as a general guide of affordable rental price assumptions for different AMI levels based on current HUD data. HUD data is updated annually and Respondents are responsible for

conducting their own research into applicable federal, state, and County affordability requirements, as well as sub-market conditions, to determine appropriate home sale prices and/or rental prices for each proposed housing unit type. All affordable rent payments collected by the future property owner from the tenants or third parties on behalf of tenants may not exceed the Maximum Allowable Rent for an affordable unit. **Appendix F** may be updated periodically by HAPGC. The initial sales price for an affordable unit may not exceed the Maximum Allowable Sales Price for affordable units.

Additional information on HAPGC regulations pertaining to affordable housing can be found at: [Housing Authority | Prince George's County, MD \(princegeorgescountymd.gov\)](https://www.princegeorgescountymd.gov/housing-authority)

## B.10. COMMUNITY DEVELOPMENT FINANCING TOOLS

Respondents are encouraged to submit development plans with innovative financing plans that appropriately utilize available federal or state funding programs including, but not limited to, the following:

**Urban Development Corporation (UDC) Homebuyer Assistance:** The UDC was established by HAPGC and capitalized with funds obtained from HUD through a block grant. UDC operates a revolving fund to grant low-interest second trust mortgages of \$20,000 or less. The mortgages are granted for home improvements and to first-time homebuyers to assist them in obtaining first trust mortgages from outside financing sources. Respondents proposing for-sale affordable housing are encouraged to incorporate HAPGC's UDC Homebuyer Assistance Program, and other similar programs, focused on helping first-time homebuyers.

**Sustainable Communities Programs:** The

Development Parcels are located within a Priority Funding Area as well as the Greater Riverdale designated Sustainable Communities area, thus making the project eligible for certain state funding programs including, but not limited to, the following:

**Community Legacy Program:** provides local governments and community development organizations in Sustainable Communities with funding for essential projects aimed at strengthening communities through activities such as business retention and attraction, encouraging homeownership, and commercial revitalization. Some examples of eligible projects include mixed-use development consisting of residential, commercial, and/or open space; streetscape improvements; and façade improvement programs.

**Strategic Demolition Fund:** provides grants and loans to local governments and community development organizations in Sustainable Communities for predevelopment activities, including demolition and land assemblage for housing and revitalization projects. The Fund catalyzes public and private investment in the reuse of vacant and underutilized sites. Awards will focus on those smart growth projects that have a high economic and revitalization impact in their existing communities.

**Maryland Bikeways Program:** Maryland Department of Transportation (MDOT) program supporting projects that maximize bicycle access and fill missing links in the State's bike system. Additional points will be awarded to projects located in or connecting to a Sustainable Community.

**Community Safety and Enhancement Program:** A State Highway Administration program that provides funding for transportation improvements along State

highways that support planned or on-going revitalization efforts. Improvements typically include pedestrian and vehicular safety, intersection capacity/operations, sidewalks, and roadways. Projects must be a in Priority Funding Area to be eligible and projects located in Sustainable Communities are given preference.

Respondents are responsible for conducting their own due diligence into the eligibility and funding availability of Federal and State financing programs. More information concerning Maryland's Sustainable Communities program is available at: <https://dhcd.maryland.gov/Communities>

## B.11. ALL APPLICABLE LAWS

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Respondent proposals and associated development plans must comply with all applicable Federal, State, and County laws including, but not limited to, Uniform Federal Accessibility Standards (UFAS) for newly constructed public housing for accessibility for persons with disabilities who use wheelchairs, County Ordinances governing building codes, accessibility, street and sidewalk construction, tree canopy coverage, stormwater management, energy efficiency, and affordable housing.

## SECTION 3: RESPONSE REQUIREMENTS

HAPGC is releasing this RFP which will be posted on HAPGC's website: <https://www.princegeorgescountymd.gov/bids.aspx>

### A. PRE-RESPONSE INFORMATION SESSION AND SITE VISIT

HAPGC will conduct a pre-response information session and site visit to be held in July 2021 at a date and time that is to be determined.

Respondents should RSVP by **20 June 2021**, by emailing [jfmcgraw@co.pg.md.us](mailto:jfmcgraw@co.pg.md.us) with the name, organization, phone number, and email address of the attendee.

**ALL ATTENDEES MUST COMPLETE THE SITE TOUR WAIVER, RELEASE, AND INDEMNIFICATION FORM THAT HAS BEEN ATTACHED AS APPENDIX B. WAIVER FORMS WILL BE COLLECTED PRIOR TO ADMITTANCE TO THE PRE-RESPONSE INFORMATION SESSION & SITE VISIT. THOSE THAT HAVE NOT COMPLETED THE WAIVER, RELEASE, AND INDEMNIFICATION FORM WILL NOT BE PERMITTED ON-SITE.**

### B. RFP PROPOSAL SUBMISSION REQUIREMENTS

HAPGC will determine, in its sole and absolute discretion, whether each response received is responsive to the RFP and acceptable. The decision of HAPGC, in its sole and absolute discretion, shall be final. Responses that do not meet the following requirements will be deemed "Non-Responsive," will not be considered for selection, and will not be

returned to the Respondent.

- Respondents must submit both an online and written/paper submission as detailed herein.
- Respondent must submit an online submission to [nfsimms@co.pg.md.us](mailto:nfsimms@co.pg.md.us) – online responses must be in PDF format with pro-forma submissions presented in Microsoft Excel format. Online responses are due by 3:00 PM EST on **18 August 2021**.
- Respondent must submit three (3) physical copies of their RFP proposal submission along with a sealed envelope containing their signed Deposit to the following address by 3:00 PM EST on **18 August 2021**:

**Housing Authority of Prince George's County**  
**Attn: Executive Director Nathan F. Simms, Jr.**  
 Re: RFP 2021-SA01: Riverdale  
 920 Basil Court, Suite 500  
 Largo, MD 20774

Responses must not exceed forty-eight (48) pages in length excluding any exhibits in the Respondent's submission that may include mandatory forms, audited financial statements, financial commitment letters, conceptual site plans, architectural drawings, programmatic tables, renderings, market studies, sources & uses tables, hard cost and soft cost budget tables, pro-forma submissions, and any other relevant technical or financial information. Further, the written/paper submission must meet the following format requirements:

- Response shall be prepared on 8 ½" x 11" letter-size paper, single side, 1" margins, 12 font, 10 font may be used for tables and figures, consecutive page



numbering, include a table of contents, list of tables and figures, and glossary of terms. Respondents are encouraged to submit conceptual site plan and architectural drawings on 11"x17" paper.

- Responses must be in a three (3) ring binder with tabs to separate sections. Conceptual site plan and architectural drawing submissions should be included under separate tabs in the Respondent's (3) ring binder (with 11" x 17" pages, if applicable, folded neatly to avoid damage.)
- Along with the 3 ring binder submission requirement noted above, Respondents must also submit a sealed enveloped containing the Respondent's signed Deposit. The sealed envelope should be clearly labeled with the Respondent's team name and the Solicitation number.
- Responses must respond to each RFP item in the order outlined below in the "Response Contents" section;
- Each sub-section must be separated by tabs with sub-section headings;
- Respondents are highly encouraged to submit proposals that include the development of all six (6) Development Parcels and address their plan for the design, permitting, and funding of the 64<sup>th</sup> Avenue roadway extension and related utility infrastructure improvements. Respondents that elect to exclude certain Development Parcels from their submission must provide a detailed explanation for doing so in their Transmittal Letter.

- In the event of a discrepancy between a Respondent's online submission and paper submission, the online submission will govern.

## C. RESPONSE CONTENTS

### TAB 1: TRANSMITTAL LETTER

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Respondents shall provide a Transmittal Letter with their response. The Transmittal Letter should highlight key components of the Respondent's response. In particular, the Transmittal Letter should articulate: (i) the Respondent's vision and its proposed development program for each of the Development Parcels; (ii) how the County and surrounding neighborhood will benefit from the proposed project (i.e. expansion of high quality affordable housing, economic impact, job creation, etc.); (iii) how the proposed project is contextually appropriate for the neighborhood and responsive to planning considerations set forth in the CHS, Plan 2035, and the Sector Plan; and (iv) how the Respondent proposes to manage the design, permitting, and funding of the 64<sup>th</sup> Avenue roadway extension and related wet utility infrastructure improvements.

### TAB 2: RESPONDENT TEAM IDENTITIES & DETAILS

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Respondents shall identify the following key team entities:

DEVELOPER	Identify and briefly summarize the qualifications of the lead Development entity for this project who will manage all aspects of the design, entitlement, permitting, financing, construction, and sale process. Please identify (a) the decision-making individual for the entity and, if different, (b) the day-to-day lead individual who will be available to respond to questions or requests for additional information. Please also include a list of similar projects the Developer has recently completed.
DESIGN BUILDER OR GENERAL CONTRACTOR	Identify and briefly summarize the qualifications of the Design Builder and/or General Contractor that will manage all aspects of the construction process. Please identify the lead project manager for the Design Builder or General Contractor for this project and provide his/her biography. Please also include a list of similar projects the Design Builder or General Contractor has recently completed in Prince George's County.
ARCHITECT (& LAND PLANNER IF APPLICABLE)	Identify and summarize the qualifications of the Architect that will manage all aspects of the Architectural Design process and whether the Architect will be engaged by the Ownership Entity (sponsored by the Developer) or the Design Builder. Please include a list of similar projects that the Architect has recently completed in Prince George's County.
CIVIL ENGINEER	Identify and summarize the qualifications of the Civil Engineer that will manage all aspects of the Civil Design process and whether the Civil Engineer will be engaged by the Ownership Entity (sponsored by the Developer) or the Design Builder. Please include a list of similar projects that the Civil Engineer has recently completed in Prince George's County.  <b>As noted above in Section 2.B., Respondents are encouraged to include Civil Engineers on their respective teams with extensive experience managing: (i) the design and permitting of residential subdivisions in the County; and (ii) the design and permitting of roadway improvements (particularly roadway improvements utilizing the County's Complete and Green Streets design criteria) and wet utility infrastructure improvements in the County.</b>
OTHER DESIGN CONSULTANTS	Identify and briefly summarize the qualifications of other specialty design consultants included as part of the proposal team.
BROKER OR PROPERTY MANAGER	Identify and briefly summarize the qualifications of the broker that will manage the marketing and sale of the completed homes (if the project is proposed as a "for sale" project) and/or the property manager that will manage the lease-up and operation of the property (if the project is proposed as a "rental" project.)
EQUITY PARTNERS	Identify and briefly summarize the qualifications of any equity partners, including LP equity investors that will contribute equity capital to the project, if applicable.
LENDERS	Identify and briefly summarize the qualifications of any construction and/or permanent lenders for the proposed Project.
RE & LAND USE	Identify and summarize the qualifications of the Respondent's real estate

COUNSEL	counsel, land use counsel, and any other specialty counsel the Respondent plans to engage for this project. Respondents are encouraged to include land use counsel with extensive experience in Prince George's County land development projects on their respective teams.
OTHER RELEVANT TEAM MEMBERS	If applicable, please identify and briefly summarize the qualifications of other relevant team members that will play an integral role in the design, entitlement, financing, construction, and sale or operation of the Project.

Respondents shall provide the following contact information for the representative of the Developer authorized to negotiate the Transaction Documents referenced in Section 4:

NAME AND TITLE	First and last name and title
ADDRESS	Business address
TELEPHONE NUMBER	Business telephone number
EMAIL ADDRESS	Business email address
TITLE	Business title

### TAB 3: DISCLOSURES

#### STATEMENT REGARDING DEBARMENTS, SUSPENSIONS, BANKRUPTCY, OR LOAN DEFAULTS

Using the debarment statement form included in Exhibit G, Respondents shall provide a statement disclosing and regarding any debarments, suspensions, bankruptcy, or loan defaults on real estate development projects and/or government contracts of any of the bidding team's entities, affiliates, or key personnel from development team (listed above in "Respondent Team Identities & Details.")

#### STATEMENT REGARDING TAX LIABILITIES

Respondents shall provide a statement disclosing and regarding any tax liabilities and other government impositions that are not current for any of the key team entities (listed above in "Respondent Team Identities & Details.")

#### STATEMENT REGARDING LITIGATION

Respondents shall disclose and provide a

statement disclosing any resolved and or ongoing claims, charges, arbitration or litigation within in the past seven years, or presently before any decision maker as well as any threatened litigation in which HAPGC is a party that relates to any team member, affiliate or to any other entity or individual having a controlling interest in the entity (or entities) that comprise Respondents. For any such litigation or claim, the Respondent shall provide the parties names, the civil, criminal or administrative action number of such litigation or claim, and a description of the subject matter of such litigation or claim and present status.

### TAB 4: ORGANIZATION

#### ORGANIZATION STATUS

Respondents shall provide (1) the corporate structure of Respondent's principals, partners, or joint-venture partners, and indicate whether each entity is a corporation, a non-profit or charitable institution, a partnership, a limited liability corporation, a business association, joint venture, or other, the jurisdiction under which they are organized

and operating, and (2) a brief history of each organization and its principals.

### ORGANIZATIONAL CHART AND BIOS

Respondents shall provide an organizational chart showing key personnel from the development team who will be working on the project, if awarded, with a brief biography for each key person outlining his/her relevant experience.

### EVIDENCE REGARDING CREATION OF RESPONDENT

Respondents shall provide a copy of any written agreements or documents evidencing the creation of Respondent or the primary entities comprising the Respondent; however, it is not necessary to have a project-specific legal entity formed in advance of submitting a response. The principals, partners, or joint-venture partners who are part of Respondents' team must be authorized to transact business within Prince George's County and registered in Maryland. For any entity required to file reports in the jurisdiction of its formation, the Respondents shall include a certificate of good standing issued by such jurisdiction.

## TAB 5: QUALIFICATIONS AND EXPERIENCE

Respondent shall identify three (3) similar infill or vacant residential development projects comparable in terms of scale and complexity to the Respondent's proposed project, and with which Respondent or their key personnel have had primary involvement. For each relevant project, Respondent shall identify the following:

- Development team name;
- Project name or title and location or address of project;

- The names and contact information for team members involved in the project, along with a description of each party's role in the project;
- Description of the project, including use(s), total square footage and number of residential units including affordable units (please specify affordable levels based on AML), etc.;
- Period of performance from award through project closing;
- Estimated total development costs, if the project is not yet complete, OR actual total development costs, if project is complete;
- Projected groundbreaking and completion date, if the project is not yet complete, OR actual groundbreaking and completion date, if the project is complete;
- Proposed financing structure, or if the project is complete, the actual financing structure of the project;
- If applicable, highlight experience taking proposed developments through PUD, or similar site plan entitlement, approval process.
- If applicable, highlight experience in obtaining LEED or Green certifications. Highlight in particular expertise in the areas of energy efficiency, on-site clean energy generation, green roofs, and/or environmentally friendly technologies suitable for residential development;
- Illustrative materials that will help HAPGC evaluate the caliber, innovation and relevant experience of the development team; and
- References (at least one per project),

including names, mailing addresses, e-mail addresses, telephone numbers, and a letter authorizing each reference to respond to inquiries regarding the design, financing, development, disposition, or management of prior projects.

Please also describe the extent to which Respondent and other proposed team members identified in Tab 2 have worked together on similar projects.

## TAB 6: PROJECT CONCEPT

Respondents shall describe, in detail:

- The overall concept and vision for the Development Parcels and how the vision will integrate with and enhance the surrounding community that borders the Development Parcels. This should include a site map showing the proposed development plan for all of the Development Parcels in the context of the surrounding neighborhood along with a detailed narrative that addresses the following:
  - the Respondent's rationale for its proposed mix of housing and why it best meets HAPGC's goals and requirements, including its affordability requirements;
  - a discussion of community benefits that the Respondent's plan delivers;
  - the Respondent's zoning, entitlement, and subdivision strategy that fully describes each step in the review and approval process, along with applicable submittal requirements and estimated timelines, necessary to achieve the entitlements required for the Respondent's proposed development plans.
- the Respondent's plan for leveraging Federal, State, and/or County funds to expedite the construction of the planned 64<sup>th</sup> Avenue extension (along with associated utility infrastructure improvements) in coordination with its proposed development of the Development Parcels.
- Dimensioned conceptual site plans for each Development Parcel showing the proposed base building footprint of each home (the unit type of each home should be clearly identified), proposed lot lines, anticipated setback lines, and proposed driveways, sidewalks, and any site improvements or common area improvements such as site lighting, street trees, or parks. The dimensioned conceptual site plans for each Development Parcel must clearly identify housing unit types aligned with the Respondent's programmatic mix table as discussed below. Respondents are encouraged to prepare conceptual site plans that facilitate pedestrian and bike access to neighborhood schools, amenities, and transit nodes.
- Dimensioned architectural drawings for each unit type included in the Respondent's proposal. Architectural drawings must include dimensioned floorplans for each level of each unit and dimensioned exterior elevations of each unit type showing proposed roof height. Architectural drawings must include a cover sheet that clearly shows the programmatic unit mix including, at a minimum, the number of homes planned for each parcel along with their respective affordability designation, unit size (measured in both gross square feet and heated square feet), number of bedrooms, number of bathrooms, as well



as number and type of parking spaces (e.g. surface, garage, etc.) The architectural drawings should include a narrative summarizing proposed finishes for each unit type (e.g. LVT floors, quartz countertops, stainless steel appliances, etc.) along with summary of each home's energy efficiency and green building design elements and whether the home qualifies for LEED, LBC, or other similar sustainable design rating systems.

- Preliminary conceptual utility plans and/or a discussion of utility constraints for each Development Parcel and how the Respondent's plan addresses those constraints.
- Rendered images depicting typical building facades, which should convey the quality of the materials used for exterior construction and demonstrate that the proposed homes are contextually appropriate and complement surrounding uses.
- Evidence of market demand, including a market study, demonstrating demand for the Respondent's proposed mix of housing and supporting its proposed sale prices (for fee simple projects) and/or rents (for rental projects.)

## TAB 7: AFFORDABLE HOUSING

Respondents shall provide the following:

- A summary programmatic table for the entire project and programmatic tables for each individual Development Parcel. Programmatic tables must contain, at a minimum, the following information:
  - **UNIT TYPES:** The programmatic tables must clearly identify each unique residential unit type included in the Respondent's

development plan. Unit types should be designated based on number of bedrooms, number of bathrooms, unit size (e.g. gross square feet and heated square feet for fee simple product or net rentable square feet for rental product), and any other relevant factor, including, but not limited to, number of mobility and sensory UFAS certified units;

- **DESIGNATED AFFORDABILITY LEVEL:** The programmatic tables must depict the number and total percentage of designated affordable unit types at each applicable AMI level set forth in **Appendix F**. Respondents should also include percentage of the Project's total square footage devoted to affordable units;
- **RENT AND/OR SALE PROJECTIONS:** The rent and/or sale projections for each affordable unit type. If the project is intended to contain rental units, all rent payments collected by the future property owner from the tenants or third parties on behalf of tenants may not exceed the Maximum Allowable Rent for an affordable unit. If the project is intended to contain for sale units, the purchase price of each unit may not exceed the Maximum Sales Price.
- The Respondent's proposed strategy for the marketing, operating, administering, and (if applicable) selling affordable units in the project.

## TAB 8: PROPOSED FINANCING STRATEGY AND FINANCIAL EVALUATION TABLES

Respondents shall provide the following:

- Respondents' equity commitment to the project and the timing/disbursement of that equity commitment;
- A proposed project financing strategy, including a listing of all anticipated sources of construction and permanent financing (including interest rates; amortization type and period; ex-ante return on assets and equity, and internal rate of return; covenants; coverage ratios; and all other relevant information);
- Detailed description of which, if any, federal, state or other government funding sources the Respondent intends to attract to the project;
- Satisfactory evidence of Respondent's ability to secure project debt, including preliminary commitment letters from prospective lenders stipulating loan terms and conditions; and
- Completed "Sources and Uses" tables utilizing the template set forth in Appendix H depicting the Respondent's proposed sources and uses of funds for the residential development as well as the 64<sup>th</sup> Avenue roadway extension and related utility infrastructure improvements. **NOTE: Sources and Uses must balance. HAPGC will not provide any subsidy to fill any funding gaps or shortfalls.**
- A completed "Returns Summary" using the template provided in Appendix H depicting the projected financial returns to the Developer (from the Residential Development) and to HAPGC.
- Completed "Development Budget Summaries" using the templates provided in Appendix H depicting detailed hard costs and soft costs for the Residential

Development as well as the 64<sup>th</sup> Avenue Roadway Extension and related Utility Improvements.

## TAB 9: PROJECT DEVELOPMENT AND OPERATING PRO FORMA

Respondents proposing a "for sale" project shall provide a line-item detailed fully functional Microsoft Excel development model depicting, at a minimum, the following:

- Detailed assumptions tab showing, at a minimum, the Respondent's proposed programmatic mix (including, but not limited, the projected sales price for each unit type) for each Development Parcel and financing assumptions;
- Proposed Sources and Uses that should align with the Respondent's "Sources and Uses" tables submission in Tab 8;
- Detailed Development Budgets for the Residential Development and 64<sup>th</sup> Avenue Extension and Utility Improvements. The Development Budgets in the Respondent's pro-forma should align with its "Development Budget Summaries" submission in Tab 8;
  - Respondents must include an assessment of DBA applicability and, if determined to be applicable, must include appropriate DBA prevailing wages in their budgets, as necessary;
- A detailed project schedule depicting the expected receipt of final subdivision approvals, building permits, construction, unit deliveries, final Certificated of Occupancy ("COs"), and expected sale dates for homes within each Development Parcel;

- A detailed cash flow schedule depicting the anticipated gross sales proceeds from home sales, payoff of accrued construction loan, and projected distributions and returns on Developer equity;
- The pro-forma shall be inclusive of the following calculations: return on cost, return on equity (levered and unlevered); a detailed waterfall of profits to all capital accounts; internal rates of return; and any other project-specific return metrics. All assumptions used in the financial model should be clearly stated.
- A detailed project schedule depicting the expected receipt of final subdivision approvals, building permits, construction, unit deliveries, final COs, and projected lease-up of apartments within each Development Parcel;
- A detailed cash flow schedule depicting gross rental revenue, project vacancy rates and other rental revenue, effective gross income, controllable operating expenses, uncontrollable operating expenses, net operating income, capital repair and replacement expenses, debt service coverage ratio, and cash flows distributions to equity.

Respondents proposing a “rental” project shall provide a line-item detailed fully functional Microsoft Excel development model depicting, at a minimum, the following:

- Detailed assumptions tab showing, at a minimum, the Respondent’s proposed programmatic mix (including, but not limited to, the project rental rate for each unit type) for each Development Parcel and financing assumptions (including both construction loan and permanent loan assumptions);
- Proposed Sources & Uses that should align with the Respondent’s “Sources and Uses” tables submission in Tab 8;
- Detailed Development Budgets for the Residential Development and 64<sup>th</sup> Avenue Extension and Utility Improvements. The Development Budgets in the Respondent’s pro-forma should align with its “Development Budget Summaries” submission in Tab 8.
  - Respondents must include an assessment of DBA applicability and, if determined to be applicable, must include appropriate DBA prevailing wages in their budgets, as necessary.

- The pro-forma shall be inclusive of the following calculations: return on cost, return on equity (levered and unlevered); a detailed waterfall of profits to all capital accounts; internal rates of return; and any other project-specific return metrics. All assumptions used in the financial model should be clearly stated.

## TAB 10: FINANCIAL CAPACITY

HAPGC seeks to evaluate Respondents’ ability and willingness to invest sponsor equity and self-fund project predevelopment costs (Respondents are hereby put on notice that all such money expended is at the sole risk of the Respondents and their team members and under no circumstances shall HAPGC be responsible to reimburse any Respondents’ costs.) Therefore, Respondents should include the following items:

- A description of the financial capacity of the project sponsor that will acquire and develop the Development Parcels. Respondents should provide the trailing three (3) years of audited (strongly preferred) or unaudited financial statements, annual reports, balance

sheets, profit and loss statements, evidence of lines of credit and uncommitted discretionary sources of equity, and/or any other material financial statements;

- A description of the amount of project sponsor equity and any limited partner equity committed to the development of the Development Parcels, along with letters of commitment(s) from each equity investor for their proposal, stating the full terms and conditions under which amounts will be provided to the project. The schedule for the provision of equity shall be consistent with the Respondent's requirement for construction and permanent financing; and
- Newly formed entities, partnerships, and joint ventures should provide deliverables from the two sub-paragraphs above for each of their entities' members.

## TAB 11: PROJECT SCHEDULE

Respondents shall identify and describe a timetable and milestones from award through project completion. Respondents are required to complete and submit with the response the "Schedule of Performance" attached in **Appendix C**.

**Separately, Respondents are highly encouraged to submit a phasing plan depicting the anticipated design, permitting, construction, and sale (or lease up for rental projects) schedule for each Development Parcel. Respondents are encouraged to consider opportunities to accelerate development on Development Parcels that are currently served by an existing roadway and wet utility infrastructure (e.g. Development Parcel 1) while concurrently navigating the design and permitting process for other Development Parcels whose development will be contingent upon the construction of the**

**64<sup>th</sup> Avenue Roadway and wet utility infrastructure improvements.**

## TAB 12: STATEMENT OF MINIMUM TERMS AND CONVEYANCE

Respondents shall complete and execute the non-binding Statement of Minimum Terms attached as **Appendix D** and submit this non-binding Statement of Minimum Terms with their proposal. The non-binding Statement of Minimum Terms shall serve as the basis, but not be a limitation of, negotiations of a Disposition Agreement with the selected Respondent.

## TAB 13: COMMUNITY & STAKEHOLDER BENEFITS & OUTREACH

HAPGC is committed to maximizing community benefits for its residents and expects Respondents to consider and incorporate stakeholder and community preferences into their project, to the extent practical. In view of this commitment, Respondents must present a detailed description of their proposed approach and strategies focused on engaging with the local community and local stakeholders to ensure their meaningful involvement in the development process.

## TAB 14: COUNTY AND COMMUNITY BENEFITS

Respondents must provide a detailed statement summarizing how their proposal will benefit the economy of Prince George's County. In particular, Respondents should identify the following:

- Projected new construction (and permanent jobs, if applicable) to be created for County residents. List the number of full-time jobs and full-time equivalent jobs by type;

- Projected new tax revenue to be generated on an annual basis upon stabilization (e.g. construction period taxes, property taxes, sales taxes, etc.);
- Contracting commitments for local and MBE/WBE/DBE and/or VBE businesses; and
- Additional community benefits, if any, that the proposal offers.

## TAB 15: LOCAL HIRING OPPORTUNITIES

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Respondents must provide a detailed statement summarizing how their proposal will ensure meaningful economic participation of County Certified Business Entities and support local hiring and neighborhood-based businesses. Preference will be given to those responses that provide tangible commitments as discussed in Section B.8 above.

## TAB 16: RESPONSE SUMMARY FOR DISTRIBUTION TO THE COMMUNITY

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Respondents shall provide a summary of their response that may be shared with the local community and stakeholders. Summaries should not exceed 300 words.

## D. DEPOSIT

Amount: Fifteen Thousand Dollars (\$15,000)

Format: Standby, irrevocable letter of credit (see **Appendix E** for form)

Due At: RFP response submission deadline

Conditions: If a Respondent's response is not selected, the letter of credit shall be returned to the Respondent. If a Respondent's response is selected, the letter of credit will be considered a non-refundable deposit, only to be returned as determined by the terms of the Disposition Agreement.



## SECTION 4: SELECTION PROCESS

### A. SELECTION RECOMMENDATION PANEL

A multi-agency Selection Recommendation Panel ("Panel") may be established to review and evaluate the responses. If established, the composition of the Panel will be determined by HAPGC in its sole discretion. HAPGC and/or the Panel may consult with professional consultants, advisors, and other stakeholders for technical assistance. HAPGC and/or the Panel will evaluate each response, taking into account the information provided in response to the RFP and the best interests of the County.

### B. EVALUATION CRITERIA

Successful proposals will include development plans that align with HAPGC's overall objectives, goals, and requirements as well as evidence of financial capacity and ability to successfully manage the design, entitlement, permitting, construction, and operation or sale of the homes within the project. Among other factors, responses will be evaluated for completeness, market feasibility, innovative ideas, strength of community benefits, and the strength of the Respondent's financial plan and returns to HAPGC. Responses will be evaluated based on their responsiveness to HAPGC Goals and Requirements including, but not limited to, the criteria set forth below:

- **Deliver Housing Affordability and Diversity**

- Responses will be evaluated based on the proposed mix of designated affordable homes at different AMI price points and/or rent levels;

- Responses will be evaluated based on the quality, diversity, and marketability of the proposed mix of homes included in the submission.

- **Create Sustainable Communities of Choice**

- Responses will be evaluated based on the quality of the site plans included in the submission and how those site plans incorporate urban design best practices to create safe, walkable communities of choice in a manner that aligns with the Sector Plan and Plan 2035;
- Responses will be evaluated based on the strength of the Respondent's proposed Green Building and Energy Efficiency commitment;
- Responses will be evaluated on the strength of their community and stakeholder outreach plan;
- Preference will be given to responses that include the extension of 64<sup>th</sup> Avenue along with related utility infrastructure (with a plan that utilizes Federal and/or State associated funding programs to fund the associated costs) and designed to meet the County's Complete and Green Streets standards.
- Respondents are encouraged to address the Sector Plan's vision for the development of a new playground in the vicinity of Development Parcel 6.

- **Support Local Businesses and Economic Development**

- Responses will be evaluated based on commitments to providing meaningful economic MBE, WBE, DBE, and/or VBE participation;
- Responses will be evaluated based on the Respondent providing meaningful economic local hiring and/or apprenticeship preference;
- Responses will be evaluated based on the Respondent meeting the local business participation preference.

- **Structure Executable Deals that Deliver a Fair Return on HAPGC's Investment**

- Responses will be evaluated based on the financial capacity, ability, qualifications and experience of Respondent and developer on projects of similar scale and complexity;
- Responses will be evaluated on the qualifications, ability, and experience of the Respondent's team members on Projects of similar scale and complexity;
- Responses will be evaluated on the strength of Respondent housing market studies and the achievability of proposed sale prices (or rents) for each housing unit type included in the response;
- Responses will be evaluated on the strength of proposed financing plans and capital structures, the completeness and accuracy of proposed hard cost and soft cost budgets, comprehensive sources and uses statements that demonstrate the project's viability

without additional HAPGC subsidy, and detailed pro-formas based on realistic timing assumptions that clearly depict cash flows to both HAPGC (via land sale proceeds) and the Respondent along with the return metrics as discussed above.

- Responses will be evaluated on the proposed financial benefits to HAPGC, which may be generated through land sale proceeds, Co-Developer Fees, or other forms of participation proposed by the Developer;
- Responses will be evaluated on the level of detail included in the proposed project schedule and the Respondent's understanding of the various steps (including submittal requirements and review time for each of those steps) necessary to secure required subdivision approvals, site plan approvals, and building permits.

- **Leverage Available State and County Funding Programs**

- Responses will be evaluated based on the Respondent's innovative and effective use of different State and County Funding programs to deliver a comprehensive development plan that fully meets the objectives, goals, and requirements of HAPGC as well as the design and planning guidance set forth in Plan 2035, the Sector Plan, the County's CHS, and applicable County Ordinance.

## C. EVALUATION FACTORS

Respondent proposal submissions will be evaluated using the proposal evaluation framework noted below for the purpose of identifying the Respondent whose proposal best meets HAPGC's objectives, goals, and requirements.

EXCELLENT	Proposal significantly exceeds the applicable requirements and includes provisions that generate additional value and/or create a strong probability of success.
ABOVE AVERAGE	Proposal exceeds the applicable requirements and includes provisions that create a moderate probability of success.
AVERAGE	Proposal meets the applicable requirements.
BELOW AVERAGE	Proposal fails to meet one or multiple requirements creating a moderate risk of failure.
UNACCEPTABLE	Proposal significantly fails to meet or multiple requirements and demonstrates a poor grasp of the requirements creating a material risk of failure.

## D. ANNOUNCEMENT OF SHORT LIST

HAPGC reserves the right to narrow the number of Respondents in the competitive range for reasons of efficiency or to exclude Respondents whose proposals are not among the most highly ranked. HAPGC may down-select to a smaller group of Respondents into a "short-list" and has the sole and absolute

discretion to conduct discussions with all, or some, of the Respondents on the short-list via "Best and Final Offer" submissions. HAPGC will contact all Respondents and inform them of the results.

## E. BEST AND FINAL OFFER SUBMISSIONS (IF NEEDED)

If Respondents are asked to submit a "Best and Final Offer", Respondents are expected to adhere to the additional guidance provided by HAPGC and submit a final revised proposal for HAPGC's final consideration. Upon receiving the "Best and Final Offer" HAPGC reserves the right to have additional rounds of requests for information and conduct further discussions and negotiations if the Best and Final Offers lack adequate information required for HAPGC to reach a final selection. At its sole discretion, HAPGC may also ask the short list of Respondents to present their "Best and Final Offers" to the community in order to gain additional community feedback.

## F. FINAL SELECTION AND NOTICE

HAPGC will select the best proposal taking into account the Proposal Submission Requirements and Evaluation Criteria set forth in this RFP. The evaluation criteria and areas of emphasis described above in the RFP are intended as a guide to inform HAPGC's discretion in identifying a Selected Respondent. Notwithstanding the foregoing, HAPGC has the sole and absolute right to select any Respondent (or no Respondent) that HAPGC feels is best qualified to deliver a project that meets HAPGC's objectives, goals, and requirements.

Following the receipt of all proposals and any

additional information, if requested, HAPGC reserves the right, in its sole and absolute discretion, to select one or more responses, as modified through any offer submissions and negotiations for presentation to the HAPGC Board of Commissioners as a recommendation. The Board of Commissioners may, in their sole and absolute discretion, elect to accept or reject the recommendation. Upon acceptance of a recommendation by the HAPGC Board of Commissioners, HAPGC shall notify the selected Respondent(s), if any. HAPGC reserves the right to not select any of the responses and/or to not make an award for any reason or no reason.

## G. POST-SELECTION DUE DILIGENCE

HAPGC expects the selected Respondent to commence pre-development work (e.g. surveys, design, preliminary subdivision and site plan related coordination with the County's Department of Planning and Permitting, etc.) shortly after notification of selection and execution of a site access and indemnification agreement encompassing all of the Development Parcels.

## H. TRANSACTION DOCUMENTS, WITHDRAWAL, AND NEGOTIATION

The selected Respondent will have the opportunity to negotiate a Development Agreement, affordability covenants, related legal documents, and other terms required by HAPGC (collectively, "Transaction Documents") that will govern the conveyance and development of the Development Parcels. If HAPGC and the selected Respondent are not able to reach an agreement on all business terms and reach

alignment on the final form of the Transaction Documents within ninety (90) days from the date of the Respondent's selection, then HAPGC, in its sole and absolute discretion, may: (i) terminate negotiations and select another Respondent it deems acceptable; (ii) re-issue the RFP; (iii) issue a modified RFP; (iv) or take any other measures it deems appropriate. All costs incurred by Respondents in responding to the RFP including, but not limited to, costs associated with due diligence and pre-development functions as well as costs associated with the negotiation of Transaction Documents, shall be at Respondents' sole cost and expense. **Under no circumstance shall HAPGC be responsible for the reimbursement of any costs incurred by any Respondent.**

In the event HAPGC and the selected Respondent reach alignment on the final form of the Transaction Documents, HAPGC will present the recommended business terms set forth in the Transaction Documents to the HAPGC Board of Commissioners for approval. If the HAPGC Board of Commissioners approves the recommended business terms, HAPGC will proceed to closing with the selected Respondent, subject to any rights of termination in the negotiated Transaction Documents.

If the selected Respondent elects not to proceed with the project at any time after HAPGC and the selected Respondent execute the Transaction Documents but prior to the actual conveyance of the Development Parcels, then the Respondent must promptly notify HAPGC in writing of its decision to withdrawal from the project and provide reasons for its withdrawal. In such a scenario, the selected Respondent may be subject to the loss of part or all of any Deposits previously provided to HAPGC and may be responsible for certain costs previously waived by HAPGC, in addition to any other remedies

available to HAPGC under the Disposition Agreement, or by law. If HAPGC is unable to convey the Development Parcels for any reason other than the selected Respondent's election to withdraw from the project, all deposits will be returned to the Respondent and HAPGC shall be released from any and all further liability.



## SECTION 5: TRANSACTION TERMS

### A. DEVELOPMENT PARCELS CONDITION

#### AS-IS CONDITION

The Development Parcels will be conveyed in "as is" condition, without representation or warranty by HAPGC as to physical or environmental condition of the land or any existing structures thereon.

#### SOIL OR SUBSURFACE CONDITIONS

Notwithstanding prior studies available for Respondent's review, HAPGC makes no representation regarding the character or extent of soil or subsurface conditions or the conditions and existence of any utilities that may be encountered during the course of any work, development, construction, or occupancy of the Development Parcels.

#### ENVIRONMENTAL REMEDIATION

Respondents will be responsible at their sole cost and liability for any environmental remediation that may be associated with removal or disturbance of existing improvements or other preparation of the Development Parcels.

### B. PROPOSAL DUE DILIGENCE, PRE-DEVELOPMENT, AND DEVELOPMENT EXPENSES

Respondents should draw their own independent conclusions concerning conditions that may affect the methods or costs of development as well as development feasibility for each of the Development Parcels. Any market research, design studies, or feasibility studies that Respondents may elect to conduct prior to the submission of their Proposals shall be at their own expense.

The selected Respondent shall be solely responsible for its pre-development expenses including, but not limited to, the preparation of: (i) title commitments and ALTA surveys; (ii) tree surveys; (iii) site plans; (iv) engineered plat plans; (iv) civil engineering plans with roadway, sidewalk, and stormwater details; (v) architectural plans; (vi) traffic studies; and (vii) all expenses associated with securing required zoning, entitlement, and permit approvals.

**Under no circumstance shall HAPGC be responsible for the reimbursement of any expenses incurred by any Respondent including, but not limited to, pre-development and development expenses.**

# SECTION 6: RESERVATION OF RIGHTS & MISCELLANEOUS PROVISIONS

## A. RESERVATION OF RIGHTS

HAPGC reserves the right, in its sole discretion and as it may deem necessary, appropriate, or beneficial to the County with respect to the RFP, to:

- Cancel, withdraw or modify the RFP prior to or after the response deadline;
- Modify or issue clarifications to the RFP prior to the response deadline;
- After review of one or more responses, may request submission of additional information from some or all Respondents;
- Request one or more Respondents to modify its response(s), provide additional information, or provide a Best and Final Offer (BAFO) for HAPGC's review;
- Enter into negotiations with one or more Respondents based on responses submitted in response to the RFP;
- Begin negotiations with the next preferred Respondent in the event that the business terms and the Disposition Agreement are not negotiated to final form within the allotted period of time for negotiations with a prior selected Respondent;
- Make and memorialize modifications to any response during the course of negotiations between HAPGC and the Respondents;
- Reject any responses it deems

incomplete or unresponsive to the RFP requirements;

- Reject all responses that are submitted under the RFP;
- Terminate, in its sole and absolute discretion, negotiations with any Respondents if such Respondents introduce comments or changes to a Development Agreement or other Transaction Documents that are inconsistent with its previously submitted response materials; or
- Modify the deadline for responses or other actions; and (i) Reissue the original RFP, (ii) issue a modified RFP, or (iii) issue a new RFP, whether or not any responses have been received in response to the initial RFP.

## B. CONFLICTS OF INTEREST

### DISCLOSURE

By responding to this RFP, Respondents are representing and warranting the following to HAPGC:

- The compensation to be requested, offered, paid or received in connection with this RFP has been developed and provided independently and without consultation, communication, or other interaction with any other competitor for the purpose of restricting competition related to this RFP or otherwise;
- No person or entity currently or formerly employed by HAPGC or otherwise

involved in preparing this RFP on behalf of HAPGC: (i) has provided any information to Respondents that was not also available to all entities responding to the RFP; (ii) is affiliated with or employed by Respondents or has any financial interest in Respondents; (iii) has provided any assistance to Respondents in responding to the RFP; or (iv) will benefit financially if Respondents are selected in response to the RFP; and

- Respondents have not promised, offered or given to any HAPGC officer or employee any gratuity or anything of value intended to obtain favorable treatment under the RFP or any other RFP, or contract, and Respondents have not taken any action to induce any HAPGC officer or employee to violate the rules of ethics governing HAPGC and its employees during the five (5) five years immediately preceding the issuance of this RFP. Respondents have not and shall not offer, give, or agree to give anything of value either to HAPGC or any of its employees, agents, job shoppers, consultants, managers, or other person or firm representing HAPGC, or to a member of the immediate family (i.e., a spouse, child, parent, brother, or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this RFP. As used herein, "anything of value" shall include but not be limited to any (a) favors, such as meals, entertainment, and transportation (other than that contemplated by this RFP, if any, or any other contract with HAPGC) which might tend to obligate a HAPGC employee to Respondent, and (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation

thereof, preferential treatment, or business opportunity. Such term shall not include work or services rendered pursuant to any other valid HAPGC contract, or item of immaterial value. This provision is limited to a period of five years preceding RFP issuance.

## ON-GOING REPORTING

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

## C. MISCELLANEOUS PROVISIONS

### NOTICE OF MODIFICATIONS

HAPGC will post on its website any notices or information regarding cancellations, withdrawals, modifications to deadlines, and other modifications to this RFP. Respondents shall have an obligation to check the website for any such notices and information and HAPGC shall have no duty to provide direct notice to Respondents.

### CHANGE IN RESPONDENTS' INFORMATION

If any information provided in a response by Respondent changes (e.g., deletion or

modification to any of Respondent's team members or new financial information), Respondent must promptly notify HAPGC in writing and provide updated information in the same format for the appropriate section of the RFP. HAPGC reserves the right to evaluate the modified response, eliminate Respondents from further consideration, or take other action as HAPGC may deem appropriate, in its sole discretion. HAPGC will require similar notification and approval rights of any change to Respondents' response or development team membership following award, if any. Failure to provide prompt notice is grounds for rejection of the proposal or termination, if awarded.

#### OWNERSHIP AND USE OF RESPONSES

All responses shall be the property of HAPGC. HAPGC may use any and all ideas and materials, including, but not limited to, all drawings, included in any response, whether the response is selected or rejected.

#### RESTRICTED COMMUNICATIONS

Upon release of this RFP and until final selection, Respondents shall not communicate with HAPGC or HAPGC staff about the RFP or issues related to the RFP except as permitted under this RFP.

#### SELECTION NON-BINDING

The selection by HAPGC of a Respondent indicates only HAPGC's intent to negotiate with a Respondent, and the selection does not constitute a commitment by HAPGC to execute a final agreement or contract with the Respondent. Respondents therefore agree and acknowledge that they are barred from claiming to have detrimentally relied on HAPGC for any costs or liabilities incurred as a result of responding to this RFP. HAPGC makes no promises or otherwise commits to any agreement by reason of negotiation or selection.

#### CONFIDENTIALITY

Responses and all other information and documents submitted in response to this RFP are subject to the Maryland Public Information Act ("MPIA").

If Respondents provide information that they believe is exempt from mandatory disclosure under MPIA ("exempt information"), the Respondent shall include the following legend on the title page of the response:

**"THIS RESPONSE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER ANY APPLICABLE PUBLIC INFORMATION ACT."**

In addition, on each page that contains information that Respondent believes is exempt from mandatory disclosure under MPIA, Respondents shall include the following separate legend:

**"THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER ANY APPLICABLE PUBLIC INFORMATION ACT."**

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

Although HAPGC will generally endeavor not to disclose information designated by Respondents as exempt information, HAPGC will independently determine whether the information designated by Respondents is exempt from mandatory disclosure. Moreover, exempt information may be disclosed by HAPGC, at its discretion, unless otherwise prohibited by law, and HAPGC shall have no liability related to such disclosure.

#### LITIGATION

Respondents shall disclose and provide a statement disclosing any resolved and or

ongoing claims, charges, arbitration or litigation within in the past seven years, or presently before any decision maker as well as any threatened litigation in which HAPGC is a party that relates to any team member, affiliate or to any other entity or individual having a controlling interest in the entity (or entities) that comprise Respondents. For any such litigation or claim, the Respondent shall provide the parties names, the civil, criminal or administrative action number of such litigation or claim, and a description of the subject matter of such litigation or claim and present status.

### NON-LIABILITY

HAPGC is not bound by statements of its employees outside of this RFP and the provided question and answer posting. Any reliance on information obtained by other HAPGC agents outside of this RFP or the provided question and answer posting is done at the Respondent's own risk.

HAPGC does not warrant the accuracy of any development related information included within this RFP including, but not limited to, information pertaining to the Development Parcels which shall be considered as informational only. Respondents are responsible for performing their own due diligence and forming their own independent assessment of the development viability of each Development Parcel.

By participating in the RFP process, Respondents agree to hold HAPGC, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this RFP.

### OTHER LIMITING CONDITIONS

#### DISCLOSURE OF FEES

Respondents shall disclose all development

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

### RESTRICTIONS

HAPGC is subject to various laws, rules, policies and agreements that impose legal and ethical constraints upon current and former HAPGC employees and consultants with regard to post-employment restrictions vis-a-vis such employee's or consultant's involvement in HAPGC-led projects. In particular, restrictions include, but are not limited, to the following guidelines:

- All Respondents, its members, agents, or employees, are prohibited from: (i) making responses of employment, (ii) conducting any negotiations for employment, (iii) employing or, (iv) entering into contracts of any sort, with current employees, consultants, or contractors to HAPGC who are personally and substantially involved in any aspect of this RFP;
- Respondents must disclose in their initial responses the names of any member, employee, or agent who within three (3) years prior to the publication of this RFP were HAPGC employees, consultants, or contractors to HAPGC. On a continuing basis, Respondents will be required to provide HAPGC with regular and periodic notices of any and all new hires of employees, contracted agents, or consultants within five (5) days of any such hire;
- This provision shall apply to all Respondents during the conduct of this



competition, and will subsequently apply to the selected Respondent until such time as final completion of the development of the project;

- Required disclosures and notices notwithstanding, failure to comply with any obligation described in this provision may result, in HAPGC's sole and absolute discretion, in Respondents' disqualification from consideration under this RFP, the rescission of a Respondent's award, and/or termination of any agreement between a Respondent and HAPGC, and
- RFP submissions are irrevocable for a period of one hundred and twenty (120) days ("RFP Irrevocability Period") following the Proposal Due Date. The RFP Irrevocability Period may be extended subject to the written approval of HAPGC and the applicable Respondent;
- Any actual or prospective Respondent may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against a solicitation must be received before the due date for receipt of proposals, and any protest against the award of contract must be received within ten (10) calendar days after HAPGC's selection of a Respondent to enter into Transaction Document negotiations or the protest will not be considered. All protests shall be in writing, and submitted to Kelvin J. Noble, HAPGC's designated Procurement Officer, at [kjnoble@co.pg.md.us](mailto:kjnoble@co.pg.md.us), who shall issue a written decision on the matter. HAPGC's designated Procurement Officer may, subject to its sole but reasonable discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

- HAPGC reserves the right to cancel this solicitation when it is determined to be in the best interest of HAPGC to do so. HAPGC reserves the right to reject any and all proposals, to waive any formality in the RFP process, or to terminate the RFP process at any time, if deemed by the HAPGC to be in its best interest. The HAPGC reserves the right not to award a contract pursuant to this RFP. HAPGC shall have no obligation to compensate any proposer for any costs incurred in responding to this RFP. The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request to any offeror solicited. A notice of cancellation shall be sent to all offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any solicitation or future procurement of similar items.

## D. QUESTIONS

Any questions regarding this RFP should be submitted to [jfmcgraw@co.pg.md.us](mailto:jfmcgraw@co.pg.md.us). Respondents shall not direct questions to any other persons within HAPGC except as allowed elsewhere in this RFP. Responses to Respondent questions will be aggregated and posted on the HAPGC website: <https://www.princegeorgescountymd.gov/bids.aspx>

# ATTACHMENTS

Appendix A - Development Parcel Information

Appendix B - Site Tour, Waiver, Release, and Indemnification

Appendix C - Schedule of Performance

Appendix D - Statement of Minimum Business Terms

Appendix E - Form Irrevocable Letter of Credit

Appendix F - Affordable Housing Supplemental Information

Appendix G - Debarment Statement Form

Appendix H – Financial Templates