



**COUNTY OF ALAMEDA
COMMUNITY DEVELOPMENT AGENCY
HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Notice of Funding Availability and
Request for Proposals (RFP)**

For Emerging Developers Predevelopment Loan Program

Amount of Funding Available: \$7,000,000

Innovation and Opportunity Funds

Measure A1 Housing Bond

**RELEASE DATE:
Friday, September 20, 2024**

**APPLICATIONS DUE:
Monday, December 2, 2024 by 5:00 pm**

Application Due Date

Applications are due by **5 pm on Monday, December 2, 2024**. Late applications will not be accepted. This is an electronic submission; hard copies will not be accepted. The application will be submitted entirely through HCD's online application portal at City Data Services (CDS) at www.citydataservices.net. Applicants are strongly encouraged to submit applications in advance of the deadline to avoid technical issues. **If you have any questions, please contact Pauline Blackwell at pauline.blackwell@acgov.org.**

Please be aware that under California Public Records Act, all documents submitted in response to this RFP are considered part of the public record and will be made available to the public, upon request, following the application deadline.

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I. Funding Available

Through this Notice of Funding Availability (NOFA) and Request for Proposals (RFP) the Alameda County Housing and Community Development Department (HCD) announces the release of up to \$7,000,000 in Measure A1 Innovation and Opportunity funds available for County-wide geographic distribution with no regional allocations. This award is intended to support emerging developers with predevelopment funding for activities related to the new construction and rehabilitation of affordable housing units in Alameda County. Funding shall be used for the predevelopment or rehabilitation of rental affordable units to low-income households. Anticipated awards are approximately \$500,000 and will advance projects towards eventual construction. Land trusts and other long-term ground lease ownership housing projects are also permitted, as long as developer meets all policies specified in the Measure A1 Implementation Policies for the Rental Housing Development Fund (the “Implementation Policies”). The final adopted Implementation Policies may be found at HCD’s website at <https://measurea1.acgov.org/administration/#Implementation-Staffing-and-Oversight>.

II. Application Due Date

Applications must be completed on-line through HCD’s City Data Services portal at www.citydataservices.net. **Applications must be submitted by no later than December 2, 2024 (“Application Due Date”)**. Additional information on the on-line application process may be found in Appendix A of this RFP and will be provided at the Mandatory Bidders’ Conferences. If you have any questions, contact HCD at pauline.blackwell@acgov.org or HCDRFP@acgov.org.

Applications become public records. Applicants should understand that, under the California Public Records Act, all documents that are submitted in response to this RFP are considered part of the public record and will be made available to the public, upon request, following the application deadline. The County reserves the right to suspend, amend, or modify the provisions of this RFP, to reject proposals, to negotiate modifications of proposals, or to award less than the full amount of funding available. Alameda County is an Equal Housing Opportunity and Accessible Housing Provider.



Funding Schedule

EVENT	TARGET DATE
Post/Publish RFP on HCD Website	Friday, September 20, 2024
Application Opens on CityDataServices.net	Friday, September 20, 2024
Mandatory Virtual Bidders' Conference and Technical Assistance Session* for Applicants	Session 1: September 24, 2024 Time: 9:30am-11am Session 2: October 3, 2024 Time: 3pm-4:30pm Session 3: TBD based on upon request and availability
Deadline for written questions to HCD to pauline.blackwell@acgov.org or HCDRFP@acgov.org	Friday, October 18, 2024 by 5:00pm
HCD Issues FAQ Document	Monday, October 28, 2024
Application Due Date	Monday, December 2, 2024
County Selection Committee Review Period / Additional Applicant Information Requests	Mid December 2024
Notice of Intent to Award Funds or Notice of Intent to Not Award Funds letters sent to RFP applicants	Monday, December 23, 2024
**Board of Supervisors meeting to approve funding recommendations and contracts	TBD, Q1 2025

**Bidders' Conference and Technical Assistance Session: A technical assistance session will be offered for prospective applicants as a virtual meeting. Microsoft Teams meeting links and times will be posted on the County's NOFA webpage. Attendance by applicants is mandatory. An overview of the RFP and instruction on the use of the City Data Services application process will be provided.*

***Please note that these are tentative dates that may need to be adjusted based on changes to the Board of Supervisors meeting schedule, as well as any appeals that are submitted and addressed pursuant to the appeals procedures contained in this RFP.*

III. Measure A1 Overview and Implementation Policies

Measure A1 Background

Measure A1, the \$580 million countywide housing bond, was passed by over 73% of Alameda County voters in November 2016. It will fund three programs related to homeownership and two programs related to rental housing development. Implementation of the Bond programs is expected to be substantially completed over an eight-year period. Of the total Housing Bond, \$10 million is allocated to the Innovation Fund to support innovations in addressing the need to increase affordable rental units in Alameda County by supporting local and emerging developers who create new and preserve affordable housing. Within the Innovation Fund, \$7 million is set aside for the Predevelopment Loan Fund to provide essential financial resources in the early stages of housing development projects. The funds are intended to provide a rapid response resource which emerging developers can apply for quick turnaround to move critical predevelopment activities forward to the next phase of development for the project. Essentially, this support specifically targets the development of affordable housing units for low to extremely low-income residents, promoting socio-economic equity and addressing critical housing shortages and target populations of the Measure A1 Rental Housing Development Fund.

Measure A1 Innovation Fund Implementation Policies

HCD serves as lead implementation agency for Measure A1 programs. Following an extensive development and public input process undertaken in 2017, the Board of Supervisors in November of 2017 adopted the Measure A1 Implementation Policies for the (the “Implementation Policies”). The final adopted Implementation Policies may be found at HCD’s Measure A1 website at <https://measurea1.acgov.org/resources/>.

The guiding principles for Measure A1 investment through the Rental Development Fund are to build on the progress that has been made fostering the potential of organizations that have not traditionally acted as housing developers in Alameda County. HCD recognizes the difficulty inherent in these projects and the extended timeline that comes with them. Proposals are expected to provide clear and achievable pre-development outcomes which advance projects towards eventual construction and completion. Proposals which are more specific and explicit about how achieving their target outcomes advance projects towards eventual completion will, generally, be awarded higher scores during the evaluation process.

Following are highlights of the Implementation Policies:

- The majority of housing units are expected to serve very low-income households with incomes between 30% and 60% of the Alameda County Area Median Income (AMI).
- A minimum of 20% of the units overall must serve households at or below 20% of AMI.
- Rental units must remain affordable for at least 55 years.
- Projects must serve one or more of the priority target populations identified in the Implementation Policies.
- Projects must give priority for residents and workers in Alameda County.
- Projects must give priority to Alameda County residents, those displaced from Alameda



County, and Alameda County workforce.

- HCD will require a Fair Marketing Plan for each project to ensure that county resident and workforce populations will be aware of the housing opportunities to the greatest extent possible. The Fair Marketing Plan must include a viable and proactive strategy for securing applications from population groups traditionally underrepresented in homeownership.
- Mixed-income projects including homes affordable to households with incomes at moderate AMI (80-120% AMI) and/or market rate (+120%) are eligible, but only the units affordable to households with incomes at or below 80% AMI will receive Measure A1 funding.
- Funds can be used for new construction or acquisition and rehabilitation projects, as well as land trusts or other forms of long-term ground lease ownership housing.
- Projects that will permanently displace current low- or moderate-income residents are ineligible for Measure A1 funding.
- Uses of funds will be flexible, within the parameters of eligibility for use of general obligation bond proceeds, including acquisition, predevelopment, and construction.
- Funds for project development will be provided in the form of predevelopment loans to developers on a project basis, which will convert to deeds of trust associated with each home when purchased by the homebuyer.
- Project awards will prioritize projects entering into or in predevelopment phase with the goal of breaking ground within 48 months of funding award.

IV. Funded Projects Requirements

Affordable housing development projects receiving Measure A1 Rental Housing Development Fund assistance must meet the terms and requirements of this RFP and the Rental Housing Development Fund Implementation Policies. In addition, projects must adhere to HCD's "Administrative Loan Terms" – these are located at Exhibit A to the Implementation Policies. HCD also maintains policies and procedures to guide its Affordable Housing Development Program. The Policies and Procedures document has greater detail on the County's overall rental housing program requirements and local policies as well as policies for federal funding released issued through HCD (e.g. CDBG, HOME, and HOPWA funding), financing and underwriting requirements, contracting requirements, and other important information. The most current Policies and Procedures document can be found at the Alameda County Housing and Community Development Department website:

<https://www.acgov.org/cda/hcd/rhd/requirements.htm>. Links to these documents are provided through the Application. Project applicants are strongly encouraged to review and understand the Measure A1 Implementation Policies, Administrative Loan Terms, and the Predevelopment Loan Fund Framework prior to submittal of proposals through this RFP.

In this RFP process, Alameda County seeks exceptional projects that meet the County's stated priorities to expand and preserve the supply of quality affordable housing to serve the neediest households throughout the County. To that end, the County is seeking projects that, to the greatest degree possible, serve very low and extremely low income households, meet the stated priorities and goals of the Measure A1 Housing Bond, and are in the best position to move forward to construction and occupancy. HCD reserves the right to re-allocate program resources from the funding released in this RFP as needed to ensure that overall County goals are achieved.

V. RFP, Application Submission, Review and Funding Process

Mandatory Bidders Conference

Those interested in submitting an application in response to this RFP are required to attend a Mandatory Virtual Bidders' Conference, where HCD will present the RFP content, the application formats, and instructions for use of the City Data Services online application portal. HCD will host two Bidders' Conferences for this RFP with identical information on September 26, 2024, register for the first session using this [link](#), and October 3, 2024, register for the second session using this [link](#). **Applicants only need to attend one Mandatory Bidders Conference.**

On-Line Application Requirement

Affordable housing developers will apply directly to the County through HCD's online application on the on-line portal established for HCD through City Data Services (CDS), a company that provides housing, community development and human services data base management to cities and counties. The Application may be found at www.citydataservices.net. To ensure that the proposed project meets the policy and programmatic requirements of the Measure A1 Innovation Fund, the on-line application requires submittal of information in a number of subject areas (e.g. developer information, project information, project design, market, financial feasibility, resident services, developer capacity, etc.). Applicants are also required to complete narratives, upload supporting documentation, and complete the Excel-based project pro forma using the downloadable template provided in the on-line Application.

A tutorial on the on-line application process will be given at the Mandatory Bidders' Conferences. Written instructions on accessing the CDS Application portal may be found at **Appendix A**.

Applicants must complete the on-line application and submit it by no later than 5 p.m. on the due date of Monday, December 2, 2024. Late applications will not be considered unless sufficient funding remains after all on-time eligible applications are reviewed, rated, ranked and awarded funds.

Application Organization

The Application is divided into 8 subsections. Within each section, the Application indicates whether additional documentation is required to be uploaded. Guidance on particular topics is also offered at the end of each section, with a reference to the relevant section of HCD's Affordable Housing Development Program Policies & Procedures, and/or the Measure A1 Implementation Policies. A complete list of required documentation to be uploaded may be found in Section 12 of the Application (List of Attachments).

Frequently Asked Questions (FAQs)

FAQs will be sent out to all participants of the Mandatory Bidders Conference. Applicants must email all questions regarding the RFP and/or application process to HCDRFP@acgov.org. HCD will respond to all questions in a consolidated Frequently Asked Question (FAQ) document that will be sent on October 28, 2024, only to those organizations that participated in the Mandatory Virtual Bidders' Conference. This FAQ will reflect questions received via email and discussed during the Conference.

All contact during the RFP process and evaluation phase shall only be through the designated email for the RFP at HCDRFP@acgov.org. Applicants shall neither contact nor lobby County staff or evaluators during the evaluation process. Attempts by the applicant to contact and/or influence application evaluators may result in disqualification of the applicant.

Revisions to RFP

If it becomes necessary to modify any aspect of this RFP, HCD will provide an addendum to each organization attending a Mandatory Bidders' Conference.

Modifications to Submittals

Applicants may not modify their Submittal at any time after the due date, except in direct response to a request from HCD for clarification. Any Submittal and proposed information items must be valid for at least 180 days after submission.

Expense of Preparation

HCD is not responsible for any expense incurred in preparation of submittals or in any action in connection with the process, or for the costs of any services performed in connection with submittal, interviews, or approval process.

Reservation of Rights

HCD reserves the right to conduct any investigation of the qualifications of any proposer that it deems appropriate, negotiate modifications to any of the items submitted, request additional information from any proposer, extend the deadline, reject any or all submittals, and waive any irregularities. HCD retains the right to negotiate the terms and services in any submittal. HCD retains the right to cancel this process, extend the deadline, re-start the process or not select any provider.

I. Review and Funding Process

Subsequent to the Application due date, Applications will be reviewed by HCD for completeness and the project's compliance with Measure A1 requirements, attainment of basic threshold requirements, and competitiveness.

Please note:

- Incomplete applications will not be accepted.
- Staff may ask clarifying questions of applicants after the Application due date and require submittal of additional documentation or responses to questions. Staff will include this information as part of the review process.
- Proposals that do not meet the basic thresholds may be rejected, may not be rated or ranked, and may not be considered for a funding award, at the Housing Director's sole discretion.
- HCD reserves the right to refuse funding for any and all applications, at the Housing Director's sole direction.

J. Evaluation Process

To be considered for funding, applications will first be reviewed on the basis of whether they have met the **basic thresholds** as outlined in Part X of this RFP. Qualified projects that have passed the basic thresholds will then be scored (rated) based on the Measure A1 Rental Development Fund evaluation criteria (the "**evaluation criteria**") as set forth in Part X of this RFP.

A County Selection Committee (CSC) will individually review, rate and rank the projects. The CSC will meet in December to review the scores and rank the proposals for final funding recommendation. HCD reserves the right to recommend funding for less than the amount requested by an applicant, and/or apportion funds between projects in cases of tie scores, as needed to expend funds in a timely fashion, and/or to achieve Measure A1 goals.

All developments financed with Measure A1 bond funds must have the support and approval of the cities in which they are located.

VI. Protests/Appeals Process

HCD will abide by the following appeals policy. For the purposes of this section, applicants will be referred to as 'proposers', appeals will be referred to as 'protests' and applicants who have submitted appeals will be referred to as 'protestors'.

- A. HCD prides itself on the establishment of fair and competitive contracting procedures and the commitment made to follow those procedures. The following is provided in the event that proposers wish to protest the selection process or appeal the recommendation to award a contract once the Notices of Intent to Award/Non-Award have been issued. Protests submitted prior to issuance of the Notices of Intent to Award/Non-Award will not be accepted by the County.

1. A protest of the award notice by a proposer must be submitted in hard copy to Michelle Starratt, HCD Director, 224 W. Winton Avenue, Room 108, Hayward CA 94544 or by email to HCDRFP@acgov.org **before 5:00 p.m. of the FIFTH (5th) business day following the date of issuance of the Notice of Intent to Award by email, NOT the date received by the Bidder of a hard copy mailed through the US postal service.** A protest received after 5:00 p.m. is considered received as of the next business day.
 2. Protests must be based on threshold determination or the points awarded to the protestor's application under the evaluation criteria. Protests may not be based on subjective criteria.
- B. The protest must contain a complete statement of the basis for the protest, including the rationale and underlying facts supporting the protest.
- C. The protest must refer to the specific portions of all documents that form the basis for the protest.
- D. The protest must include the name, address, email address, fax number and telephone number of the person representing the protestor, which will be used for communicating about the protest with the protestor regarding the protest.
- E. HCD will transmit a copy of the protest to all proposers as soon as possible after receipt of the protest.
- F. Upon receipt of written protest, the HCD Director, or designee will review and evaluate the protest and issue a written decision. The HCD Director may, at her discretion, investigate the appeal, obtain additional information, and provide an opportunity to settle the protest by mutual agreement and/or schedule a meeting with the protesting proposer and others, as appropriate, to discuss the protest.
1. The decision on the protest will be issued at least ten (10) business days prior to the first County Committee scheduled to hear recommendations. If additional levels of protest are received, the anticipated meeting date at which the recommendations will be heard may be altered.
 2. The decision will be issued by e-mail and U.S. Postal Service to the protestor and will inform the protestor whether the recommendation to the Board of Supervisors in the Notice of Intent to Award is going to change. A copy of the decision will be furnished to all proposers affected by the decision. As used in this paragraph, a proposer is affected by the decision of a protest if a decision on the protest could have resulted in a change in the recommendation in regards to their application.
- G. The decision of the HCD Director on the protest may be appealed to the County's GSA—Office of Acquisition Policy, ATTN: Contract Compliance Officer, located at 1401 Lakeside Drive, 10th Floor, Oakland, CA 94612, Fax: (510) 208-9720, before 5:00 p.m.

of the FIFTH (5th) business day following the date the decision is communicated by the HCD Director (not the date the communication is received by the protestor). A protest received after 5:00 p.m. is considered received as of the next business day. A protest received after the FIFTH (5TH) business day following the date of issuance of the decision by the HCD Director shall not be considered under any circumstances by the GSA.

1. In reviewing protest appeals, GSA will not re-judge the proposal(s). The protest to the OCCR shall be limited to review of the procurement process to determine if the contracting department (HCD) materially erred in following the RFP or, where appropriate, County contracting policies or other laws and regulations.
 2. The protest must contain a complete statement of the reasons and facts for the protest.
 3. The protest must refer to the specific portions of all documents that form the basis for the protest.
 4. The protest must include the name, address, e-mail address, fax number and telephone number of the person representing the protesting party.
 5. The County Agency/Department will notify all protestors of the protest as soon as possible.
- H. Upon receipt of written protest, GSA–Office of Acquisition Policy, or designee will review and evaluate the protest and issue a written decision. The GSA–Office of Acquisition Policy, may, at its discretion, investigate the protest, obtain additional information, provide an opportunity to settle the protest by mutual agreement, and/or schedule a meeting(s) with the protestor and others (as appropriate) to discuss the protest. The decision on the protest will be issued at least ten (10) business days prior to the first County Committee scheduled to hear recommendations. If additional levels of protest are received, the anticipated meeting date at which the recommendations will be heard may be altered. The decision will be communicated by e-mail, fax, or US Postal Service mail, and will inform the protestor whether or not the recommendation to the Board of Supervisors or GSA in the Notice of Intent to Award is going to change. A copy of the decision will be furnished to all Bidders affected by the decision. As used in this paragraph, a Bidder is affected by the decision on a protest if a decision on the protest could have resulted in the Bidder not being the apparent successful Bidder on the RFP.
- I. The decision of the GSA–Office of Acquisition Policy on the protest may be appealed to the Auditor- Controller’s Office of Contract Compliance & Reporting (OCCR) located at 1221 Oak St., Room 249, Oakland, CA 94612, Fax: (510) 272-6502 unless the OCCR determines that it has a conflict of interest in which case an alternate will be identified to hear the protest and all steps to be taken by OCCR will be performed by the alternate. The protestor whose Bid is the subject of the protest and all Bidders affected by the GSA–Office of Acquisition Policy’s decision on the protest have the right to appeal if not satisfied with the GSA–Office of Acquisition Policy’s decision. All protests to the Auditor-Controller’s OCCR shall

be in writing and submitted within five (5) business days following the issuance of the decision by the GSA-Office of Acquisition Policy, not the date received by the protestor. A protest received after 5:00 p.m. is considered received as of the next business day. A protest received after the FIFTH (5TH) business day following the date of issuance of the decision by the GSA Office of Acquisition Policy shall not be considered under any circumstances by the GSA or the Auditor-Controller OCCR.

1. In reviewing protest appeals, the OCCR will not re-judge the proposal(s). The protest to the OCCR shall be limited to review of the procurement process to determine if the contracting department materially erred in following the Bid or, where appropriate, County contracting policies or other laws and regulations.
2. The protest shall specify the decision being appealed and all the facts and circumstances relied upon in support of the protest.
3. The protest to the OCCR also shall be limited to the grounds raised in the original protest and the decision by the GSA-Office of Acquisition Policy. As such, a protestor is prohibited from stating new grounds for a protest in its protest. The Auditor-Controller (OCCR) shall only review the materials presented to, the process of and conclusions reached by the GSA-Office of Acquisition Policy or department designee and will determine whether to uphold or overturn the protest decision.
4. The Auditor's Office may overturn the results of a bid process for ethical violations by Procurement staff, County Selection Committee members, subject matter experts, or any other County staff managing or participating in the competitive bid process, regardless of timing or the contents of a bid protest.
5. The decision of the Auditor-Controller's OCCR is the final step of the appeal process. A copy of the decision of the Auditor Controller's OCCR will be furnished to the protestor, the Bidder whose Bid is the subject of the Bid protest, and all Bidders affected by the decision.
6. The County will complete the Bid protest/appeal procedures set forth in this paragraph before a recommendation to award the Contract is considered by the Board of Supervisors.
7. The procedures and time limits set forth in this paragraph are mandatory and are each Bidder's sole and exclusive remedy in the event of Bid Protest. A Bidder's failure to timely complete both the Bid protest and appeal procedures shall be deemed a failure to exhaust administrative remedies. Failure to exhaust administrative remedies, or failure to comply otherwise with these procedures, shall constitute a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings.

VII. Time Frame for Use of Funds

Applicants must be able to meet time parameters outlined in this RFP in Section A. 7. and in accordance with the Predevelopment Loan Fund Framework. The Framework provides that the time frame for use of funds will be flexible, within the parameters of eligible uses of general obligation bond proceeds including; predevelopment, construction, and acquisition (acquisition of land is only eligible if construction starts within three years). This may be modified at the Housing Director's discretion, so long as the project is making satisfactory progress towards milestones.

HCD will evaluate projects in terms of meeting the Measure A1 key goal of expanding the supply of long-term affordable homeownership housing to serve the neediest households while considering those projects that are in the best position to move forward to construction and occupancy. It is the County's intention to fund projects with a high degree of readiness and which are financially feasible and programmatically viable. It is the Project Developer's responsibility to keep HCD staff apprised of all schedules and milestones for the project. **Failure to keep HCD staff apprised could mean the loss of funds. Failure to move the project forward in a reasonable way could result in loss of funds for funded projects.** Additional submittals will be required prior to loan closing if a project is funded, as well as through the construction period and post-occupancy; these are detailed in the Affordable Housing Development Program Policies & Procedures document under Part 5-Contracting with the County.

VIII. Matching, Leveraging, and Measure A1 Investment

There is no requirement for local matching. Preference will be given to project which can demonstrate the potential for and feasibility of leveraging non-County investment during construction. Applicants are encouraged to leverage predevelopment funds to the greatest degree possible.

IX. Eligible Uses of Measure A1 Predevelopment Loan Funds

Measure A1 Predevelopment Loan funds may be used for a variety of project-related costs, including acquisition costs if the project is developed within a reasonable period of time, predevelopment period costs, so long as the uses paid with construction financing meet Measure A1 requirements, and temporary relocation costs. Land banking and operating and services costs are not eligible uses of these funds.

X. Basic (Minimum) Thresholds and Evaluation Criteria

Applications submitted in response to this RFP will be assessed against **basic thresholds** and **evaluation criteria** in order to evaluate, rate and rank these applications. Applications will first be reviewed by HCD staff to determine if the basic thresholds are satisfied. Projects must meet all threshold requirements in order to be considered for funding. Projects meeting threshold requirements will then be evaluated according to the rating criteria.

A. Basic Threshold Requirements

- 1) The proposed project must be located in Alameda County.
- 2) Applications must include an ‘emerging developer’ as the primary applicant or in a partnership, defined as:
 - a. An organization which has never completed a housing development project(s) which included tax credit financing or has not completed such a project within the previous 5 years
 - b. An organization that has participated in a real estate development capacity building program from a County approved program
- 3) Emerging Developer applicant must meet one of the following criteria:
 - a. Be a qualified 501(c)(3) or (c) (4) non-profit organization.
 - b. Be a faith-based organization with the intent and mission to provide affordable housing rental units
 - i. Priority will be given to faith-based organizations that own land utilizing properties under SB2
- 4) Applicants must demonstrate capacity to ultimately develop the project described in the application by:
 - a. Providing evidence of substantial experience completing projects of similar scale and scope
 - b. Partnering with a Tier One or Tier Two developer which can demonstrate substantial experience completing projects of similar scale and scope
 - c. Priority given to applications including an emerging developer that has completed a real estate development capacity building program from a County approved program.
- 5) Applications submitted by partnerships must include either Memorandum of Understanding (MOU) or letters of intent which defines the roles and partnership interests of co-applicants as well as approvals by applicants’ relevant governing boards
- 6) Project funds will serve households with a maximum income of 80% AMI for Alameda County, as published by the State of California Department of Housing and Community Development (State HCD) based on the annual income limits published by the U.S. Department of Housing and Urban Development (HUD). The current income limits in effect are found in Attachment B, and on the State HCD website:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>

- 7) Projects must have site ownership , or includes acquisition of a parcel which adjoins currently owned land. Evidence of site control must be included in the Application.
 - a. Projects that already have control of the site; or have the likelihood of gaining control of the site. Site control may be established via ownership, purchase contract, or option agreement.
- 8) The project must be new construction, acquisition and rehabilitation, or Land Trust/long term ground lease ownership housing.
- 9) Project must provide permanent affordability. The affordability term length should be 99 years and will reset at each re-purchase or transfer to a new eligible homebuyer.
- 10) The project must be able to break ground within 48 months of the funding award. Extensions may be given based on the project's need to achieve milestones for project completion.
- 11) Projects that have a high likelihood of obtaining financing that can be used to repay the Predevelopment Loan.
- 12) Projects will not permanently displace current low- or moderate-income residents.

Loan Limits

The loan amount will be based on the predevelopment scope of work and demonstrated need of the project.

B. Allowable Uses Of Funds For Predevelopment Activities

- Appraisal fees
- Financial packaging fees
- Architectural fees for preliminary architectural design work (site and floor plans, elevations, renderings).
- Engineering fees.
- Fees for toxics and asbestos assessment studies.
- Legal fees.
- Permit fees (those necessary to apply for financing).
- Consultant fees
- Option agreements
- Syndication expenses, including:
 - Tax credit application fees
 - Legal fees
 - Consultant fees
- At the County's discretion, administrative and staffing costs may be made available up to a total predevelopment budget maximum of \$10,000. Title, recording and escrow charges associated with closing the Predevelopment Loan.
- Other costs as approved by County

C. Rating and Ranking Evaluation Criteria

HCD will rate and rank project applications that have passed basic threshold review using the Measure A1 Evaluation Criteria found in Attachment C. The evaluation criteria categories are as follows:

Evaluation Criteria	Score Weighting
Readiness to Proceed	25
Site Characteristics/Design and Amenities	15
Targeting Services and Deep Affordability	30
Feasibility	10
Developer/Sponsor Experience	30
Total Points	110

Reviewers will individually score the project proposals and rate them on the degree to which they meet the respective evaluation rating and ranking criteria. The scores will then be averaged to come up with the final score for each proposal. The proposals will be ranked based on the highest to lowest scores. Please note that if an applicant has an outstanding monitoring finding from HCD or has been unresponsive during a current or previous monitoring process, as determined solely at the discretion of HCD, five (5) points shall be deducted from the overall score.

As noted previously, projects are required to meet the general Measure A1 Homeowner Housing Development Fund Implementation Policies. The Implementation Policies also provide for policy areas that can be considered in competitive processes for funding.

XI. List of Attachments

Attachment A—RFP and Funding Process Schedule

Attachment B—2024 Alameda County Income Limits

Attachment C—Homeowner Housing Development Fund Evaluation Criteria

Attachment D—Alameda County Loan Terms

Attachment E—Alameda County Minimum Insurance Requirements

Attachment A – Funding Process Schedule

EVENT	TARGET DATE
Post/Publish RFP on HCD Website	Monday, September 16, 2024
Application Opens on CityDataServices.net	Monday, September 16, 2024
Mandatory Virtual Bidders’ Conference and Technical Assistance Session* for Applicants	Session 1: September 24, 2024 Time: 9:30am-11am Session 2: October 3, 2024 Time: 3pm-4:30pm Session 3: TBD based on upon request and availability
Deadline for written questions to HCD to pauline.blackwell@acgov.org or HCDRFP@acgov.org	Friday, October 18, 2024 by 5:00pm
HCD Issues FAQ Document	Monday, October 28, 2024
Application Due Date	Monday, December 2, 2024
County Selection Committee Review Period / Additional Applicant Information Requests	Mid December 2024
Notice of Intent to Award Funds or Notice of Intent to Not Award Funds letters sent to RFP applicants	Monday, December 23, 2024
**Board of Supervisors meeting to approve funding recommendations and contracts	TBD, Q1 2025

***Bidders’ Conference and Technical Assistance Session: A technical assistance session will be offered for prospective applicants as a virtual meeting. Microsoft Teams meeting links and times will be posted on the County’s NOFA webpage. Attendance by applicants is mandatory. An overview of the RFP and instruction on the use of the City Data Services application process will be provided.**

Attachment B – 2024 Alameda County Income Limits

Income Category	Number of Persons in Household					
	1	2	3	4	5	6
Extremely Low-Income	\$32,700	\$37,400	\$42,050	\$46,700	\$50,450	\$54,200
Very Low-Income	\$54,500	\$62,300	\$70,100	\$77,850	\$84,100	\$90,350
Low-Income	\$84,600	\$96,650	\$108,750	\$120,800	\$130,500	\$140,150
Median-Income	\$109,000	\$124,550	\$140,150	\$155,700	\$168,150	\$180,600
Moderate-Income	\$130,800	\$149,500	\$168,150	\$186,850	\$201,800	\$216,750

Source: State of California Department of Housing and Community Development, “Official State Income Limits for 2024 (effective May 9, 2024)” <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf>

For the most recent information, and for determination of income limits for households larger than six persons, see the State of California Department of Housing and Community Development’s Official State Income Limits: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>

Exhibit B: Evaluation Criteria

Measure A1 Innovation Fund – Predevelopment Fund Rating and Ranking		Scoring Notes
Readiness to Proceed	25	
Provide financing plan for immediate use of funds for predevelopment uses	15	5 points if all funding is identified; 3 Points if non-local public funding commitments can be demonstrated
Demonstrate community engagement approach and implementation plan with local community and stakeholders	5	2 points if project has completed a community outreach process and submitted evidence of engaging through community meetings and other outreach; 1 point if project has developed and submitted a community engagement plan with application; otherwise 0 points.
Demonstrate institutional capacity and commitment to initiate development process	5	Examples include letters of intent, Board Authorizations,
Site Characteristics/Design and Amenities	15	
Demonstrate plan to assess the walkability/neighborhood access/amenities	4	1 point for plan addressing each item below.
<i>Proximity to facilities for target population</i>	1	<i>Recreation facility, community center, If a family project, schools. Full points if one or more facilities are located within 1/2 mile, .5 point if within 1.5 miles, no points if more than 1.5 mile away</i>
<i>Proximity to grocery or drug store</i>	1	<i>Full points if within 1/2 mile, 1/2 points if within 1.5 miles, no points if more than 1.5 mile away</i>
<i>Proximity to public transportation</i>	1	<i>Full points if within 1/2 mile of bus stop and BART, 1/2 points if within 1.5 mile of bus line with a direct connection to BART, no points if more than 1.5 mile away</i>
<i>Proximity to public park</i>	1	<i>Full points if within 1/2 mile, 1/2 points if within 1.5 miles, no points if more than 1.5 mile away</i>
Demonstrate commitment to exceed minimum accessibility requirements	10	(Sliding Scale: Universal Design = full points; minimum accessibility = 0 points since it is threshold). 2 points if% exceeds the minimum number of required accessible units per Section 504 by at least 20%; 4 points if exceeds minimum accessible units by at least 20% <u>plus</u> all units adaptable; 6 points if exceeds min. accessible units by at least 20%, all units adaptable <u>plus</u> 100% of project units being Visitable; 10 points if project exceeds Section 504 accessibility by 20%, adaptable units, and project fully uses Universal Design principles.
Demonstrate that projects has potential to align with county GHG reduction goals	1	
Targeting Services and Deep Affordability	30	
Demonstrate commitment to provide affordable rental units utilizing Measure A1 Rental Development affordable levels with deeply affordable	10	1 point for each 10% of project units provided at 30% or less of

(<30% AMI) units in addition to '20% at 20% AMI' minimum required threshold (1 point per 5% of units)		
Demonstrate ability to develop resident services plan with loan proceeds from loan proceeds appropriate to the target population that will be served by the project.	10	Applicant has plan to develop a proposed Resident Services Plan (for general affordable housing population) and a Supportive Services Plan for Special Needs Populations (if applicable). The plan(s) have an identified service provider(s) and scope of work. Scope of work is appropriate for the target populations, FTEs are indicated; plan describes Services Coordination and case management. Plan discusses whether services are onsite, via referral, and the types of services offered (e.g., afterschool care, tutoring, children's programs; physical or mental health services; education, financial literacy, employment, etc.)
Application identifies a target population and plans integration of services required for successful housing	5	2 points for unit designation with services, 5 points if physical space is anticipated to be provided to facilitate services
Demonstrate partnerships which might serve target populations on site at commensurate levels	5	3 points for letter of commitment or in-kind letter of commitment with service providers, 2 points for organizations that already provide services to local project area, 1 point given to on plan to identify provider(s)
Feasibility	10	
Predevelopment costs consistent with industry standards	5	Full points for submitting a predevelopment budget. Additional subcategories below
The predevelopment budget demonstrates the project's ability to deliver what is included in the application and makes substantial progress towards construction... during pre-development phase	5	Full points if yes, 0 points if not.
Developer/Sponsor Experience	30	
Faith-based organization with plan to use SB9	5	
Non-profit organization in partnership that has completed an affordable housing capacity building program in California	6	6 points for AC funded plan, 3 Points for other California based Program
Lead staff (Project Manager) Experience and Capacity	4	5 points if PM has completed at least 3 similar projects, 3 points if they completed 2 project, 1 point if they have completed 1 project
Plan to identify key development team with 6 months of award	4	Other team members (architect, general contractor, legal, financial consultant) have worked on at least 3 similar projects(including one in the application) or a combination of equivalent, dissimilar projects is full points. 3 points if other team members have worked on 2 similar projects. 1 point if 1 similar project
Partnership has fiscal capacity to staff predevelopment activity, as needed and described in the application	2	
Non-profit organization in partnership serving community within project area and local presence with experience working with community stakeholders in housing or other critical services	4	4 points if the service is housing-related, 2 points if other

Application includes an existing organization or service provider already providing homeless, mental health, and other housing related services	5	
Total Points	110	

Attachment D – Alameda County Loan Terms

Key Terms for Alameda County Loans

These are Key Terms and do not represent all requirements of the County funding. For additional detail, please see the Alameda County HCD Affordable Housing Development Program Policies and Procedures, Request for Proposals and Loan Documents available on our website at: <https://www.acgov.org/cda/hcd/> that includes the following:

- Contract (must be approved at a Board of Supervisors meeting)
- Loan Agreement
- Regulatory Agreement
- Promissory Note
- Deed of Trust

Term	In general, a 59-year loan term and regulatory period is required for affordable housing projects funded by HCD. This term has, on occasion, been reduced with the Housing Director’s approval to 55 years in tax credit projects, when borrower's counsel justifies the reduction due to tax credit requirements. The term begins as of the date of initial occupancy, which can be set by either the Certificate of Occupancy or by the first occupancy of the building as reported in the closeout report.
Interest Rate	3% simple interest, owed as of the date of disbursement unless the Promissory Note indicates otherwise.
Payments	<ol style="list-style-type: none"> 1) HCD loan may be amortized over a 59-year period, with equal payments throughout the term (amortized loan); or 2) In special needs projects that serve Extremely Low-Income Households, payments may be deferred, at the Housing Director’s discretion in order to make the project financially feasible; or 3) HCD loan may be repaid through a proportionate share of residual receipts. HCD may allow the General Partner of the borrower partnership to retain up to 50% of the residual receipts as an "Incentive Management Fee” but may restrict this to only 25% if there are soft lenders in addition to HCD sharing repayment from residual receipts. Should the Partnership Agreement not allow the GP to keep the full amount of the Incentive Management Fee, HCD will require that the amount of the soft lender share of residual receipts be increased to capture those funds.
Security	Deed of Trust recorded against fee title or leasehold interest.
Deed Restrictions	The County Regulatory Agreement must be recorded against the fee interest on the property and in senior lien position to bank loan documents. The County’s Regulatory Agreement includes



	nondiscrimination based on the source of a tenant's income.
Income Restrictions	Income restrictions on units are based on the funding source invested in the project. The regulatory agreement will provide specific details. The number of units restricted is determined by the amount of the County loan and type of funds.
Rent Increases	Rent increases are subject to the requirements of the funding source(s) invested in the project. Rent may be increased by not more than 5% annually (unless approved in writing by the Housing Director in advance of the increase). HCD's Regulatory Agreement includes language that requires acceptance of rental assistance programs like Shelter Plus Care and Section 8 Vouchers.
Replacement Reserve	0.6% of the replacement cost of the structure annually, up to \$600 per unit for family developments and \$500 per unit for senior developments.
Operating Reserve	Three months of operating expenses must be capitalized at conversion. Developers must make payments in schedule approved by the County until the reserve reaches 6 months of operating expenses. A larger deposit is encouraged.
Developer Fees	15% of total development costs up to a maximum of \$2,000,000 for rehabilitation or adaptive reuse; and \$2,500,000 for new construction (subject to state law and county negotiations regarding developer fees in 4% tax credit projects).
Retention	HCD will require a retention of \$100,000 or 15% of loan amount, whichever is less, with a minimum of \$50,000. This will be budgeted from the developer fee and held as a performance retention.
Asset/Partnership Management Fees	Combined \$25,000 limit with no escalator; unpaid fees do not accrue; any fees above this amount or escalators must come from borrower's 50% Incentive Management Fee. The amount of this retention is currently under review.
Monitoring Fees	HCD will charge a monitoring fee for each HCD-restricted unit. The current fee is \$300 per restricted unit per year.
Insurance Minimums	<ol style="list-style-type: none"> 1. Workers Compensation: to the extent required by law, including Employer's Liability coverage, at least \$1,000,000 each accident 2. Commercial General Liability: \$2,000,000 per occurrence 3. Commercial Automobile Liability: \$1,000,000 per occurrence 4. Builder's Risk/Property: 100% of property replacement value 5. Commercial Crime: covering all officers and employees, for loss of HCD loan proceeds caused by dishonesty 6. Borrower must ensure that any general contractor or subcontractors maintain the insurance in #1-3 in the amount of \$1,000,000 each. 7. Commercial General Liability and Automobile Liability insurance policies must be endorsed to name as an additional insured HCD, and its officers, agents, employees and members of the County Board of Supervisors.

Records	Records must be maintained for the length of time required by Federal requirements, and at least 5 years from their creation, or such longer period as required by applicable regulations
Reports	<ol style="list-style-type: none"> 1. Quarterly progress reports required during construction and with any invoice; 2. Quarterly reports required during the first year of operations, starting from certificate of occupancy; 3. Annual Reports required (within 180 days of the end of the fiscal year) after the first year and for the term of the loan.
Change Orders	For construction period loans, construction change orders are subject to HCD's approval.

Subcontracts	<ol style="list-style-type: none"> 1. Contractor must submit proof that subcontractors are not debarred prior to construction loan closing. 2. HCD requires competitive bidding for all subcontractors.
Construction Contingency	<ol style="list-style-type: none"> 1. New Construction: 10% required at initial application but can drop down to 5% remaining after construction bids are known. 2. Rehab: 15% construction contingency required.
Hiring	The County's loan may trigger Davis Bacon and/or Prevailing Wages, and First Source requirements may be triggered. If Borrower or its contractors and subcontractors create jobs due to the procurement of the County contract, they must follow certain requirements that are detailed in the County contract (i.e., First Source Program requirements and Federal Section 3 requirements)
Subordination	HCD will not accept standstill provisions or enter into a standstill agreement requested by senior lenders that prohibits HCD from exercising remedies during a specified period after a default
HCD's Costs	Borrower (or Project) to pay for required 3 rd party environmental review (NEPA/CEQA), HCD's legal costs associated with development and execution of project legal documents, wage monitoring associated with the project, and construction management costs associated with overseeing the progress of construction.

Attachment E – Alameda County Minimum Insurance Requirements

COUNTY OF ALAMEDA MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements:

TYPE OF INSURANCE COVERAGES		MINIMUM LIMITS
A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability, Abuse, Molestation, Sexual Actions, and Assault and Battery	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related activities	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
C	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$100,000 per accident for bodily injury or disease
D	Professional Liability/Errors and Omissions Includes endorsements of contractual liability	\$1,000,000 per occurrence \$2,000,000 aggregate
E	Directors and Officers Liability Including Employment Practices Liability	\$1,000,000 per occurrence
F	Employee Dishonesty (ED) and Crime (C) (ED) Required only if a significant amount of funding is advanced to contractor. (C) Required only if contractor keeps significant sums of money at premises	(ED) Minimum of 75% of the Funding (C) Minimum daily amount kept on premises

G

Endorsements and Conditions:

1. **ADDITIONAL INSURED:** All insurance required above with the exception of Commercial or Business Automobile Liability, Workers' Compensation and Employers Liability, and Professional Liability shall be endorsed to name as additional insured: County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees, volunteers, and representatives. The Additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13. Employee Dishonest and Crime Insurance Policy shall be endorsed to name as Loss Pay (as interest may arise): County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees, volunteers, and representatives.
2. **DURATION OF COVERAGE:** All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement.
3. **REDUCTION OR LIMIT OF OBLIGATION:** All insurance policies, including excess and umbrella insurance policies, shall include an endorsement and be primary and non-contributory and will not seek contribution from any other insurance (or self-insurance) available to the County. The primary and non-contributory endorsement shall be at least as broad as ISO Form 20 01 04 13. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties.
4. **INSURER FINANCIAL RATING:** Insurance shall be maintained through an insurer with a A.M. Best Rating of no less than A:VII or equivalent, shall be admitted to the State of California unless otherwise waived by Risk Management, and with deductible amounts acceptable to the County. Acceptance of Contractor's insurance by County shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor.
5. **SUBCONTRACTORS:** Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit. The additional Insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13.
6. **JOINT VENTURES:** If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods:
 - Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the ISO Forms named above.
 - Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured".
7. **CANCELLATION OF INSURANCE:** All insurance shall be required to provide thirty (30) days advance written notice to the County of cancellation.
8. **CERTIFICATE OF INSURANCE:** Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to County, evidencing that all required insurance coverage is in effect. The County reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The required certificate(s) and endorsements must be sent as set forth in the Notices provision.