



REQUEST FOR PROPOSALS

TRANSIT ORIENTED DEVELOPMENT LAND ACQUISITION

**City of Charlotte
Housing & Neighborhood Services
600 East Trade Street
Charlotte, NC 28202-2859**

January 2024

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1 PURPOSE

The City of Charlotte seeks innovative approaches to acquiring land zoned for transit-oriented development (TOD) for affordable housing. Projected outcomes include leveraging strategically located land in TOD corridors, developing new affordable units and promoting opportunity for well-connected and environmentally sustainable housing with efficient transportation options and urban accessibility.

Proposals should emphasize forward-thinking solutions that align with the city's transit-oriented development goals and enhance the urban fabric in a sustainable manner.

We will evaluate developers based on their capacity to demonstrate innovative funding mechanisms, understanding of TOD principles, financial feasibility, development value to the public, and previous development experience.

We prefer proposals that address land acquisition challenges and contribute to the overall livability and vibrancy of the community. Projects that integrate seamlessly into the existing urban framework, offer connectivity to transit systems, and promote sustainable urban practices will be highly regarded.

2 SCHEDULE

The City of Charlotte will begin receiving proposals in response to this RFP in January 2024 and will continue considering proposals until funding is exhausted, or the city closes the RFP through public notification.

3 GENERAL REQUIREMENTS AND GOALS

The City of Charlotte is committed to creating diverse and inclusive neighborhoods by helping to ensure that safe, decent, and affordable housing is available for low- and moderate-income households.

Housing affordability is crucial for neighborhood stability and economic mobility. Affordable housing options provide stability and security for families, with rental and homeownership options playing essential and distinct roles in meeting housing needs. Rapid population growth and increasing home prices in Charlotte have reduced the availability of affordable homes. Expanding the supply of high-quality, safe, and affordable housing is one of the three pillars of the Housing Charlotte Framework.

The city's Housing Policy embraces the following national goals established by the United States Department of Housing and Urban Development and aligns with the City Council priorities as set forth in the Housing Charlotte Framework:

- Provide decent and affordable housing
- Provide a suitable living environment
- Expand economic opportunities for low- and moderate-income households

3.1 GOALS

This RFP aims to strategically secure affordable housing development locations in transit-oriented development areas. Development locations are meant to support the affordable housing development goals of Charlotte City Council.

In evaluating proposals for acquisition loans, the city considers several key factors.

- Site location
- Public purpose (but for the city investment, the project would not be feasible for the targeted income group)
- Ability of the proposed development to help achieve the city's affordable housing policies and goals
- Financial feasibility
- Developer's capability and experience
- Acquisition and development of the site must be completed within three years of site acquisition
- Number of affordable housing units and targeting of incomes
- Long-term affordability
- Completeness of proposal (incomplete or confusing proposals will not be considered).

To ensure city-financed affordable housing developments adhere to the city's affordable housing goals, each affordable housing development must:

- Maintain the affordability of units using long-term deed restrictions. The minimum length of the affordability period will be 50 years, but longer terms are preferred
- Comply with the city's zoning, land development and other housing policies and regulations

3.2 GENERAL REQUIREMENTS

It is imperative to carefully review and adhere to all requested items contained in the Request for Proposals ("RFP") packet. The entire set of documents enclosed in the RFP packet constitutes the RFP, and the Developer must ensure that all necessary information is submitted for proper analysis. The city will only consider complete proposal packets for review, and incomplete packets will not be accepted.

Each Developer shall fully comply with all federal, state, and local ordinances and statutes governing residential housing development.

3.2.1 Review and Submission

Proposals will be accepted only per the instructions provided in this request and documents in the submittal checklist. Developers are solely responsible for the accurate submission of their proposals.

3.2.2 Accuracy of Proposal and Related Documents

Each Respondent must independently evaluate all information provided by the city. The city makes no representations or warranties regarding any information presented in this RFP or otherwise made available during this procurement process and assumes no responsibility for conclusions or interpretations derived from such information. In addition, the city will not be bound by or be responsible for any explanation or conclusions regarding this RFP or any related documents other than

those provided by an addendum issued by the city. Companies may not rely on any oral statement by the city or its agents, advisors, or consultants.

If a respondent identifies potential errors or omissions in this RFP or any other related documents, the respondent should immediately notify the city of such potential discrepancy in writing. The city may issue a written addendum if the city determines clarification necessary. Each Respondent requesting an interpretation will be responsible for delivering such requests to the city's designated representative as directed in RFP Section 4.2.5.

3.2.3 City's Rights and Options

The city reserves the right, at the city's sole discretion, to take any action affecting this RFP, this RFP process, or the Services or facilities subject to this RFP that would be in the best interests of the city, including:

- To supplement, amend, substitute, or otherwise modify this RFP, including the schedule, or to cancel this RFP, at any time
- To require any Companies to supplement or clarify its Proposal or provide additional information relating to its proposals
- To investigate the qualifications, experience, capabilities, and financial standing of each Respondent submitting a Proposal
- To waive any defect or irregularity in any Proposal received
- To reject any or all Proposals
- To share the Proposals with city employees and contractors in addition to the Evaluation Committee as deemed necessary by the city
- To award all, none, or any part of the Services and enter into Contracts with one or more of the responding Companies deemed by the city to be in the best interest of the city, which may be done with or without re-solicitation
- To discuss and negotiate with any Respondent their Proposal terms and conditions, including but not limited to financial terms
- To terminate discussions and negotiations with any Respondent at any time and for any reason.

3.2.4 Expense of Submittal Preparation.

The city accepts no liability, and Companies will have no actionable claims, for reimbursement of any costs or expenses incurred in participating in this solicitation process. This includes expenses and costs related to Proposal submission, submission of written questions, attendance at pre-proposal meetings or evaluation interviews, contract negotiations, or activities required for contract execution.

3.2.5 Proposal Conditions.

The following terms are applicable to this RFP and the Respondent's Proposal.

3.2.5.1 RFP Not an Offer

This RFP does not constitute an offer by the city. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the city unless the city and the Respondent execute a Contract. No recommendations or conclusions from this RFP process concerning the Respondent shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law, or statutory law of North Carolina.

3.2.5.2 Trade Secrets and Personal Identification Information.

Definition.

Upon receipt by Housing & Neighborhood Services, all materials submitted by a Respondent (including the Proposal) are considered public records except for (1) material that qualifies as “trade secret” information under N.C. Gen. Stat. § 66-152 et seq. (“Trade Secrets”) or (2) “personally identifiable information” protected by state or federal law, to include, but not be limited to, Social Security numbers, bank account numbers, and driver’s license numbers (“Personally Identifiable Information” or “PII”).

Instructions for Marking and Identifying Trade Secrets

If any Proposal contains Trade Secrets or PII, such Trade Secrets and PII must specifically and clearly be identified in accordance with this section by clearly separating them from the rest of the Proposal. For hard copy documents, it must be submitted in a separate, sealed envelope, marked either “Personally Identifiable Information – Confidential” or “Trade Secret—Confidential and Proprietary Information.” For electronic submissions it must also be submitted on a separate flash drive. In both hard copy or electronic format, the confidentiality caption stated above must appear on each page of the Trade Secret or PII materials.

Availability of Proposals to City Staff and Contractors

By submitting a Proposal, each Respondent agrees that the city may reveal any Trade Secret materials and PII contained therein to all city staff and city officials involved in the selection process, and to any outside consultant or other third parties who serve on the Evaluation Committee or who are hired or appointed by the city to assist in the evaluation process.

Availability of Proposals via Public Records Requests

Any person or entity (including competitors) may request Proposals submitted in response to an RFP. Only those portions of RFPs properly designated as Trade Secret or PII are not subject to disclosure. The public disclosure of the contents of a Proposal or other materials submitted by a Respondent is governed by N.C. Gen. Stat. §§ 132 and 66-152, et seq.

When determining whether to mark materials as Trade Secret, please note the following:

- Entire Proposals may not be marked as Trade Secret
- Pricing may not be marked as Trade Secret

The city may disqualify and Respondent that designates its entire Proposal as a trade secret, or any portion thereof that clearly does not qualify under applicable law as a Trade Secret or PII. Each Respondent agrees to indemnify, defend, and hold harmless the city and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the Respondent has designated as a Trade Secret or PII. This includes an obligation on the part of the Respondent to defend any litigation brought by a party that has requested Proposals or other information that the Respondent has marked Trade Secret or PII.

3.2.5.3 Amendments to RFP.

If the city amends this RFP, addenda will be posted to the IPS website at www.ips.state.nc.us and the city's HNS_RFP Site. Companies are required to acknowledge receipt of each addendum by including the Addenda Receipt Confirmation Form (Form 1) with their Proposals.

3.2.5.4 Proposal Terms Firm and Irreversible.

The signed Proposal shall be considered a firm offer on the part of the Respondent. The city reserves the right to negotiate price and other terms. All Proposal elements (including all statements, claims, declarations, prices, and specifications) shall be considered firm and irrevocable for purposes of future Contract negotiations unless specifically waived in writing by the city. The Respondent chosen for award should be prepared to have its Proposal and any relevant correspondence incorporated into the Contract, either in part or in its entirety, at the city's election.

3.2.5.5 Charlotte Business INclusion Program.

Pursuant to Charlotte City Council's adoption of the Charlotte Business INclusion (CBI) Policy, the CBI program promotes diversity, inclusion, and local business opportunities in the city's contracting and procurement process for Minority-owned, Woman-owned, and Small Business Enterprises (MWSBEs) with a significant business presence in the Charlotte Combined Statistical Area. The CBI Policy is posted at www.charlottebusinessinclusion.com.

The city is committed to promoting opportunities for maximum participation of certified MWSBEs on city-funded contracts at both the prime and subcontract level. For MWSBE participation to count towards a Subcontracting Goal, MWSBEs must meet both the certification and geographic requirements as detailed throughout this solicitation and in the CBI Policy.

3.2.5.6 Equal Opportunity.

The city has an equal opportunity purchasing policy. The city seeks to ensure that all segments of the business community have access to supplying the goods and services needed by city programs. The city provides equal opportunity for all businesses and does not discriminate against any Companies regardless of race, color, religion, age, sex, and national origin or disability.

3.2.5.7 Advertising

No advertising, sales promotion, or other materials of the Respondent or its agents or representatives may identify or reference the city in any manner absent the prior written consent of the city.

3.2.5.8 Withdrawal for Modification of Proposals

Companies may change or withdraw a previously-submitted Proposal at any time prior to the Proposal due date. Only formal written requests addressed in the same manner as the Proposal and received by the city prior to the Proposal due date will be accepted. The request must be in a sealed envelope that is plainly marked "**Modifications to Proposal.**" No oral modifications will be allowed. If the Respondent complies with this Section, after the Proposal due date, the Proposal, will be withdrawn or corrected in accordance with the written request(s).

3.2.5.9 No Bribery.

In submitting a response to this RFP, each Respondent certifies that neither it, any of its affiliates or subcontractors, nor any employees of any of the foregoing has bribed, or attempted to bribe, an officer or employee of the city in connection with the Contract.

3.2.5.10 Exceptions to the RFP.

Other than exceptions that are stated in compliance with this Section and Section 4.2.4.5, each Proposal shall be deemed to agree to comply with all terms, conditions, specifications, and requirements of this RFP. All exceptions taken must be identified and explained in writing in your Proposal and must specifically reference the relevant section(s) of this RFP. If the Respondent provides an alternate solution when taking an exception to a requirement, the benefits of this alternative solution and impact, if any, on any part of the remainder of the Respondent's solution, must be described in detail.

3.2.6 Developer Questions and Inquiries

The city is committed to providing all developers responding to the RFP with accurate and consistent information to ensure that no Developer obtains an undue competitive advantage. All questions and inquiries must be directed as indicated below:

Warren Wooten
Housing & Neighborhood Services
600 East Trade Street
Charlotte, NC 28202
Phone: 704-336-2489
warren.wooten@charlottenc.gov

4 INVESTMENT ELIGIBILITY CRITERIA & PREFERENCES

4.1 GENERAL

The city is interested in supporting affordable housing development in Transit Oriented Development zoned areas that 1) support city affordable housing goals, 2) leverage public/private partnerships and 3) provide an excellent return on city investment.

4.2 PREFERENCES

The following are preferences for City of Charlotte land acquisition investments. When evaluating potential investments, priority will be given to developments that align with one or more of the following preferences the city has several current geographies of special interest.

- Sites that are conducive to several residential uses, providing development flexibility. Sites that have strong residential market demand.
- Sites more than ¼ mile from other city housing investments (measured closest parcel line to closest parcel line).
- Purchases that affirm future development committed to extended affordability periods, ensuring long-term affordability for residents.
- Projects with nonprofit ownership or offering a right of first refusal to a nonprofit or local government beneficiary promote community-oriented and socially responsible ownership structures.
- Development in the corridors of opportunity and areas specifically referenced in current city playbooks.
- Projects that incorporate best practices as it relates to environmental sustainability through design, construction, and operations/maintenance. Additional consideration will be given to

projects that achieve environmental certifications through programs such as LEED or other accredited bodies.

- Projects that locally advance innovations in design, building materials (e.g., mass timber), construction methods (e.g., modular construction), or operations (e.g., blending market rate units with affordable units).

4.3 ASSISTANCE TERMS

Assistance will be provided through a short-term (up to three years) loan. The city will provide up to 90% loan to value. The City will retain a Right of First Refusal to ensure timely commencement of construction. Additional terms will be negotiated in the final loan agreement.

5 UNDERWRITING CRITERIA

Proposal shall be reviewed in the order in which they are received based on the submittal date and time as listed in the online submittal portal. Proposals will be reviewed to meet the following minimum requirements and assessed based on City Council priorities and industry best practices.

The city’s underwriting process assesses the financial feasibility and risks associated with financing and investing in the proposed land acquisition. This process requires a thorough understanding of the unique characteristics and challenges of the specific development and local market,

Submitted proposals shall be considered in relationship to:

Proximity to other affordable units	Proposed development siting in relationship to existing affordable housing units. Assess how the project complements or enhances the overall availability of affordable housing in the area. Proposed developments should add affordable units to areas with low numbers of below market-rate housing.
Location	Extent to which housing at proposed location would complement nearby uses and city initiatives to create a cohesive community.
Cost	The proposed purchase price should be consistent with sales in the area and take into consideration site specific conditions.
Affordability	Acquisitions under this RFP must commit to minimum affordability periods no less than 50 years.
Topography, Utilities and Access	Examine the topography of the land to understand any potential challenges or opportunities it presents for development. Assess the availability and condition of utilities (e.g., water, sewer, electricity) on the site and determine any necessary infrastructure improvements. Evaluate access to the site, including roadways and transportation connections.

	Sites lacking access or utilities shall be considered in consideration based on development timing and reflecting adjustments in cost.
Environmental Assessment	As a condition of investment, conduct a thorough environmental assessment to identify any potential environmental risks or contamination on the property. Develop plans for environmental remediation, if necessary, along with associated costs.
Impact Assessment	Broader implications of the proposed sites will be a critical evaluation consideration to include social, economic, and environmental factors. The objective is alignment with City Council priorities and positive contributions to community well-being. This entails evaluating community cohesion, addressing stakeholder concerns, and adhering to industry best practices. The impact assessment process emphasizes transparency and inclusivity, incorporating input from community members and stakeholders for a holistic understanding of the proposed development's consequences.

5.1 MARKET AND OTHER EXTERNAL FACTORS

As part of the process for land acquisition, the developer shall provide comprehensive market data required by the City of Charlotte, considering the city as the investor. The market analysis should provide detailed information on the location and neighborhood, socio-economic and demographic trends, and competitive landscape.

Specifically, the market data should include the following areas:

- **Location and Neighborhood Information:** This should include a detailed project description, neighborhood characteristics, proximity to amenities such as shopping centers and schools, and other relevant factors that may impact the development's marketability.
- **Socio-Economic and Demographic Development:** This should provide an overview of the economic context of the area, growth trends, and demographic and income characteristics of the target market, including factors such as population growth, employment trends, and income levels that may influence demand for affordable housing.
- **Competitive Analysis:** This should assess the existing housing stock in the area, including rental and for-sale markets, as well as any proposed developments.

Market data should also include a detailed affordability analysis, including an assessment of the local market demand for affordable housing and estimated unit yield and AMI mix. Reliable data and analysis should be provided to support the acquisition decision.

6 REPORTING AND MONITORING

6.1 REPORTING

The developer is required by the loan agreement to submit, at the city's discretion, quarterly and/or annual reports in a format determined by the city. The developer must provide the following during the term of the loan:

- Payment if stipulated in the loan agreement
- Insurance certificate in which the city is named as an insured
- Any material changes in governance or management
- Any other debt or borrowing, for this project or any project
- Any change or loss in property and casualty insurance
- Any pending legal action and their assessment of the impact of such action (including evictions)
- Updates on the land development process, development milestones

7 SUBMITTAL INSTRUCTIONS

Each application submittal process will consist of the developer submittal of:

- Developer Application – This is a city provided word document. The developer will complete the word document following the instructions found in the word document, convert to pdf and submit as : **Application – Project Name – Developer Name – LAND ACQUISITION 24.pdf**
- Application Data Sheet – This is a city provided excel workbook. Complete the workbook and attach it to the submittal as **Datasheet – Project Name – Developer Name – LAND ACQUISITION 24.xlsx**

In addition to these two documents, the following section detail additional submittal requirements. Please see the submittal checklist as to what documents are required, optional or conditional.

- For all other documents requested, please include them in pdf format unless otherwise stated, and attach them to your submittal as “document name – project name – developer name – LAND ACQUISITION 24.pdf”. For example, Attachment 9 – org chart – Apple Apartments – Apple Developer – LAND ACQUISITION 24.pdf.

8 SUBMITTAL CHECKLIST

Submittal Checklist	Type	Included (yes/no)
Submittal Checklist	Required	
Affordable Housing Data Sheet (provided excel sheet)	Required	
Developer Text Submittal (provided word document)	Required	
References - Attachment 1 – Developer References.pdf	Conditional	
Financial Statements		
<ul style="list-style-type: none"> Current year financial statement and previous two years financial statements - Attachment 2 – Financial Statements.pdf 	Required	
<ul style="list-style-type: none"> Most recent independent audit and auditor’s management letter - Attachment 3 – audit.pdf 	Required	
<ul style="list-style-type: none"> Form 990 (current & prior year if applicable – nonprofit applicants only) Attachment 4 – 990.pdf 	Conditional	
<ul style="list-style-type: none"> Verification that all state and federal taxes are current (including IRS withholdings) Attachment 5 – tax certification.pdf 	Required	
Applicant’s organization / background information		
<ul style="list-style-type: none"> Articles of Incorporation and current bylaws Attachment 6 – articles.pdf 	Required	
<ul style="list-style-type: none"> IRS 501c (3) determination letter (if non-profit) Attachment 7 – 501c3.pdf 	Conditional	
<ul style="list-style-type: none"> List of Board of Directors including address and telephone numbers; list of officers and their positions for non-profits Attachment 8 – Board of Directors.pdf 	Conditional	
<ul style="list-style-type: none"> Current organizational chart Attachment 9 – org chart.pdf 	Required	
<ul style="list-style-type: none"> Certificate of Good Standing from the North Carolina Secretary of State or State where the developer/development team is incorporated Attachment 10 – cert of good standing.pdf 	Required	
<ul style="list-style-type: none"> Verification of any committed and/or anticipated funding for the project (e.g. approval letters, letters of intent, feasibility letters.) Attachment 11 – funding commitments.pdf 	Required	
Site Specific		
Commercial Appraisal Attachment 12 - appraisal.pdf	Required	
Proforma Attachment 13 – proforma.xls	Required	
Project Budget (including relocation costs if applicable) Attachment 14 – budget.pdf	Required	
Project Schedule Attachment 15 – schedule.pdf	Required	

Submittal Checklist	Type	Included (yes/no)
Relocation plan and statement of proposed relocation assistance (if applicable) Attachment 16 – relocation plan.pdf	Conditional	
ADDENDA RECEIPT CONFIRMATION FORM Attachment 17 – Addenda Receipt.pdf	Conditional	

9 FORM 1 - ADDENDA RECEIPT CONFIRMATION FORM

LAND ACQUISITION

Please acknowledge receipt of all addenda by including this form with your Proposal. All addenda will be posted to the NC IPS website at www.ips.state.nc.us and the city's Contract Opportunities Site at <http://charlottenc.gov/DoingBusiness/Pages/ContractOpportunities.aspx>.

ADDENDUM #: DATE ADDENDUM

DOWNLOADED FROM NC IPS:

I certify that this proposal complies with the Specifications and conditions issued by the city except as clearly marked in the attached copy.

(Please Print Name)

Date

Authorized Signature

Title

Company Name