



# Economic Development

**REQUEST FOR QUALIFICATIONS  
for  
Affordable Housing Developers and NOFA  
Application Guidelines**

Initial Responses should be received by:

**January 29, 2021 by 5:00 p.m. (PDT)**

Deliver responses electronically to:

[MHardman@sandiego.gov](mailto:MHardman@sandiego.gov)

**ATTN: Monica Hardman, Assistant Deputy Director**

Economic Development Department  
1200 3<sup>rd</sup> Avenue, Ste. 1400  
San Diego, CA 92101  
(619) 236-6700

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## **1. INTRODUCTION**

The City of San Diego (“City”) is seeking qualified real estate developers interested in providing future multifamily affordable housing developments in the City of San Diego.

Over the course of the next twenty-four (24) months, the City expects to dispose of former Redevelopment Agency owned housing assets, the proceeds of which, potentially coupled with other City housing funds, will be advertised through one or more addendums to this Request For Qualifications (“RFQ”), in the form of a Notice of Funding Availability (“NOFA”), for the purpose of developing affordable housing within the City of San Diego. At this time, the amount of funds, and the timing of their availability are uncertain, but it is anticipated there could be between \$30 to \$50 million available to support the new construction of multifamily housing that will provide long-term affordability (55 years or longer) to individuals and families earning 80% of the Area Median Income (pursuant to California Redevelopment Law) or less, in accordance with income limits of SB 341 controlling expenditures of funds generated by former Redevelopment Agency housing assets. Other City funding sources would support acquisition and rehabilitation projects and may have different expenditure restrictions. Future NOFAs will identify the specific funding source and types of eligible projects.

This RFQ is intended to attract and select qualified development teams that have current pipeline projects to perform the development of affordable multifamily housing, so that the City can promptly reach out at such time as funding is available. A list of qualified and selected developers with a list of potential pipeline projects will be retained by the City until such time as funding is available and is released. It is the intent of the City to issue the future NOFA upon funding availability, to those selected developers identified through this RFQ process.

The future NOFA shall remain open and available until such time that funds have been committed and/or deployed. It is the intent of the City that these funds are replenished periodically and that there are several NOFA rounds.

The intent of any future NOFA will be to provide a portion of the local funding gap. The City seeks to leverage its limited funding resources to provide the largest number of affordable multifamily units. Accordingly, it is currently estimated that the City’s NOFA will provide no more than \$100,000 per unit, prioritizing projects needing less funding per unit, and may elect to place a cap on the total amount awarded per project.

## **2. PROJECT GOALS – CITY OBJECTIVES**

The City seeks to incentivize the production of affordable multifamily housing, remove regulatory barriers to housing at all income levels (especially low, very-low, median, and moderate-income households), and participate financially in the creation of affordable

housing by providing local, gap financing to be used as leverage for additional funding sources.

The issuance of this RFQ serves the objective of reaching the broadest array of qualified developers, benefiting key underserved communities while encouraging transparency and competitiveness.

### **3. EVALUATION CRITERIA**

#### **A. Statement of Qualifications**

The City is seeking submittals from qualified developers that have demonstrated success in completing affordable multifamily housing developments, employing various public and private funding sources, and demonstrating compliance with prior City, former Redevelopment Agency, and/or San Diego Housing Commission loans.

Qualified affordable housing developers (“Applicants”) meeting the RFQ qualifications and demonstrating the ability to design, build, and manage affordable housing are encouraged to submit responses. Interested parties may submit as an individual entity and/or may partner with other entities, so long as the collective group meets the RFQ requirements.

The City will evaluate each Applicant’s Statement of Qualifications (“SOQ”) based upon “Pass/Fail” criteria. A submittal that fails to meet the “Pass/Fail” criteria, including, without limitation, any minimum requirement, will not be placed on the list of qualified development Applicants eligible to participate in future NOFAs. It is the intent of the City that only SOQ’s that are determined to have passed all of the following “Pass/Fail” requirements will be eligible to participate in future NOFAs.

#### **B. Administrative Pass/Fail Criteria**

The following list represents the “Pass/Fail” criteria as it relates to the administrative and legal aspect of the SOQ are as follows:

1. SOQ is in the format requested, with all required information.
2. SOQ includes a completed Financing Relationship, Litigation and Bankruptcy form (Exhibit 1).
3. SOQ includes a completed Disclosure Statement (Exhibit 2).
4. SOQ includes a completed Equal Opportunity – Workforce Report (Exhibit 3).
5. SOQ includes a completed Project Financing History (Exhibit 4)
6. SOQ includes a list of pipeline projects the developer maintains for future development Pipeline (Exhibit 5).

7. Confirmation that neither the Applicant nor any other entity which is part of the Applicant's team are currently disqualified, removed, debarred or suspended from performing or bidding on work for the federal, any state or other governmental entity; and
8. The information disclosed does not, in the City's determination, adversely affect the Applicant's ability to carry out the responsibilities as outlined in the RFQ.

**C. Developer Experience "Pass/Fail" Criteria**

The following list represents the "Pass/Fail" criteria as it relates to the Applicants ability to plan, design, construct and manage housing projects as demonstrated in the SOQ:

1. In the last ten (10) years, the Applicant's team has developed three (3) affordable housing or mixed-income housing projects, with not less than thirty (30) units per project, at least one of which must have been located in the City of San Diego;
2. In the last ten (10) years, the Applicant's team has developed at least one (1) multifamily housing project that incorporates energy sustainable building practices and materials; and/or that certifies for LEED Silver or above or that certified for Green Point Rating;
3. The ability to successfully design and construct affordable housing or mixed-income housing developments;
4. The ability to operate and maintain completed real estate projects, including sustaining occupancy and maintaining site operations and character.
5. The capacity and willingness to work cooperatively with the community in the design and development of projects, as well as the long-term management of projects.

**D. Financial Capabilities "Pass/Fail" Criteria**

The following list represents the "Pass/Fail" criteria as it relates to the Applicants ability to secure the necessary funding, including equity and debt capital to finance housing projects as demonstrated in the SOQ:

1. In the last ten (10) years, the Applicant's team has demonstrated ability to successfully finance three (3) affordable housing or mixed-income housing developments;
2. In the last ten (10) years, the Applicant's team has demonstrated the ability to attract leverage funds and qualify for other subsidized funding sources which may include, but are not limited to:
  - a) Low-income housing tax credits and bond financing;

- b) Multi-Family Housing Program/Affordable Housing Program (MHP and AHP, respectively);
- c) Other Federal, State, and local funding; and/or
- d) Grants and other public and private sources of funds

#### **4. APPLICATION TIMELINE**

The City intends to hold this RFQ open for thirty-six (36) months and allow developers to continue to submit SOQ responses until the RFQ is closed. The City, at its sole discretion, may amend the dates or extend the RFQ by addendum to the RFQ.

<b>Action</b>	<b>Date*</b>
Issuance of RFQ	December 7, 2020
Initial Submittals Due**	January 29, 2021
First NOFA Release (Tentative Date)	February or March 2021
Additional NOFA Releases	TBD by the City as funding is available
Guideline closes	November 30, 2023

\*The City may change dates at its sole discretion.

\*\* Applicants are encouraged to submit their SOQ's by January 29, 2021 in order to be considered qualified for the first NOFA which is anticipated to be released sometime in February or March 2021.

Any Applicant that submitted a SOQ response, but did not meet the "Pass/Fail" requirement, may resubmit a qualification package so long as the RFQ is still open and the Applicant believes that its relevant experience has changed and that it would now meet the minimum requirement as set forth in Section 3 of this RFQ.

#### **5. SELECTION PROCESS**

The City will review and evaluate all complete and responsive submittals to verify the Applicant's eligibility. Submittals from Applicants that do not meet the RFQ stated and required experience or do not comply with the City's housing goals will not be considered. Incomplete responses will not be considered. Application materials must be complete and included with the submittals. Additional application materials are included as exhibits to this RFQ.

The City will evaluate each Applicant's SOQ based upon "Pass/Fail" criteria as outlined in Section 3. A submittal that fails to meet the "Pass/Fail" criteria, including, without limitation, any minimum requirement, will not be placed on the list of qualified development team

eligible to receive future NOFA's. Only submittals that are determined to have passed will be eligible to receive future NOFA's.

The City seeks to assist with the growth and experience of minority-owned, women-owned and small and emerging local development firms. As such, Applicants that do not believe they meet the minimum qualification as outlined in Section 3, may submit the Partnering and Teaming Election Form (Exhibit 6) to indicate their desire to partner or participate on a team with another Applicant who has been qualified.

Applicants who believe they meet the minimum qualification as outlined in Section 3, and wish to assist with the growth and experience of minority-owned, women-owned and small and emerging local development firms may utilize the Partnering and Teaming Election Form (Exhibit 6) to indicate the Applicant's willingness to partner on future development projects when NOFAs are announced.

The City will compile the information received in Exhibit 6 and publish a list of qualified Applicants who indicated a willingness to partner, as well as the list of minority-owned, women-owned and small and emerging local development firms who do not meet the requirements outlined in Section 3, but desire to partner. It will be up to the individual development entities to review the list and determine if there are partnering opportunities. The City may give preference to teams that include partnerships with minority-owned, women-owned or small and emerging local development firms when future NOFAs are released.

The City will also look for Applicants who have a demonstrated track record of local hiring and participation with locally-owned businesses in development projects.

## **6. SUBMITTAL INSTRUCTIONS**

Applications will be accepted upon publication of this RFQ after submission of the following material by providing **one (1) "high quality" digital PDF file** containing the following:

### **A. Cover Letter**

Submit a cover letter introducing the development team and identifying any concerns about meeting any of the requirements in this RFQ.

### **B. Development Team Qualifications & Experience**

The following must be included in all submittals to assist the City in evaluating the experience and capacity of the development team:

1. Identify the Applicant's entity name, street address, mailing address (if different), telephone number, and e-mail address. Specify the legal form of the organization (e.g., corporation, partnership, joint venture, other), and identify persons with the authority to represent and make legally binding commitments for the Applicant.
2. Identify the Applicant's Firm Executive – the individual with reasonable authority to act on behalf of the firm and/or development team, and the responsibility for the Applicant's performance.
3. Identify other members of the development team including architects, engineers, contractors, financial or equity partners, lenders, and any known participating Applicant entities. Provide relevant experience for each team member, a description of their previous projects, and their role in the referenced projects.

### **C. Relevant Development Experience**

Applicant must provide at least three (3) relevant project examples which include affordable housing or mixed-income housing projects, which include not less than thirty (30) housing units per project. Mixed-Income projects are considered to be multifamily housing projects that include at least 20% of the total units at 60% of Area Median Income ("AMI"), or below, and the balance of the units are affordable at other AMI levels.

Applicants must provide at least one (1) multifamily housing project that incorporates energy sustainable building practices and materials; and/or that certify for LEED Silver or above, or is Green Point Rated.

List and describe the Applicant's experience in developing and managing previous affordable developments with emphasis on the following:

1. The precise role that the Applicant and principals played in each project's development.
2. Project descriptions, including dates of commencement and completion, location, concept, land uses, target population including affordability, size and cost;
3. Financial structure of the project, including amount and source of equity and debt financing, as well as the name of the entities providing the equity and debt;
4. Architecture, landscape design and photographs of developments;
5. Length of time to complete developments;
6. Public/private ventures, including experience working with California local public agencies;
7. Describe any community engagement in the design and development of the project, as well as the long-term management of the project;



8. Describe any local hiring and participation of locally owned businesses in the development of the project, and.
9. Names and telephone numbers of any references for each project discussed.

**D. Pipeline Project(s)**

Provide the following information for projects in the pipeline for which you may submit a response to the City's future NOFA that would meet the NOFA's issuance timeline of potentially 18 months or longer timeline:

1. Project Name, Address, Zip Code (assuming Applicant has site control)
2. Number of affordable units (indicate if estimated, planned, or entitled)
3. Levels of affordability (indicate if estimated, planned, or committed)
4. Current level of readiness/stages completed (i.e., property due diligence stage, under purchase contract, owned, in permitting entitlement review stage, CEQA needed, exempt, or completed, estimated date of tax credit applications or other funding awards, etc.)

**7. REQUEST FOR INFORMATION AND QUESTIONS**

Due to COVID-19, in-person questions and requests for information will not be accepted and must be submitted electronically. All requests for clarifications, changes, exceptions, or deviations to or from the terms and conditions set forth in this NOFA must be submitted electronically via email to Monica Hardman, Assistant Deputy Director, Economic Development at [mhardman@sandiego.gov](mailto:mhardman@sandiego.gov). Any substantive changes in the submittal requirements by City, if any, may be made and issued in the form of addenda. Such addenda, if any, will be posted on the Economic Development Department page on the City's website. All questions and answers will be posted on the same page of the City's website and will be updated as necessary.

To ensure fairness and avoid misunderstandings, all communications must be in written format and addressed only to the individual set forth above. Any verbal communications will not be considered or responded to. Written communications must be submitted via e-mail to the address provided above.

No additional information, whether written or oral, of any type will be accepted or considered after the submittal deadline for any reason. It is the Applicant's responsibility to ensure that submittals are complete, accurate and clearly understandable in all respects.

**8. OTHER REQUIRED SUBMITTAL FORMS**

Applicants are asked to review, complete, and submit the following forms.

**A. Financing Relationships, Litigation and Bankruptcy Form (Exhibit 1)**

**B. Disclosure Statement (Exhibit 2)**

Applicants are subject to all federal, state and local conflict of interest laws, regulations and policies applicable to public contracts and procurement practices, including, but not limited, to California Government Code section 1090 et seq. and section 81000 et seq., and the City of San Diego Ethics Ordinance, codified in the San Diego Municipal Code (SDMC) at sections 27.3501 to 27.3595. If Applicant violates any conflict of interest law, the violation shall be grounds for immediate termination of any future City agreement. Each Applicant must complete a Financial Disclosure Statement with its submittal.

**C. Equal Opportunity – Work Force Report (Exhibit 3)**

The City is strongly committed to equal opportunity in the solicitation of business contracting to assure that persons or businesses doing business with, or receiving funds from the City, are an equal opportunity business and employer. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not do business with any firm that discriminates. Persons and businesses doing business with the City shall take positive steps toward diversifying and expanding their sub-consulting and subcontracting solicitation base and offering opportunities to all eligible persons or businesses.

Applicants understand that failure to comply with the following requirements or submitting false information, or both, in response to these requirements may result in rejection of its response by the City and debarment of the Applicant from participating in City contracts for a period of not less than one (1) year.

Development Team acknowledges and agrees that it is aware of, and will comply with, City Council Ordinance No. 18173 (Municipal Code sections 22.2701 through 22.2708, as amended), EQUAL EMPLOYMENT OPPORTUNITY OUTREACH PROGRAM, a copy of which is on file in the Office of the City Clerk and by this reference is incorporated into this NOFA. Applicants and all its subcontractors are individually responsible to abide by the City's Equal Employment Opportunity Outreach Program.

Applicants shall comply with Title VII of the Civil Rights Act of 1964, as amended; Executive Orders 11246, 11375, and 12086; the California Fair Employment Practices Act; and any other applicable federal and state laws and regulations hereafter enacted. Development Team will not discriminate against any employee or applicant for employment on any basis prohibited by law.

Applicants shall insert the foregoing provisions in all contracts and subcontracts for any work covered by its response, so that such provisions will be binding upon each contractor and subcontractor. Applicants agree that compliance with these laws will be monitored and reviewed by the City's Equal Opportunity Contracting Program staff.

Applicants acknowledge that the City seeks to promote employment and business opportunities for local residents and firms in all City contracts. Applicants shall, to the extent legally possible, solicit applications for employment, and bids and proposals for subcontracts, for work associated with its response from local residents and firms, as opportunities occur. Applicants shall hire qualified local residents and firms whenever feasible.

Applicants shall submit a current Work Force Report or a current EEO Plan, as required by Municipal Code section 22.2705, which sets forth certain actions that Applicants will take to achieve the City's commitment to equal employment opportunities.

**D. Project Financing History (Exhibit 4 – Excel document)**

Applicants should use Exhibit 4 to provide a listing of the historical project financing over the last 10-years. Information to be included is the project name, location, year finance, total value equity amount and sources, debt amounts and sources, and the components of the project such as number of units, AMI levels, parking retail, etc.

**E. Project Pipeline (Exhibit 5 – Excel document)**

Applicants should use Exhibit 5 to provide a listing of the pipeline project. Information to be included is the project name, location, projected start date, estimated equity amount and sources, estimated debt amounts and sources, and the components of the project such as number of units, AMI levels, parking retail, etc.

**F. Partnering and Teaming Election Form (Exhibit 6 – Word Document)**

Applicant should identify their willingness to assist with the growth and experience of minority-owned, women-owned and small and emerging local development firms may utilize the Partnering and Teaming Election Form to indicate the Applicant's willingness to partner on future development projects when NOFAs are announced.

**9. GENERAL**

**A. Additional Information from Applicants**

The City reserves the right to request information from any Applicant to clarify information submitted.

**B. City's Rights to this Solicitation**

This NOFA does not create any legal rights or obligations between the City and any Applicant hereto nor any obligation to proceed with negotiations. It is intended that any and all legal rights and obligations between the City and an Applicant will come into existence only if and when a definitive agreement is signed and delivered by both parties. The City accepts no financial responsibility for any cost incurred by the Applicant during the solicitation process. Applicants to this RFQ shall bear all expenses in connection with their submittals and responses. All Submittals become the property of the City and may be used in any way deemed appropriate.

**C. Incurred Costs**

Each Development Team is solely and fully responsible for all costs associated with submitting its qualifications package in response to this RFQ. The City will not be responsible for any costs incurred by in the preparation and/or submission of the RFQ response.

**D. Addenda**

The City may issue addenda to this RFQ as necessary. All addenda are incorporated into this RFQ. Each Applicant is responsible for determining whether addenda were issued prior to a response submission. Failure to respond to or properly address addenda in a response may result in rejection of the response.

**E. Public Records**

By submitting a response, the Applicant acknowledges that any information submitted in response to this RFQ is a public record subject to disclosure unless the City determines that a specific exemption in the California Public Records Act (CPRA) applies. If the Applicant submits information clearly marked confidential or proprietary, the City may protect such information and treat it with confidentiality to the extent permitted by law. However, it will be the responsibility of the Applicant to provide to the City the specific legal grounds on which the City can rely in withholding information requested under the CRPRA should the City choose to withhold such information. General references to sections of the CPRA will not suffice. Rather, the Applicant must provide a specific and detailed legal basis, including applicable case law, that clearly establishes the requested information is exempt from the disclosure under the CPRA. If the Applicant does not provide a specific and detailed legal basis for requesting the City to withhold Applicant's confidential or proprietary information

at the time of response submittal, City will release the information as required by the CPRA and Applicant will hold the City, its elected officials, officers, and employees harmless for release of this information. It will be the Applicant's obligation to defend, at Applicant's expense, any legal actions or challenges seeking to obtain from the City any information requested under the CPRA withheld by the City at the Applicant's request. Furthermore, the Applicant shall indemnify and hold harmless the City, its elected officials, officers, and employees from and against any claim or liability, and defend any action brought against the City, resulting from the City's refusal to release information requested under the CPRA which was withheld at Applicant's request. Nothing in the agreement resulting from the response creates any obligation on the part of the City to notify the Applicant or obtain the Applicant's approval or consent before releasing information subject to disclosure under the CPRA.

**F. City's Right to Modify and Withdraw RFQ and Reject All Responses**

The City reserves the rights to modify and withdraw the solicitation, and to reject all RFQ responses for any legally permissible reasons without indicating the reasons. The City makes no representation that any agreement will be awarded to any Applicant. Additionally, the City expressly reserves the right to postpone opening responses to this solicitation for its own convenience, and/or to waive any informality or irregularity in the responses received.

**G. Non-Discrimination Notice**

The selected Applicant, and each of its subcontractors, shall comply with Title VII of the Civil Rights Act of 1964, as amended; Executive Orders 11246, 11375, and 12086; the California Fair Employment Practices Act; San Diego Municipal Code sections 22.2701 through 22.2707, and any other applicable federal and state laws and regulations hereinafter enacted. The selected firm shall not discriminate against any employee or applicant for employment based on race, religion, color, ancestry, age, gender, sexual orientation, medical condition, or place of birth. The selected Applicant shall cause the above provisions to be inserted in all subcontracts for any work covered by the contract so that such provisions will be binding upon each subcontractor, if used.

It is the policy of the City not to discriminate against the disabled in employment or provision of services. The information contained in this RFQ will be made available in alternative formats to disabled persons upon request. It is the policy of the City to encourage equal opportunity in its contracts and leases. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not do business with any firm that discriminates based on race, religion, color, ancestry, age, gender, gender expression, gender identity, sexual orientation, disability, medical condition or place of birth.

In addition to the foregoing, every person or organization awarded a contract by the City must acknowledge and agree to comply with Council Policy 100-04, adopted by Resolution

No. R-282153, relating to the federally mandated Americans with Disabilities Act (ADA). Applicants will be individually responsible for their own ADA programs.

#### **H. Protests**

The City's protest procedures for this RFQ are set forth in Municipal Code section 22.3017.

#### **I. Insurance**

The Applicant(s) selected at the conclusion of the RFQ stage will be required to provide evidence of public liability and property damage insurance with limits of not less than \$5 million for injury to, or death of, persons and/or property damage arising out of a single accident or occurrence, insuring against all liability the City, their agents, officers, and employees, arising out of, or in connection with, the performance of work under contract with the City. In addition, the selected Development Team will be required to provide evidence of automobile insurance and Workers' Compensation Insurance. The insurance shall be provided at the sole cost and expense of the firm selected unless the requirement is modified or waived by the City.

#### **J. Confidential Solicitation**

The City will not share details of individual responses to this solicitation with competing Applicants during the selection process. After the selection process ends and prior to legislative action on the funding agreement, all solicitations become public information (except portions otherwise deemed confidential as noted above).

Additionally, the Applicant shall not attempt to influence the decision process by lobbying or otherwise influencing decision makers, be it elected officials, City officials or staff, or any other member of the decision-making body. By submitting a response to this RFQ, the Applicants agrees to keep their response confidential and not engage in any activity in an attempt to influence the decision outside of the process outlined in the RFQ, as may be amended from time to time.

#### **K. News Releases/Public Comment**

The Applicants agree that, during the RFQ process and if selected, the City will review and approve all news releases and other public comment pertaining to this solicitation and/or subsequent agreement(s) prior to release. All news releases will be submitted in writing to the City project manager for the solicitation. No news releases or public comment pertaining to this RFQ, the proposals and responses, and/or subsequent agreement(s) shall be released or made public without the prior approval of the City.

#### **L. Indemnification**

The Applicants agree, if selected, to indemnify and hold harmless the City and all officers, agents and employees of each entity from any and all liability, claims, costs (including reasonable attorneys' fees), demands, damages, expenses, and causes of action.

#### **M. Examination of Solicitation**

The Applicants understand that the information provided herein is intended solely to assist each Applicant in submittal preparation. To the best of the City's knowledge, the information provided is accurate. However, the City does not warrant such accuracy, and any errors or omissions subsequently will not invalidate this solicitation. Further, by submitting a response to this solicitation, the Applicants represent that the NOFA has been thoroughly examined and is familiar with the work required in the solicitation and is capable of performing quality work and achieving the objectives of the City.

*The date and time of submittal is fixed, and extensions may not be granted. All submittals received after the deadline shown will be rejected and will not receive further consideration. Copies sent by fax will not be accepted.*

### **10. REQUIRED SUBMITTAL FORMS**

The following Exhibits are attached and must accompany your response:

Exhibit 1 - Financing Relationships, Litigation and Bankruptcy (Word Document)

Exhibit 2 - Disclosure Statement (Word Document)

Exhibit 3 - Equal Opportunity - Work Force Report (Fillable PDF)

Exhibit 4 - Project Financing History (Excel Document)

Exhibit 5 - Project Pipeline (Excel document)

Exhibit 6 - Partnering and Teaming Election Form (Word Document)