



# COMMUNITY DEVELOPMENT

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## CITY OF DURHAM

**FY 2021-2022 - Multi-Family Production & Preservation**

**REQUEST FOR PROPOSAL**  
**Invitation to Underwriting**

**Affordable Housing Gap Financing**

Multifamily Rental Projects using Low Income Housing Tax Credits (LIHTC)

City of Durham Dedicated Housing Fund (DHF)  
Affordable Housing Bond Fund  
Home Investment Partnership Program (HOME).

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***ZoomGrants™***

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## Overview and Requirements

### A. Purpose

In November 2019, voters in the City of Durham approved a five-year, \$95 million affordable housing bond which will be combined with \$65 million from local and federal funding for a total of \$160 million investment – now called Forever Home, Durham - in affordable housing and services for low income Durham residents. This investment will:

- Build 1,600 new affordable rental units and preserve 800 affordable rental units
- Redevelop four public housing sites as mixed income, mixed use communities, in partnership with the Durham Housing Authority
- Move 1,700 homeless individuals and households into permanent housing
- Provide 400 affordable home ownership opportunities for first-time homebuyers
- Help 3,000 low-income renters and homeowners remain in or improve their homes

In support of these goals, the Community Development Department is soliciting proposals to finance the development of rental units designed to serve low- and moderate-income households at 80% or below the Area Median Income, using funding from the City's Dedicated Housing Fund (DHF), the 2019 Affordable Housing Bond fund and/or the federal Home Investment Partnership Program (HOME). All funding is contingent upon approval of the development effort by the Durham City Council. Note that income averaging allows for developers to include units up to 80% Area Median income, as long as the overall average of the households that occupy the units equate to 60% or below Area Median Income.

This Request for Proposals (RFP) is designed to assist in providing gap financing for multifamily rental projects that will seek Low Income Housing Tax Credits (LIHTC) from the North Carolina Housing Finance Agency (NCHFA). This RFP will support LIHTC applications submitted as part of the January 2022 and/or May 2022- October 2022 application period and/or existing LIHTC properties that are seeking to extend the period of affordability.

### B. Application Requirements

#### *Threshold*

- Eligible applicants include nonprofit and for-profit development entities. 'Non-profit' means having a 501c(3) tax exemption determination from the IRS.
- Applicants must have experience with the development and management of affordable housing. Applicants lacking affordable housing experience should partner with more experienced organizations that have experience with the development and management of affordable housing.
- Applicants must provide proof of site control at time of RFP application.
- All 4% and 9% LIHTC projects must set aside at least 20% of units for households at or below 30% AMI. Units with project-based rental assistance will be counted towards this requirement, as well as units that are part of NCFHA's Targeting Program. Portable or tenant-based rental assistance will not be counted towards this requirement. The City may grant an exception to this requirement in the case of existing income-restricted affordable housing projects that are seeking to extend the period of affordability.
- Projects utilizing City, County, or Durham Housing Authority-owned sites are not eligible for funding.
- All projects must be consistent with the City of Durham's Consolidated Plan strategies ([https://durhamnc.gov/DocumentCenter/View/35734/CONSOLODATED\\_PLAN\\_2020-2024](https://durhamnc.gov/DocumentCenter/View/35734/CONSOLODATED_PLAN_2020-2024)) and the City of Durham's Forever Home, Durham affordable housing program (<https://foreverhomedurham.com>).
- All proposers are required to submit the Contractor Diversity Questionnaire and the Equal Business Opportunity Participation Documentation as part of their proposal response.
- Only projects that expect to submit applications for Low Income Housing Tax Credits in the January 2022 and/or the May - October 2022 round and/or existing income restricted LIHTC properties that are seeking to extend the period of affordability, are eligible to apply to this RFP.

Applicants should familiarize themselves with NCHFA's Qualified Allocation Plan (QAP) requirements and submit applications to this RFP that are eligible for funding from NCHFA. The proposal submitted to NCHFA should be consistent with the proposal submitted to this RFP in location, number of units, development entity, income mix and financing. The City reserves the right to withdraw its commitment of financing to a project if the proposal submitted to NCHFA, is substantially inconsistent with the proposal submitted in response to this RFP.

**Organizations or projects that do not meet the threshold requirements above will not be considered for funding.**

*All Projects*

- Applicants must provide audited financials for the fiscal years ending 2019 and 2020. If available, an audit for the 2021 fiscal year must also be submitted. If an applicant does not prepare an annual audit because the organization does not meet mandatory audit thresholds, the applicant must submit financial statements prepared by a CPA for the same time periods.
- Applicants must submit an electronic copy of a signed and notarized cover letter as part of their application (see template under Documents tab) stating they have the authority to submit a response to the RFP and they accept the terms and conditions in the RFP, to include the description of services and the provisions of the contract to be signed.
- Developer fees are defined as allowed by the NCHFA as part of the QAP.
- City funds may not be used to pay for work completed prior to funding award or contract execution.
- Projects must accept rental assistance, including (but not limited to) Section 8 Housing Choice Vouchers, HUD VASH Vouchers and Durham Homelessness Continuum of Care Rental Assistance.
- Minimum period of affordability is 30 years. The affordability period will begin on the date of the funding award or receipt of Certificate of Occupancy, whichever is the later.
- E-Verify Requirements: At response to application, Developer will submit E-verify affidavit stating that their current employees have been previously certified through E-Verify. As part of the procurement/bid process, consultants and all subcontractors must submit an affidavit that their current employees have been certified through E-Verify. During construction, any new hires by the developer or subcontractor must meet E-Verify requirements. For E-Verify information visit: <https://www.e-verify.gov/>

*Preservation projects*

- Projects must create new affordable rental units (by income restricting existing market-rate units) or extend the affordability period of existing income-restricted affordable units.
- Projects must budget replacement reserves of at least \$350 per unit per year. The replacement reserve must be capitalized from the project's operations, escalating by four percent (4%) annually.
- Operating Reserve required for all projects. The operating reserve shall be at least \$1,500 per unit.
- Occupied projects must abide by the City of Durham's Preservation Policy (see Library). Upon completion of the rehabilitation work, the property must meet or exceed the City's Minimum Housing Standard or the NC State Building Code, whichever code is applicable.
- The rehabilitation of existing properties must generally extend the useful life of the property by 20 years.
- Rehabilitation projects must generally meet Energy Star standards.
- Rehabilitation of any buildings built before 1978, must comply with federal lead-based paint requirements including lead screening in accordance with 24 CFR Part 92.355 and 24 CFR Part 35, subparts A, B, J, K, M, and R.

*New Construction*

- Projects must budget replacement reserves of \$250 per unit per year. The replacement reserve must be capitalized from the project's operations, escalating by four percent (4%) annually.
- Operating Reserve required for all projects. The operating reserve shall be at least \$1,500 per unit.
- Sustainable Building Certification (Green Building): Applicants must obtain a sustainable building certification from one of the following third party entities or approved third party entity by Community Development: Enterprise Green Communities, Earthcraft Multifamily, Green Building Initiative, Green Building Council's LEED Multifamily. Due to the various revision cycles for each of these programs, the project must comply with the version in effect at the time the drawings are prepared for permit review. At time of application, a draft scoring sheet must be submitted for the development that includes both the expected score and the minimum score required for the certification criteria selected.
- Projects proposing to use the UDO Section 6.6 Density Bonus: If requesting City funds through this RFP, projects proposing to use the UDO Section 6.6 Density Bonus must go beyond the UDO requirements, either by generating more affordable units or serving lower AMI households, or both. The level of City support requested should be proportionate to the additional affordability (over the density bonus requirements) provided.

## C. City Funding

The City anticipates that at least \$15,000,000 will be available for multifamily rental projects. The source of funding includes the City of Durham Dedicated Housing Fund, the 2019 Affordable Housing Bond fund, and/or HOME or a combination of the above funding sources. The City reserves the right to move funding to/or from this RFP in order to fund projects that are most aligned with City priorities. The City also reserves the right to fund additional proposals above the \$15,000,000 stated amount if qualified responses are received.

### *Use of City Funds*

City funds may be used to support:

- New construction
- Property acquisition
- Property rehabilitation
- Refinancing to lower debt burden in order to enhance affordability
- Existing income restricted LIHTC properties that are seeking to extend the period of affordability

### *Federal Requirements*

This RFP may include HOME funding. Projects that are awarded HOME funding will be required to comply with all cross-cutting program requirements including, but not limited to:

- Section 3 of the HUD Act Final Rule (24 CFR Part 75)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)
- Davis Bacon and the Related Acts

Applicants should review the requirements and associated materials found in the library section of this RFP:

- Section 3 Final Rule Key Changes
- Davis Bacon and HOME (HUD, September 2011)
- WH347 Certified Payroll
- Wage Determination NC20210115, dated 01/01/2021
- Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0):  
[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)

### *Proposal Review and Project Underwriting*

City and/or federal funds will be provided as gap financing for the proposed projects. Applicants should review and be familiar with the requirements of the City's HOME subsidy layering and underwriting policy found in the library section of this RFP. This document lays out the City of Durham's procedures for underwriting and subsidy layering review for City-assisted acquisition, construction, or rehabilitation of affordable rental housing. If the City guidelines differs from requirements within the NCHFA QAP, the QAP will supersede the City guidelines.

Project review and underwriting will include the following steps:

- 1) Proposals will be reviewed for compliance with the threshold requirements established in Section B, above. Projects that do not meet the threshold requirements will not be evaluated and ranked and considered for funding.
- 2) Projects that meet the threshold requirements will be forwarded to the evaluation team for review and ranking.
- 3) Projects are underwritten in the order of ranking to ensure the City subsidy investment is reasonable and required.
- 4) Projects ranked from highest to lowest are funded, until all available funding is exhausted.
- 5) Recommended projects and funding amounts are presented to Durham City Council for approval.

Applicants will be notified in writing of referral to the underwriting process during the evaluation of proposals and underwriting timeline specified in Section D. Upon completion of the underwriting process, projects will be recommended for funding approval to the Durham City Council according to ranking as part of the evaluation process. **All funding awards are subject to Durham City Council approval.** The City reserves the right to establish other conditions as deemed necessary by the City.

*Compliance and Monitoring*

All projects financed through this program will be required to submit to an annual compliance monitoring by the City during the construction process and for the duration of the affordability period.

**D. Application Process**

*Schedule*

RFP Issued:	Monday, December 20, 2021
Application Workshop:	Wednesday, January 5, 2022 at 10:00 am
Written Question and Response Period:	Monday, December 20, 2021 – Wednesday, January 12, 2022
Written Questions and Responses Posted:	Wednesday, January 19, 2022
Proposals Due:	Tuesday, February 1, 2022 by 4:00 pm
Evaluation of Proposals and Underwriting:	Wednesday, February 2, 2022 – Friday, March 4, 2022
City Council Approval:	Monday, April 18, 2022
Anticipated Letter of Commitment	Monday, May 2, 2022

*Requests for Clarification*

If you have a question about the application content or what is expected of you, please use the “Contact Admin” tab within the application in your ZoomGrants’ account to send an email directly to the program contact. The ZoomGrants tech support staff cannot answer content-related or requirement-related questions.

*Addendums*

The City may issue addendums to the RFP with additional information or clarifications. The cover letter should list the last addendum that the City issues for this RFP, with a statement such as: *The undersigned candidate has read all the addendums issued by the City for this RFP, through and including Addendum No.\_\_\_\_.*

*Application Workshop*

The City will conduct a virtual Application Workshop on the date and time indicated herein. During the workshop, City designees will endeavor to provide responses to, and/or additional clarification for any questions. To register for the workshop, go to

<https://us06web.zoom.us/meeting/register/tZAofuCtpzloEtYjaFwy2SV9mqcxQ2alsa1K>

### *General Conditions and Draft Contract*

The General Conditions for this RFP are summarized under the General Conditions tab. As the required contract will be determined based on the funding source and the negotiated development effort, a sample contract is included in the library along with important sections/provisions to the contract. Additionally, documents may include loan agreements, promissory note, restrictive covenants, assignments of rents and leases, a deed of trust, but not limited to. In their cover letter, applicants must certify that they will comply with both the General Conditions and the terms of the sample contract, except as specified in their response to this RFP (see Cover Letter template under Documents tab).

### *Contractor Workforce Diversity Questionnaire*

Applicants must complete the Contractor Workforce Diversity Questionnaire and submit it as part of the proposals. A copy of the questionnaire can be found in the library.

### *Equal Business Opportunity Program (EBOP)*

It is the policy of the City to provide equal opportunities for City contracting for underutilized firms owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

In accordance with the Ordinance, **all proposers are required to submit the Contractor Diversity Questionnaire and Equal Business Opportunity Program Participation Documentation as part of their proposal response.** Proposals that do not contain the Participation Documentation form and Diversity Questionnaire may be deemed nonresponsive and ineligible for consideration. The Letter of Intent to Perform as a Subconsultant form included with the Equal Business Opportunity Program Professional Services forms should be completed only if an UBE firm will be utilized. These forms must be submitted with the proposal. The "UBE Goals Not Met Documentation of Good Faith Efforts" form and the "Post Proposal Submission Deviation" form are not applicable at this time.

**All applicants should be aware that the City of Durham has established goals of 11% minority and 7% women underutilized business enterprise utilization on City-funded affordable housing projects.**

Underutilized business enterprises are those who are certified as such by the N.C. Department of Administration's HUB Office, the N.C. Department of Transportation or the U.S. Small Business Administration 8(a) Program.

Successful applicants will be required to meet these goals or demonstrate good faith efforts in meeting the goals on their project. After selection, the Equity & Inclusion Department will arrange to meet with selected developers/contractors to explain the City of Durham participation requirements and provide listings of firms who may perform disciplines within the scope of work. Applicants will also be expected to coordinate and provide updates and reports to the Community Development Department's designated MWBE oversight agency.

The applicant is also required to submit an EBOP Plan, which is a narrative document that describes how your firm shall optimize the use of local, underutilized business enterprises owned by minorities and women in the Project. The EBOP Plan requirements are below:

- Provision of written notice to a reasonable number of specific UBE's that their interest is being solicited in sufficient time for effective participation.
- Follow-up to determine with certainty UBE interest in participation in project.
- Use of available minority/women business community organizations, contractor groups; local, state and federal business assistance offices; and other organizations that provide assistance in

- recruitment and placement of UBE's.
- Voluntary efforts by your firm to increase the number of minorities and women at the higher skill responsibility levels within the firm.

The Department of Equity and Inclusion is responsible for the Equal Business Opportunity Program. All questions about Professional Services Forms should be referred to Deborah Giles or other department staff at (919) 560- 4180.

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**General Conditions****10. Definitions in this RFP: City, RFP, Proposal, Candidate, Contractor, Should.**

Unless the context indicates otherwise - (a) The expressions "RFP," "this RFP," and "the RFP" refer to this document as it may be amended or updated. (b) "City" and "city" mean the City of Durham. (c) The "proposal" is the response of a person, firm, or corporation proposing to provide the services sought by this RFP. (d) The word "Candidate" or "candidate " is the person, firm, or corporation that submits a proposal or that is considering submitting a proposal. (e) The word "Contractor" or "contractor" is the person, firm, or corporation with which the City enters into a contract to provide the services sought by this RFP. That is, "contractor" generally refers to a successful candidate that has obtained a fully executed contract with the City, while "candidate" is generally reserved to the stage before a contract has been signed. (f) The word "should" is used to tell candidates what the City thinks it wants and/or what the project manager thinks is best. Candidates that want to increase the likelihood of being selected will, in general, do what the RFP says candidates "should" do, but failure to comply with all "shoulds" will not necessarily and automatically result in rejection.

**20. Contract.**

The City anticipates that the conclusion of the RFP process will be a contract between the City and the successful candidate under which the successful candidate will provide the goods and services generally described in this RFP. It is the City's intention to use the contract that is attached as Exhibit A, modified and filled in to reflect the RFP and the proposal. Note that the required contract will be determined based on the funding source and the negotiated development effort. Additionally, documents may include loan agreements, restrictive covenants, assignments of rents and leases, deed of trust, but not limited to. If a candidate objects to any of the contract, it should state the objections in its proposal.

**30. Trade Secrets and Confidentiality.**

As a general rule, all submissions to the City are available to any member of the public. However, if materials qualify as provided in this section, the City will take reasonable steps to keep trade secrets confidential. Definitions.

In this section (Trade Secrets and Confidentiality) - The term "candidate" includes the candidate as contractor (that is, after it is a party to a contract with the City). The term "trade secret" means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.

The term "record" means all documents, papers, letters, maps, books, photographs, films, sound



recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, received by the City of Durham in connection with the candidate's proposal.

**(a) Designation of Confidential Records.**

To the extent that the candidate wishes to maintain the confidentiality of trade secrets contained in materials provided to the City, the candidate shall prominently designate the material with the words "trade secrets" at the time of its initial disclosure to the City. The candidate shall not designate any material provided to the City as trade secrets unless the candidate has a reasonable and good-faith belief that the material contains a trade secret. When requested by the City, the candidate shall promptly disclose to the City the candidate's reasoning for designating material as trade secrets; the candidate may need to label parts of that reasoning as trade secrets. In providing materials to the City, the candidate shall make reasonable efforts to separate those designated as trade secrets from those not so designated, both to facilitate the City's use of the materials and to minimize the opportunity for accidental disclosure. For instance, if only a sentence or paragraph on a page is a trade secret, the page must be marked clearly to communicate that distinction. To avoid mistake or confusion, it is generally best to have only trade secret information on a page and nothing else on that page. To the extent authorized by applicable state and federal law, the City shall maintain the confidentiality of records designated "trade secrets" in accordance with this section. Whenever the candidate ceases to have a good-faith belief that a particular record contains a trade secret, it shall promptly notify the City.

**(b) Request by Public for Access to Record.**

When any person requests the City to provide access to a record designated as a trade secret in accordance with subsection (a) above, the City may

- (1) decline the request for access, (2) notify the candidate of the request and that the City has provided, or intends to provide, the person access to the record because applicable law requires that the access be granted, or (3) notify the candidate of the request and that the City intends to decline the request.

Before declining the request, the City may require the candidate to give further assurances so that the City can be certain that the candidate will comply with subsection (c) below.

**(c) Defense of City.**

If the City declines the request for access to a record designated as trade secrets in accordance with subsection (a), then, in consideration of the promises in (b) above and for considering the candidate's proposal, the candidate agrees that it shall defend, indemnify, and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of the City's non-disclosure of the records. In providing that defense, the candidate shall at its sole expense defend Indemnitees with legal counsel. The legal counsel shall be limited to attorneys reasonably acceptable to the City Attorney. Definitions. As used in this subsection (c),

"Charges" means claims, judgments, costs, damages, losses, demands, liabilities, fines, penalties, settlements, expenses, attorneys' fees, and interest. Indemnitees" means the City, and officers, officials, independent contractors, agents, and employees, of the City.

"Indemnitees" does not include the candidate. The City may require the candidate to provide proof of the candidate's ability to pay the amounts that may reasonably be expected to become monetary obligations of the candidate pursuant to this section. If the candidate fails to provide that proof in a timely manner, the City shall not be required to keep confidential the records whose non-disclosure gives rise to the potential monetary obligation. Nothing in this agreement shall require the City to require any person (including the City itself) to be placed in substantial risk of imprisonment, of being found by a court to be in contempt, or of being in violation of a court order. This subsection (c) is separate from and is to be construed separately from any other indemnification and warranty provisions in the contract between the City and the candidate.

#### **40. Bonds.**

The City of Durham may require a Payment and Performance Bond in the amount of construction as defined in the established schedule of values.

#### **50. Insurance.**

Proposer agrees to maintain, on a primary basis and at its sole expense, at all times during the life of the submitted SOQ, the following applicable coverage's and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Proposer is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Proposer by submission of an SOQ or entry into an eventual agreement.

Commercial General Liability - Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting, Contractual Liability or Cross Liability. Additional Insured - Proposer agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read 'City of Durham as its interest may appear'. Certificate of Insurance - Proposer agrees to provide City of Durham a Certificate of Insurance evidencing that all coverage's, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Proposer's insurer. If Proposer receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Proposer agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read: City of Durham Attn: Community Development Department 101 City Hall Plaza Durham, NC 27701 All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Durham's Risk Manager.

## 60. Discretion of the City.

A. The City of Durham reserves the right to reject any or all proposals.

B. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any candidate with respect to any term, condition, or provision in this document and/or in any proposals, whether or not something is stated to be mandatory and whether or not it is said that a proposal will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms, or corporations that do not submit proposals. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B applies to the entire RFP, including the UBE portions.

C. Where the City asks or tells candidates to do stated things, such as that a proposal should follow a stated format or that the candidate should do stated things in seeking the contract, the City may reject a proposal because it does not comply with those requests, so the candidate is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).

D. Of course, once a contract is signed, the parties to the contract may enforce the contract according to its terms as allowed by applicable law.

**Keeping Proposals Open.** All proposals will remain open and valid for the City to accept for a period of 120 days after the deadline for submission of proposals. The Project Manager may release candidates from this obligation by a written letter that specifically refers to this paragraph if he or she determines that the candidate and/or the proposal will not meet the City's needs.

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## CONTENTS OF PROPOSAL

### **70. Assumptions regarding City of Durham Actions and Participation.**

If your proposal assumes that the City will take certain actions, provide facilities, or do anything else, you should state these assumptions explicitly.

### **80. Financial Condition, Insurance, Bonds, and Taxes.**

The City may reject proposals from candidates that are overdue on City property taxes.

### **90. Conflict of Interest.**

If the candidate has any grounds to believe there could be a conflict of interest, such as that a City employee who is involved in awarding the contract has a connection with the candidate, please explain.

### **100. Candidate to Bear Expense; No Claims against City.**

No candidate will have any claims or rights against the City arising out of the participation by a candidate in the proposal process. No candidate will have any claims or rights against the City for the City's failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFP process or did not submit a proposal that complied with the RFP. A notice of award will not constitute acceptance by the City; the City's only method of acceptance is the City's execution of a formal contract in accordance with law.

### **110. State Treasurer's lists regarding Iran and Boycott of Israel.**

If the value of the contract is \$1,000 or more, the following applies unless the candidate otherwise states in its proposal: the candidate affirms (by submitting a proposal) that (1) its name does not appear on the list of companies that are engaged in a boycott of Israel developed by the N. C. State Treasurer under N.C.G.S. 147 86.81(a)(1) or on a list created by the Treasurer pursuant to N.C.G.S. 147 86.58 as a company engaging in investment activities in Iran, and (2) it has no reason to expect that its name will appear on either of those lists. Take notice that a contract between a company named on either list and the City may be void.

### **120. Notice under the Americans with Disabilities Act.**

A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice (919) 560-4197, fax 560-4196, TTY(919) 560-1200, or ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the event or deadline date.

## **Aviso bajo el Acto de Americanos Discapacitados**

- Una persona con una discapacidad puede recibir asistencia o servicio auxiliar para participar efectivamente en actividades del gobierno de la ciudad con ponerse en contacto con el Coordinador de ADA, buz6n de voz (919) 560-4197, fax (919) 560-4196, TTY (919) 560-1200, o ADA@durhamnc.gov, lo mas antes posible pero no menos de 48 horas antes del evento o fecha indicada.

### **130. Values of City of Durham regarding Treatment of Employees of Contractors** \_\_\_\_\_

#### **A. Statement of City EEO Policy,\_,\_**

The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Therefore, it desires that firms doing business with the City:

1. not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
2. take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
3. state, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- 4- include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.

#### **B. Livable Wage.**

The City of Durham desires that firms doing business with the City pay their workers a livable wage rate while working on City contracts. The livable wage rate is \$16.25 per hour through July 1, 2021 - June 30, 2022. The City will re-set the rate for the period after June 30, 2022. See

[https://library.municode.com/nc/durham/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH18COCI](https://library.municode.com/nc/durham/codes/code_of_ordinances?nodeId=PTIICOOR_CH18COCI)

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## Evaluation Criteria

The following factors will be considered in the review of applications. Detailed evaluation criteria can be found in the Library.

### 1. Organizational Capacity

- Board composition and engagement
- Financial capacity of organization
- Demonstrated capacity to manage public dollars and comply with funding requirements

### 2. Development Team

- Developer track record
- Experience and capacity of key development team members
- Property manager experience

### 3. Project

- Proposed area median income being served
- Length of proposed affordability period
- Location of project
- Site quality, including access to amenities and/or proximity to incompatible uses
- Reasonableness of scope of work, including green and energy efficiency improvements
- Commitment to low-barrier tenant selection policies
- Readiness to proceed
- Commitment to participation of minority and women-owned business enterprises

### 4. Financial Strength

- City investment per affordable unit based on underwriting results (with consideration of the AMI level being served)
- Total development cost per unit

### 5. Tiebreaker

- First Tiebreaker  
The project requesting the least amount of City Subsidy per low-income unit.
- Second Tiebreaker  
The project providing the highest percentage of units serving households at or below 30% AMI.