



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

**AFFORDABLE HOUSING TRUST FUND
PROFESSIONAL SERVICES
REQUEST FOR PROPOSALS:
COMMUNITY LAND TRUST
CONSULTANT**

**ISSUE DATE: April 3, 2020
SUBMISSIONS DUE: APRIL 27, 2020**

Michael Braverman
Commissioner

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SCHEDULE

Event	Due Date
RFP Issued	April 3, 2020
Pre-Proposal Conference	April 7, 2020
Submission of Additional Written Questions	April 9, 2020
Responses Posted	April 13, 2020
Submission Deadline	April 27, 2020
Notification of Award	May 29, 2020
Board of Estimates Approval	June 24, 2020

INTRODUCTION AND BACKGROUND

The Baltimore City Department of Housing & Community Development (“DHCD”) is issuing this Professional Services Request for Proposals (“RFP”) from qualified applicants interested in providing professional services and technical assistance to develop, fund, monitor, and support community land trusts as part of Baltimore City’s Affordable Housing Trust Fund. Key deliverables include but are not limited to:

- Assisting with the evaluation of the Department’s Notice of Funding Availability (“NOFA”) submissions and award recommendations;
- Drafting funding agreements to make Trust Funds available;
- Feasibility studies of proposed land trust financing;
- Reviewing ground leases, maintenance agreements, contracts of sales, internal compliance and monitoring platforms, and
- Overall evaluation and structuring of the Land Trust program.

Based on this RFP, the City may select an applicant, and negotiate and enter into a consultant agreement with such applicant.

In 2016, City voters approved establishing an Affordable Housing Trust Fund (the “Trust Fund”) to address housing quality and shortages for the City’s low and very low-income households. The Law is described in Article I, Section 14 of the Baltimore City Charter and can be found at:

<https://ca.baltimorecity.gov/codes/01%20-%20Charter.pdf>.

The Charter requires that all funds are spent on housing or housing-related services for households earning 50 percent or less of the Area Median Income and at least half of the funds are spent on households earning 30 percent or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development (“HUD”). The Trust Fund is overseen by a 12-member Advisory Board comprised of residents, planning and development professionals, and advocates. Additional information about the Trust Fund can be found at:

<https://dhcd.baltimorecity.gov/nd/affordable-housing-trust-fund>.

In 2018, the City Council approved City Council Bill 18-0221 (Ordinance 18-215) which establishes a dedicated revenue source for the Trust Fund through an increase to the transfer and recordation taxes for transactions that are \$1 million or greater. These taxes are anticipated to generate approximately \$13 million annually and will be supplemented by City sources resulting in a total of \$17 million for the current Fiscal Year (2020) and increasing to \$20 million By Fiscal Year 2023. The Ordinance can be found at: <https://dhcd.baltimorecity.gov>.

The Trust Fund is an important resource to realizing citywide equity goals and to implementing DHCD’s Community Development Framework, which provides a range of strategies to: support neighborhoods; to ensure that affordable and mixed-income housing is available to all residents; to minimize gentrification and displacement; and, to maximize the economic benefits of development for local residents and stakeholders. The Framework can be found at:

<https://dhcd.baltimorecity.gov/m/community-development-framework>.

In an effort to create permanently affordable housing, six (6) community-based organizations have established land trusts and an umbrella organization called SHARE Baltimore. SHARE Baltimore, a 501(c)(3) nonprofit organization, was established to provide project management, coordination and predevelopment services. DHCD has made \$100,000 available to SHARE Baltimore to support initial organizing and administrative efforts and has allocated an additional \$100,000 for Fiscal Year 2020 subject to approval by the City’s Board of Estimates. Each land trust has developed its own revitalization strategy and is managed by individual boards of directors. The first properties are currently for sale.

The City appropriated \$17 million in Fiscal Year 2020 to fund the Trust Fund. The FY20 Spending Plan allocates \$4 million to community land trusts. A copy of the Spending Plan can be found at:

<https://dhcd.baltimorecity.gov/sites/default/files/AHTF-Allocation%20Plan%20Revised%201-31-2020.pdf>

DHCD anticipates releasing a NOFA making funds available to support single family homeownership projects that may be posted for public comment and finalized during this consultant selection process. In the event a final NOFA is published, the selected consultant will be expected to review and recommend any technical amendments that are needed. In the event the NOFA is posted for public comment but not finalized, the selected consultant will be expected to assist DHCD in finalizing the NFOA for publication within the first 30 days of executing a Professional Services Agreement with the City. A second NOFA making funds available for both

homeownership and rental projects is also expected to be released in 2020. The selected consultant will be expected to assist in drafting and managing this second NOFA for homeownership and rental.

ANTICIPATED SCOPE OF WORK

1. Notice of Funding Availability

- 1.1 Review NOFA for homeownership and make recommendations for amendments that may be needed
- 1.2 Review and assist DHCD with managing the submission review process including but not limited to coordinating review panel efforts, providing analyses of a proposed project's feasibility, and making award recommendations
- 1.3 Assist in drafting second NOFA to make funds available for both homeownership and rental projects
- 1.4 Provide technical assistance to DHCD staff. This could include but not be limited to: providing technical assistance to awardees, managing the review committee, and assisting in finalizing projects and funding agreements.

2. Funding and Financing

- 2.1 Identify resources that can be used by DHCD to leverage Trust Fund dollars for community land trusts

3. Policy and Program Guidelines

- 3.1 Using a combination of best-case practices, DHCD's Community Development Framework, and other available neighborhood and market information, recommend policies, funding, and program guidelines to maximize the City's community land trust initiatives
- 3.2 Identify opportunities to establish partnerships and leverage resources
- 3.3 Evaluate capacity and business plans of the City's existing community land trusts
- 3.4 Provide recommendations on an as-needed basis to ensure an effective partnership between DHCD and the City's community land trusts to ensure that the land trusts can utilize and leverage Trust Funds to produce the maximum number of affordable units

4. Internal Administration & Infrastructure

- 4.1 Provide an orientation and introduction to community land trusts for DHCD staff
- 4.2 Provide recommendations to create an internal infrastructure that can be used by staff to manage the administration, funding, and compliance required for land trusts and that can also be integrated into DHCD's larger infrastructure for the Trust Fund
- 4.3 Advise staff including but not limited to the Deputy Commissioner for Development, Assistant Commissioner for Development, and Affordable Housing Trust Fund Manager on general Community Land Trust-related matters

Anticipated Work Product

1. NOFA's and funding application including narrative and budgets
2. Summary of submissions and request for funds
3. Introductory materials for review panel
4. Recommendations memo for awards of funds
5. Monthly reports detailing progress and identifying areas of concerns
6. A report providing an analysis of the Land Trust NOFA process, and recommendations for improvements, review of process and recommended changes to more effectively offer funds, review requests for funds, evaluate community land trust's effectiveness for producing affordable units, and manage compliance and funding
7. As-needed meetings and/or communication with community land trusts and their administrative organizations with follow up reports to DHCD.

Anticipated Meetings through video and telephonic conference calls:

- Introductory meeting with DHCD staff (minimum of 1)
- Community Land Trust Orientation (minimum of 2)
- Community Land Trust homeownership and rental NOFA Pre-Proposal Conference (minimum of 1)
- Initial review meeting with DHCD staff (minimum of 2)
- Submission Review Panel (minimum of 4)
- Recommendation Review (minimum of 2)
- Post Award meeting with Grantees (minimum of 2)
- Monthly progress meetings with DHCD Trust Fund staff and Leadership
- Affordable Housing Trust Fund Commission presentations and updates (minimum of 2)

MINIMUM QUALIFICATIONS

Applicants should have a minimum of five (5) years of experience providing services described in the Scope of Work. Applicants may include solo practitioners, multidisciplinary firms, or teams. The following is a list of minimum qualifications that all applicants will be required to meet:

- Experience with municipal government clients
- Planned and/or designed community land trusts that have been implemented and are operating including but not limited to experience with sales and ground lease agreements, tenant opportunities to purchase and housing cooperatives
- Experience evaluating feasibility and structure of affordable housing deals
- Experience providing analyses of the structure associated with community land trusts and their compatibility with City and State laws and regulations
- Experience with other affordable housing projects and funding sources
- Experience working with local housing developers and/or nonprofits that provide long-term affordable housing

PRE-PROPOSAL CONFERENCE AND WRITTEN QUESTIONS

DHCD will hold a pre-proposal telephonic conference call on April 7, 2020 from 1:00 p.m. - 3:00 p.m., EST. Interested participants should use the following call-in information:

Dial In: 443-984-1696

Access Code: 0181753

Following the pre-proposal conference, interested applicants can also submit written questions through COB on April 9, 2020. All questions must be submitted electronically to John Mobley at:

John.Mobley@baltimorecity.gov. Only emailed questions will be accepted. DHCD will publish all questions along with their response on its website: www.dhcd.baltimorecity.gov no later than April 13, 2020.

DHCD will maintain a list of interested applicants who participate in the pre-proposal conference call or submit written questions and may use the list to notify prospective applicants of changes to this RFP.

SUBMISSION REQUIREMENTS

Applicants must submit an electronic copy of their submission no later than 4 p.m., EST Monday April 27, 2020 to the following address:

communitylandtrustsubmission@baltimorecity.gov

Late submissions will not be accepted. The electronic submission must include all the required information discussed in this RFP.

SUBMISSION FORMAT

All submissions must include a Letter of Submittal that is signed and dated by an authorized signatory for the company submitting the submission. The Letter should include a summary of all firms and their roles, a summary of their expertise, a summary of the cost proposal and disclose any current consulting contracts with City organizations, or other local organizations that were awarded within the last 24 months. The summary of current contracts should include the lead organization, the term of the contract and the expiration date. The submission should consist of the following components: Technical Proposal; References; Price Proposal; Commitment to Comply; Authorization to Submit, Disclosures, and Certification of Compliance.

Technical Proposal

Provide a narrative describing the following:

1. At least three (3) examples of similar projects involving a municipality and community land trusts undertaken within the last five (5) years. Maximum of five (5) pages.
2. Identify key personnel, their areas of expertise, roles, responsibilities and points of contact. Attach resumes for all staff who will be a part of the project.
3. Organization chart for all staff and firms including proposed joint ventures. If the application includes joint ventures, please include the names of all parties to the joint venture.
4. A list of current projects and a description of how your firm has the capacity to take on this project. Maximum of three (3) pages.
5. Proposed approach, phasing, schedule and deliverables. Maximum of five (5) pages. Please include three samples of comparable deliverables from similar projects.
6. Provide three (3) references from similar projects including relationship to project and current contact information.
7. Two (2) years of audited financial statements.

Price Proposal

Please provide a cost estimate for each phase. This should include a list of all personnel that will be involved their hourly rates, total estimated hours and total estimated cost as well as reimbursable expenses.

Commitment to Comply

It is the policy of the City that minority- and women-owned businesses should have maximum opportunity to participate in any and all components of the Project. The Developer agrees to comply with Article 5, Subtitle 28 of the Baltimore City Code (2007 Edition) regarding participation by Minority Business Enterprises (“MBE”) and Women’s Business Enterprises (“WBE”). By signing the Commitment to Comply included as an attachment to this Request for Services, the Developer covenants and agrees to use all reasonable good-faith efforts to meet the MBE and WBE participation goals.

Employ Baltimore/Local Hire

Employ Baltimore is designed to create opportunities that receive municipal contracts to access qualified City residents to meet their workforce needs. The initiative will also ensure that City dollars contribute to the local economy and improve the lives of employable Baltimoreans. All vendors responding to this solicitation shall complete the Certification Statement that is included as an attachment to this Request for Services. The selected contractor must contact the Mayor’s Office of Employment Development (OED) within two (2) weeks of receiving the award and shall be expected to comply with the reporting requirements. For additional information, please contact OED 443-984-3014.

Authorizations and Disclosures

All submissions must include the Certification and Authorization to Submit Form, Certification of Compliance, Organizational Disclosures, and Commitment to Comply found in the attachments. Failure to include these forms with your submission will disqualify your application from review.

EVALUATION AND SCORING

A total of 125 points will be awarded based on the following:

Criteria	Points
Experience with community land trusts	25
Experience with municipalities	20
Qualifications of key personnel	25
Proposed phasing, timeline & deliverables	10
Capacity to provide services	15
Other affordable housing experience	10
Price Proposal	20

Submissions will be reviewed and evaluated by a designated Evaluation Committee comprised of DHCD staff and other City agency representatives. The Committee reserves the right to request additional information or presentations. DHCD will not be solely limited to information provided by applicants and may, at its sole discretion, utilize other sources of information that could be useful in evaluating an applicant's capabilities. All requests for additional information will be delivered electronically. Requests for additional information shall include a deadline for receipt of the additional information.

At its sole discretion, the Committee shall recommend one or more applicants for the Housing Commissioner to consider. The Housing Commissioner shall make the final applicant selection at their sole discretion. **The City can then negotiate and enter into a consultant agreement with such applicant or reject all submissions and issue a new RFP at a later date.**

AMENDMENTS OR MODIFICATIONS TO PROPOSAL REQUIREMENTS

DHCD reserves the right in its sole discretion to change, amend, or modify the requirements of this RFP as it deems appropriate. All changes shall be posted on DHCD's website. DHCD reserves the right to notify prospective applicants who participate in the pre-proposal conference or who have submitted written questions via email.

COST TO PREPARE AND SUBMIT RESPONSES

Neither the City of Baltimore nor DHCD shall be responsible for any cost incurred by any applicant in preparing and submitting a response or in preparing and submitting requests for additional information.

NOTIFICATION OF FINAL APPLICANT SELECTION

DHCD will notify the selected applicant in writing that they have been selected to negotiate and enter into a consultant agreement with the City.

APPROVAL OF CONTRACT

Prior to undertaking any work, the selected applicant shall enter into a Professional Service Consulting Agreement that is approved by the City's Board of Estimates. The Agreement shall include the final scope or work, timeline, deliverables, pricing, payment information, terms for amending the agreement and City rules and regulations. Work undertaken prior to approval of this Agreement shall not be eligible for payment. As a condition to receiving approval, the respondent will be required to establish minority and women's business participation rates with the MWBOO Office and to submit Statements of Intent.

TERM OF AGREEMENT

The anticipated term of the Agreement will be for a minimum of twelve (12) months with options to extend for two (2) additional six-month terms.

INDEMNIFICATION

Applicants agree to individually indemnify, defend and hold harmless the City and the City's officers, employees and agents from and against any and all losses, damages, costs, expenses (including reasonable attorneys' fees), obligations and other liabilities (including settlement amounts) that arise directly or indirectly from:

- Any infringement of any copyright, trademark, patent, or other intellectual property rights, or any misappropriation of any trade secrets, in connection with any software, documentation, services or other products supplied directly or indirectly by the Applicant in connection with the submission, or any allegation of any of the foregoing;
- Any act(s) of negligence or willful misconduct by the Applicant or any of its agents, employees or subcontractors (or any allegations of any of the foregoing), including but not limited to any liability caused by an accident or other occurrence resulting in bodily injury, death, sickness or disease to any person(s) or damage or destruction to any property, real or personal;
- Breach of the Applicant's obligations, representations, and/or warranties under this RFP;

- Breach of the Applicant's compliance with the law;
- Any acts or omissions of the Applicant with respect to any of the services provided by the Applicant related to this RFP or its submission (or any allegations of any of the foregoing); and
- The City's refusal to produce any item of confidential information of the Respondent after receiving a request for such item and after being instructed by the Respondent not to produce it.

CONFLICTS OF INTEREST

Applicants are prohibited from having any affiliation with any of the Baltimore Citywide Community Land Trust Groups or Baltimore Citywide Community Land Trust Groups affiliates.

RIGHTS RESERVED AND ADMINISTRATIVE INFORMATION

1. **Issue Date.** The issue date of this Request for Services Proposals shall be April 3, 2020.
2. **Extension of Dates.** DHCD reserves the right to extend any dates in this RFP or to withdraw the RFP in part or in its entirety.
3. **Confidentiality of Proposals.** Proposals shall be reviewed with reasonable precautions to avoid disclosure of contents to competing offers during the evaluation process. Once proposals have been publicly recorded, they are subject to the requirements of the Maryland Public Information Act SS 1-601 et seq. of the State Government Article, Annotated Code of Maryland.
4. **Compliance with Laws.** By submitting an application and receiving an award, applicants agree that they will comply with all Federal, State, and City laws, rules, regulations and ordinances applicable to the activities and obligations under this Request for Services.
5. **Attachments.** All submissions must include the following signed attachments:
 - Commitment to Comply
 - Authorization to Submit
 - Certificate of Compliance
 - Organizational Disclosures