



**CITY OF PHOENIX**  
**Housing Department, Affordable Housing Division**  
**251 W. Washington, 4<sup>th</sup> floor**  
**Phoenix, AZ 85003**

**REQUEST FOR PROPOSAL**  
**RFP FY24-086-10**

**Central & Columbus Development**

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**Date posted on website (issue Date): Monday, January 29, 2024**



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## INTRODUCTION

### I. INTRODUCTION

The City of Phoenix (“City”) through its Housing Department (“HD”) invites electronic proposals from qualified organization(s) to serve as the Developer for the development of the vacant City-owned property generally located at 32 East Columbus Avenue, Phoenix, Arizona 85012 (“Site”) into a new mixed-use, mixed-income multifamily rental housing project.

The City is seeking to address a critical need for affordable and mixed-income housing in Phoenix. The [Housing Phoenix Plan \(“HPP”\)](#) was adopted by the Mayor and City Council in June 2020, and it identifies the housing gaps and needs in our community. The HPP set the goal of creating or preserving 50,000 homes by 2030 and recommended nine policy initiatives to explore. Initiative 3 focuses on the redevelopment of City-owned land with mixed-income housing, and accordingly, Mayor and City Council approved a list of City-owned parcels for future affordable housing, including this Site.

#### A. Housing Department Overview

The HD provides quality affordable housing and a pathway to self-sufficiency for low-to-moderate income families, seniors, and persons with disabilities. The HD programs provide public housing, Section 8 housing vouchers, affordable rental apartments, and single-family homes to more than 35,000 area residents. This includes partnering with non-profit and for-profit community organizations on the preservation and development of affordable housing units. The HD’s plans and policies are described in its Annual Agency Plan at <https://www.phoenix.gov/housing/brochures-reports>.

#### B. Site Info

The Site consists of vacant property that is approximately **3.2 net acres** generally located at 32 East Columbus Avenue, Phoenix, AZ 85012. See **Exhibit A** for the site map and full list of addresses and parcel numbers. The City is the current owner. The Site falls within the Encanto Village, the Transit Midtown Character Area, and is currently zoned Walkable Urban Code (“WU”), Transect 5:7 District Transit Midtown Character Area (WU T5:7 MT). The Site was rezoned by the City to WU T5:7 MT in 2019. See **Section II** Scope of Work for additional information regarding the Walkable Urban Code and rezoning stipulations that apply to the site, as approved by City Council.

An existing conditions review of the water and sewer infrastructure by the Water Services Department (WSD) has been completed. Please see **Exhibit E** for the full list of water and sewer stipulations as provided by the WSD.

An updated Phase I Environmental Site Assessment was performed dated December 27, 2023. The assessment did not identify any Recognized Environment Conditions (RECs),



## INTRODUCTION

Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), or Business Environmental Risks (BERs). The assessment recommends no further investigation of the property. The assessment report has been posted along with the RFP.

An appraisal is currently underway, the results of which will be posted as a future addendum to this Solicitation.

### **C. Alley Abandonment**

There is an existing 12-foot-wide dedicated alley that runs from east to west through the Site between Weldon Avenue and Columbus Avenue. The successful proposer may apply to abandon the alley. The abandonment process requires the applicant to submit an [application](#), which can be found on the Planning and Development Department's ("PDD") website. A public hearing may be required to complete the abandonment process. Please see the [Abandonment/Closure Process Flow Chart](#) and PDD's [webpage on abandonments](#) for more information. The Developer would be responsible for costs related to the abandonment. See **Exhibit A** and **Exhibit B** for the current site map and quarter section map.

### **D. Request for Proposals**

Qualified organizations ("Proposer") may submit their proposal under this Request for Proposals ("RFP") as a sole Proposer or as a team of Proposers providing the services set forth in the Scope of Work for this Site. The City intends to select the Proposer(s) that best meets the City's needs and requirements to perform the services as described in this RFP.

Proposers will be evaluated based on their ability to carry out the requested services in a timely manner and must demonstrate the ability and experience to 1) implement a comprehensive mixed-use and rental development plan; and 2) implement housing development strategies, working in concert with the City, residents, and other local stakeholders.

The recommended proposal and business terms will be brought to the full City Council, and possibly subcommittee(s) for review.



## INTRODUCTION

### E. Schedule of Events

Request for Proposals Issue Date	Monday, January 29, 2024
Pre-Submittal Conference	Thursday, February 22, 2024 @ 9 A.M. Phoenix City Hall, 20 <sup>th</sup> Floor (WebEx option: <a href="#">registration link</a> )
Site Tour	Thursday, February 22, 2024 @ 11:30 A.M. 32 E Columbus Ave
Proposer’s Written Inquiries Due	Friday, March 1, 2024 by 2:00 P.M. (Phoenix local time)
Intent to Apply ( <b>Attachment A</b> ) Deadline	Friday, April 12, 2024 by 2:00 P.M. (Phoenix local time)
Proposal Due Date	Friday, April 19, 2024 by 2:00 P.M. (Phoenix local time)
City Council Approval (Estimated)	June 2024

**Pre-Proposal Conference Location:**

Phoenix City Hall, Community & Economic Development Department – 20<sup>th</sup> Floor  
200 W Washington St, Phoenix, AZ 85003

**Site Tour Location:**

32 E. Columbus Ave, Phoenix, AZ 85012

The City reserves the right to change dates and/or locations as necessary.



## SCOPE OF WORK

### II. SCOPE OF WORK

The City is seeking a Developer to develop a new mixed-use, mixed-income multifamily rental housing project that takes full advantage of the location and zoning entitlements.

#### A. Minimum Qualifications

The following minimum qualifications are non-negotiable.

1. Experience successfully completing at least 2 vertical mixed-use development projects of 4+ stories in the last 5 years.
2. Minimum of 250 units in total to be constructed at the Site.
3. Minimum of 50% of the total units must be offered at affordable rents targeting households at 80% of the Area Median Income (“AMI”) and below. Proposal must also be for a mixed-income project, that is a combination of Affordable and Workforce and/or Market Rate units. See **Section II (C)** for more information.
4. Units appropriately sized to accommodate families must be incorporated.
5. Proposal must be for a mixed-use project with ground-floor commercial and/or other active ground floor use. This space should be available to the surrounding neighborhood and overall community, not just to the project's residents. Examples include, but are not limited to the following: community retail, co-working or shared workspace, daycare facility, etc.
6. Proposal must include publicly accessible amenity space. Examples include, but are not limited to the following: community garden, enhanced open space, micromobility facilities, etc.
7. Enhanced pedestrian-oriented amenities that promote walkability must be incorporated.
8. Proposal must include space for the Fire Department. See **Section II (G)**.
9. Proposal must incorporate the zoning stipulations approved by City Council through Rezoning Case No. Z-38-19-4. See **Section II (I)**.
10. If a proposal contemplates utilizing the 75 Project Based Vouchers (“PBVs”) described in **Section II (E)**, the proposed project must adhere to the PBV requirements. See **Section II (E)** and **Section VI Special Terms and Conditions**. PBVs serve households at 50% AMI and below.
11. Proposal must demonstrate the ability to develop and occupy a minimum of 50% of the total units no more than 48 months after execution of the development agreement.
12. The proposed architect may not have a familial relationship to the proposed general contractor.

**Each Proposer must demonstrate these minimum qualifications in its proposal or its proposal will be deemed non-responsive and be disqualified.**



## SCOPE OF WORK

### **B. Desired Project**

In addition to the Minimum Requirements stated above, the RFP includes the following preferred parameters:

1. Mixed-use ground floor commercial accessible to the public.
2. Amenity space(s) that prioritizes families.
3. Design that incorporates the vision of the [Midtown TOD Policy Plan](#).
4. Incorporate and implement elements of sustainability into the design, construction, operation, and maintenance of the proposed development. A wide range of sustainability programs and concepts can be found at [phoenix.gov/sustainability](http://phoenix.gov/sustainability).

### **C. Affordability/Rent Requirements**

A minimum of 50% of the total units will be made available to households with income levels not to exceed 80% AMI, as defined annually by the U.S. Department of Housing and Urban Development (“HUD”). Workforce units are defined as targeting household from 80 to 120% AMI, and Market Rate units are defined as targeting households above 120% AMI. See **Exhibit C** for the **2023 HUD Income Limits**.

Visit the following link for more info:

<https://www.huduser.gov/portal/datasets/il.html>

Affordable and workforce housing requirements will be secured through a Declaration of Affirmative Land Use Restrictive Covenant (“LURA”). The LURA will have a term of 99 years.

See **Section II (E)** for information on the PBVs that the HD may provide towards the awarded project. Units supported with PBVs must target households with income levels not to exceed 50% AMI.

### **D. Ground Lease**

The City will execute a ground lease with the successful Proposer for a period of 99 years. The City has procured a current appraisal of the Site and will make available the report in a future addendum to this RFP. **The City will not entertain sale of the Site.**

The Ground Lease shall include a right of first refusal option for the City to acquire the improvements. Proposal must identify the proposed lease rate and term of the Ground Lease. Proposal must also include lease rate adjustments for the duration of the proposed lease term as well as the proposed terms for the sale of the improvements to the City.



## SCOPE OF WORK

### **E. Project Based Vouchers**

In 2018, the HD was awarded a Choice Neighborhoods Implementation Grant from HUD to revitalize the Edison-Eastlake Community (“EEC”) generally bounded by 16th Street, Interstate 10 and the Union Pacific Railroad. The six-year comprehensive community-driven implementation will transform the EEC into a vibrant mixed-income neighborhood, linking housing redevelopment with new amenities, upgraded infrastructure, neighborhood economic growth, and social services.

As part of the Choice Neighborhoods application to HUD, the HD is required to provide off-site Section 8 PBV units in areas of opportunity for Choice Neighborhoods residents who may choose to relocate to other areas of the city. The HD may allocate 75 of these vouchers, or other PBVs, to this project.

Use of off-site replacement unit PBVs is subject to HUD approval and must demonstrate development timeline prescribed in minimum qualifications can be adhered to. Projects utilizing the 75 PBVs must begin construction by June 30, 2026 in order to adhere to the timeline of the Choice Neighborhoods Implementation grant period. Proposals contemplating the use of PBVs must incorporate utilization of all 75 vouchers.

If awarded, the successful Proposer will enter a Housing Assistance Payments Contract (“HAP”) with the City through the HD for a term of 20 years (with an option to renew for an additional 20 years) to receive and administer the PBVs. Affordability requirements will be secured through the LURA as defined in **Section II (C)**. The PBVs must support 25 1-bedroom units, 25 2-bedroom units, and 25 3-bedroom units. PBV units will be filled through a referral from the Phoenix Housing Authority/HD. Priority for off-site vouchers will be given to Choice Neighborhoods residents who may be interested in residing in the Midtown area. The Section 8 waitlist was also opened in September 2023 to receive new pre-applications and provide an additional pool of prospective residents.

Note: the Project must be compliant with all Federal Labor Standards and [Davis Bacon Act requirements, Section 3 requirements](#), and will be required to have a federal environmental review completed (24 CFR Part 58) prior to any construction related activities taking place. The environmental review process typically takes 6 months to complete, and HUD must issue an Authority to Use Grant Funds (AUGF). The Project will also be subject to a subsidy layering review, must comply with PBV site selection standards (24 CFR 983.57), and must meet the Housing Quality Standards (HQS) site standards (24 CFR 982.401).

**See Section VI for Special Terms and Conditions and Exhibit D for the Current PBV Payment Standards.**





## SCOPE OF WORK

### F. Requested City Assistance

If the Proposer is seeking assistance from the City, the proposal must include specific details such as the type of assistance (monetary or non-monetary), City role(s) or responsibility, length of participation or agreement contract term, commencement and completion dates, annual lease payments, etc. Any requests for City assistance must:

- Be limited to assistance the City can reasonably accommodate,
- Be clearly and quantitatively demonstrated to be less than the public benefit generated by the proposed development, and
- Fill a clearly described financial gap

Although the City reserves the right to participate in projects that create significant public benefit, such as public infrastructure beyond what would be necessary for the proposed development, there is currently no identified City funding for pre-development or development costs resulting from this RFP.

### G. Fire Department Needs

The City's Fire Department will require space within the development to serve as a special events or peak time response quarters. The space will be utilized to house specialized emergency response vehicles, host briefings, and serve as a logistic support location in Central Phoenix as needed, along with storage space for equipment and vehicles. The space shall be provided free of charge. The requirements are as follows:

- Minimum of 1,200 square feet of meeting space. The anticipated occupancy is 40 people. This space must include an outdoor entrance as well as dedicated restrooms. This space may also be used by the community and other organizations, as available.
- Minimum of 1,000 square feet of self-contained garage storage space that is 10- to 12-feet in clear height. This must have dedicated access on either Weldon or Columbus Avenue.

### H. Walkable Urban Code

The property is zoned [WU](#) T5:7 MT. Standards for the Walkable Urban Code can be found in [Chapter 13](#) of the Phoenix Zoning Ordinance. Transect T5:7 permits the following:

- Maximum height of 100 feet, subject to setbacks.
- No maximum density.

Additional intensity beyond what is permitted in the T5:7 district would require rezoning of the property.

Proposers should familiarize themselves with the additional code requirements applicable to the Site.



## SCOPE OF WORK

### **I. Rezoning Stipulations**

The following are additional conditions required of the successful Proposer, based on approval of the rezoning.

- A minimum 10-foot-wide open space area along the western property line.
- A minimum of one shaded pedestrian accessway through the center of the Site from east to west that connects to the open space along the western portion of the site.
- A minimum of one shaded pedestrian accessway across the site from north to south that is separate and distinct from the open space area detailed above.
- Required multifamily bicycle parking required per Section [1307.H.6.d](#) of the Phoenix Zoning Ordinance shall be secured.
- Guest bicycle parking for the multifamily residential portion of the development shall be provided at a minimum rate of 0.05 spaces per unit, with a maximum of 50 spaces per the requirements of Section [1307.H](#) of the Phoenix Zoning Ordinance.
- Site plan and elevations shall be reviewed by the Encanto Village Planning Committee for review and comment prior to Preliminary Site Plan approval.

See **Exhibit F**, Ordinance G-6627 for Rezoning Case No. Z-38-19-4 for full list of stipulations.

### **J. City Roles and Responsibilities**

The successful Proposer, approved by City Council, and the City will negotiate, in good faith, terms for the parties to move forward and will clarify respective roles and responsibilities including pre-development activities and budgets, as well as key terms and conditions of the Ground Lease of the Site and related development and financial considerations.

The City anticipates responsibility for certain activities and will coordinate with the successful Proposer. Activities may include, but are not limited to, the following:

- a. Monitoring and assisting the successful Proposer(s) in meeting Scope of Work requirements.
- b. Community Facilitation – assisting the successful Proposer(s) with community facilitation and ensuring stakeholders understand and advise on all aspects of the project.
- c. Land – the City will provide the land through a ground lease agreement for the development. The City will monitor the Site to ensure the improvements are being designed, constructed, and managed appropriately to preserve its long-term value. The City has the right to cancel the development agreement and retain full rights to the land for non-performance.



## INSTRUCTIONS TO PROPOSERS

### III. INSTRUCTIONS TO PROPOSERS

#### A. **Solicitation:**

Interested Proposers may download the complete solicitation and addenda from <https://www.phoenix.gov/solicitations>. Internet access is available at all public libraries.

Any interested Proposers without internet access may obtain this solicitation by picking up a copy during regular business hours at 251 West Washington Street, 4<sup>th</sup> Floor, Phoenix, AZ 85003. Please contact the Procurement Officer to coordinate.

Proposers are responsible for obtaining any and all amendments and/or addenda relevant to this RFP at <https://www.phoenix.gov/solicitations>.

*Failure to submit addenda with the RFP response may be grounds for deeming a submittal non-responsive.*

#### B. **Submission of Offer:**

All Proposers are required to complete the 'Intent to Apply' form (**Attachment A**) of this document and email it to [hou.procurement@phoenix.gov](mailto:hou.procurement@phoenix.gov) no later than the date specified in the Schedule of Events in **Section I (E)**. The Procurement Officer will then provide the Proposer with an upload link unique to their proposal.

Proposals must be in the possession of the HD on or prior to the date and time indicated in the Schedule of Events. Late proposals will not be considered. The prevailing clock will be the date and time stamp of the HD file sharing site.

#### C. **City's Vendor Self-Registration and Notification:**

Proposers shall be registered in the City's eProcurement Self-Registration System at <https://www.phoenix.gov/finance/business-opportunities/eprocurement>. The City may, at its sole discretion, reject any proposal from a Proposer who has not registered in the City's eProcurement system.

#### D. **Pre-Proposal Conference:**

*Attendance is strongly encouraged.* The purpose of this conference is to clarify contents of the RFP to prevent any misunderstanding. Any doubt as to the requirements of this RFP or any apparent omission or discrepancy should be presented to the City at that time. The City will then determine the appropriate action necessary, if any.



## INSTRUCTIONS TO PROPOSERS

### **E. Proposer Inquiries:**

All questions that arise relating to this RFP shall be directed in writing to the Procurement Officer, Melanie Bynoe-Torzala, at [hou.procurement@phoenix.gov](mailto:hou.procurement@phoenix.gov).

To be considered, written inquiries shall be received by the date indicated in the [Schedule of Events](#) in **Section I (E)**. Inquiries received will then be answered by an addendum and published via the City's website at: <https://www.phoenix.gov/solicitations>.

No communication initiated by Proposers related to this RFP will be allowed with members of City's staff from the date of distribution of this RFP until after the closing date and time for the submission of proposals. All questions concerning or issues related to this RFP shall be presented in writing to the Procurement Officer, as stated above.

### **F. Solicitation Transparency Policy:**

Commencing on the date and time a solicitation is published, potential or actual Proposers or respondents (including their representatives) shall only discuss matters associated with the solicitation with the Mayor, members of City Council, the City Manager, any Deputy City Managers, HD, or any department director directly associated with the solicitation (including in each case their assigned staff, except for the designated Procurement Officer) at a public meeting, posted under Arizona Revised Statutes, until the resulting contract(s) are awarded or responses are rejected and the solicitation is cancelled without any announcement by the Procurement Officer of the City's intent to reissue the same or a similar solicitation. If the solicitation is not discussed, Proposers may continue to conduct business with the City and discuss business that is unrelated to the solicitation with the City staff who is not involved in the selection process.

Proposers may discuss their proposal or the solicitation with the Mayor or one or more members of the City Council, provided such meetings are scheduled through the Procurement Officer, and are posted as open meetings with the City Clerk at least 24 hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice shall identify the participants and the subject matter, as well as invite the public to participate.

With respect to the selection of the successful Proposer(s), the City Manager and/or City Manager's Office will continue the past practice of exerting no undue influence on the process. In all solicitations of bids and proposals, any direction on the selection from the City Manager and/or City Manager's Office and Department Head (or representative) to the proposal review panel or selecting authority must be provided in writing to all prospective Proposers.

This policy is intended to create a level playing field for all Proposers, assure that contracts



## INSTRUCTIONS TO PROPOSERS

are awarded in public, and protect the integrity of the selection process. **PROPOSERS THAT VIOLATE THIS POLICY SHALL BE DISQUALIFIED.** After the City issues an official notice of disqualification to a Proposer, the Proposer may follow the Protest process, unless the Solicitation is cancelled without notice of intent to re-issue.

To “discuss” means any contact by the Proposer, regardless of whether the City responds to the contact. Proposers that violate this policy shall be disqualified until the resulting contract(s) are awarded, or all proposals or responses are rejected, and the solicitation is cancelled without any announcement by the Procurement Officer of the City’s intent to reissue the same or a similar solicitation. The City interprets the policy as continuing through a cancellation of a solicitation until Council awards a contract, as long as the City cancels with a statement that the City will rebid the solicitation.

### **G. Protest Process:**

Proposers may protest the contents of a solicitation no later than seven days before the solicitation deadline when the protest is based on an alleged mistake, impropriety, or defect in the solicitation. Protests filed regarding the solicitation may be addressed by an amendment to the solicitation or denied by the City. If denied, the opening and award will proceed unless the City determines it is in the City’s best interests to set new deadlines, amend the solicitation, cancel, or re-bid.

Therefore, unless otherwise notified by a formal amendment, the Protester must adhere to all solicitation dates and deadlines, including timely filing of an offer, regardless of filing a protest.

Proposers may protest an adverse determination issued by the City regarding responsibility and responsiveness, within seven days of the date the Proposer was notified of the adverse determination.

Proposers may protest an award recommendation if the Proposer can establish that it had a substantial chance of being awarded the contract and will be harmed by the recommended award. The City will post recommendations to award the contract(s) to a particular Proposer on the City’s website. Proposers must submit award protests within seven days after the posting of the award recommendation, with exceptions only for good cause shown, within the City’s full and final discretion.

All protests shall be in writing, filed with the Procurement Officer identified in the solicitation, and include the following:

- Identification of the solicitation number;
- Name, address and telephone number of the Protester;
- A detailed statement describing the legal and factual grounds for the protest,



## INSTRUCTIONS TO PROPOSERS

including copies of relevant documents;

- Form of relief requested; and
- Signature of the Protester or its authorized representative.

The Procurement Officer will render a written decision within a reasonable period after the protest is filed. The City will not request City Council authorization to award the contract until the protest process is complete. All protests and appeals must be submitted in accordance with the City's Procurement Code, (Phoenix City Code, Ch. 43), and administrative regulations and any protests or appeals not submitted within the time requirements will not be considered.

### **K. Public Record and Confidential Information:**

All proposals submitted in response to this RFP shall become the property of the City and shall become a matter of public record available for review pursuant to Arizona state law after the award notification.

The City of Phoenix is obligated to abide by all public information laws.

If a Proposer believes a specific section of its proposal is confidential, the Proposer shall isolate the pages marked confidential in a specific and clearly labeled section of its proposal. The Proposer shall include a written basis for considering the marked pages confidential including the specific harm or prejudice if disclosed and the HD will review the material and make a determination. To the extent necessary for the evaluation process, information marked as "confidential" will not be treated as confidential. Once the procurement file becomes available for public inspection, the Procurement Officer will not make any information identified by the Proposers as "confidential" available to the public unless necessary to support the evaluation process or if specifically requested in accordance with applicable public records law. When a public records request for such information is received, the Procurement Officer will notify a Proposer in writing of any request to view any portion of its proposal marked "confidential." The Proposer will have the time set forth in the notice to obtain a court order enjoining such disclosure. If the Proposer does not provide the Procurement Officer with a court order enjoining the release of the information during the designated time, the Procurement Officer will make the information requested available for inspection.

### **L. Preparation of Proposal:**

1. All proposals shall be on the forms and in the format set forth in this RFP package. It is permissible to copy these forms as required.
2. The Offer Form, Proposer Certification and Affidavit Form, Conflict of Interest and



## INSTRUCTIONS TO PROPOSERS

Solicitation Transparency Disclosure Form, and any RFP amendments must be signed and returned with the proposal. See attachments.

3. The Proposer Certification and Affidavit Form shall be signed by a person authorized to submit a Proposal. An authorized signature on the Offer Form, Proposer Certification and Affidavit Form, Proposal Amendment(s), and Letter of Interest accompanying the proposal documents shall constitute an irrevocable offer to provide the service specified herein.
4. Erasures, interlineations, or other modifications of your proposal shall be initialed in original ink by the authorized person signing the proposal.
5. Periods of time, stated as a number of days, shall be in calendar days.
6. The City shall not reimburse the cost of developing, presenting, submitting, or providing any response to this solicitation. All materials and proposals submitted in response to this solicitation become the property of the City and will not be returned.

### **M. Non-Responsive Proposals:**

Proposals deemed non-responsive will not be evaluated or considered for award.

1. The following proposals will be deemed non-responsive:
  - Proposals that do not conform to the minimum specifications stated in the Scope of Work (**Section II**).
  - Proposals submitted without complete fee information.
  - Proposals that contain altered or conditional information.
  - Proposals submitted by a Proposer who does not have valid certifications and/or licenses required by state, federal, or local law or regulations to perform the service(s) requested at the time of the submittal.
  - Proposals not received by the designated due date, place, or time.
2. Proposals may be deemed non-responsive at any time in the evaluation process in the sole opinion of the City if the:
  - Proposer does not meet the minimum required skill, experience or other conditions or terms set forth in this RFP.





## INSTRUCTIONS TO PROPOSERS

- Proposal does not comply with the submission requirements including any specified page limits.
- Proposal contains false, inaccurate, or misleading statements that in the opinion of the City, are intended to mislead the City in its evaluation of the proposal.

### **N. Responsive Proposals:**

Proposals must meet all material requirements of this RFP. All required elements of a proposal will be evaluated on a pass/fail basis. The use of scoring or ranking cannot be used to evaluate non-responsive proposals. Only those proposals determined to be responsive will be evaluated and scored by members of an evaluation committee in accordance with the criteria set forth in the Scope of Work, Proposal and Evaluation Requirements in this RFP.

In addition, the Evaluation Committee MAY request a formal presentation from the highest ranked Proposers before a final recommendation is made. If presentations are requested and presented, the Evaluation Committee will re-convene, review, and re-score the evaluation categories based on the information presented.

If interviews are conducted, information provided during the interview process shall be taken into consideration when evaluating the stated criteria. The City shall not reimburse the Proposer for the costs associated with the interview process.

Experiences with the City and entities that evaluation committee members represent may be taken into consideration when evaluating qualifications and experience.

### **O. Responsibility:**

To obtain true economy, the City must conduct solicitations to minimize the possibility of a subsequent default by the contractor, late deliveries, or other unsatisfactory performance that may result in additional administrative costs. It is important the Proposer be a responsible contractor. Responsibility includes the Proposer's integrity, skill, capacity, experience, and facilities for conducting the work to be performed.

The Procurement Officer, in consultation with legal counsel (if necessary), will review each proposal to determine if the Proposer is responsible. The City's determination as to whether a Proposer is responsible will be based on the information furnished by the Proposer, interviews (if any), any information at the City's request, information in any best and final offer, and information received from Proposer's references, including information about Proposer's past history, terminations for convenience or cause, contract breach lawsuits or notices of claim and any other sources the City deems appropriate. Award of the contract





## INSTRUCTIONS TO PROPOSERS

resulting from the Solicitation will not be made until any necessary investigation, which each Proposer agrees to permit by submitting its proposal, is made by the City as it deems necessary. A review of responsibility may occur up to contract award.

### **P. Compliance With Equal Employment Opportunity:**

To do business with the City, Proposer must comply with Phoenix City Code, 1969, Chapter 18, Article V, as amended, Equal Employment Opportunity Requirements. Proposer will direct any questions regarding these requirements to the Equal Opportunity Department, (602) 262-6790.

### **Q. Offer and Acceptance Period:**

To allow for an adequate evaluation, the City requires a proposal in response to this RFP to be valid and irrevocable for 180 days after the proposal due date and time.

### **R. Discussions:**

The City may notify each Proposer whose proposal is in the competitive range or made the 'short list' and provide in writing any questions or requests for clarification to the Proposer. Each Proposer so notified may be interviewed by the City and asked to discuss answers to written or oral questions or provide clarifications to any facet of its proposal. The Proposers in the competitive range may be required to provide a demonstration of their product.

If a Proposer in the competitive range contains conditions, exceptions, reservations, or understandings to or about any Contract or Solicitation Scope requirement, the City may discuss or negotiate the conditions, exceptions, reservations, or understandings during these meetings. But the City in its sole discretion may reject any and all conditions, exceptions, reservations and understandings, and the City may instruct any Proposer to remove the conditions, exceptions, reservations or understandings. If the Proposer fails to do so, the City may determine the proposal is nonresponsive, and the City may revoke its determination that the proposal is in the competitive range.

To the fullest extent permitted by law, the City will not provide any information, financial or otherwise, to any Proposer about other proposals received in response to this RFP. During discussions with Proposers in the competitive range, the City will not give Proposers specific prices or financial requirements that Proposer must meet to qualify for further consideration.

### **S. Best and Final Offers (BAFO):**

A BAFO is an option available for negotiations. Each Proposer in the competitive range, which is determined in the City's sole discretion, may be afforded the opportunity to amend its proposal and make one BAFO.



## INSTRUCTIONS TO PROPOSERS

If a Proposer's BAFO modifies its initial proposal, the modifications must be identified in the BAFO. The City will evaluate BAFOs based on the same requirements and criteria applicable to initial proposals. The City will adjust appropriately the initial scores for criteria that have been affected by the Proposer modifications made in a BAFO. Based on the criteria defined in the RFP as weighted, the City will then perform final scoring and prepare final rankings.

The Evaluation Panel will recommend the proposal that is the best value and most advantageous to the City based on the evaluation criteria.

The City reserves the right to make an award to a Proposer whose proposal is the highest rated, best value, and most advantageous to the City based on the evaluation criteria, without conducting written or oral discussions with any Proposer, without negotiations, and without soliciting BAFOs.

### **T. Withdrawal Of Proposal:**

At any time prior to the RFP due date and time, a Proposer (or designated representative) may withdraw the proposal by submitting a request in writing and signed by a duly authorized representative. Facsimiles or electronic mail withdrawals shall not be considered.

### **U. Proposal Results:**

Proposals and other information received in response to this RFP shall be shown only to authorized City personnel with a legitimate interest or persons assisting the City in the evaluation. Proposals are not available for public inspection until after award recommendation has been posted on the City's website.

### **V. City's Right to Disqualify for Conflict of Interest:**

The City reserves the right to disqualify any Proposer based on any real or apparent conflict of interest that is disclosed by a proposal or any other data available to the City. This disqualification is at the sole discretion of the City. Any Proposer submitting a proposal herein waives any right to object now or at any future time, before anybody or agency, including but not limited to, the City Council or any court.

Proposers must disclose any personal or professional relationships to the City.

### **W. Award:**

The City intends to select the Proposer(s) that best meets the City's needs and requirements to perform the services as described in this RFP, based upon qualifications, proven ability, and experience of performing similar work.



## INSTRUCTIONS TO PROPOSERS

A response to this RFP is an offer to contract with the City based upon the terms, conditions, and specifications contained in the City's RFP. Such a proposal does not become a contract until it is executed by the HD Director. All terms, conditions, and specifications of the contract are contained in the RFP, unless any of the terms, conditions, or specifications are modified by an addendum or contract amendment.

### **X. City's Reservation of Rights**

The City reserves the right to take any course of action the City deems appropriate at the City's sole and absolute discretion, which may include:

1. Waiving any defects or informalities in any proposal or proposed procedure;
2. Accepting or rejecting any or all proposals or any part of any or all proposals;
3. Canceling the RFP in whole or part;
4. Reissuing the RFP with or without modification;
5. Extending the deadline for proposals; and/or
6. Requesting additional information from any or all Proposers.



## PROPOSAL AND EVALUATION REQUIREMENTS

### IV. PROPOSAL AND EVALUATION REQUIREMENTS

All timely proposals will be reviewed to determine whether the minimum qualification requirements have been met. Proposals that do not meet all qualifications requirements will be considered non-responsive and will be rejected.

All responsive proposals and responsible Proposers will be evaluated and scored by members of an evaluation committee in accordance with the below criteria.

Evaluation criteria and associated scoring:

Concept to Redevelop the Site	<b>350</b>
Return to the City	<b>325</b>
Proposer's Qualifications and Experience	<b>325</b>
<b>Total Points Available:</b>	<b>1,000</b>

This is a best-value-to-the-City procurement, which means the Evaluation Committee will look at all factors, not just financial return to the City, in selecting the recommended Proposer.

In addition, the Evaluation Committee MAY request a formal presentation from the highest ranked Proposers before issuing a final recommendation.

If only one proposal is received, the City may proceed without convening an Evaluation Committee.

#### A. Form of Proposals:

Proposals must conform to the following format. Proposals that are incomplete; conditional; obscure; or contain additions not requested, changes or exceptions to material provisions or requirements of this RFP; or irregularities of any kind, are subject to disqualification.

Each proposal shall include the following:

##### 1. Tab 1 – General Information

###### a. Executed Offer Form (**Attachment B**)

Any proposal received without a completed, signed, and notarized **Attachment B** will be disqualified.

###### b. Executed Affidavit (**Attachment C**)



## PROPOSAL AND EVALUATION REQUIREMENTS

Any proposal received without a completed, signed, and notarized **Attachment C** will be disqualified.

- c. Signed Conflict of Interest and Solicitation Transparency Disclosure Form (**Attachment D**)

Any proposal received without a completed and signed **Attachment D** will be disqualified.

- d. Executive Summary

Provide a concise summary of the overall proposal. If the Proposer is a joint venture, the Executive Summary should identify the lead developer. If someone other than the person listed on **Attachment D** will serve as the Proposer's contact person for the proposal, the Executive Summary must identify that person's name, telephone number, and email address.

### 2. Tab 2 – Concept to Redevelop the Site

This Tab includes evaluation criteria related to the proposed development, maximizing the Site potential, and overall project feasibility.

- a. Completed Development Details Form (**Attachment E**)
- b. A description of the proposed development that includes an explanation of how the proposed development addresses each element in **Section II**, and details for the operation and management of the proposed project after completion. Narrative should also include a plan for how to integrate housing for a range of income levels and families.
- c. Narrative description with relevant exhibits illustrating how all zoning stipulations and minimum requirements will be addressed.
- d. Conceptual building elevations and a conceptual site plan, depicting any applicable phasing.
- e. Documentation of the proposed development's feasibility, including:
  - Research/market demand data supporting the proposed development.
  - If applicable, letters of interest from potential operators for the proposed development.
  - If applicable, commitment letter or service contract with a non-profit to provide services to residents.



## PROPOSAL AND EVALUATION REQUIREMENTS

- f. A comprehensive timeline with major milestones and stages of the proposed development including site control, environmental clearance, planning and design, entitlements, plan review, permits, construction, and occupancy and/or lease-up. This timeline should detail any phasing for the proposed development and reasonable assumptions.

### 3. Tab 3 – Return to the City

This Tab includes evaluation criteria related to the financial benefit to the City and public benefits for the community.

- a. Proposed lease terms, as described in **Section II (D)** above, that include a period of 99 years, terms based on the recent appraisal, and proposed terms for the sale of the Site to the City at the end of the lease term.
- b. Summary of tangible public benefits, beyond the minimum requirements, that the project will provide. This may include job creation, family friendly spaces, bicycle/micromobility facilities; enhanced shade/walkability, public art, etc.
- c. A description of any requested City assistance, including specific details such as the type of assistance (monetary or non-monetary), City role(s) or responsibility, length of participation or agreement contract term, commencement and completion dates, annual lease payments, etc. Any requests for City assistance must:
  - Be limited to assistance the City can reasonably accommodate,
  - Clearly and quantitatively demonstrate the requested City assistance is less than the public benefit generated by the proposed development, and
  - Fill a clearly described financial gap.

### 4. Tab 4 – Proposer’s Qualifications and Experience

This Tab includes evaluation criteria related to the Proposer’s qualifications, experience, and financial capacity.

- a. Sufficient documentation to demonstrate the Proposer meets the minimum qualifications listed in **Section II (A)**.
- b. Clearly identified key individuals and companies comprising the proposed development team and each proposed development team member’s roles and responsibilities for the proposed development. The identification of all



## PROPOSAL AND EVALUATION REQUIREMENTS

related parties must be included. If related parties are proposed, cost reasonableness evaluations are required, and the additional cost must be factored into the final agreed upon development budget with the selected Proposer. The architect and general contractor may not be related entities.

- c. Description of the proposed development team's experience successfully financing, developing, completing, and managing other projects of similar scale and complexity, including the roles and responsibilities of each proposed development team member for those projects. Experience in meeting proposed deadlines and budgets must be addressed. Proposers should include contact information for at least one reference for each project listed.
- d. Information demonstrating knowledge and ability to comply with applicable federal regulations, including PBVs.
- e. Clear and compelling information to demonstrate Proposer's financial capacity to successfully manage and complete the proposed development, including:
  - A clear strategy to fund all proposed development costs, including specific details on all sources, as well as the types and amounts of equity, financing, grants, and other sources for the development.
  - Documentation from potential lenders of interest.
  - Documentation of financing obtained for prior development projects.
  - If tax credits are part of the proposed financing plan, evidence of Proposer's successful tax credit proposals.
- f. A project budget clearly detailing and defining the proposed development's costs, including construction costs, soft costs, contingencies, and assumptions.
- g. An operating pro forma for the proposed development, including all revenues, expenses, debt service, taxes, reserves/contingencies, and other assessments for 20 years.



## STANDARD TERMS AND CONDITIONS

### V. STANDARD TERMS AND CONDITIONS

The submission of a proposal in response to this RFP constitutes the Proposer's agreement that any contract resulting from this RFP will be prepared by the City. The submission of a proposal further constitutes the Proposer's agreement that it will not insist on the use of standard contracts, documents, or forms, and that it waives any demand for the use of its standard contracts. Pursuant to the City Charter, the language of the contract to be executed will be drafted under the supervision of the City Attorney and will be the controlling document.

#### 1. Indemnification:

Proposers must indemnify, defend, save and hold harmless the City and its officers, officials, agents, and employees ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) ("Claims") for bodily injury, personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or part, by the negligent or willful acts or omissions of Proposer or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation, or court decree. It is the specific intention of the parties that the Indemnitee will, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Proposers from and against any and all Claims. It is agreed that the Proposer will be responsible for primary loss investigation, defense, and judgment costs where this indemnification is applicable. Incorporated into any contract that is entered into with the City will be the requirement that the Proposer, at its sole cost and expense, will and does hereby indemnify, defend and hold the Indemnitee harmless from and against any challenge, whether administrative, judicial or otherwise, by any person or entity, to the Indemnitee's execution or performance under said contract, which indemnification shall survive the expiration or earlier termination of said contract.

#### 2. Insurance Requirements:

The Proposer must procure and maintain until all its obligations have been discharged, including any warranty periods under the future contracts are satisfied, insurance against claims that may arise from or in connection with the performance of the work hereunder by the Proposer, its agents, representatives, employees, or subcontractors. Insurance requirements will be outlined within the contract that results from the selection of a successful proposal.

#### 3. Legal Worker Requirements:

The City is prohibited by Ariz. Rev. Stat. § 41-4401 from awarding a contract to any contractor that fails, or whose subcontractors fail, to comply with Ariz. Rev. Stat. § 23-214(A). Therefore,





## STANDARD TERMS AND CONDITIONS

each Proposer agrees by submitting a proposal that:

1. The Proposer and each subcontractor it uses warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with Ariz. Rev. Stat. § 23-214(A).
2. A breach of a warranty under paragraph 1 will be deemed a material breach of the contract and is subject to penalties up to and including termination of the contract.
3. The City retains the legal right to inspect the papers of the Proposer or subcontractor employee(s) that work(s) on this contract to ensure that the Proposer or subcontractor is complying with the warranty under paragraph 1 herein.

#### **4. Applicable Law**

Any and all disputes arising under any contract to be negotiated hereunder or out of the proposals herein called for will be governed according to the laws of the State of Arizona, and the Proposer agrees that the venue for any such action brought to enforce provisions of the contract will be in the State of Arizona.

#### **5. Organization Employment Disclaimer**

Any contract entered as the result of this RFP will not constitute, create, give rise to or otherwise recognize an agreement or relationship, partnership or formal business organization of any kind between the City and the Proposer as contractor, and the rights and obligations of the parties will only be those expressly set forth therein. The recommended Proposer will be required to agree as part of any contract entered as the result hereof, that no person supplied by it in the performance of the contract is an employee of the City, and further agree that no rights of the City's Civil Service, Retirement or Personnel Rules accrue to any such persons. Any contracting party will have the total responsibility for all salaries, wages, bonuses, retirement, withholdings, workmen's compensation and occupational disease compensation insurance unemployment compensation, other benefits and taxes and premiums appurtenant thereto concerning such persons provided by such party in the performance of the contract and will save and hold the City harmless with respect thereto.



## SPECIAL TERMS AND CONDITIONS

### VI. SPECIAL TERMS AND CONDITIONS

#### A. Housing Assistance Payment Contract:

The Agreement to Enter into a Housing Assistance Payment (“AHAP”) and HAP contract, HUD forms 52531A, 52531B, 52530A parts 1 and 2 or 52530B parts 1 and 2 will outline the terms of the contract including but not limited to:

- Term of the Contract
- Rent Determination and when rents are paid
- Eligible Housing Types
- HD and Owner Responsibilities

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52531A.pdf>

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52531B.pdf>

[https://www.hud.gov/sites/dfiles/OCHCO/documents/52530A\\_Pt1.pdf](https://www.hud.gov/sites/dfiles/OCHCO/documents/52530A_Pt1.pdf)

[https://www.hud.gov/sites/dfiles/OCHCO/documents/52530A\\_Pt2.pdf](https://www.hud.gov/sites/dfiles/OCHCO/documents/52530A_Pt2.pdf)

[https://www.hud.gov/sites/dfiles/OCHCO/documents/52530B\\_Pt1.pdf](https://www.hud.gov/sites/dfiles/OCHCO/documents/52530B_Pt1.pdf)

[https://www.hud.gov/sites/dfiles/OCHCO/documents/52530B\\_Pt2.pdf](https://www.hud.gov/sites/dfiles/OCHCO/documents/52530B_Pt2.pdf)

#### B. Federal Requirements:

Should PBVs be utilized, HUD rules require contracts to contain certain provisions. The following contracting requirements will apply:

- **Nondiscrimination in Employment:** The successful Offeror will be required to comply with the President’s Executive Order Number 11246.
- **Eligibility:** Awards will not be made to individuals or firms who are on lists of contractor’s ineligible to receive awards from the United States as furnished from time to time by HUD.
- **HUD Form 50070:** All Offerors should carefully review the provisions in HUD Form 50070 incorporated herein by reference and will be incorporated in the Contract between the successful Offeror and the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=50070.pdf>
- **HUD Form 50071:** All Offerors should carefully review the provisions in HUD Form 50071 incorporated herein by reference and will be incorporated in the Contract between the successful Offeror and the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=50071.pdf>



## SPECIAL TERMS AND CONDITIONS

- **HUD Form 5369:** All Offerors should carefully review HUD Form 5369, incorporated herein by reference. In the context of this procurement, the term PHA as used in HUD Form 5369 refers to the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=5369.pdf>
- **HUD Form 5369-A:** All Offerors should carefully review HUD Form 5369-A, incorporated herein by reference. In the context of this procurement, the term PHA as used in HUD Form 5369-A refers to the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=5369-a.pdf>
- **HUD Form 5369-B:** All Offerors should carefully review HUD Form 5369B, incorporated herein by reference. In the context of this procurement the term PHA as used in HUD Form 5369B refers to the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=5369-b.pdf>
- **HUD Form 5370:** All Offerors should carefully review HUD Form 5370, incorporated herein by reference. In the context of this procurement the term PHA as used in HUD Form 5370 refers to the City of Phoenix.  
<http://portal.hud.gov/hudportal/documents/huddoc?id=5370.pdf>
- **HUD Form 5370-C, Section I:** All Offerors should review the provisions in HUD Form 5370C, Section I, incorporated herein by reference and will be incorporated in the Contract between the successful Offeror and the City of Phoenix.  
[Microsoft Word - HUD 5370-C1 burden statement and accessibility pg 6 3 19 2020.docx](#)
- **HUD Form 92554M:** All Offerors should carefully review the provisions in HUD Form 92554M, incorporated herein by reference and will be incorporated in the Contract between the successful Offeror and the City of Phoenix.  
<https://portal.hud.gov/hudportal/documents/huddoc?id=92554M.pdf>
- **HUD Form 4010:** All Offerors should carefully review HUD Form 4010, incorporated herein by reference. <http://portal.hud.gov/hudportal/documents/huddoc?id=4010.pdf>
- **Department of Labor General Decision Number:** The Wage Rate Decision is dependent on the number of stories of the proposed project/building(s). Building (5+stories) AZ20230039 9/01/2023 and Residential (4 stories or less) AZ20230001 Mod 2, 9/29/2023 is incorporated by reference. Search by “Arizona” in the drop-down for State, and “Maricopa” in the drop-down for County and “Building” or “Residential” as the construction type. SAM.gov | Wage Determinations.
  - A Wage Rate Decision Must Be Checked for Updates Up To And Prior To 10 Days Before Bid Opening. A current Wage Rate Decision will replace this one upon signing of an AHAP agreement.



## SPECIAL TERMS AND CONDITIONS

- **HUD Form 2530:** All Offerors should carefully review HUD Form 2530, incorporated herein by reference. This form will need to be filled out if applicable. <http://portal.hud.gov/hudportal/documents/huddoc?id=2530.pdf>
- **Legal Worker Requirement:** Each Offeror represents that it is registered and participates in the E-Verify Program (Company ID Number \_\_\_\_\_).
- **Lawful Presence Requirement:** Pursuant to Ariz. Rev. Stat. §§ 1-501 and 1-502, the City of Phoenix and its instrumentalities are prohibited from awarding a contract to any natural person who cannot establish that such person is lawfully present in the United States. To establish lawful presence, a natural person must produce qualifying identification and sign a City-provided affidavit affirming that the identification provided is genuine. This requirement will be imposed at the time of contract award. This requirement does not apply to business organizations such as corporations, partnerships or limited liability companies.
- 24 CFR 983 (Project-Based Vouchers); 24 CFR 982 (HCV – which governs where 983 does not specifically provide); 24 CFR Part 5 (General PHA requirements) 24 CFR Part 6 – Non-discrimination apply.

**Projects must be compliant with all Federal Labor Standards and the [Davis Bacon Act requirements, Section 3 requirements](#), and will be required to have a federal environmental review completed (24 CFR part 58) prior to any construction related activities taking place. The environmental review process typically takes 6 months to complete and HUD must issue an Authority to Use Grant Funds (AUGF). The project will also be subject to a subsidy layering review, must comply with PBV site selection standards (24 CFR 983.57), and must meet the Housing Quality Standards (HQS) site standards (24 CFR 982.401).**



**ATTACHMENT A**  
**INTENT TO APPLY**

Submittal of this form is notification to the City of Phoenix of your intention to submit a proposal for development Affordable Rental Housing under Solicitation Number RFP FY24-086-10. The Procurement Officer will create a unique upload link for your proposal which will be used for submission of all materials. You will receive notification by email once this upload link has been created.

To participate in this solicitation, you are required to complete and submit this form to [hou.procurement@phoenix.gov](mailto:hou.procurement@phoenix.gov) by no later than **April 12, 2024, 2:00 p.m.** The upload link will remain active until **2:00 p.m.** Phoenix local time on **April 19, 2024.**

Project Name	
Proposer	
Email Addresses (you may provide access to multiple email addresses to upload documents)	
Email 1	
Email 2	
Email 3	
Email 4	
Email 5	
Email 6	

PRINT NAME	TITLE
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SIGNATURE	DATE
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**ATTACHMENT B**

**ATTACHMENT B**  
**OFFER FORM**

**TO THE CITY OF PHOENIX** - The Undersigned hereby offers and agrees to furnish the material and or service(s) in compliance with all terms, conditions, specifications, and addenda issued as a result of a solicitation.

Arizona Sales Tax No. \_\_\_\_\_  
Use Tax No. for Out-of State Suppliers \_\_\_\_\_  
City of Phoenix Sales Tax No. \_\_\_\_\_  
Arizona Corporation Commission File No. \_\_\_\_\_

Taxpayer's Federal Identification No.: If recommended for contract award, Proposer agrees to provide its federal taxpayer identification number or as applicable its social security number to the City of Phoenix for the purposes of reporting to appropriate taxing authorities, monies paid by the City of Phoenix under the awarded contract. If the Proposer provides its social security number, the City will only share this number with appropriate state and federal officials. This submission is mandatory under 26 U.S.C. § 6041(a).

Enter City's Registration System ID Number  
Located at City's eProcurement website (see  
SECTION I – INSTRUCTIONS - CITY'S  
REGISTRATION)

Proposer has read, understands, and will fully and faithfully comply with this solicitation, its attachments, and any referenced documents. Proposer certifies that the prices offered were independently developed without consultation with any other Proposer or potential Proposers.

\_\_\_\_\_  
Authorized Signature

Date

\_\_\_\_\_  
Printed Name and Title  
(LLC, Inc., Sole Proprietor)

(Member, Manager, President)

Address \_\_\_\_\_  
City, State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Company's Fax Number \_\_\_\_\_  
Company's Toll Free # \_\_\_\_\_  
Email Address \_\_\_\_\_



## ATTACHMENT C

### ATTACHMENT C AFFIDAVIT

#### Assurances

The undersigned Proposer hereby submits to the City of Phoenix ("City") the enclosed proposal based upon all terms and conditions set forth in the City's Request for Proposals ("RFP") and referenced materials. Proposer further specifically agrees hereby to provide services in the manner set forth in the proposal submitted by the Proposer.

The undersigned Proposer acknowledges and states, under penalty of perjury, as follows:

1. The City is relying on Proposer's submitted information and the representation that Proposer has the capability to successfully undertake and complete the responsibilities and obligations submitted in its proposal and in the resulting contract.
2. The City has the right to make any further inquiry it deems appropriate to substantiate or supplement information supplied by Proposer.
3. Proposer has read and fully understands all the provisions and conditions set forth in the RFP documents, upon which its proposal is based.
4. The forms and information requested in the RFP are complete and made part of the proposal. The City is not responsible for any Proposer errors or omissions.
5. This proposal may be withdrawn by requesting such withdrawal in writing at any time prior to the proposal deadline but may not be withdrawn after such date and time.
6. The City reserves the right to reject any and all proposals and to accept the proposal that, in its judgment, will provide the best quality development to the City.
7. This proposal is valid for a minimum of 180 days after the RFP proposal deadline.
8. All costs incurred by Proposer in connection with this proposal shall be borne solely by Proposer. Under no circumstances shall the City be responsible for any costs associated with Proposer's proposal or the RFP process.
9. Proposer has not in any manner, directly or indirectly, conspired with any person or party to unfairly compete or compromise the competitive nature of the RFP process.
10. The contents of this proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this proposal.
11. To the best of the Proposer's knowledge, the information provided in its proposal is true and correct and neither the undersigned Proposer nor any partner, corporate officer or managing employee have ever been convicted of a felony or a crime involving moral turpitude.



**ATTACHMENT C**

**Legal Status**

1. Proposer intends to operate the business as (check one):

- |                                |                                |                      |                          |
|--------------------------------|--------------------------------|----------------------|--------------------------|
| Corporation*                   | <input type="checkbox"/>       | Non-Profit 501(c)(3) | <input type="checkbox"/> |
| Government Entity              | <input type="checkbox"/>       | Partnership*         | <input type="checkbox"/> |
| Limited Liability Corporation* | <input type="checkbox"/>       | Sole Proprietorship  | <input type="checkbox"/> |
| Other (Please describe: )      | _____ <input type="checkbox"/> |                      |                          |

Identify the members, if LLC, partners, if a partnership, or officers, if a corporation, of the Proposer (add lines as needed).

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For this RFP, addenda and exhibits, any questions regarding the principals are referring to the officers, partners and members as disclosed.

2. In the past 10 years, have you personally, or any business with which you have been involved, been declared bankrupt, filed a petition in any bankruptcy court, filed for protection from creditors in bankruptcy court, or had involuntary proceedings filed in bankruptcy court? If "Yes," provide the date, court jurisdiction, case name, case number, amount of liabilities, amount of assets, and the status of each occurrence. **Yes ( ) No ( )**
3. Has the Proposer or any of its principals or its principal's affiliates been declared to be in default under any obligation to or contract with the City? If "Yes," please provide details concerning the nature of the default, including the City contract number. **Yes ( ) No ( )**
4. Are there any pending liens, claims or litigation above \$500,000 involving Proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the Proposer, or any subsidiary of the Proposer or other entity in which the Proposer has a controlling interest or any of the Proposer's principals, officers, or directors? If "Yes," provide detailed information regarding complaints. **Yes ( ) No ( )**
5. Has the Proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the Proposer, or any subsidiary of the Proposer or other entity in which the Proposer has a controlling interest or any of the Proposer's principals, officers, or directors, been involved in any lawsuits in the past 10 years? If "Yes," provide list. **Yes ( ) No ( )**
6. Has the Proposer's or any of its principals or its principals' affiliate's contracts been terminated prior to their expiration terms, voluntarily or involuntarily, within the last 10 years? If "Yes," provide name, location, and date of the contract(s). **Yes ( ) No ( )**
7. Has the Proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the Proposer, or any subsidiary of the Proposer or other entity in which the Proposer has a controlling interest or any of the Proposer's principals, officers, or directors ever been barred from bidding on federal, state, or local government contracts? If "Yes," provide the status of such suspension or debarment proceedings. **Yes ( ) No ( )**





## ATTACHMENT C

### **References**

Proposer shall furnish the names and contact information for 3 clients for whom the Proposer is furnishing or has furnished services similar to those described in this RFP. Do not list City of Phoenix employees or officials as references.

1. Company and Reference Name: \_\_\_\_\_  
Telephone and E-Mail: \_\_\_\_\_
2. Company and Reference Name: \_\_\_\_\_  
Telephone and E-Mail: \_\_\_\_\_
3. Company and Reference Name: \_\_\_\_\_  
Telephone and E-Mail: \_\_\_\_\_

### **Signature(s)**

Proposer's Legal Name: \_\_\_\_\_

Printed Name of Authorized Representative\*: \_\_\_\_\_

Title: \_\_\_\_\_

Business Mailing Address:  
\_\_\_\_\_

Telephone and Email Address:  
\_\_\_\_\_

Signature: \_\_\_\_\_

\*Proposal must be signed by an individual authorized to contractually bind the Proposer.

Name of Joint Venture Partner (if applicable):

Printed Name of Authorized Representative\*:

Title:

Business Mailing Address:

Telephone and Email Address:

Signature:

\*Proposal must be signed by an individual authorized to contractually bind the joint venture partner.

### **NOTARIZED**

Signed and sworn before me this \_\_\_\_\_, day of, \_\_\_\_\_, \_\_\_\_\_

Notary Signature: \_\_\_\_\_ Affix Seal:

My Commission Expires: \_\_\_\_\_



## ATTACHMENT D

### ATTACHMENT D CONFLICT OF INTEREST AND SOLICITATION TRANSPARENCY DISCLOSURE FORM

This form must be signed and submitted to the City and all questions must be answered or your Proposal may be considered non-responsive.

1. Name of person submitting this disclosure form.

First	MI	Last	Suffix
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2. Contract Information

Solicitation # or Name:

3. Name of individual(s) or entity(ies) seeking a contract with the City (i.e. parties to the Contract)

--

4. List any individuals(s) or entity(ies) that are partners, parents, joint venturers, or subsidiaries of the individual or entity listed in Question 3. Please include all Board members, executive committee members and officers for each entry. If not applicable, indicate N/A.

--

5. List any individuals or entities that will be subcontractors on this contract or indicate N/A.

<input type="checkbox"/> Subcontractors may be retained, but not known as of the time of this submission. <input type="checkbox"/> List of subcontracts, including the name of the owner(s) and business name:
---

6. List any attorney, lobbyist, or consultant retained by any individuals listed in Questions 3, 4, or 5 to assist in the proposal or seeking the resulting contract. If none, indicate N/A.

--



## ATTACHMENT D

### 7. Disclosure of conflict of interest:

Are you aware of any fact(s) regarding this solicitation or resulting contract that would raise a “conflict of interest” issue under City Code Section 43-34?

“An elected City official or a City employee shall not represent any person or business for compensation before the City regarding any part of a procurement, including any resulting contract, if during the time the elected official is or was in office or the employee is or was employed by the City such elected official or employee played a material or significant role in the development of the solicitation, any other part of the procurement, or the contract award.”

- I am not aware of any conflict(s) of interest under City Code Section 43-34.
- I am aware of the following potential or actual conflict(s) of interest:

### Notice Regarding Prohibited Interest in Contracts

State law and the Phoenix City Charter and Code prohibit public officers or employees, their close relatives, and any businesses they, or their relatives, own from (1) representing before the City any person or business for compensation, (2) doing business with the City by any means other than through a formal procurement, and (3) doing business with the City without disclosing that the person has an interest in the contract. This prohibition extends to subcontracts on City contracts and applies to parent, subsidiary, or partner businesses owned by a public officer or employee. See Ariz. Rev. Stat. §§ 38-501 to 38-511, for more information (City Charter, Chapter 11, applies the state conflict-of-interest law to City employees).

Please note that any contract in place at the time a person becomes a public officer or employee may remain in effect. But the contract may not be amended, extended, modified, or changed in any manner during the officer’s or employee’s City service without following City administrative regulations.

Are you aware of any fact(s) regarding this contract that would raise a “conflict of interest” issue under Ariz. Rev. Stat. §§ 38-501 to 38-511? (See Ariz. Rev. Stat. regarding conflict of interest at [www.azleg.gov](http://www.azleg.gov)).

- I am not aware of any conflict(s) of interest under Ariz. Rev. Stat. §§ 38-501 to 38-511.
- I am aware of the following conflict(s) of interest:



**ATTACHMENT D**

**Acknowledgements**

**Solicitation Transparency Policy – No Contact with City Officials or Staff During Evaluation**

- I understand that a person or entity who seeks or applies for a City contract, or any other person acting on behalf of that person or entity, is prohibited from contacting City officials and employees regarding the contract after a solicitation has been posted.
- This “no-contact” provision only concludes when the contract is awarded at a City Council meeting. If contact is required with City official or employees, the contact will take place in accordance with procedures by the City. Violation of this prohibited contacts provision, set out in City Code **Sections 43-34 & 43-36**, by respondents, or their agents, will lead to **disqualification**.

**Fraud Prevention and Reporting Policy**

- I acknowledge that the City has a fraud prevention and reporting policy in Administrative Regulation 1.2, available on the [Phoenix.gov](http://Phoenix.gov) website. I will report fraud, suspicion of fraud, or any other inappropriate action to: telephone no. 602-261-8999 or 602-534-5500 (TDD); or [aud.integrity.line@phoenix.gov](mailto:aud.integrity.line@phoenix.gov).

The purpose of the fraud policy is to maintain the City's high ethical standards. The policy includes a way for our business partners to report wrongdoing or bad behavior. Suspected fraud should be reported immediately to the Phoenix Integrity Line. The City has adopted a zero-tolerance policy regarding fraud and will investigate any suspected or actual fraud.

**OATH**

I affirm that the statements contained in this form, including any attachments, to the best of my knowledge and belief are true, correct, and complete. Should any of the answers to the above questions change during the contract, particularly as it relates to any changes in ownership, applicant agrees to update this form with the new information within 30 days of such changes. Failure to do so may be deemed a breach of contract.

PRINT NAME

TITLE

SIGNATURE

DATE

COMPANY (CORPORATION, LLC, ETC.) NAME and DBA



## ATTACHMENT E - DEVELOPMENT DETAILS

### DEVELOPMENT DETAILS

**Name of Proposer:** \_\_\_\_\_

Each Proposer must complete and submit this form with its proposal.

- Gross Square Footage (SF): \_\_\_\_\_
- Commercial SF: \_\_\_\_\_
- Office SF: \_\_\_\_\_
- Residential SF: \_\_\_\_\_
- Other SF (list): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- Number of Residential Units: \_\_\_\_\_
  
- Number of Units by Market Type (include AMI level):
  - Affordable: \_\_\_\_\_
  - Workforce: \_\_\_\_\_
  - Market Rate: \_\_\_\_\_
  
- Number of Buildings: \_\_\_\_\_
- Building Height(s) (feet and stories): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- Estimated Number of Construction Jobs: \_\_\_\_\_
- Estimated Number of Permanent Jobs: \_\_\_\_\_
  
- Estimated Value of Project: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(LLC, Inc., Sole Proprietor)

\_\_\_\_\_  
Printed Name and Title  
(Member, Manager, President)



## EXHIBIT A - SITE MAP



### Parcels:

118-33-029; 118-33-030; 118-33-031; 118-33-032; 118-33-033; 118-33-034; 118-33-035; 118-33-036; 118-33-037; 118-33-057; 118-33-058; 118-33-059; 118-33-060; 118-33-061; 118-33-062; 118-33-063; 118-33-064; 118-33-065; 118-33-066; 118-33-067; 118-33-068

### Addresses:

25; 29; 33; 37; 45; 49; 51; 55 East Weldon Avenue  
26; 28; 32; 42; 46; 50; 52; 54; 64 East Columbus Avenue





# EXHIBIT B – QUARTER SECTION MAP





## EXHIBIT C – CURRENT HUD INCOME LIMITS

### 2023 Income Limits – Effective May 15, 2023

	<b>50% AMI</b>	<b>80% AMI</b>	<b>100% AMI</b>	<b>120% AMI</b>
1-Person	\$32,750	\$52,400	\$69,300	\$83,200
2-Persons	\$37,400	\$59,850	\$79,200	\$95,050
3-Persons	\$42,100	\$67,350	\$89,100	\$106,950
4-Persons	\$46,750	\$74,800	\$99,000	\$118,800
5-Persons	\$50,500	\$80,800	\$106,950	\$128,350
6-Persons	\$54,250	\$86,800	\$114,850	\$137,850
7-Persons	\$58,000	\$92,800	\$122,800	\$147,350
8-Persons	\$61,750	\$98,750	\$130,700	\$156,850

#### Source/Methodology:

The Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted housing programs including the Section 8 project-based and Section 8 Housing Choice Voucher programs. HUD develops income limits for 30%, 50%, and 80% AMI based on Median Family Income estimates and Fair Market Rent area definitions for each metropolitan area. 100% and 120% AMI income limits are extrapolated from these limits.





## EXHIBIT D – CURRENT PBV PAYMENT STANDARDS



City of Phoenix  
Housing Choice Voucher Program

### Housing Choice Voucher Program Payment Standards Effective January 1, 2023

0-Bedroom	\$1,613
1-Bedroom	\$1,760
2-Bedroom	\$2,088
3-Bedroom	\$2,863
4-Bedroom	\$3,259
5-Bedroom	\$3,748
6-Bedroom	\$4,237

The amounts listed above are the maximum subsidy amounts that can be paid on behalf of a family in the Housing Choice Voucher program by bedroom size. They are not maximum rental amounts.





## EXHIBIT E – WATER AND SEWER STIPULATIONS

Review provided by the Water Services Department

### Domestic Water Stipulations:

- Existing System  
*pressure zone 1*  
  
*6-inch DIP water main within Columbus Ave*  
*6-inch DIP water main within Weldon Ave*
- Main Extension and Upsizing Requirement  
None
- Connection Points and Water Taps  
*City mapping indicates no water taps/service connections to the site.*
- Easement Stipulation  
None
- Light Rail and CP Requirement  
None
- Other Stipulations  
Chapter Code 37-48 and 28-29(C) does not allow water or sewer services to cross through property lines.

### Fire Flow Stipulations:

- Please provide fire flow requirements for the development according to the City of Phoenix Building/Fire code with the pre-app/ preliminary site plan submittal.
- Fire flow Test Location  
When requesting a fire flow test, please request either the 6-inch Zone 1 main within Columbus Ave or Weldon Ave to be tested.
- Upsizing Requirement  
If fire flow cannot be met, upsizing or looping shall be required
- Maximum Fire Hydrant Spacing  
Fire hydrant spacing requirements apply to all new developments, including those that do not need to install new public water mains. The spacing and location of public fire hydrants shall meet the City's Fire Code requirements, or as approved by the Fire Department.



## EXHIBIT E – WATER AND SEWER STIPULATIONS

### Sewer Stipulations:

- Existing System  
*8-inch VCP sewer main within the alley between Columbus Ave and Weldon Ave  
12-inch VCP sewer main within an easement located on the west side of the project site. (Main is not accepted by the COP at this time. (Connection can be made after acceptance)*

- Main Extension and Upsizing Requirement  
*None*

*No development characteristics were provided; Sewer capacity review was based on a peak flow of 288,000 gpd (the equivalent of a 400-unit MFR community) and at that rate, there are no capacity issues at this time.*

*Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors.*

- Connection Points and Sewer Taps  
Connect to the 8-inch main within the alley bisecting the parcels, between manholes 16-28-104 and 16-28-146.  
Connect to the 12-inch main within the alley bisecting the parcels, between manholes 16-28-145 and 16-28-147.

21 sewer taps (one for each lot) off of the 8-inch VCP sewer main within the alley between Columbus Ave and Weldon Ave

Commercial projects require a minimum 6-inch sewer tap.

- Easement Stipulation  
A sewer main in an easement shall follow the Easement Requirements per WSD's Design Standards Manual (Pages 10-14). No permanent structures are allowed to be constructed within a water and/or sewer easement.
- Industrial Wastewater Pretreatment Requirement  
This facility may require an industrial waste water pretreatment device. Industrial wastewater pretreatment plan review for the following business can be conducted through the normal construction plan review and construction permit application process via the Planning and Development Department. Please contact Ruben Martinez in WSD at 602-495-0278.



## EXHIBIT E – WATER AND SEWER STIPULATIONS

- Other Stipulations

Chapter Code 37-48 and 28-29(C) does not allow water or sewer services to cross through property lines.

Indicate sewer connection location on site plan at preliminary submittal.

If any sewer main and taps abandonment are proposed for this development, please follow sewer abandonment requirements in the WSD Design Standards Manual Section III.F on page 19.

### **Miscellaneous Stipulations:**

- Repayment

None

- Re-Plat/Lot Combo

This site will require a re-plat or a lot combination(s). Chapter Code 37-48 and 28-29(C) does not allow water or sewer services to cross through property lines.

### **General Stipulations:**

Per City Code Chapter 37-33, all public streets bounding (along property frontage) and within a proposed development must have public water mains within them, if none exists, developer must install.

The information contained above is based on existing conditions and circumstances. Please be advised that available capacity is a dynamic condition that can change over time due to a variety of factors. For that reason, the City of Phoenix is only able to provide assurance of water and sewer capacity at the time of preliminary site plan approval and building permit approval. If you are in the City's service area, it is our intent to provide water and sewer service. However, the requirements for such water and sewer service are not determined until the time of application for site plan or building permit approval. These requirements will be based on the status of our water and sewer infrastructure at the time the application is submitted. For any given property, these requirements may vary over time to be less or more restrictive depending on the status of our infrastructure.



**EXHIBIT F – ZONING ORDINANCE G-6627 FOR REZONING  
CASE NO. Z-38-19-4**

- SEE FOLLOWING PAGES -

ORDINANCE G-6627

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-38-19-4) FROM R-4 TOD-1 (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND R-5 TOD-1 (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:7 MT (WALKABLE URBAN CODE, TRANSECT 5:7 DISTRICT, TRANSIT MIDTOWN CHARACTER AREA).

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. The zoning of a 3.93 acre site located approximately 280 feet east of the northeast corner of Central Avenue and Columbus Avenue in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 2.10 acres of "R-4 TOD-1" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One) and 1.83 acres of "R-5 RI" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One) to 3.93 acres of "WU Code T5:7 MT" (Walkable Urban Code, Transect 5:7 District, Transit Midtown Character Area).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. A minimum 10-foot wide open space area shall be provided along the western property line, as approved by the Planning and Development Department.
2. The development shall provide a shaded pedestrian accessway through the center of the site from east to west connecting to the open space area along the western property line, as approved by Planning and Development Department.
3. The development shall provide a minimum of one shaded pedestrian accessway across the site from north to south, as approved by the Planning and Development Department. This shall be separate and distinct from any pedestrian accessway located in the open space area in Stipulation No. 1.
4. Bicycle parking shall be provided as follows:
  - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d. of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
5. The developer shall record a Notice to Prospective Purchasers of proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.

- 6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- 7. The site plan and elevations shall be reviewed by the Encanto Village Planning Committee for review and comment prior to preliminary site plan approval once a successful proposer is selected as part of the Request for Proposals.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of October 2019.

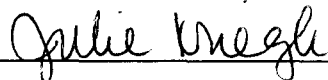
  
MAYOR

ATTEST:

  
City Clerk



APPROVED AS TO FORM:

  
Acting City Attorney pm

REVIEWED BY:

  
City Manager

PL:tml:LF19-2414:10/2/19:2142573v1

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)



EXHIBIT A

LEGAL DESCRIPTION FOR Z-38-19-4

Within a portion of Section 29, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

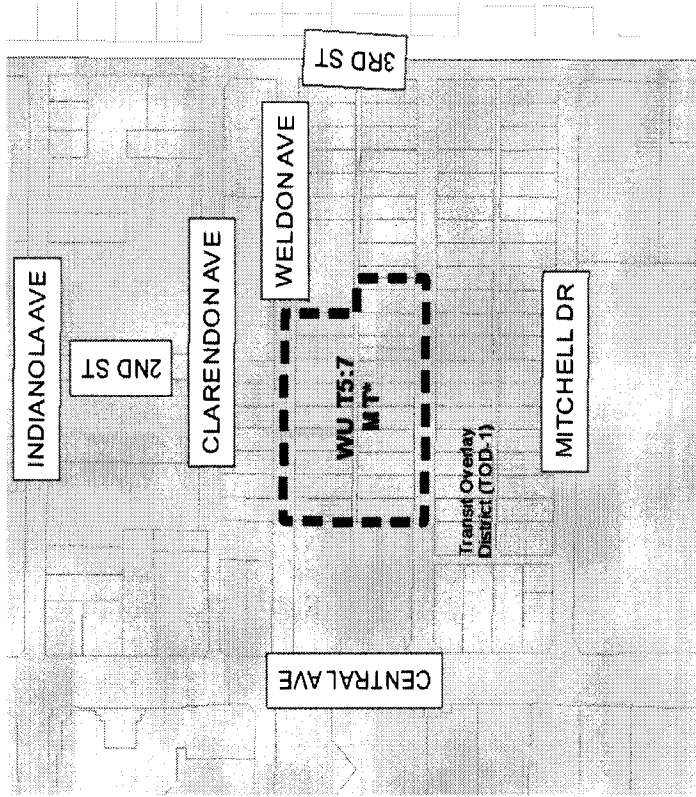
Lots 6 through 14, 34 through 34, and the West half of Lot 33, Bella Vista Place, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 6, page 38.

Composed of the following APNs: 118-33-029, -030, -031, -032, -033, -034, -035, -036, -037, -057, -058, -059, -060, -061, -062, -063, -064, -065, -066, -067, -068

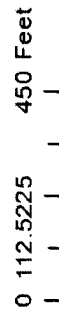
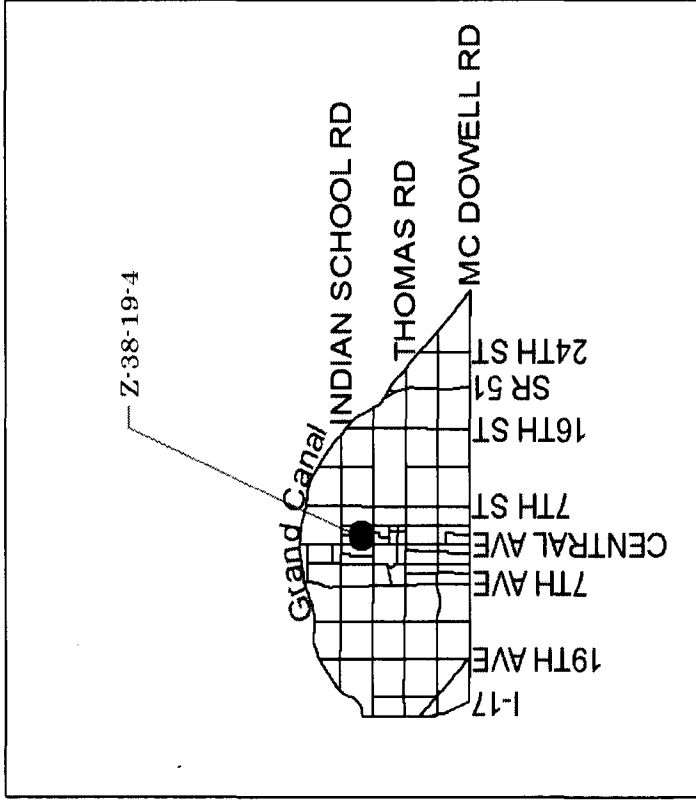
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -



Zoning Case Number: Z-38-19-4  
Zoning Overlay: Transit Overlay District (TOD-1)  
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 8/30/2019

R:\S\_Team\Core\_Functions\Zoning\Supplmaps\_Orch\aps2019\_Ord\10-2-2019\Z-38-19-4.mxd