

MEMORANDUM

Date: February 6, 2024

To: The Honorable Chair and Members

Pima County Board of Supervisors

From: Jan Lesher

County Administrator

Re: Affordable Housing Contracts to be Discussed at the Board of Supervisors Meeting on

February 20, 2024

On June 20, 2023, following a competitive Request for Proposals (RFP) process, the Board of Supervisors awarded a total of \$2.65 million in gap funding to Southwest Nonprofit Housing Corporation and Family Housing Resources to ensure development of two projects, which will provide 203 affordable housing units.

Following that award at the direction of the Board of Supervisors, and in consultation with the Regional Affordable Housing Commission, Community & Workforce Development (CWD) staff administered a second RFP. Funding in the amount of \$6.875 million was earmarked for additional gap funding in three categories: new development – rental (\$4.5 million); new development – homeownership (\$1 million); and preservation/rehabilitation (\$1.375 million). A panel of individuals that included a non-conflicted member of the Commission, scored all the proposals and made recommendations for award and these were presented to the Commission for feedback. Staff funding recommendations are scheduled for the Board of Supervisors action at its February 20, 2024 meeting, along with an appeal submitted by one of the proposers not recommended for award.

The attached memorandum by CWD Director Dan Sullivan details the most recent process in its entirety, and provides details regarding the staff recommendation to award funding to 8 projects resulting in an additional 835 affordable housing units. Additional information is included regarding the appeal that will be heard by the Board of Supervisors at that same meeting are included in that attachment.

In total for FY 22/23 and 23/24, Pima County is poised to invest \$9.5 million to provide 1,038 affordable-housing units in this community.

JKL/dym

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
 Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
 Steve Holmes, Deputy County Administrator
 Dan Sullivan, Director, Community & Workforce Development



To:

Date: February 6, 2024

From: Dan Sullivan

Community & Workforce
Development Director

County Administrator

Jan Lesher

Francisco García, MD, MPH
Deputy County Administrator
and Chief Medical Officer

Re: FY23/24 Pima County Gap Funding for Affordable Housing Development and Preservation

Background

As part of the fiscal year (FY) 2022-23 and 2023-24 budgets, the Board of Supervisors allocated a total of \$10 million toward increasing affordable housing in Pima County. The Regional Affordable Housing Commission is charged with making recommendations regarding the use of this funding. Among the Commission's recommendations has been providing gap funding for affordable housing projects. In 2023, following a competitive Request for Proposals (RFP) process, the Commission recommended, and the Board of Supervisors approved, awards totaling \$2,625,000 to fund two projects:

- Southwest Nonprofit Housing Corporation Rio Mercado \$2,125,000
- Family Housing Resources Talavera Apartments \$500,000

Current Gap Funding RFP

Following the first round of awards, staff immediately began developing a second RFP to fund additional projects with the remaining funding. At their <u>September 15, 2023</u> meeting, the Commission endorsed the RFP timeline, application, and the \$6,875,000.00 gap funding allocation. The Commission further provided direction that limited projects to \$1 million in requested funds and divided the \$6.8 million into three separate categories: new development - rental (\$4.5 million), new development - homeownership (\$1 million), and existing projects (preservation, rehabilitation, acquisition, and/or adaptive re-use) (\$1.375 million). The Commission selected a non-conflicted commissioner, Tom Litwicki, to participate in the evaluation of proposals as their representative during the November special meeting.

In total, CWD received 21 responses to the second RFP, representing 1,042 units of affordable housing across Pima County in the amount of \$15,645,977.22. The evaluation panel reviewed applications over the course of three weeks and met on December 7 to review cumulative scores and determine recommendations. After consensus was reached, the evaluation panel determined that there was no need to request best and final offers (BAFO) from the requesters. The panel made the award recommendations adhering to Commission parameters and application instructions, recommending awarding the entirety of categorical allocation and the maximum amount to award for each project.

Jan Lesher, County Administrator

Re: FY23/24 Pima County Gap Funding for Affordable Housing Development and Preservation

February 6, 2024

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On <u>December 15, 2023</u>, staff presented the evaluation panel recommendations to the Commission, however due to conflicts of interest were unable to hold the quorum to conduct business for the item. After consultation with County Administration, and as to not hinder applicant from advancing to secure Arizona Department of Housing (ADOH) grants for their recently released Low-Income Housing Tax Credit (LIHTC) and other grants for affordable housing, the notice of recommendation to award was published, and commissioners were invited to provide comments that would then be compiled for this memo.

The public notice recommending the projects listed below was released January 2, with the 15-day protest period closing January 16 at noon. The following projects were recommended for funding:

- West Point Apartments II, La Frontera Partners Inc., \$1 million
- Belvedere Terrace, LP, Newport SW LLC., \$1 million
- Desert Dove Apartments, GHK Properties, LLC, \$1 million
- The Safford, Marana Leased Housing Associates, LLLP, Dominium, \$1 million
- Mars Landing Development, Habitat for Humanity, \$1 million
- Tucson House, City of Tucson, \$1 million
- Emery Park Place, Family Housing Resources and Southern Arizona Land Trust, Inc. \$500,000
- El Camino Affordable Housing, Casa Maria and Compass Affordable Housing, \$375,000

Protests and Appeal

CWD received 2 protests: Pima County Community Land Trust requested reconsideration to award the entire amount of \$1 million to one project, and Southwest Nonprofit Housing Corporation (SWNPH) requested a re-evaluation of scores stating evaluators either "misunderstood the material submitted or did not review in detail all information." In order to provide an additional layer of independence and consistent with the first RFP process, I designated Heath Vescovi-Chiordi, Director of Economic Development, to review the protests and render a decision. Director Vescovi-Chiordi determined that CWD conducted the solicitation and review in a fair manner and adhered to the prescribed process included in the application, noting that, in submitting a proposal, SWNPH accepted that the evaluation process would involve subjective judgments. Director Vescovi -Chiordi therefore concluded that there was no basis to disturb the recommendation. (A copy of Director Vescovi-Chiordi's protest decision is attached.)

In accordance with Pima County Procurement Code, Section 11.20.010.H, protestors could then appeal to the Board of Supervisors via the Clerk of the Board not later than January 29 at the close of business. The Clerk received one appeal on January 29 from Southwest Nonprofit Housing Corporation, again asking that the Board reconsider the recommendations. (A copy of the appeal is attached.) The appeal will be placed as a separate agenda item on the February 20, 2024 Board of Supervisors meeting.

The appeal challenges scores provided by some of the raters as to various criteria in the proposal,

Jan Lesher, County Administrator

Re: FY23/24 Pima County Gap Funding for Affordable Housing Development and Preservation

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generally arguing that, where there were substantial deviations between raters, the lower-scoring raters should have scored that criteria higher. As SWNPH recognizes in its appeal letter, however, scoring deviations among panelists are to be expected, and as Director Vescovi-Chiordi found, there is no basis to disturb the subjective judgments of the raters. Significant variation between raters appears across projects, with deviations of as many as 30 points or more on some criteria for some projects, as depicted on the scorecard attached to SWNPH's appeal. Some of these deviations between individual raters for other projects exceed the deviations noted in SWNPH's appeal. Staff believes that adjusting upward all the lowest scores only for SWNPH would be inconsistent with a fair and equitable process.

SWNPH also notes that it did not have access to the other proposers' submission packages. The RFP clearly states that submission packages, except for the executive summaries, would not be released until contract execution.

Staff Recommendation

Staff recommends approval to award the entirety of gap funds available to the eight highest scoring proposals within each category for a total of \$6.875 million, representing 835 affordable housing units, and ensuring affordability over the next three decades. If approved, the County will have invested \$9.5 million over two fiscal years for 1,038 units of affordable housing with an additional leverage of \$6.5 million awarded to projects in the recent Arizona Department of Housing State Trust Fund.

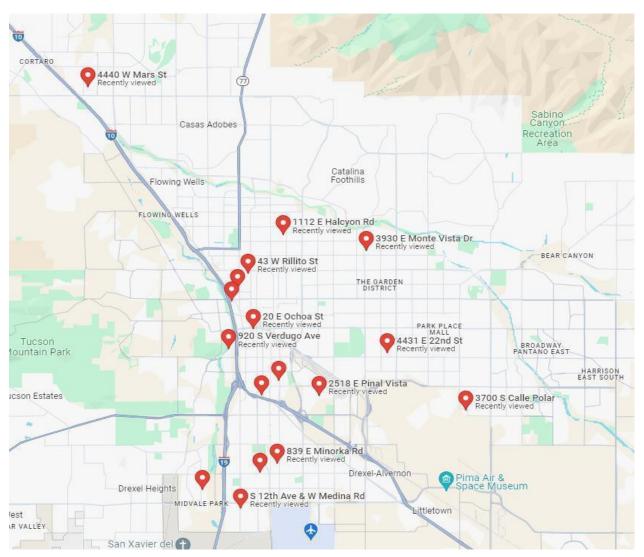
Affordable Housing Gap Funding Proposals Proposal Review | Evaluation Summary



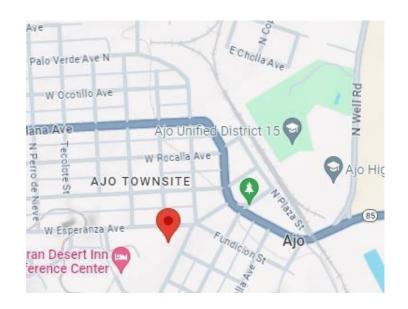
Project Name	Project Developer	Туре	BOS	# of Units	Amount Requested	Time to Occupancy
Barrio Anita Casitas	Pima County Community Land Trust	New Development - Home Ownership	District 5	8	\$ 234,316.00	Mar, 2025
Barrio Kroeger Lane Infill	Pima County Community Land Trust	New Development - Home Ownership	District 5	2	\$ 342,433.00	Feb, 2025
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	New Development - Rental	District 2	72	\$ 1,000,000.00	Oct, 2025
Casitas Tucson West	Marbury Holding Inc.	New Development - Rental	District 5	4	\$ 464,000.00	Oct, 2024
Construct 4 Accessible Units on Vacant Land - Parcel 110-06-098A	Lakia Lewis 39 Vista LLC	New Development - Rental	District 3	4	\$ 1,000,000.00	Oct, 2024
Curley School Artisan Apartments	The International Sonoran Desert Alliance	Existing Project - Preservation	District 3	30	\$ 250,000.00	Oct, 2024
Demo Existing 4-Unit, Construct New Accessible 4-Unit Building	39 Vista LLC	New Development - Rental	District 3	4	\$ 1,000,000.00	Oct, 2024
Desert Dove Apartments	GHK Properties LLC	New Development - Rental	District 5	63	\$ 1,000,000.00	Dec, 2025
El Camino Affordable Housing	Casa Maria	Existing Project - Adaptive Re-Use, Rehabilitation	District 2	19	\$ 1,000,000.00	Jan, 2025
Emery Park Place	Family Housing Resources & Southern Arizona Land Trust Inc.	New Development - Rental	District 5	8	\$ 750,000.00	Mar, 2025
Esperanza En Escalante	Esperanza Rehabilitation 2024	Existing Project - Rehabilitation	District 2	24	\$ 228,826.22	April, 2024
Mars Landing Development	Habitat for Humanity	New Development - Home Ownership	District 3	30	\$1,000,000.00	June, 2027
Mountain View Development	Habitat for Humanity	New Development - Home Ownership	District 3	24	\$1,000,000.00	June, 2026
Pinal Vista Place	Family Housing Resources & Southern Arizona Land Trust Inc.	New Development - Home Ownership	District 2	6	\$ 600,000.00	July, 2025
Pu'uhonua O Bronx Park Hale	SFFlat, LLC	New Development - Rental	District 5	4	\$ 240,000.00	June, 2024
Renovate Existing 4-Unit	39 Vista LLC	Existing Project - Rehabilitation	District 3	4	\$ 536,402.00	Oct, 2024
Rincon Manor	Spire Development, Inc.	New Development - Rental	District 5	80	\$ 1,000,000.00	June, 2025
Rio Azul Apartments	Rio Azul Partners, LLC / Southwest Nonprofit Housing Corporation	New Development - Rental	District 2	13	\$ 1,000,000.00	Jan, 2025
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	New Development - Rental	District 3	200	\$ 1,000,000.00	Sept, 2025
Tucson House	City of Tucson	Existing Project - Rehabilitation	District 5	358	\$ 1,000,000.00	Oct, 2026
West Point Apartments II	La Frontera Partners, Inc.	New Development - Rental	District 2	85	\$ 1,000,000.00	Oct, 2026



Project Locations







Affordable Housing Gap Funding Proposals Evaluation Panel | Score & Rank



Project Name	Type - New Development - Rental	Score	Rank
West Point Apartments II	La Frontera Partners, Inc.	825	1
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	808	2
Desert Dove Apartments	GHK Properties LLC	789	3
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	763	4
Emery Park Place	Family Housing Resources & Southern Arizona Land Trust Inc.	754	5
Rio Azul Apartments	Rio Azul Partners, LLC / Southwest Nonprofit Housing Corporation	731	6
Rincon Manor	Spire Development, Inc.	671	7
Pu'uhonua O Bronx Park Hale	SFFlat, LLC	634	8
Casitas Tucson West	Marbury Holding Inc.	581	9
Construct 4 Accessible Units on Vacant Land - Parcel 110-06-098A	Lakia Lewis 39 Vista LLC	406	10
Demo Existing 4-Unit, Construct New Accessible 4-Unit Building	39 Vista LLC	377	11
Project Name	Type - New Development - Homeownership	Score	Rank
Mars Landing Development	Habitat for Humanity	805	1
Barrio Anita Casitas	Pima County Community Land Trust	796	2
Barrio Kroeger Lane Infill	Pima County Community Land Trust	792	3
Mountain View Development	Habitat for Humanity	770	4
Pinal Vista Place	Family Housing Resources & Southern Arizona Land Trust Inc.	747	5
Project Name	Type - Existing (Adaptive Re-Use, Rehab, Renovation)	Score	Rank
Tucson House	City of Tucson	863	1
El Camino Affordable Housing	Casa Maria	754	2
Curley School Artisan Apartments	The International Sonoran Desert Alliance	664	3
Esperanza En Escalante	Esperanza Rehabilitation 2024	658	4
Renovate Existing 4-Unit	39 Vista LLC	382	5

Affordable Housing Gap Funding

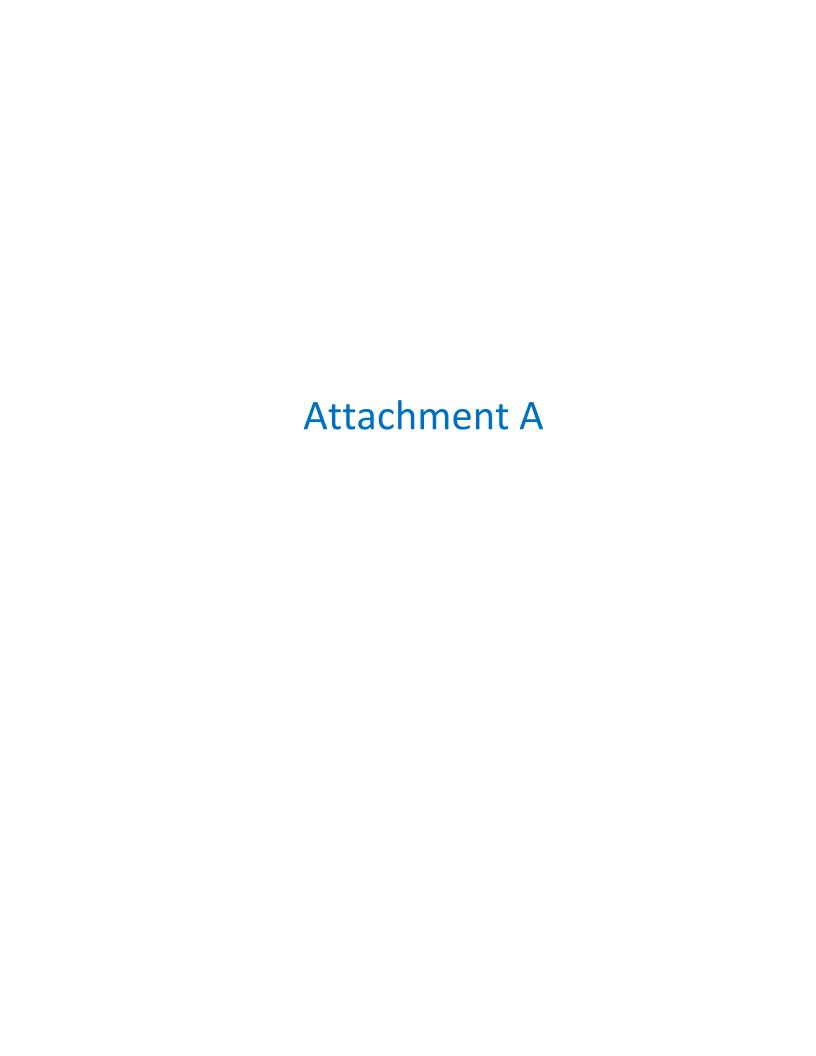




Project Name	Developer/Partner	Score	Rank	Amount Requested	# Units	Time to Occupancy
West Point Apartments II	La Frontera Partners, Inc.	825	1	\$ 1,000,000.00	85	Oct, 2026
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	808	2	\$ 1,000,000.00	72	Oct, 2025
Desert Dove Apartments	GHK Properties LLC	789	3	\$ 1,000,000.00	63	Dec, 2025
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	763	4	\$ 1,000,000.00	200	Sept, 2025
Mars Landing Development	Habitat for Humanity	805	1	\$ 1,000,000.00	30	June, 2027
Tucson House	City of Tucson	863	1	\$ 1,000,000.00	358	Oct, 2026
				\$ 6,000,000.00	808	

Project Name	Developer/Partner	Score	Rank	Amount Requested	Proposed Amount	# Units	Time to Occupancy
	Family Housing Resources & Southern Arizona Land						
Emery Park Place	Trust Inc.	754	5	\$ 750,000.00	\$ 500,000.00	8	Mar, 2025
El Camino Affordable Housing	Casa Maria	754	2	\$ 1,000,000.00	\$ 375,000.00	19	Jan, 2025
					\$ 875,000.00	27	

	Amount	# Units
	\$ 6,000,000.00	808
	\$ 875,000.00	27
Total Award	\$ 6,875,000.00	835



Southwest Nonprofit Housing Corporation 2455 E. Speedway Blvd., Suite 101 Tucson, Arizona 85719 (520) 326-4858 Greg@SWNPH.org

January 15, 2024

Cassie Lundin Community & Workforce Development 2797 E Ajo Way Tucson, AZ 85713

Via email Cassie.Lundin@pima.gov

Re:

Affordable Housing GAP Funding RFP, released on September 29, 2023

#CWD-AHF-RFP

Protest - Evaluation and Award

Rio Azul Partners, LLC/Southwest Nonprofit Housing Corporation

Dear Ms. Lundin,

We are writing on behalf of Rio Azul Partners, LLC and Southwest NonProfit Housing Corporation to protest the scores received, and ultimately the Evaluation and Award, from the Evaluation Panel for the above referenced Affordable Housing GAP Funding for "Affordable Housing Development and Preservation Fiscal Year 2023-2024" that closed on October 31, 2023.

Upon being advised of the determination, we promptly requested the other applicant's submittals in order to provide a complete protest, but the request for documents was refused.

Accordingly, we promptly made a "public records request" for the other applications and are awaiting production of the documents.

As such, we reserve the right to supplement this protest based upon the receipt of the requested applications, but at this time we must necessarily limit this protest as to the scoring of our application by the Evaluation Panel until we have the requested additional information.

We will address our protest by Section.

Section One: Applicant's Mission, Experience and Executive Summary (25 total points are available per Evaluator.)



Evaluator #5 provided Rio Azul Partners, LLC with a score of 16 points out of a possible 25 points.

Evaluator #5 granted a score of the full 25 points to the other applicants that received recommendations for awards.

All other Evaluators provided a score of the full 25 points to Rio Azul Partners, LLC.

The 9-point difference appears to be in error.

Section 1.1: All portions of this section were met and submitted. A total of 5 points should have been awarded.

Section 1.2: Key Project Personnel were listed, and their experience provided. A total of 5 points should have been awarded.

Section 1.3: Applicant's Mission and Experience were provided. The history of the applicant's successful projects should have awarded the applicant the full 5 points.

Section 1.4: Executive Summary was submitted and complied with the requirements of the Proposal. The full 5 points should have been awarded. Section 1.5: Authorization to Sign. The applicant provided the authorized signature and the documentation to show that the signer was authorized to sign.

A total of 25 points should have been awarded to Rio Azul Partners, LLC by each Evaluator for this section.

Section Two: Project Description (50 total points are available per Evaluator.)

The protest applicant has no objections as to the scoring of this Section.

Section Three: Project Costs (50 total points are available per Evaluator.)

Evaluator #5 provided Rio Azul Partners, LLC with a score of 27 points out of a possible 50 points.

Evaluator #1 provided Rio Azul Partners, LLC with a score of 36 points out of a possible 50 points.

Evaluator #4 provided Rio Azul Partners, LLC with a score of 39 points out of a possible 50 points.

Evaluator #2 provided Rio Azul Partners, LLC with a score of 45 points out of a possible 50 points.

Evaluator #3 provided Rio Azul Partners, LLC with a score of 45 points out of a possible 50 points.



The 33-point difference appears to be in error.

Section 3.1: The funding ratio fell into the 4:1-7:1 category and 5 points should have been awarded to Rio Azul Partners, LLC.

Section 3.2: The Finance Funding Sources chart was completed, and the supporting documentation provided. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 3.3: The Project Total Anticipated Costs (Budget) was completed and submitted. 10 points should have been awarded to Rio Azul Partners, LLC. Section 3.4: The Procurement Process was addressed, and the history and experience of the applicant proves that the applicant is able and willing to complete

experience of the applicant proves that the applicant is able and willing to comply with the purpose of the funds being provided. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 3.5: The Project Total Anticipated Costs (Budget) clearly shows that the GAP funds are to be used for eligible costs. The applicant did not provide documentation of cash flow as all funds will be requested on a reimbursement basis only. The managing member of Rio Azul Partners, LLC, Southwest Nonprofit Housing Corporation, will provide additional funding, if necessary, to insure financial feasibility. 10 points should have been awarded to Rio Azul Partners, LLC for this section.

The applicant believes the score should have been 45 points awarded by each Evaluator to Rio Azul Partners, LLC for this section.

Section Four: Addressing Poverty, Community Benefit, and Population (50 total points are available per Evaluator.)

Evaluators #1, #2 and #5 scored the applicant poorly in this section.

Evaluator #1 provided Rio Azul Partners, LLC with a score of 23 points out of a possible 50 points.

Evaluator #2 provided Rio Azul Partners, LLC with a score of 28 points out of a possible 50 points.

Evaluator #5 provided Rio Azul Partners, LLC with a score of 35 points out of a possible 50 points.

Evaluators #3 provided Rio Azul Partners, LLC with a score of 50 points out of a possible 50 points.

Evaluators #4 provided Rio Azul Partners, LLC with a score of 50 points out of a possible 50 points.

The 64-point difference appears to be in error.

Section 4.1: The applicant's submitted narrative for this section clearly points out the location's accessibility to employment, transportation, and services together with the ability to provide services to the tenant. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 4.2: Letters of support from members of the City Council, i.e., Brent Davis, former City of Tucson Council Member, Richard Fimbres, City of Tucson Councilman, and Paul Cunningham, City of Tucson Councilman, the Pasqua Yaqui Tribe Housing Division, Mark Clark, CEO of PIMA Council on Aging, and Marcia Lopez, Community Manager, were submitted. 15 points should have been awarded to Rio Azul Partners, LLC.

Section 4.3: A list of Community Services and Amenities was submitted. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 4.4: In addition to its narrative, the applicant provided a letter of Endorsement from The Cornerstone Building Foundation Charities, Rio Azul Partners, LLC will provide a scholarship to the children or grandchildren of the tenants. 10 points should have been awarded to Rio Azul Partners, LLC. Section 4.5: The applicant provided evidence of the energy efficiency of the project. 5 points should have been awarded to Rio Azul Partners, LLC.

The protest applicant believes the score should have been 50 points awarded by each Evaluator to Rio Azul Partners, LLC for this section.

A review and reconsideration of the points awarded by Evaluator #5 as to Section One, Applicant's Mission, Experience and Executive Summary should be made.

Evaluator #5 appears to have misunderstood the material submitted or did not review in detail all the information.

A review and reconsideration of the points awarded by Evaluator #5, Evaluator #1, and Evaluator #4 as to Section Three, Project Costs should be made.

Evaluators #5, #1, and #4 appear to have misunderstood the material submitted or did not review in detail all the information.

A review and reconsideration of the points awarded by Evaluator #1, Evaluator #2, and Evaluator #5 as to Section Four, Addressing Poverty, Community Benefit, and Population should be made.

Evaluators #1, #2, and #5 appear to have misunderstood the material submitted or did not review in detail all the information. submitted with the Application.

Had the application and materials submitted by Rio Azul Partners, LLC been evaluated as indicated above, this applicant would have received a higher score entitling the applicant to an award of the Gap Funding. Rio Azul's analysis of the points earned yields a total score of 837, which would have resulted in the award of the GAP Funding

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to Rio Azul Partners, LLC/Southwest NonProfit Housing Corporation based upon the criteria provided in the RFP.

It is important to be aware that the protest applicant could have provided a more complete analysis of all submissions if Rio Azul Partners, LLC had access to the actual proposals submitted, which were requested, and subsequently, were the subject of a public records request. However, despite promptly making such public records request, the time period for protest preceded the receipt of any such documentation necessary to address the other applicant's proposals. Accordingly, we reserve the right to supplement this protest after receipt and a sufficient time to review and analyze the other applications and the scoring made.

Respectfully submitted,

Rio Azul Partners, LLC, an Arizona

Limited Liability Company

By: Southwest Nonprofit Housing Corporation, an Arizona corporation, its managing member

By: Gregory Moore, President

Attachment B



MEMORANDUM

Date: January 22, 2024

Org: Southwest Nonprofit Housing Corporation (SWNPH)

Attn: Gregory Moore, President

Email: Greg@SWNPH.org

Re: Protest of Recommendation of Award for RFP CWD-AHF-RFP-02-2023

Dear President Moore,

Pima County Community and Workforce Development (CWD) did receive your timely protest of the recommended award under the above-mentioned solicitation. CWD Director Daniel Sullivan, as well as Deputy Director for Housing and Community Resources Jenifer Darlan, requested that I review the protest letter from SWNPH dated January 15, 2024.

In your protest letter and as a result of your self-review, it states that evaluators either "appear to have misunderstood the material submitted..." or "...did not review in detail all the information submitted with the Application."

Upon my review of the RFP, specifically the section "Acceptance of Evaluation Methodology", it clearly states that through submittal of a response to the RFP, the "...Proposer acknowledges and accepts the evaluation process, the established criteria and associated point values, and that determinations of the 'qualified' proposer(s) will require subjective judgments by County." By having submitted to the RFP, you accepted the process, including the subjective nature of the criteria evaluation and subsequent point assignments.

After this review, I have concluded that CWD has conducted the solicitation and review process in a fair manner and adhered to the prescribed processes included in the issuance of the RFP, the review of your response to the RFP, and the scoring of your proposal to the RFP, and that there is no basis to disturb the recommendation of the scoring panel.

As a reminder, Protests to this decision must be in accordance with Pima County Procurement Code, Section 11.20.010.H.

Professionally,

Heath S. Vescovi-Chiordi

Director, Pima County Economic Development

CC:

Daniel Sullivan, Director, Pima County Community and Workforce Development Jenifer Darland, Deputy Director for Housing and Community Development

Attachment C

Southwest Nonprofit Housing Corporation 2455 E. Speedway Blvd., Suite 101 Tucson, Arizona 85719 (520) 326-4858 Greg@SWNPH.org

January 29, 2024

Honorable Chair and Members Pima County Board of Supervisors 33 N. Stone Ave., Suite 1100 Tucson, AZ 85701 Via email COB_Mail@pima.gov

Re: Affordable Housing GAP Funding RFP, released on September 29, 2023

#CWD-AHF-RFP

Protest - Evaluation and Award

Rio Azul Partners, LLC/Southwest Nonprofit Housing Corporation

Dear Chair Grijalva and Members of the Board:

Please accept this correspondence as a formal protest on behalf of Rio Azul Partners, LLC, and Southwest Nonprofit Housing Corporation in accordance with Pima County Procurement Code, Section 11, 20.010.11. We protest the scores received, and ultimately the Evaluation and Award, from the Evaluation Panel for the above referenced Affordable Housing GAP Funding for "Affordable Housing Development and Preservation Fiscal Year 2023-2024" that closed on October 31, 2023, for RFP CWD-AHF-RFP-02-2023 (the "RFP").

We are aware that in the fall of 2023 the Pima County Board of Supervisors considered adding an additional \$2.2 million to Affordable Housing GAP Funding programs. The housing projects for which applications were recently submitted for the RFP appear to all be good projects and are much needed in our community to ease the current and future affordable housing crisis. The Board may want to reconsider additional funding as the increased funding would allow more of these much-needed projects to be built quickly in our community. However, this protest addresses the fact that, with the limited funding available, our project should have been a successful bidder based upon the established criteria.

It should be noted that a quorum of non-conflicted members of the Pima County Regional Affordable Housing Commission could not be obtained in order to make a recommendation to the Board of Supervisors with regard to this RFP. Consequently, the GAP Funding award was not based upon the Pima County Regional Affordable Housing Commission's recommendation. It would seem that, as there is too much conflict of

interest within the Housing Commission, an alternate recommendation source or process should be considered with regard to this RFP and others in the future.

Upon being advised of the RFP determination that our project narrowly missed out on being selected for a GAP Funding Award, we promptly requested the other applicant's submittals to the Housing and Community Development in order to provide a complete protest. Said request for documents was refused. Accordingly, we promptly made a "public records request" for the other applications in order to be able to understand more fully some of the scoring by the Evaluators. The public records request has also been refused, (see bolded type, paragraph 2 of the attached email from Public Records dated 1-22-2024). As a result, we have been refused the opportunity to verify the Evaluators scoring of proposals, but even an evaluation of the scoring of just our RFP proposal indicates drastic inaccuracies in scoring that should have resulted in The Rio Azul Apartments project being selected based upon the identified criteria.

Rio Azul Partners, LLC proposed to construct The Rio Azul Apartments, which would be completed within the year 2024 in order to promptly provide affordable housing. The project is a 13-unit apartment complex, single story, all one-bedroom units with walled back yards. All units will have washer and dryer hook-ups and adequate storage on the patio. This small apartment community is located within the City of Tucson's Community Revitalization Area as identified in the City of Tucson "Housing Affordability Strategy for Tucson (HAST)." Rio Azul Apartments will provide affordable housing and be age restricted to 62 years of age and older "elderly housing". There will be no support services provided or offered to residents through any federal or non-federal program.

The project is located in a qualified census tract. All of the major services are located within one mile of the site. The Rio Azul project is approximately 300 feet west of South Park Ave on Minorka Road. South Park Ave has bus service by Sun Tran Route 25 daily with hourly stops on South Park Ave adjacent to the project. The project will incorporate a HERS rating of 55 or better and will be highly energy efficient primarily due to the large solar electric generating facility located on the roof. As addressed in our RFP response, the design of the structure will be complimentary to the surrounding environment, both currently built and natural.

While differences between Evaluator's scores are expected during the evaluation process, the substantial differences (greater than 30%) between the Evaluators is not. Rather, such significant deviations, even as to matters of relatively straight forward factual matter, indicates inconsistency in the process that we ask to be addressed by the Board of Supervisors.

A copy of the Affordable Housing Gap Funding Proposals Evaluation Panel Scorecard is attached. Having access to copies of the submitted applications, which were informally and formally requested and refused, would allow us to determine why such drastic scoring differences occurred. The refusal to provide such information necessarily limits our full ability to protest this award. As such, we reserve the right to supplement this protest based upon the receipt of the requested applications. At this time, we must

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limit this protest as to the scoring of our application by the Evaluation Panel until we have the requested additional information.

We would request that a formal opinion as to this procurement policy be provided from Chief Civil Deputy County Attorney Sam Brown.

We will address our protest by Section.

Section One: Applicant's Mission, Experience and Executive Summary (25 total points are available per Evaluator.)

Evaluator #5 provided Rio Azul Partners, LLC with a score of 16 points out of a possible 25 points.

Evaluator #5 granted a score of the full 25 points to the other applicants that received recommendations for awards.

All other Evaluators provided a score of the full 25 points to Rio Azul Partners, LLC.

The 9-point difference, due to the score awarded by Evaluator 5, appears to be in error. The other four Evaluators each awarded the full 25 points to the protest applicant.

Evaluator 5 awarded 36% less points than each of the other Evaluators for this protest applicant.

Section 1.1: All portions of this section were met and submitted. A total of 5 points should have been awarded.

Section 1.2: Key Project Personnel were listed, and their experience provided. A total of 5 points should have been awarded.

Section 1.3: Applicant's Mission and Experience were provided. The history of the applicant's successful projects should have awarded the applicant the full 5 points.

Section 1.4: Executive Summary was submitted and complied with the requirements of the Proposal. The full 5 points should have been awarded. Section 1.5: Authorization to Sign. The applicant provided the authorized signature and the documentation to show that the signer was authorized to sign.

A total of 25 points should have been awarded to Rio Azul Partners, LLC by each Evaluator for this section.

Section Two: Project Description (50 total points are available per Evaluator.)

The protest applicant has no objections as to the scoring of this Section.

Section Three: Project Costs (50 total points are available per Evaluator.)

Evaluator #5 provided Rio Azul Partners, LLC with a score of 27 points out of a possible 50 points.

Evaluator #1 provided Rio Azul Partners, LLC with a score of 36 points out of a possible 50 points.

Evaluator #4 provided Rio Azul Partners, LLC with a score of 39 points out of a possible 50 points.

Evaluator #2 provided Rio Azul Partners, LLC with a score of 45 points out of a possible 50 points.

Evaluator #3 provided Rio Azul Partners, LLC with a score of 45 points out of a possible 50 points.

The 33-point difference appears to be in error.

Evaluator 5 awarded 46% less points than the total points available.

Section 3.1: The funding ratio fell into the 4:1-7:1 category and 5 points should have been awarded to Rio Azul Partners, LLC.

Section 3.2: The Finance Funding Sources chart was completed, and the supporting documentation provided. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 3.3: The Project Total Anticipated Costs (Budget) was completed and submitted. 10 points should have been awarded to Rio Azul Partners, LLC. Section 3.4: The Procurement Process was addressed, and the history and experience of the applicant proves that the applicant is able and willing to comply with the purpose of the funds being provided. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 3.5: The Project Total Anticipated Costs (Budget) clearly shows that the GAP funds are to be used for eligible costs. The applicant did not provide documentation of cash flow as all funds will be requested on a reimbursement basis only. The managing member of Rio Azul Partners, LLC, Southwest Nonprofit Housing Corporation, will provide additional funding, if necessary, to insure financial feasibility. 10 points should have been awarded to Rio Azul Partners, LLC for this section.

The applicant believes the score should have been 45 points awarded by each Evaluator to Rio Azul Partners, LLC for this section.

Section Four: Addressing Poverty, Community Benefit, and Population (50 total points are available per Evaluator.)

Evaluators #1, #2 and #5 scored the applicant poorly in this section.

Evaluator #1 provided Rio Azul Partners, LLC with a score of 23 points out of a possible 50 points.

Evaluator #2 provided Rio Azul Partners, LLC with a score of 28 points out of a possible 50 points.

Evaluator #5 provided Rio Azul Partners, LLC with a score of 35 points out of a possible 50 points.

Evaluators #3 provided Rio Azul Partners, LLC with a score of 50 points out of a possible 50 points.

Evaluators #4 provided Rio Azul Partners, LLC with a score of 50 points out of a possible 50 points.

The 64-point difference appears to be in error.

Evaluator 1 awarded 54% less points than the total points available.

Evaluator 2 awarded 44% less points than the total points available.

Evaluator 5 awarded 30% less points than the total points available.

Section 4.1: The applicant's submitted narrative for this section clearly points out the location's accessibility to employment, transportation, and services together with the ability to provide services to the tenant. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 4.2: Letters of support from members of the City Council, i.e., Brent Davis, former City of Tucson Council Member, Richard Fimbres, City of Tucson Councilman, and Paul Cunningham, City of Tucson Councilman, the Pasqua Yaqui Tribe Housing Division, Mark Clark, CEO of PIMA Council on Aging, and Marcia Lopez, Community Manager, were submitted. 15 points should have been awarded to Rio Azul Partners, LLC.

Section 4.3: A list of Community Services and Amenities was submitted. 10 points should have been awarded to Rio Azul Partners, LLC.

Section 4.4: In addition to its narrative, the applicant provided a letter of Endorsement from The Cornerstone Building Foundation Charities, Rio Azul Partners, LLC will provide a scholarship to the children or grandchildren of the tenants. 10 points should have been awarded to Rio Azul Partners, LLC. Section 4.5: The applicant provided evidence of the energy efficiency of the project. 5 points should have been awarded to Rio Azul Partners, LLC.

The protest applicant believes the score should have been 50 points awarded by each Evaluator to Rio Azul Partners, LLC for this section.

A review and reconsideration of the points awarded by Evaluator #5 as to Section One, Applicant's Mission, Experience and Executive Summary should be made.

Evaluator #5 appears to have misunderstood the material submitted or did not review in detail all the information.

A review and reconsideration of the points awarded by Evaluator #5, Evaluator #1, and Evaluator #4 as to Section Three, Project Costs should be made.

Evaluators #5, #1, and #4 appear to have misunderstood the material submitted or did not review in detail all the information.

A review and reconsideration of the points awarded by Evaluator #1, Evaluator #2, and Evaluator #5 as to Section Four, Addressing Poverty, Community Benefit, and Population should be made.

Evaluators #1, #2, and #5 appear to have misunderstood the material submitted or did not review in detail all the information. submitted with the Application.

Had the application and materials submitted by Rio Azul Partners, LLC been evaluated as indicated above, this applicant would have received a higher score entitling the applicant to an award of the Gap Funding. Rio Azul's analysis of the points earned yields a total score of 837, which would have resulted in the award of the GAP Funding to Rio Azul Partners, LLC/Southwest Nonprofit Housing Corporation based upon the criteria provided in the RFP.

It is important to be aware that the protest applicant could have provided a more complete analysis of all submissions if Rio Azul Partners, LLC had been provided access to the other proposals submitted, which were requested, and subsequently, were the subject of a public records request. This would have allowed us to provide a more detailed analysis comparing the valuation to our RFP response to other applicants in order to more fully address the significant deviations in scoring between the proposals. However, despite promptly making an informal request for such records, followed promptly by a public records request, the time period for protest preceded the receipt of any such documentation necessary to address the other applicant's proposals, but it would appear it would not be provided anyway. Accordingly, we reserve the right to supplement this protest after receipt and a sufficient time to review and analyze the other applications and the scoring made.

Based upon the limited information that we were able to obtain despite formal request, it is nonetheless our position that the evaluation of our RFP response was in error as evidenced by the significant and incorrect deviation in scoring between Evaluators. As noted above, many of these significant deviations occurred not with regard to subjective evaluations, but rather quantifiable matters such as accessibility to transportation or cost. This is a clear indication of either error or other inconsistency in the evaluation

process that, we believe, calls for an independent assessment by the Board of Supervisors to correct and address so that the most qualified projects, to include the Rio Azul Apartments, are those that are funded to address the housing crisis in our community.

Respectfully submitted,

Rio Azul Partners, LLC, an Arizona

Limited Liability Company

By: Southwest Nonprofit Housing Corporation, an Arizona corporation, its managing member

By: Gregory Moore, President

Enclosures: Response from Clerk of the Board 1-22-2024 re: Public Records Request

Notice of Recommendation for Award

Affordable Housing Gap Funding Proposals Evaluation Panel - Score &

Rank – Pages 10-13 at the following:

https://content.civicplus.com/api/assets/669d0fbd-0b59-4016-aa45-

224f2265f87e

Mr Gregory Moore

From:

Pima County <pimacountyaz@mycusthelp.net>

Sent:

Monday, January 22, 2024 4:15 PM

7

To:

greg@swnph.org

Subject:

[Records Center] Public Records Request :: R003967-010824

- Please respond above this line -



Good afternoon,

In regard to Public Records Request No. R003967-010824, where you requested:

"For the Pima County Community Workforce & Development Request for Proposals, FY 23/24 Gap Funding for Affordable Housing Development and Preservation, issued September 29, 2023 and due by October 31, 2023, we are requesting copies of the complete applications submitted by:

Marana Leased Housing Associates I, LLLP, for the project known as "The Safford" to be located at 8740 N Silverbell Rd, Tucson, AZ 85743; and Family Housing Resources and Southern Arizona Land Trust Inc. for the project known as "Emery Park Place" to be located at 120 thru 180 E Drexel Rd, Tucson, AZ 85706.

Copies of the submitted applications to be complete including Section One: Applicant's Mission, Experience, and Executive Summary; Section Two: Project Description; Section Three: Project Costs; Section Four: Addressing Poverty, Community Benefit, and Population; and all included attachments."

Community and Workforce Development has provided the following message regarding the responsive records: "Per page 2 of the Request for Proposals, only the Executive Summaries can be released at this time. The remaining documents cannot be released until contracts are executed."

Your response has been completed. You can access the released documents on your account at https://pimacountyaz.mycusthelp.com/WEBAPP/ rs/CustomerHome.aspx

PLEASE NOTE: You will have thirty (30) days to download records responsive to your request.

Thank you for your attention. Clerk of the Board 520-724-8449

To monitor the progress or update this request please log into the <u>Public Records System</u>



MW



Issue Date: 01/02/2024

NOTICE OF RECOMMENDATION FOR AWARD

Request for Proposal ("RFP") Solicitation Number: CWD-AHF-RFP-02-2023

RFP Title: Gap Funding for Affordable Housing Development and Preservation Fiscal Year 2023-2024

Pima County Community & Workforce Development ("CWD") hereby issues formal notice to respondent(s) to Request for Proposal titled, GAP Funding for Affordable Housing Development and Preservation. Pima County actively sought applications from qualified for-profit and non-profit developers, contractors, builders, governmental agencies, and partnerships, for the development and/or preservation of affordable housing. A designated Commissioner of the Pima County Regional Affordable Housing Commission ("Commission"), Pima County Development Services staff, and CWD staff reviewed and scored proposals. CWD presented the evaluation committee results to the Pima County Regional Affordable Housing Commission. Non-conflicted Commissioners were afforded an opportunity to provide comments to the recommendations that will be provided to the Board of Supervisors. Award recommendations are contingent on Pima County Board of Supervisors approval.

CWD received 21 applications. Evaluation panel recommends award to the highest scoring application within each category. Category and amounts are endorsed by the Commission.

Category: New Development - Rental Projects, total \$4.5 million: (in ranking order)

AWARD AMOUNT
\$1,000,000.00
\$1,000,000.00
\$1,000,000.00
\$1,000,000.00
\$500,000.00*
•

*Requested amount different than award amount, less \$250,000.00

OTHER RESPONDENT NAME:	AMOUNT REQUESTED
Rio Azul Apartments/Rio Azul Partners, LLC/Southwest Non-	\$1,000,000.00
profit Housing Corporation	
Rincon Manor/Spire Development, Inc.	\$1,000,000.00
Pu'uhonua O Bronx Park Hale/SFFlat, Inc.	\$240,000.00
Casitas Tucson West/Marbury Holding, Inc.	\$464,000.00
Construct 4 Accessible Units on Vacant Land/39 Vista LLC	\$1,000,000.00
Demolish and Construct 4 Units/39 Vista LLC	\$1,000,000.00

CWD-AHF-RFP-02-2023 Page 1 of 2

Category: New Development - Homeownership, total \$1 million (in ranking order)

AWARDEE NAME: AWARD AMOUNT Mars Landing Development/Habitat for Humanity \$1,000,000.00

AMOUNT REQUESTED

OTHER RESPONDENT NAME: Barrio Anita Casitas/Pima County Community Land Trust \$234,316.00 \$342,433.00

Barrio Kroeger Lane Infill/Pima County Community Land

Mountain View Development/Habitat for Humanity \$1,000,000.00 Pinal Vista Place/Family Housing Resources/Southern \$600,000.00

Arizona Land Trust, Inc.

Category: Existing (Adaptive Re-Use, Rehabilitation, Renovation, total \$1.375 million (in ranking order)

AWARDEE NAME: AWARD AMOUNT Tucson House/City of Tucson \$1,000,000.00 El Camino Affordable Housing/Casa Maria \$375,000.00*

*Requested amount different than award amount, less \$625,000.00

OTHER RESPONDENT NAME: AMOUNT REQUESTED Curley School Artisan Apartments/The International Sonoran \$250,000,00

Desert Alliance Esperanza En Escalante/Esperanza Rehabilitation \$228,826.22 Renovate Existing 4 Units/39 Vista LLC \$536,402.00

Protests must be in writing and emailed to Cassie.Lundin@pima.gov on or before 01/16/2024, by noon Arizona time. Protests must include the following information: (1) the protester's name, address, telephone number, and email address; (2) the protester's signature; (3) the RFP title as noted in this announcement; (4) a short statement of the factual grounds of the protest; (5) copies of any relevant documents, and (6) a description of the relief requested.

Protests that are timely received and contain the required information will be reviewed by the CWD Director or designee. Protests that are untimely or do not contain the required information will be summarily dismissed.

Affordable Housing Gap Funding Proposals Evaluation Panel | Score & Rank



Project Name	Type - New Development - Rental	Score	Rank
West Point Apartments II	La Frontera Partners, Inc.	825	1
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	808	2
Desert Dove Apartments	GHK Properties LLC	789	3
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	763	4
mery Park Place	Family Housing Resources & Southern Arizona Land Trust Inc.	754	5
Rio Azul Apartments	Rio Azul Partners, LLC / Southwest Nonprofit Housing Corporation	731	6
Rincon Manor	Spire Development, Inc.	671	7
Pu'uhonua O Bronx Park Hale	SFFlat, LLC	634	8
Casitas Tucson West	Marbury Holding Inc.	581	9
Construct 4 Accessible Units on Vacant Land - Parcel 110-06-098A	Lakia Lewis 39 Vista LLC	406	10
Demo Existing 4-Unit, Construct New Accessible 4-Unit Building	39 Vista LLC	377	11
Project Name	Type - New Development - Homeownership	Score	Rank
Mars Landing Development	Habitat for Humanity	805	1
Barrio Anita Casitas	Pima County Community Land Trust	796	2
Barrio Kroeger Lane Infill	Pima County Community Land Trust	792	3
Mountain View Development	Habitat for Humanity	770	<u>J</u>
Pinal Vista Place	Family Housing Resources & Southern Arizona Land Trust Inc.	747	5
Project Name	Type - Existing (Adaptive Re-Use, Rehab, Renovation)	Score	Rank
Tucson House	City of Tucson	863	1
El Camino Affordable Housing	Casa Maria	754	2
Curley School Artisan Apartments	The International Sonoran Desert Alliance	664	3
speranza En Escalante	Esperanza Rehabilitation 2024	658	<u>3</u>
Renovate Existing 4-Unit	39 Vista LLC	382	



Affordable Housing Gap Funding Proposals Evaluation Panel | Scorecard



Evaluator #1					1									0.77	nie zanty i						
Projecte Name	Barrio Anita	Barrio Kroeger	Belvedera Terrace	Casitas Tucson West	Construct 4 Units (59 Vista)	Carley School Artisan Apts	Demo and Construct & Units (39Vista)	Desert Dove Apts	Et Camino Affordable Housing	Emery Park	Esperanza en Escalante	Mars Landing Developme nt	Mtn View Dev	Pinal Visto Place	Pa'ohonu a O'Bronx Park	Rennovat e 4 Units 39 Vista	Rincon Manor	RJo Azul	The Safford	Yucson House	West Pois Apts II
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ection 3: Project Costs (50)	43	40	5C	1.5	2	45	2	48	27	40	28	50	45	40	27	2	31	36	50	50 50	47
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Evaluator #2 Projecte Name	Barrio Anita	Barrio Kroeger	Belvedere Terrace	Casitas Tueson West	Construct 4 Units (39 Vista)	Curley School Artisan Apts	Demo and Construct 4 Units (39Vista)	Desert Dove Apts	El Camino Affordable Housing	Emery Park	Esperanta en Escalante	Mars Landing Developme nt	Min View Dev	Pinal Vista Place	Pit'uhonu a O'Bronx Park	Rennovat e 4 Units 39 Vista	Kincon Stanor	Rio Azul	The Safford	Tucson House	West Poir Apts it
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ection 3: Project Costs (50)	30	32	37	37	15	27	15	50	42	29 42	39 30	44	26	45	37	22	43	46	44	50	47
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Affordable Housing Gap Funding Evaluation Panel | Recommendations



Project Name	Type - New Development - Rental	Score	Rank
West Point Apartments II	La Frontera Partners, inc.	825	1
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	808	2
Desert Dove Apartments	GHK Properties LLC	789	3
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	763	4
Emery Park Place	Family Housing Resources & Southern Arizona Land Trust Inc.	754	5
Project Name	Type - New Development - Homeownership	Score	Rank
Mars Landing Development	Habitat for Humanity	805	1
Project Name	Type - Existing (Adaptive Re-Use, Rehab, Renovation)	Score	Rank
Tucson House	City of Tucson	863	1
El Camino Affordable Housing	Casa Maria	754	2

Evaluation Panel Consensus

- Keep allocations within each project category
- Take the top score from each category and award based on fund availability
- If funds available, move to the next score and verify proposer willing to receive funds. Ensure that:
 - Proposer can secure deficient funds within 90 days
 - Decreased amount does not affect time to occupancy timeline



Affordable Housing Gap Funding Regional Affordable Housing Commission | Endorsement



Project Name	Devaloper/Partner	Score	Rank	Amount Requested	# Units	Time to Occupancy
West Point Apartments II	La Frontera Partners, Inc.	825	1	\$ 1,000,000.00	85	Oct, 2026
Belvedere Terrace, L.P.	Belvedere Terrace, L.P./ Newport SW LLC	808	2	\$ 1,000,000.00	72	Oct, 2025
Desert Dove Apartments	GHK Properties LLC	789	3	\$ 1,000,000.00	63	Dec, 2025
The Safford	Marana Leased Housing Associates I, LLLP / Dominium	763	4	\$ 1,000,000.00	200	Sept, 2025
Mars Landing Development	Habitat for Humanity	805	1	\$ 1,000,000.00	30	June, 2027
Tucson House	City of Tucson	863	1	\$ 1,000,000.00	358	Oct, 2026
				\$ 6,000,000,00	808	

ProjectName	Developer/Partner	Score	Rank	Amount Requested	Proposed Amount	# Units	Time to Occupancy
Emery Park Place	Family Housing Resources & Southern Arizona Land Trust Inc.	754	5	\$ 750,000.00	\$ 500,000.00	8	Mar, 2025
El Camino Affordable Housing	Casa Maria	754	2	\$ 1,000,000.00	\$ 375,000.00	19	Jan, 2025
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	Amount	# Units
	\$ 6,000,000.00	808
	\$ 875,000.00	27
Total Award	\$ 6,875,000.00	835

