



REQUEST FOR PROPOSALS (RFP)

Procurement Number: RFP 21-315	Procurement Title: AFFORDABLE RESIDENTIAL DEVELOPMENT PROPOSAL WITH PURCHASE OF CITY PROPERTY
Advertisement Date: TBD	Closing Date and Time: DECEMBER 13, 2021 AT 3:30 P.M. (CST)

PROJECT OVERVIEW

The City of Naperville is pleased to announce a unique opportunity to purchase real property owned by the City for the purpose of development of affordable senior housing and affordable housing for non-school aged individuals with intellectual and developmentally disabilities.

PROCUREMENT CONTACT

Joe Catalano, Procurement Manager [**"Procurement Contact"**]
catalanoj@naperville.il.us 630-420-4162

QUESTIONS

All questions concerning the RFP shall be submitted in writing via email to the Procurement Contact no later than ten (10) business days before the Closing Date and Time. All inquiries will be addressed in the form of a written addendum. All Proposers are responsible for monitoring the City's solicitation page at Demandstar.com, obtaining and acknowledging any and all addenda issued by the City in connection with this RFP, which addenda will be incorporated into every proposal. Except for the Procurement Contact listed above, prospective proposers shall have no contact with any City employee or Selection Committee member during the RFP process.

DELIVERY INSTRUCTIONS

Proposals must be submitted electronically. All necessary documents are available for download through Demandstar. A link to the City's Demandstar page is accessible by visiting the Procurement page of the City's web-site linked [here](#). Downloading documents and submitting proposals requires registration with "Demandstar," the City's service provider since 2000. If you aren't already a member, you can get a FREE AGENCY SUBSCRIPTION to the City of Naperville account by going to www.demandstar.com/register.rsp. Any incomplete submittals may be rejected as non-responsive. Infrequent or first-time users of electronic bidding are requested to load their bids at least 24 hours prior to bid opening.

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1. EXECUTIVE SUMMARY

1.1. INTRODUCTION

The City of Naperville (“**City**”) is pleased to announce a unique opportunity to purchase City-owned property for the purpose of providing affordable housing for seniors and for individuals with intellectual and developmental disabilities (“**IDD**”).

This Request for Proposals (“**RFP**”) is being issued to solicit qualifications and concepts from qualified developers or other entities, who in conjunction with their development teams (“**Development Teams**”) are capable of designing, developing and managing such a development in accordance with the vision unanimously approved by the Naperville City Council on August 17, 2021:

Enhance Naperville by creating and sustaining high-quality affordable housing on surplus publicly-owned land to help expand housing choices for residents with the greatest need.

1.2. THE OPPORTUNITY

Prospective Development Teams are invited to submit a response to the RFP (“**Proposal**”) in accordance with the items listed within the Proposal Elements section below. Generally, the response will detail the Development Team’s qualifications, comparable experience, a project Concept Statement (including anticipated financing structure highlighting the role of the City of Naperville) intended to spotlight your development idea for the site.

1.3. THE VISION

The primary vision of this RFP is to expand quality affordable senior and IDD housing choices in Naperville*. The issuance of this RFP is in accordance with the Housing Needs Assessment/Housing Needs Report (included in **Appendix B**) endorsed by the Naperville City Council in 2020. Specifically, this effort aligns with the implementation action calling for leveraging of publicly owned land to address housing gaps.

1.3.1 The definition of “affordable” with respect to the Project shall be proposed in response to the RFP and subject to approval by the City.

1.3.2 For the purpose of the senior housing component of the Project, at least one resident of each residential unit shall be not less than 62 years of age. No school-aged individuals shall be permitted to occupy residential units in either the senior housing or IDD components of the Project.

1.4. RFP AVAILABILITY

All necessary documents are available through the City’s bid hosting platform Demandstar. Downloading documents and submitting proposals requires registration with Demandstar. If not already a member, you can get a FREE AGENCY SUBSCRIPTION to the City of Naperville account by going to www.demandstar.com/register.rsp.

1.5. PROPOSAL DEADLINE

Proposals must be submitted electronically to Demandstar no later than **DECEMBER 13, 2021 AT 3:30 P.M.** (Central Standard Time).

2. PROPERTY DESCRIPTION

2.1. SITE OVERVIEW

The City owns a tract of real property within the corporate limits of the City (commonly referenced as the “**South 40 Property**”) comprised of approximately 22.1 acres located south of 103rd Street and west of Illinois Route 59.

It is anticipated that the real property which may be conveyed by the City for the Project will be approximately 6.1 acres of the South 40 Property located approximately 612 feet south of 103rd Street and 465 feet east of Illinois Route 59. Notwithstanding the foregoing, the City reserves the right to increase or decrease the size and/or location of said property subject to conveyance pursuant to this RFP in the event that a proposal seeks a different acreage for development of the Project. The real property conveyed pursuant to this RFP is denoted herein as “**Property**”. Please refer to Appendix B for maps and other site information, including utility availability and relevant zoning and engineering requirements for development.

2.2. OWNERSHIP AND ACQUISITION

As noted above, the Property is owned by the City and the City Council may authorize its conveyance upon determining that continued ownership is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the City. The Property may be sold at the direction of the City Council by ordinance or resolution invoking its home rule authority.

3. PROJECT SCOPE

3.1. NEEDS DESCRIPTION

The City of Naperville’s affordable housing needs are diverse. Seniors looking to downsize and persons with IDD seeking residential housing units are among populations within the City who are currently underserved. The outstanding efforts of a network of service providers and organizations in the community, including a variety of non-profit organizations, and the Naperville Senior and Accessible Community Task Forces, support these particular populations and make Naperville a desirable destination for senior and IDD living. Additional affordable housing for seniors and persons with IDD is needed to complement the support services available within the community.

3.2. OUTCOMES DESIRED

As approved by the Naperville City Council on August 17, 2021, publicly-owned land identified for affordable housing shall:

- Provide a variety of affordable housing styles and sizes to address needs identified within the Housing Needs Assessment/Housing Needs Report (2020).
- Offer convenient access to shopping, transportation, health care and other support services and amenities, including open space.
- Be well-suited, based on parcel location, size, utility access, and site features to support a thoughtful design with sustainable elements to offer residents a high-quality lifestyle.
- Achieve the greatest impact on unmet housing needs by restricting or excluding market rate units.

The following additional outcomes are desired for this particular location:

- Establish attractive and thoughtfully-designed affordable housing for seniors and individuals with IDD that promotes quality, healthy living for resident of all abilities.
- Respect required zoning setbacks to achieve compatibility with surrounding land uses – both aesthetically and functionally – to seamlessly integrate into and enhance the Naperville community.
- Consider concepts that seek reasonable relief from height and bulk limitations and masonry requirements to support overall project economic feasibility focused on quality affordable housing serving Naperville’s specific unmet needs.
- Provide parking and amenities to support transportation choices and support services for residents, as well as accommodations for visitors. Any relief from standard parking requirements should be based on professional study, including comparable development data, and provision of transportations services to address resident needs.
- Seek opportunities, where feasible, to benefit from state and federal grant programs to maintain affordable status over time (20+ years).
- Seek to utilize environmentally-friendly and sustainable construction and design practices which may include, but is not limited to, a combination of:
 - Open space design and native landscaping
 - Utilization of renewable energy
 - Electric vehicle charging capability
 - Diversion of construction waste from landfills and incinerators
 - Indoor Environmental Quality materials
 - Stormwater Management
 - Through the entitlement process, consider community input about the development mix, affordability and physical design.

4. SELECTION CRITERIA AND PROCESS

4.1. PROCUREMENT SELECTION TEAM

It is anticipated that a Procurement Selection Committee (“**Selection Committee**”) comprised of community leaders and City staff will review, evaluate and score all proposals submitted and interviews based on the criteria and weights defined below.

In addition to the Selection Committee members, non-scoring subject matter experts (e.g. technical City staff) and advisory stakeholders will be available during the selection process to answer questions and provide feedback to the Selection Committee members (e.g. concept viability, financial feasibility, etc.).

The Selection Committee may conduct discussions with any Development Team who submits an acceptable or potentially acceptable proposal. Development Teams shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. During the course of such discussions, the Selection Committee shall be careful not disclose proprietary information and intellectual property derived from one Development Team to any other Development Team.

4.2. SELECTION CRITERIA

CRITERIA	WEIGHT
Professional and Technical Competence	50%
Development Concept Design and Approach	35%
Public Benefit	15%
TOTAL:	100%

4.3. DEVELOPMENT TEAM SELECTION PROCESS

The successful Development Team will complete an evaluation process described below. The process may be halted at any point at the City’s discretion should there be a lack of qualified proposals submitted or inability to reach agreement on purchase and sale terms or Major Business Terms.

Phase I – Written Response Scoring

This Phase will serve to identify the Development Teams to enter into the presentation phase. A five (5) member Selection Committee to include a representative from City Council, Naperville Development Partnership, the Human Rights & Fair Housing Commission (HRFC), the Naperville Senior Task Force and the Accessible Community Task Force will receive all complete written submittals. Each submittal will be reviewed, evaluated and scored by this Selection Committee. City Staff subject matter experts (SMEs) will be available to answer questions and provide input. The Selection Committee will score/rank all proposals and invite up to three (3) highest scoring Development Teams to move to Phase II (the “**Short-Listed Teams**”).

Phase II – Presentation Phase

The Short-Listed Teams will be invited to provide a presentation of their proposal and to answer questions at a public meeting hosted by the HRFC. Copies of the proposals will be made available on the City’s web page prior to the meeting (except for certain information designated as trade secrets or commercial or financial information furnished under a claim that they are proprietary, privileged or confidential, and that disclosure would cause competitive harm pursuant to Section 7(1)(g) of the Illinois Freedom of Information Act (5 ILCS 140/1et seq.). City SMEs will be available to participate at the HRFC meeting, as needed, to answer questions. The meeting will be recorded and duly posted on the City’s website. The primary/lead entity of the Development Team, as

identified in the response, is required to be in attendance. Other key team members are strongly encouraged to be present as well.

At this meeting, 30 minutes will be provided for each Development Team to present their qualifications and concept followed by up to 30 minutes of public Q&A facilitated by the HRFC. If there are additional questions, they may be submitted in writing and will be forwarded to each Development Team for response. A summary of the written questions and responses will be posted on the City's web page. Subsequent to the presentations (at the same meeting or at a continued meeting), the HRFC will have the opportunity to comment on the presentations and to select two or three of the Short-Listed Teams to proceed to Phase III.

Phase III – Development of Agreed Upon Major Business Terms (“MBTs”) with the Short-Listed Teams

-Major Business Terms (“MBTs”). In collaboration with the Short-Listed Teams which have been selected to continue to Phase III, City staff will draft a single set of required major business terms applicable to the Project, including but not limited to the affordability period and applicable age restriction covenants. The MBTs will be based upon information, data, and proposals considered and evaluated during Phases I and II, as well as such other information determined by the City and the Short-Listed Teams to be relevant. The MBTs shall be subject to approval by the City Council. The MBTs may be revised if mutually agreed to by the City and the selected Development Team.

-Bids. The Short-Listed Teams will be asked to submit a bid for purchase of the Property on a form which will be provided by the City. Bids shall be delivered to the City in a sealed envelope as set forth below:

Naperville Municipal Center
Procurement Services
400 South Eagle Street
Naperville, IL 60540

Attention: Joe Catalano, Procurement Manager

“**BID FOR REAL PROPERTY IN RESPONSE TO RFP 21-315**” submitted by:
_____ [Insert name of Development Team
and printed name of authorized individual or entity submitting the Bid.]

Phase IV – Development Team Selection

City Staff will open the sealed bids and provide a summary for City Council review. At a regularly scheduled City Council meeting, an agenda item will be presented to officially select a Development Team, and direct initiation of the entitlement process.

Phase V – Entitlement Process

The Development Team selected in Phase IV will submit a petition seeking zoning entitlements in alignment with their proposal for the Project using the procedures set forth in the Naperville Municipal Code then in effect, including but not limited to review by the Planning and Zoning Commission (PZC). Such proposed entitlements may include, but are not limited to, requests for zoning, subdivision, deviations, and variances. An Owner's

Acknowledgement and Acceptance Agreement (OAA), which will include the MBTs and other terms and conditions relevant to development of the Project shall be finalized.

Phase VI – Property Transfer

A Conveyance Agreement with the selected Development Team and requested entitlements for development of the Property for the Project shall be submitted to the City Council for consideration.

Any entitlements which are approved by City ordinance shall provide that such entitlements shall not be effective or recorded until the selected Development Team (or an entity or individual which is part of the Development Team as approved by the City Attorney) has obtained title to the Property.

4.4. TENTATIVE SCHEDULE

TARGET DATE	MILESTONE
September 21, 2021	Naperville City Council approves issuance of RFP
September 23, 2021	Release of RFP
December 1, 2021	Last day to ask questions. All questions must be submitted via email to CatalanoJ@naperville.il.us by 3:30 p.m.
December 13, 2021	Responses to the RFP (proposals) should be submitted to the City by 3:30 pm. The required content of the proposals is set forth under Proposal Elements. All complete proposals will be posted to the City’s website.
December 2021 – February 2022	Phase I and Phase II
March – May 2022	Phase III – Development of Major Business Terms (MBTs). Short-Listed Teams will be asked to submit a sealed bid for the purchase of the City Property on a form provided by the City.
May 2022	MBTs approved by City Council
May 2022	City Council approval of Development Team
May 2022	Selected Development Team directed to proceed with petition for proposed development entitlements
March - Completion	Developer due diligence period: community outreach, design refinement, subdivision plat, refinement of financing plan
	Entitlement (zoning) process; Planning and Zoning Commission Consideration
	Council consideration of a Conveyance Agreement and entitlements for the Project, which entitlements shall not be effective or recorded until the selected Development Team has obtained title to the Property. The entitlements may include, but are not necessarily limited to: Subdivision

	Zoning requests, variances, and deviations An Owner's Acknowledgement and Acceptance Agreement (which shall include, but not be limited to, the MBTs).
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5. PROPOSAL ELEMENTS

The Proposal outlines the proposer's qualifications and proposed concept plan. Proposals should specifically address each of the following elements. Proposers should present their proposal in the same sequence and with the same numbering scheme and headings shown in this section. If the Development Team believes that a subject has been adequately addressed in another part of the Proposal, please include a cross-reference to the appropriate part of the narrative. The Proposal shall be no more than 40 pages, submitted electronically.

1. PROFESSIONAL AND TECHNICAL COMPETENCE (50%)

Project Team

- Provide a statement identifying the Development Team (and operator if different), including any joint venture and limited partners to the extent known at this time. Explain the role of each development partner. If a joint venture, identify the primary/lead entity. Identify legal counsel. Specify what entity, entities, or individuals will be authorized to enter into the Owner's Acknowledgement and Acceptance Agreement at Phase V if selected.
- Provide an organizational chart that clearly illustrates the role of each team member, including developer(s), financier(s), architect(s), landscape architect(s), engineer(s), and community partners.

High scoring proposals will also provide biographical data and experience for key professional members of the firm(s) and provide a description of the anticipated role or responsibility of each firm or team member.

Financial Capacity

- Provide evidence of the financial strength and capability of the Development Team as evidenced by the proven ability to obtain financing for similar projects, the ability to raise capital, indicators of lender interest, and the like. As applicable, provide track record with application for grant sources anticipated to be used as part of the development project.

High scoring proposals will be able to provide a detailed outline of the anticipated financing structure for the development concept, including any financial incentives required for the development concept (including any incentives required for the land sale) and grant sources anticipated.

Project Experience and Capacity

- Provide at least three (3) examples of comparable projects completed or underway. Information regarding each example should include, at a minimum, the following items:
 - Basic development details including land use mix, number of acres, number and

type of units, overall height, project cost, and entitlements required (e.g., variances, rezoning, etc.), as well as, collaboration with and support from community-based organizations, community residents, and service providers focused on affordable senior and/or IDD housing solutions;

- Property management experience – number of units managed; years of experience; the number of affordable units managed and the performance record;
- Describe the structure of comparable public/private partnerships;
- Describe how these comparable projects were financed, including detail on any financial incentives provided by a public entity, agency, and/or grants.
- Describe experience in planning and design of the project to address community concerns;
- Identify project start and completion date with key milestone dates;
- Specify the affordability standard used in each project (e.g., 60% AMI, 80% AMI, other) and period of required affordability;
- Specify any age restrictions that applied to residents (e.g., Seniors age 55 and over, age 62 and over, adult (over age 21) individuals with IDD, etc.)
- Provide reference(s) for each comparable project example, including company and/or community name, contact person, address, email address, and phone number.

High scoring proposals will be comparable in size and scope (based on number of units, community need, location, site design, combination of senior/IDD units, etc.). High scoring proposals will also demonstrate the involvement of the proposed team member(s) in the comparable projects.

Legal Action

- The RFP shall include a listing and description of all legal actions of the past 36 months in which the any member or entity of the Development Team has been:
 - A debtor in bankruptcy.
 - A defendant in a lawsuit (other than divorce).
 - A defendant in an administrative action.
 - A defendant in any criminal case.

2. DEVELOPMENT CONCEPT DESIGN AND APPROACH (35%)

Provide a Development Concept Statement (5-page maximum not including supporting documentation*) that describes in a narrative format the development concept, including but not limited to the following:

- The overall vision for the development and how it meets the Outcomes identified in this RFP
- The relationship of the concept to adjacent uses and the community
- The expected senior and IDD resident experience
- Commitment to high-quality design and adherence to the Naperville Design Guidelines
- Special consideration will be given to those proposals that exhibit new and creative ways of attaining the outcomes state in this RFP

- Features that meet the highest accessibility standards as defined by federal, state and local requirements.

**High scoring proposals will also provide supporting documentation, such as renderings, site plans, and elevations. The supporting documentation does not count towards the 5-page limit of this section or the overall 40-page limit for RFP response.*

3. PUBLIC BENEFIT (15%)

Concept Financial Structure

To demonstrate fiscal capacity and responsibility relative to this Project, each Development Team must submit a narrative overview (5-page maximum) of the financial structure of their proposal. This document should not include specific dollar amounts or proprietary information, but be of a qualitative nature which clarifies the following:

- Sources of equity investment. Any potential grant sources must be clearly noted.
- Any expectation of relief from standard development plan review fees, entitlement application fees, permitting and inspection costs, park donations, must be expressly defined. (Note: a school donation will not be required since an age restriction covenant will apply to the senior component of the Project and to the IDD component of the Project (individuals not younger than 21))
- If the property is to be a rental development, describe the Development Team's management experience and plan
- If the property will be owner-occupied, provide evidence of the financial capacity to maintain and operate the property long-term
- Readiness of project to proceed, potential phasing plan (if applicable) and anticipated time frame to complete the project
- Long-term commitment to affordability for the senior housing component of the Project. A minimum of 20 years is expected and will be memorialized through a covenant and or other tools as needed. Please specify affordability term proposed.
- Specify the affordability standard proposed (e.g., 60% AMI, 80% AMI, other)
- Specify definition of IDD proposed
- Specify age restrictions proposed for seniors and individuals with IDD
- Energy improvements that lead to lower, long-term utility costs for occupants and overall environmental impact
- Taxpayer Contribution. Amount (as approximate percentage of the overall project cost) of public assistance required from the City of Naperville, if any.

The process of financing, developing, and constructing affordable housing can be long, arduous, and expensive. The cost of land makes up a large percentage of total development costs. High scoring proposals will demonstrate a comprehensive understanding of the financial risks and challenges.

Concept Opportunity Statement

Beyond the concept proposal submitted, Development Teams shall submit an opportunity statement describing any specific proposal modifications and resulting public benefits if the land purchase price were discounted or transferred without cost and/or the overall project land area were modified (e.g. reduction or increase in overall project acreage). The City owns the abutting properties to the north and west of the Property. While not in the scope of this RFP, a future phase of additional affordable housing could potentially be developed on the 6.0 acres of land between this Property and IL Route 59 (refer to Appendix B for illustration).

NOTE: Bid price for the purchase of the Property will only be requested of Development Teams moving to Phase IV of the selection process. The bid price shall be provided in a sealed envelope on a standard form to be provided by the City. The City will also provide a standard Purchase and Sale Agreement with required terms unless the Development Team seeks a modification which is agreed to by the City Attorney prior to proceeding to Phase IV.

6. INSTRUCTIONS FOR SUBMITTING

Your response must be received by **December 13, 2021 at 3:30 p.m. CST**. Proposals must be submitted electronically. All necessary documents are available through the City's web-site. Downloading documents and submitting proposals requires registration with "Demandstar," the City's service provider since 2000. If you are not already a member, you can get a FREE AGENCY SUBSCRIPTION to the City of Naperville account by going to www.demandstar.com/register.rsp. Any incomplete submittals may be rejected as non-responsive. Infrequent or first-time users of electronic bidding are requested to load their bids 24 hours prior to bid opening.

Proposals shall not be accepted after the designated response due date and time. It is the responsibility of proposers to submit proposals on or before the response due date and time.

Appendices

- A. Proposal Checklist
- B. Property Information and Housing Needs Assessment/Housing Report
- C. City General Terms and Conditions
- D. Procurement Forms

APPENDIX A – PROPOSAL CHECKLIST

The following items should be included in the Proposer's response to the RFP:

- Proposal Response
Submit one (1) copy (PDF format), which shall include the following sections:
 - Professional and Technical Competence [per Section 5.1]
 - Development Concept Design and Approach [per Section 5.2]
 - Public Benefit [per Section 5.3]

- Redacted Proposal Response (if necessary)
Submit one (1) copy (PDF format) of the Proposal Response with information that may be exempt from disclosure under FOIA redacted. See the Illinois Freedom of Information Act section of the City's General Terms and Conditions for additional information regarding what can be redacted.

- Exceptions to the City's General Terms and Conditions
Submit any exceptions to the City's terms, conditions or requirements set forth in **Appendix C** of this RFP. Such exceptions may be considered in the evaluation and award processes. The City will be the sole determiner of determine the acceptability of any exception. Any exceptions submitted may render the submission as non-responsive to the requirements listed.

- Procurement Form
Submit one signed (1) copy (PDF format) of the following document:
 - Proposal Form [in Appendix D]

APPENDIX B – PROPERTY INFORMATION AND HOUSING NEEDS ASSESSMENT/HOUSING REPORT [NOT INCLUDED HERE, BUT AVAILABLE ON DEMANDSTAR]

APPENDIX C – CITY GENERAL TERMS AND CONDITIONS

BY SUBMITTING A RESPONSE, THE PROPOSER AGREES TO BE BOUND BY THESE TERMS AND CONDITIONS. PROPOSERS OR THEIR AUTHORIZED REPRESENTATIVES ARE EXPECTED TO FULLY INFORM THEMSELVES OF THE CONDITIONS, REQUIREMENTS, AND SPECIFICATIONS BEFORE SUBMITTING PROPOSALS, FAILURE TO DO SO WILL BE AT THE PROPOSER'S OWN RISK AND HE CANNOT SECURE RELIEF ON THE PLEA OF ERROR.

EQUAL OPPORTUNITY

The City will make every effort to ensure that all proposers are treated fairly and equally throughout the entire process. The procedures established in this RFP are designed to give all parties reasonable access to the same basic information.

PROPOSAL FORM

Proposals must be accompanied by a fully executed Proposal Form as set forth in Appendix D, properly signed in the appropriate places and submitted electronically through Demandstar.

QUESTIONS

All questions concerning the RFP shall be submitted to the Procurement Contact specified on the RFP cover page. Questions requiring a clarification or interpretation of the specifications shall be submitted in writing at least 10 working days prior to the proposal due date so that the Procurement Contact can issue a written response to all proposers of record in the form of an addendum. An addendum may not be issued if the answer to a question is contained in the documents; instead the proposers shall be directed to the provision in the specifications which responds to the question.

ADDENDUM

Any addendum issued in response to a proposer's question(s) shall be posted on the City's online bidding service, Demandstar by Onvia at the following website, www.demanstar.com. No addendum will be posted within three business days of the proposal due date.

PROPOSAL PREPARATION COSTS

All costs directly or indirectly related to preparation of a response to the RFP, any oral presentations required to supplement and/or clarify a proposal, and or reasonable demonstrations which may be,

at its discretion, required by the City shall be the sole responsibility of and shall be borne completely by the proposer submitting a proposal.

PROPOSAL OWNERSHIP

All proposals, including attachments, supplementary materials, addenda, etc., shall become the property of the City and will not be returned to the proposer.

APPEALS AND REMEDIES

Any actual or prospective bidder, proposer, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Chief Procurement Officer pursuant to the Naperville Procurement Code Section 1-9B-12.

https://www.municode.com/library/il/naperville/codes/code_of_ordinances?nodeId=TIT1AD_CH9MU_FI_ARTBPUPOGU_1-9B-12APRE

ILLINOIS FREEDOM OF INFORMATION ACT

1. **Cooperation with disclosure under the Illinois Freedom of Information Act.** The Illinois Freedom of Information Act ("FOIA" or "Act") (5 ILCS 140/1, *et seq.*), provides that records in the possession of others whom the City has contracted with to perform a governmental function are covered by the Act and subject to disclosure within limited statutory timeframes (5 working days with a possible 5 working day extension, or within such other time frame as agreed upon in writing by the requester). Upon notification from the City that it has received a FOIA request that calls for records within the proposer's control, the proposer shall promptly provide all requested records to the City so that the City may comply with

the request within the required timeframe. The City and the proposer shall cooperate to determine what records are subject to such a request and whether or not any exemptions to the disclosure of such records or part thereof, are applicable.

2. **Information that may be exempt from disclosure under FOIA.** The underlying principle of FOIA is that public records should be available to the public. However, there are many exemptions under FOIA which permit specific information to be withheld from disclosure for certain reasons. (See 5 ILCS 140/7 and 7.5).

If the City receives a FOIA request which calls for production of any or all of the materials you have submitted in response to the City's request for proposal, the City will consider whether any of the exemptions are applicable. To assist us in that regard please review and comply with the following:

- a. Trade Secret/Proprietary information/(7(1)(g)).
You may seek to have information submitted by it to the City withheld from disclosure to third parties *to the extent* that such information constitutes trade secrets or commercial or financial information that is proprietary, privileged or confidential, the disclosure of which would cause competitive harm to a person or business. Please clearly indicate, with specificity, any portions of your proposal that you believe fall within this exemption.

- i. Note: Please be careful to designate *only* those sections of your submittal that you believe, in good faith, fall within this exemption. If entire documents or submittals are designated as exempt, the City may

determine that you have not complied with this direction and may not respect your claim for the exemption.

In light of this standard, please note with a red P in the upper right hand corner of only those pages containing information that you are seriously requesting to be considered as Confidential and Proprietary, thereby meeting the applicable exemption criteria of the Illinois Freedom of Information Act (www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2). You also must highlight in yellow the specific information you claim to be exempt on that page. The City will evaluate only appropriately marked pages and highlighted sections.

SUBMITTALS THAT ARE GLOBALLY MARKED CONFIDENTIAL WILL BE CONSIDERED SUBJECT TO FULL DISCLOSURE UNDER THE ILLINOIS FREEDOM OF INFORMATION ACT WITHOUT REDACTION.

LAWS GOVERNING

All applicable State of Illinois and federal laws shall be applicable the Project, including but not limited to (as applicable) the Illinois Prevailing Wage Act, the federal Davis-Bacon Act, and the Employment of Illinois Workers on Public Works Act. To the extent permitted by law, the laws of the State of Illinois shall govern all aspects of this RFP and the Project and venue for any action related thereto shall be in the Circuit Court for the 18th Judicial Circuit, DuPage County, Illinois.

APPENDIX D – PROCUREMENT FORM

The following form must be completed and submitted with the Proposer's response:

- Proposal Form (below)

**PROCUREMENT NAME: AFFORDABLE RESIDENTIAL DEVELOPMENT PROPOSAL
WITH PURCHASE OF CITY PROPERTY
PROCUREMENT NUMBER: 21-315**

**CITY OF NAPERVILLE
REQUEST FOR PROPOSALS
PROPOSAL FORM**

The undersigned proposer, having examined RFP 21-315 and other documents related thereto, hereby agrees to fully participate in the process described therein and to submit all required and requested documentation in support of its proposal.

The undersigned acknowledges receipt of addendum(s): _____; _____; _____; _____.

CONTACT:

FOR CLARIFICATION OF THIS PROPOSAL:

FIRM NAME

NAME

ADDRESS

PHONE NUMBER

CITY, STATE AND ZIP CODE

FAX NUMBER

SIGNATURE OF AUTHORIZED REPRESENTATIVE

EMAIL ADDRESS

PRINT NAME / TITLE

DATE