From: "Jones, Hayley" <Hayley.Jones@act.gov.au>
Sent: 26/09/2023 9:00 AM
To: "CMTEDD, Build-to-Rent" <CMTEDDBuildtoRent@act.gov.au>
Subject: 2023-24 Request for Proposal now open - Build-to-Rent affordable rental

Good morning

Thank you for your interest in receiving updates on the ACT Government's Build-to-Rent affordable rental initiatives.

The ACT Government has now opened its 2023-24 Request for Proposal (RFP) process on 26 September 2023, and is inviting community housing providers and build-to-rent operators with shovel-ready opportunities on their own land to submit proposals that respond to the RFP requirements/criteria for financial support.

As each proposal will be unique, for this round there is no specific timeframe for submitting proposals. However:

- Proposals received by **2pm Tuesday 31 October 2023** and assessed in 2023 are likely to be notified of a decision by Government in early 2024.
- Proposals received by **2pm Tuesday 26 March 2024** and assessed in April / May are likely to be notified of a decision by Government in mid-2024.

Interested parties are encouraged to request a copy of the 2023-24 RFP form by responding to this email. Please note this is an updated form from last years 2022-23 RFP process. Any proposals will be considered against the requirements in the 2023-24 RFP form which will only be provided on request via email.

You are being contacted because you are currently on our mailing list. If you would like to be removed please let us know by responding to this email.

Kind regards
Hayley

Hayley Jones
Affordable Housing Policy Coordination
Chief Minister, Treasury and Economic Development Directorate | ACT Government

Tax benefits for Build-to-Rent in the ACT

A genuine Build-to-Rent development can adopt a titling arrangement that significantly reduces tax obligations, as ACT land tax and general rates have a fixed charge component that is levied per title.

A single title across an example residential development with 300 dwellings and Average Unimproved Value of $25 million would reduce annual tax liability by at least $858,130 in 2023-24. This is based on a saving of up to $2,870 per additional title (a general rates fixed charge, land tax fixed charge, Fire and Emergencies Service Levy and Safer Families Levy).

2023-24 land tax, general rates, and levies calculation for an example development with 300 dwellings and Average Unimproved Value of $25 million.

	Dwellings are within a unit		**Dwellings are not within a unit**
	As 300 units	**As single title**	**Non-unit titled**
How are taxes for the dwellings calculated?	As individual residential units	As a single residential unit	As single residential non-unit
Land Tax			
Fixed charge	$460,500	$1,535	$1,535
Variable charge	$283,130	$283,130	$283,130
Total	**$743,630**	**$284,665**	**$284,665**
General Rates			
Fixed charge	$274,500	$915	$861
Variable charge	$216,101	$216,101	$133,362
Safer Families Levy	$13,500	$45	$45
Fire and Emergency Services Levy	$112,500	$375	$375
Total	**$616,601**	**$217,436**	**$134,643**
Grand total	**$1,360,231**	**$502,101**	**$419,308**
Saving compared to 300 units		$858,130	$940,923
% Saving		63%	69%

Note: All numbers have been rounded to the nearest dollar amount.

In mixed-use developments, commercial and residential use must be on separate titles to ensure residential tax rates apply to the residential dwellings. This can be achieved through a range of approaches to subdivision and unit plans.

The ACT Revenue Office provides a land tax and general rates calculator at https://www.revenue.act.gov.au/functionality/calculator-2023-24/index/_nocache#/home

From: "CMTEDD, Build-to-Rent"
Sent: 26/09/2023 10:58 AM
To: ' Sch 2.2(a)(ii) CMTEDD, Build-to-Rent" <CMTEDDBuildtoRent@act.gov.au>
Sch 2.2(a)(ii)
Subject: RE: RFP 2023-24 Build to Rent Affordable Housing
Attachments: Request for Proposal 2023-24 - Build-to-Rent Affordable Rental.pdf, Returnable Schedules - Request for Proposal 2023-24 Build-to-Rent Affordable Rental.docx, Attachment A - BTR tax benefits 2023-24.PDF
Categories: RFP 23-24

Good morning Sch 2.2(a)(ii),

Please see the attached 2023-24 Request for Proposal form (PDF format). I have also attached a word document template of the Returnable Schedules for if you would like to use this for your proposal.

As you have requested the RFP form, you will be added to a new mailing list for any addendums and updates for the 2023-24 RFP via email. If you no longer wish to submit a proposal and would like to be removed from this list please let us know by responding to this email.

Kind regards
Hayley

From: Sch 2.2(a)(ii)
Sent: Tuesday, 26 September 2023 10:48 AM
To: CMTEDD, Build-to-Rent
Cc: Sch 2 Sch 2.2(a)(ii)
Subject: RFP 2023-24 Build to Rent Affordable Housing

You don't often get email from Sch 2.2(a)(ii) Learn why this is important

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important

Hi Hayley,
Could you please send the 2023-24 RFP form for BTR Affordable Housing.

Regards
Sch 2.2(a)(ii)

PO BOX 4260 Kingston ACT 2604 | mccg.org.au

Marymead CatholicCare
CANBERRA & GOULBURN


Supporting our community
for over 60 years

REQUEST FOR PROPOSAL

FOR BUILD-TO-RENT AFFORDABLE RENTAL

ISSUE DATE: Tuesday 26 September 2023

CONTENTS

DEFINITIONS

Unless otherwise stated in this RFP, the following meanings apply to terms in this RFP:

ACT Housing Strategy	means the ACT Government's strategy released in 2018 which provides a framework for government and the community to address the multiple factors that influence the supply and demand of housing. https://www.act.gov.au/homes-housing/act-housing-strategy
Affordable Rent	means for each Affordable Rental Dwelling an amount that is less than 75 percent of the Market Rent for the Dwelling.
Affordable Rental Dwellings	means a Development Dwelling which is rented by a Successful Proponent for Affordable Rent to Eligible Tenants.
Affordable Community Housing Land Tax Exemption	means the exemption as determined by the *Land Tax (Affordable Community Housing) Determination 2023* in accordance with section 13A of the *Land Tax Act 2004*. https://legislation.act.gov.au/di/2023-48/
Agreed Number of Affordable Rental Dwellings	means the number, or the number equal to the percentage of the total number of Development Dwellings constructed (or to be constructed) on the Land, identified within the Proponent's response to the Request for Proposal at Returnable Schedule 2 item (e) as Affordable Rental Dwellings (and subject to negotiation between a Successful Proponent and the Territory).
Agreement	means any future agreement (E.g. Deed of Grant) between a Successful Proponent and the Territory of a minimum term of fifteen (15) years from the date of operation of the Agreed Number of Affordable Rental Dwellings for the agreed Financial Assistance as negotiated as part of this RFP process.
Assessment Criteria	the Weighted Assessment Criteria, the Threshold Assessment Criteria, and the Non-Weighted Assessment Criteria.
Background Documentation	the document on Build-to-Rent tax benefits at Attachment A.
Build-to-Rent	a multi-unit development where the residential dwellings are typically retained by one owner/entity or consortium of owners/entities long-term for approximately 15 years, and rented out rather than being owner-occupied. Build-to-Rent developments are designed with functional common spaces and services for residents and offer longer rental periods for tenants.
Build-to-Rent Prospectus	a live website promoting the benefits to investing in Build-to-Rent in the ACT, including any initiatives the ACT Government is offering, or may offer, for Build-to-Rent with Affordable Rental. https://www.treasury.act.gov.au/infrastructure-finance-and-reform/build-to-rent
Business Day	a day other than a Saturday, a Sunday or a public holiday as declared under the *Holidays Act 1958* in the Territory.
Community Housing Provider	a Registered Community Housing Provider as defined in the Community Housing Provider National Law.

Community Housing Provider National Law	the appendix to the *Community Housing Providers (Adoption of the National Law) Act 2012* (NSW).
Community Housing Provider Proposal	means a Proposal for a site that: a) is owned by a Community Housing Provider; or b) is owned by a consortium which includes, as a consortium member, a Community Housing Provider.
Compliant Proposal	a Proposal submitted by a proponent in accordance with Part B section 7 that meets the requirements set out in section 6 and is otherwise compliant with the requirements of this RFP.
Confidential Information	includes information that: (1) other than by a statement that the entire contents of any meeting or presentation or an entire Proposal is "commercial-in-confidence", is: (a) stated in a meeting, presentation or Proposal as being confidential because it is information about the business affairs of the Proponent or is information of a commercial value to the Proponent; or (b) is notified by a Proponent to Territory as being confidential; (2) is or relates to any other documents which are by their nature confidential to Territory or the Territory, or is notified to a Proponent by Territory or the Territory as being confidential; or (3) is personal information as defined in the *Information Privacy Act 2014*, but does not include information that: (1) must be disclosed by the Territory, the Territory, or a Proponent (each acting reasonably) to their respective officers, agents, advisers or consultants in order for them to consider a Proposal; (2) is generally known by the Proponent or is public knowledge other than by disclosure by a Proponent, the Territory or the Territory without the relevant consent; (3) is required by law or under a lawful direction or authority to be disclosed; or (4) has been notified by a Proponent, the Territory or the Territory as not being confidential, or is information permitted to be disclosed for a particular or general purpose.
Crown Lease or Lease	the Crown lease in respect of the Land.
Development Application (also described as **DA)**	has the same meaning as set out in the P & D Act.
Development Dwelling	a Dwelling forming a part of any development on the Land.
Dwelling	has the meaning set out in section 5 of the *Planning and Development Regulation 2008*.

Eligible Person	a person or entity that is: (1) a natural person or a company; and (2) legally competent to enter into an Agreement and satisfy all conditions and obligations set out therein.
Eligible Tenant	a person or persons seeking to tenant a Dwelling with a combined gross income less than the household composition income limit established by the Territory from time to time and published as part of the Affordable Community Housing Land Tax Exemption.
End Date and Time	The date and time specified at Section 3, relating to when a proposal must be submitted to be considered for a decision at the relevant date.
Financial Assistance	monetary aid or help that could include a grant (upfront or ongoing) and/or a tax concession, being provided by the Territory for the delivery of the Agreed Number of Affordable Rental Dwellings.
Financial Response	the Proponent's response to Returnable Schedule 4.
Land	means the land identified within the Proponent's response at Returnable Schedule 2 item (a).
Market Rent	means the rent that would be determined as payable for a Development Dwelling assuming the tenancy was offered to the market with reasonable publicity, and the rent is determined as between a willing but not anxious lessor and a willing but not anxious tenant on the proposed lease terms in an arm's length transaction with each party acting knowledgably, prudently and without compulsion.
Minimum Number of Affordable Rental Dwellings	means the minimum number of Affordable Rental Dwellings that will be considered as part of this RFP. The minimum number is at least 10 Affordable Rental Dwellings, and at least 15 per cent of Development Dwellings, over a period of at least 15 years. Note the Territory may consider a non-conforming proposal for a smaller development with less than 10 Affordable Rental Dwellings if it still achieves at least 15 per cent of Development Dwellings, and the Proposal is considered to offer exceptional value or benefit to the Territory.
Non-Weighted Assessment Criteria	the criteria set out in Part C section 13 of this RFP.
Operator	the entity that will operate the Development Dwellings, including any real estate or community housing delivery partners.
P & D Act	the *Planning and Development Act 2007* (ACT).
Proposal	a proposal submitted in response to this RFP.
Proponent	an entity that has lodged a Proposal in response to this RFP.
Reporting Date	the dates on which a Successful Proponent will be required to report to the Territory on the Affordable Rental Dwellings, to be determined by the Territory and as outlined in an Agreement.

Returnable Schedules	the "Returnable Schedules" annexed to and forming part of to this RFP.
Successful Proponent	a proponent that in response to this RFP is offered an Agreement for Financial Assistance under the ACT Affordable Housing Project Fund or other Government initiative where deemed appropriate.
Territory	(1) when used in a geographical sense the Australian Capital Territory; and (2) when used in any other sense the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth).
Threshold Assessment Criteria	the criteria set out in Part C section 1111 of this RFP.
Upfront Financial Assistance	means any Financial Assistance requested as part of this proposal in Returnable Schedule 4 under Item 3, including Lease Variation Charge (LVC) and upfront grant assistance.
Weighted Assessment Criteria	the criteria set out in Part C section 12 of this RFP.

PART A – OVERVIEW

REQUEST FOR PROPOSAL

(1) This Request for Proposal (**RFP**) process will be an ongoing process which invites Proposals from Eligible Persons for the use of Land (to be identified by Proponents in their response to the RFP) in a manner consistent with the Build-to-Rent concept to deliver the Minimum Number of Affordable Rental Dwellings for a period of at least 15 years, and otherwise in accordance with the terms and conditions set out in the RFP.

(2) In line with the Build-to-Rent Prospectus, the ACT Government is seeking to provide Financial Assistance for Build-to-Rent initiatives that include Affordable Rental Dwellings to be rented to Eligible Tenants.

(3) The Government is seeking to increase the supply of rental Dwellings, including Affordable Rental Dwellings, in the Territory. The 10th Parliamentary and Governing Agreement included a commitment to increase affordable rental supply by 600 Dwellings by 2025-26.

(4) The Commonwealth Government and ACT Government are also seeking to support the delivery of around 350 affordable rental dwellings in the ACT under the National Housing Accord commitments. In addition, subject to the passing of legislation the Commonwealth may seek to support a higher number of affordable rental dwellings in the ACT under the proposed Housing Australia Future Fund (HAFF).

(5) As part of the 2023-24 Budget the Government established a $60 million Affordable Housing Project Fund to support affordable rental projects, including proposals received under the RFP process.

(6) Under this RFP, the Territory will consider Financial Assistance for Proposals where there is a site attached and that have a minimum affordable rental component of 10 Affordable Rental Dwellings, and a minimum of 15 per cent of Development Dwellings, for each Reporting Date.

a. Where the Proponent is not the Crown Lessee of the proposed site, the Crown Lessee must be included in the proposal under a Consortium at Returnable Schedule 9.

b. The Territory may consider Financial Assistance for non-compliant Proposals of smaller developments of less than 10 Affordable Rental Dwellings if the proposal meets the requirement for a minimum of 15 per cent of Development Dwellings and provides exceptional benefit or value to the Territory.

(7) Interested providers that **do not have a site attached** for a Build-to-Rent affordable rental initiative will not be considered under this process.

a. In addition to the Affordable Housing Project Fund, we are developing a pipeline of other community housing opportunities and will be seeking feedback from community housing providers about their interest and capacity to purchase dwellings and sites for community housing.

b. The Suburban Land Agency (SLA) will be inviting registered community housing providers to participate in a market sounding process to identify their interest and preferences in the community housing pipeline, as well as capacity and interest in purchasing specific Government land release sites.

(8) Sites subject to an existing requirement to deliver dwellings for affordable purchase or affordable rental will not be considered as part of this process. Developers that have an existing requirement to deliver dwellings for affordable purchase under fixed price thresholds are invited to contact cmteddbuildtorent@act.gov.au to find out more about how to apply to convert this requirement to affordable rental.

(9) Proponents will need to provide information on how they intend to manage the Affordable Rental Dwellings, including the appropriate allocation of Affordable Rental Dwellings. This may include the use of a registered Community Housing Provider.

(10) A Proponent can request different forms and amounts of Financial Assistance in their Proposal, including Upfront Financial Assistance or ongoing Financial Assistance or a combination of both. Proposals will be assessed in accordance with the process set out in Part C of this RFP.

a. The Territory may consider offering Financial Assistance to support Proposals that are evaluated highly against the Assessment Criteria. While the Territory will seek to consider the form of the assistance requested, the Territory may deem it is more suitable to offer a different form of Financial Assistance of equal value. This may include recommending that applicants apply for Financial Assistance under the Commonwealth Government's affordable housing initiatives.

(11) The Territory may consider offering Financial Assistance to support any number of Proposals.

a. Proponents should note that while there is not constraint on timing in relation to the Project Fund, the Government's decision making is likely to centre around its budget processes.

b. Proposals received before 2pm Tuesday 31 October 2023, are likely to be reflected in decisions finalised by Government in early 2024 with negotiations to commence after.

c. Proposals received before 2pm Tuesday 26 March 2024, are likely to be reflected in decisions finalised by Government in mid-2024 with negotiations to commence after.

d. Proposals received after 2pm on 26 March 2024 may not be considered, or may be considered in following years.

e. Proponents should be aware that it is possible that no Proposal will be assessed as suitable.

(12) If Government agrees to offer Financial Assistance for one or more Proposals through the Affordable Housing Project Fund, the Territory will aim to finalise negotiations and enter into an Agreement with any Successful Proponent as soon as practicable.

(13) Any Agreement will require a Successful Proponent to comply with the obligations set out within this RFP, including the provision of the Agreed Number of Affordable Rental Dwellings.

(14) The Territory is seeking responses to this RFP to deliver the Minimum Number of Affordable Rental Dwellings within a Build-to-Rent development for at least 15 years in a manner that, consistent with the Assessment Criteria and responses to the Returnable Schedules, meets the affordable rental outcomes for lower income households.

(15) The RFP aligns to the ACT Wellbeing Domains of Housing and Home and Living Standards, facilitating affordable housing that is secure and suitable. Consistent with the primary objectives of this RFP, proposals that contribute towards closing the gap on disadvantage between Aboriginal and Torres Strait Islander and non-Indigenous Canberrans will be considered.

KEY INFORMATION

1 LIST OF REQUIREMENTS

(1) The Territory envisions a Successful Proponent will enter into an Agreement that will have a term of at least 15 years from the operation (rented to eligible tenants) of the Agreed Number of Affordable Rental Dwellings on the Land. Proponents will be required to identify the Land for the Proposal in Returnable Schedule 2.

(2) The Agreement will set out certain requirements, rights and obligations in respect of the Affordable Rental Dwellings constructed on the Land. A Successful Proponent will be required to:

(a) provide a Development Application (DA) and Certificate of Occupancy and Use as evidence that the development meets the requirements of the Multi Unit Housing Development Code;

(b) rent the Agreed Number of Affordable Rental Dwellings each Reporting Date as outlined in Returnable Schedule 2 and subject to negotiation with the Territory, and:

(i) only rent Affordable Rental Dwellings to Eligible Tenants in line with the process the Proponent outlines in Returnable Schedule 7 which is designed to demonstrate that the Affordable Rental Dwellings will be appropriately managed;

(ii) if a tenant of an Affordable Rental Dwelling ceases to be an Eligible Tenant, after a designated period of time (subject to negotiation in developing the Agreement), the Dwelling ceases to be an Affordable Rental Dwelling and will not count towards compliance with the Agreed Number of Affordable Rental Dwellings; and

(iii) the requirements for ii would align to the eligibility requirements within the Affordable Community Housing Land Tax Exemption scheme.

(c) comply with the management regime set out in Returnable Schedule 7 including continued use of any specified Operator, unless amended within the Agreement with consent of the Territory; and

(d) provide reports and documentation to the Territory in respect of residential tenancies on the Land, including those in respect of Affordable Rental Dwellings.

(3) If there are a mix of market and Affordable Rental Dwellings on the Land, there are additional requirements for a Successful Proponent to ensure Affordable Rental Dwellings and other Development Dwellings are seamlessly integrated such that access to common areas, services, facilities and amenities of the Land are made available to all on an equal basis.

(4) If a Successful Proponent does not comply with the requirement to rent the Agreed Number of Affordable Rental Dwellings on a Reporting Date then the Territory may, at its absolute discretion, agree to provide partial Financial Assistance on a Reporting Date for an amount the Territory, in its absolute view, determines is reasonable.

(5) The reporting or audit requirements will be determined by the Territory and set out in an Agreement. At a minimum, requirements are likely to include:

(a) regular reporting of the Affordable Rental Dwellings on a designated Reporting Date schedule, including the number/location, Affordable Rent and Market Rent for each dwelling on the Land;

(b) provision of evidence such as through an independent valuation of Market Rent, or evidence regarding the income of Eligible Tenants;

(c) information to support the assessment of the Territory that the Development Dwellings are being delivered in line with the information provided in the Returnable Schedules, or as otherwise agreed by the Territory; and

(d) information that enables the Territory to review the performance of the obligations set out in the Agreement (which will reflect the list of requirements within this RFP).

(6) Subject to ongoing compliance with the requirements of the Agreement, a Successful Proponent will be entitled to the Financial Assistance outlined in the Agreement.

(7) The Territory will seek to align any Financial Assistance with project delivery milestones. This may be achieved through the structuring of Upfront Financial Assistance including consideration of clawback mechanisms.

2 THE RFP PROCESS

(1) The Territory will conduct the RFP process as set out in Parts B and C below, under the Standard Terms and Conditions set out in Part D, and any other requirements, rights and reservations set out in this RFP.

(2) In summary:

(a) **RFP**: interested Eligible Persons are invited to submit Proposals in the manner set out in Part B, including all required Returnable Schedules and addressing the Assessment Criteria;

(b) **Evaluation:** the Territory will evaluate Proposals received in the manner set out in Part C, including determining if they are Compliant Proposals (including in respect of Threshold Assessment Criteria) and assessment of such Proposals against the Assessment Criteria to determine any Proposals put forward for consideration;

Prospective proponents should note the estimated timeframes for the RFP processes as set out in section 3;

(c) **Decision on Financial Assistance**: Individual Agreements are to be tailored, negotiated and offered to each Successful Proponent in line with the decision. The Agreement/s will be developed based on the list of requirements at section 1 in this RFP, and the Returnable Schedules received in response to the RFP. The Territory and a Successful Proponent/s may enter into an Agreement, and then a Successful

Proponent may proceed to operate the Affordable Rental Dwellings including complying with all obligations under the Agreement.

Unless a Successful Proponent has already constructed a development in line with their Proposal, a Successful Proponent will need to develop the Land consistent with the Crown Lease. On completing the Development Dwellings on the Land, a Successful Proponent will proceed to operate the Build-to-Rent development including complying with all obligations under the Agreement.

Successful Proponent Negotiations

(3) As part of the process of offering a potential Agreement to a Successful Proponent, the Territory may invite the Proponent to:

(a) clarify any ambiguous matters, refine and/or provide further detail to any matter set out in the Proposal; and

(b) enter negotiations for the purpose of reaching agreement on the terms of the Agreement to fairly and accurately reflect the content and outcomes:

(i) set out in the relevant Proposal;

(ii) of the parties' negotiated positions; and

(iii) of this RFP.

3 RFP TIMEFRAMES AND QUESTIONS

An indicative timetable for the RFP process is set out below, however, the dates specified in the timetable are subject to change at the Territory's absolute discretion.

RFP task	Date for completion of task
RFP Release	26 September 2023
End Date and Time to submit proposal for a decision in early 2024	2pm on Tuesday 31 October 2023
Notify outcome to Proponents	Early 2024
Negotiate any agreements	Early to mid 2024
End Date and Time to submit proposal for a decision in mid 2024	2pm on Tuesday 26 March 2024
Notify outcome to Proponents	Mid 2024
Negotiate any agreements	Mid to late 2024

PART B – SUBMITTING A PROPOSAL

4 DISCLAIMER

(1) No legal obligations arise until the Territory has entered into an Agreement.

(2) The Territory is not required to accept any Proposal submitted by a Proponent under this RFP process or execute an Agreement.

5 RIGHT TO SUBMIT A PROPOSAL

(1) Any Eligible Person may submit a Proposal, including both companies and individuals.

(2) Consortiums of legal entities may also submit Proposals subject to the conditions of this RFP.

(3) Eligible Persons may also submit Proposals as trustees of trusts, provided they explicitly note this in their Proposal.

6 ELEMENTS OF A PROPOSAL

(1) Each Proposal must contain:

(a) completed Returnable Schedules 1-7 inclusive;

(b) completed Returnable Schedule 8 (if applicable);

(c) completed Returnable Schedule 9 (if applicable);

(d) a warranty from the Proponent in the form set out in Returnable Schedule 10.

(2) Details of these requirements are set out below:

(a) Returnable Schedule 1 – Proponent's Details;

(b) Returnable Schedule 2 – Land and capacity to deliver the Affordable Rental Dwellings;

(c) Returnable Schedule 3 – Residential development experience;

(d) Returnable Schedule 4 – Financial response;

(e) Returnable Schedule 5 – Timing of development;

(f) Returnable Schedule 6 – Affordable rental experience;

(g) Returnable Schedule 7 – Intended processes for administering affordable rental;

(h) Returnable Schedule 8 – Upfront Financial Assistance and satisfaction the project will meet Government aims over time (this Schedule is only required to be submitted where Upfront Financial Assistance has been requested); and

(i) Returnable Schedule 9 – Consortium Members and Details (this Schedule is only required to be submitted where there is more than one proposed Proponent).

(3) Proposals must provide a detailed response to each of the Returnable Schedules. The requirements of the responses are detailed in the Returnable Schedules.

a. Some Returnable Schedules include page limits inclusive of any referenced attachments. Additional pages will not be considered.

b. To ensure page limits are adhered to, attachments must either be co-located with a response to a Returnable Schedule, or clearly referenced as being part of a response to a Returnable Schedule. Where a referable Returnable Schedule isn't identified, an attachment will not be considered unless the attachment is one of the following documents requested by the Territory in Returnable Schedule 2:

i. Crown lease;

ii. Development Application or site plans; and

iii. Letters from financier or accountant.

(4) The Proponent must include warranties from the Proponent as set out in Returnable Schedule 10, including:

(a) it has undertaken reasonable checks and searches and it is not aware of any information, relationships or other matters that may give rise to a conflict of interest or the potential for a conflict of interest in respect of this Proposal that has not been disclosed to Territory in writing;

(b) it has read and understood this RFP, and the Proposal is submitted in accordance with the RFP;

(c) it accepts that it is the Territory's usual practice to make publicly available after entering an Agreement with a Successful Proponent details including its name, details on the Land, development size, attributes, configuration, estimated number of Affordable Rental Dwellings and estimated date for commencement of Affordable Rental Dwellings;

(d) it has submitted the Proposal considering the matters acknowledged above;

(e) all information in the Proposal is true and correct at the time of lodgement; and

(f) in preparing its Proposal it has received and reviewed each Addendum issued.

7 COMPLIANT PROPOSAL

(1) A Compliant Proposal is one that:

(a) is submitted by an Eligible Person(s) or a consortium of Eligible Persons;

(b) comprises the completed (and, where applicable, signed):

(i) Returnable Schedules 1-7;

(ii) Returnable Schedule 8 (if required);

(iii) Returnable Schedule 9 (if required); and

(iv) Returnable Schedule 10,

including all documents and information required in the Returnable Schedules; and

(c) has not been deemed to be non-compliant in accordance with section 7 of this RFP; and

(d) otherwise conforms with the requirements of this RFP.

(2) The Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant:

(a) at any time exclude the Proposal from consideration or further consideration, including if in the opinion of the Territory the Proposal is:

(i) incomplete or non-compliant with the requirements of this RFP;

(ii) subject to any condition or requirement which is contrary to the requirements of this RFP; or

(iii) subject to a condition or requirement that may require further due diligence or other investigations to be performed after the Proposal is submitted;

(b) ignore the non-compliance in the Proposal and assess the Proposal further; or

(c) if it is possible to correct the non-compliance without affecting the probity of the RFP process, permit the Proponent to do so.

(3) If a Proposal has not been excluded but is considered by the Territory to be incomplete, non-compliant or otherwise in need of clarification, the Territory may in its absolute discretion seek clarification from the Proponent about any matter that it considers relevant to the evaluation of the Proposal.

8 LODGING PROPOSALS

(1) If a Proposal is submitted other than in accordance with the requirements set out in this section, the Territory may, at its absolute discretion, decline to consider that Proposal.

(2) Completed Proposals must be lodged electronically by email to cmteddbuildtorent@act.gov.au (ACT Treasury).

(3) Proponents will receive a confirmation email within 2 Business Days in response to any Proposal that has been received. This email will only confirm the Proposal has been received, it will not confirm that the Proposal is compliant.

(4) Submitted files must be lodged, as applicable, in the following formats:

(a) PDF; and/or

(b) Microsoft Word; and/or

(c) Microsoft Excel.

(5) All queries and requests for technical or operational support regarding lodgement should be directed via email to cmteddbuildtorent@act.gov.au. ACT Treasury may coordinate a time to call.

(6) The Proponent has the right to withdraw its Proposal at any point during the RFP process. All queries and requests to withdraw from the process should be directed via email to cmteddbuildtorent@act.gov.au.

(7) There is currently no Closing Date to lodge proposals. A Closing Date may be established from 2024-25 onwards at any time by providing four months notice to all prospective Proponents that have requested an application form.

9 NON-COMPLIANT AND INCOMPLETE PROPOSALS

(1) Incomplete Proposals, and Proposals lodged other than in compliance with this Part B will be registered separately and may or may not be admitted to the evaluation process at the sole discretion of the Territory without explanation to the non-conforming Proponents.

10 QUESTIONS ON THE RFP PROCESS

(2) Eligible Persons are invited to ask questions on the RFP Process, including the requirements in this RFP. All questions should be directed via email to cmteddbuildtorent@act.gov.au.

(8) The Territory will report all questions and answers on the ACT Treasury website. All Proponents will be provided a link to this website.

PART C – ASSESSMENT OF PROPOSALS

11 THRESHOLD ASSESSMENT CRITERIA

(1) A Proponent must satisfy the Threshold Assessment Criteria set out below. Each Threshold Assessment Criteria includes a Returnable Schedule which provides more information for response to that criterion.

Threshold Assessment Criteria – Land and capacity to deliver the Affordable Rental Dwellings

(2) The Territory must be satisfied the Proponent has capacity to deliver a Build-to-Rent development with the Minimum Number of Affordable Rental Dwellings to be considered for Financial Assistance on the proposed site.

(3) Proponents must provide information about the Land and any existing development intended to be used for this Proposal.

(4) Where the Proponent intends to construct or renovate, information on site feasibility to accommodate the proposed development, and financial capacity to deliver the proposed development, must be provided.

(5) If a Proponent is relying on any financial assistance for the development through a separate ACT or Commonwealth Government initiative or community raised funds, the Proponent must include this information.

(6) Prospective Proponents should note that they need to make their own assessment and exercise their own judgement as to the likely and possible costs of developing the Land and operating the facility, including with reference to the Background Documentation and all other matters disclosed in this document.

(7) Proponents must complete Returnable Schedule 2 in responding to this Threshold Assessment Criterion.

Threshold Assessment Criteria – Residential development experience

(8) The Territory must be satisfied the Proponent has demonstrated that the Proponent or Consortium has designed or constructed residential development suitable for long-term residential use (for at least 15 years), whether in the Territory or elsewhere.

(9) Proponents must complete Returnable Schedule 3 in responding to this Threshold Assessment Criterion.

12 WEIGHTED ASSESSMENT CRITERIA

(1) Compliant Proposals will be assessed against the following Weighted Assessment Criteria:

(a) Financial Response (Returnable Schedule 4);

(b) Timing of Development (Returnable Schedule 5);

(c) Affordable Rental Experience (Returnable Schedule 6); and

(d) Intended Processes to Administer Affordable Rental (Returnable Schedule 7).

(2) The below Weighted Assessment Criteria are the subject of Returnable Schedules in this RFP that details the Territory's requirements, which each Proponent must address in their Proposal through submission of the completed Returnable Schedule. Proponents are responsible for ensuring the sufficiency of their responses in addressing each criterion.

Weighted Assessment Criteria	**Returnable Schedule (RS)**	**Weighting (%)**
Financial Response Proponents must provide a Financial Response addressing matters set out in Returnable Schedule 4. Additional information regarding this criterion is set out in section 12 (3 – 6) of this RFP and Returnable Schedule 4.	**RS 4** Address all RS requirements	30

Timing of development Proposals that can deliver the Agreed Number of Affordable Rental Dwellings by 2024-25 will score highest under this criterion. Proposals that intend to have a Development Application (DA) progressed by 2024-25 will score next highest under this criterion. Additional information regarding this criterion is set out in section 12 (7 – 8) and Returnable Schedule 5.	**RS 5** Address all RS requirements	30
Affordable Rental Experience Proponents must provide a response to this criterion addressing the matters set out in Returnable Schedule 6 referencing the demonstrated experience of the Proponent to successfully operate, lease and maintain affordable rental accommodation of the kind contemplated in this Build-to-Rent project. Additional information regarding this criterion is set out in section 12 (9 – 10) and Returnable Schedule 6.	**RS 6** Address all RS requirements	20
Intended Processes to Administer Affordable Rental Proponents must provide a response to this criterion addressing the matters set out in Returnable Schedule 7 referencing the intended processes for administering Affordable Rental Dwellings. This can include using a Community Housing Provider to manage Affordable Rental Dwellings. Additional information regarding this criterion is set out in section 12 (11- 12) and Returnable Schedule 7.	**RS 7** Address all RS requirements	20

Financial Response

(3) In preparing their Financial Response, Proponents should note the Territory will evaluate this criterion on the lowest cost per Affordable Rental Dwelling to the Territory. The evaluation will be based on the estimate of net present value of the cost of the Financial Assistance to the Territory per Affordable Rental Dwelling (cost estimate).

(4) The Territory will only consider providing Financial Assistance to support the provision of Development Dwellings as Affordable Rental Dwellings. The Territory is not seeking to fund the development. Community Housing Providers are encouraged to engage with National Housing Finance and Investment Corporation (NHFIC) to explore options for concessional financing to improve the viability of affordable rental initiatives.

(5) The 2023-24 RFP process is designed to grow the number of Affordable Rental Dwellings in the ACT, as compared to other models of housing support. The Territory will not proceed with a Proposal that has a cost estimate greater than the benchmark achieved under the RFP process as well as the ACT's existing affordable rental initiatives.

(a) Proponents are required to identify any social housing or homelessness support component of a proposed development, as well as outline any impact on the timing or feasibility of delivery of the Affordable Rental Dwellings.

(6) Proponents must provide as part of the Financial Response a list of assumptions, inclusions and exclusions relevant to the Financial Response, including the information requested in Returnable Schedule 4. This information will be used to provide the Territory's cost estimate per Affordable Rental Dwelling.

Timing of development

(7) In line with the Government's 10^{th} Parliamentary and Governing Agreement commitment to increase the supply of affordable rental by 600 Dwellings by 2025-26, the Territory has included a weighted criterion that provides greater weighting to proposals that are likely to deliver and operate the Agreed Number of Affordable Rental Dwellings by 2024-25, or have progressed a DA by 2024-25. Proponents must complete Returnable Schedule 5 in responding to this Criterion.

(8) If the development, or a co-located service within the development, is seeking ACT or Commonwealth Government raised funds, or community raised funds, the Proponent must include additional information on any potential implications for the timing of delivering the Agreed Number of Affordable Rental Dwellings within their response to Returnable Schedule 5.

Affordable Rental Experience

(9) The Territory will evaluate through the Proposals that demonstrated experience of the Proponents to successfully operate, lease and maintain affordable rental accommodation of the kind contemplated in this Build-to-Rent project, including through the engagement of, or collaboration with, other entities such as a Community Housing Provider.

(10) Proponents must complete Returnable Schedule 6 in responding to this Criterion. Proposals able to demonstrate experience of operating, leasing and maintaining affordable rental accommodation will be considered more highly.

Intended Processes to Administer Affordable Rental

(11) The Territory will evaluate through the Proposals the proposed operational systems and protocols for delivering and demonstrating compliance with the requirements of an Agreement in respect to the management of Affordable Rental Dwellings, including:

(a) any use of Community Housing Providers or other entities for selection of Eligible Tenants, or management of the Affordable Rental Dwellings;

(b) the process for selecting tenants for Affordable Rental Dwellings, including any target cohort, the method for ensuring tenants are Eligible Tenants and tenants' privacy and personal information is protected;

(c) the capacity for the proposal to support the ACT Government's priority cohorts for targeted assistance, as well as the income-based eligibility criteria, including a preference for Community Housing Provider tenancy management due to the experience of these entities in regards to the ACT's Government's priority cohorts;

(i) for information on the ACT Government's priority cohorts for housing assistance, please see the ACT Housing Strategy;

(d) process for ensuring tenants of Affordable Rental Dwellings have equal access and rights to use common areas, facilities, services, carparking, infrastructure on the Land as other tenants; and

(e) any other relevant supporting information.

(12) Proponents must complete Returnable Schedule 7 in responding to this Criterion. Proponents able to outline ongoing arrangements that meet the list of requirements at Part A section 1 will be considered more highly.

13 NON-WEIGHTED ASSESSMENT CRITERIA

(1) In considering Proposals the Territory may consider two additional Non-Weighted Assessment Criteria in evaluating individual proposals, at its absolute discretion.

If any Upfront Financial Assistance is requested in the Financial Response: **Satisfaction the project will meet the aims of Government over time**

(2) If requesting upfront forms of Financial Assistance in Returnable Schedule 4 under Item 3, including Lease Variation Charge (LVC) assistance or upfront grant assistance, Proponents to satisfy the Territory the project will meet the Territory's affordable rental aims, to deliver the Minimum Number of Affordable Rental Dwellings for at least 15 years, in line with the requirements in Part A section 1 of this RFP over time.

(3) This could include but is not limited to evidence of experience in delivering affordable rental over time as part of Proponents' core business, E.g. Community Housing Provider Proposals.

(4) Proponents requesting Upfront Financial Assistance in Returnable Schedule 4 under Item 3 must complete Returnable Schedule 8 in responding to this Non – Weighted Assessment Criterion.

Suitability of location of project

(5) The Territory may consider the suitability of the location of the Land, as set out in Returnable Schedule 2, in its assessment of the Proposals at its absolute discretion. The Territory may consider the suitability of location in terms of:

(a) access to transport, services and employment; or

(b) co-location of services or businesses where there is a risk to the wellbeing of tenants.

14 ASSESSMENT OF PROPOSALS

(1) The Territory will assess each Compliant Proposal in the first instance against the Threshold Assessment Criteria. Where the Territory determines a Proposal does not provide a satisfactory response (determined by the Territory in its absolute discretion) against one or more Threshold Assessment Criteria it may decide not to further consider or evaluate the Proposal.

(2) If the Territory, following consideration of the Threshold Assessment Criteria determines to continue its assessment it will proceed to assess and score the Weighted Assessment Criteria.

(3) Where the Territory determines a Proposal does not provide a satisfactory response (determined by the Territory in its absolute discretion) in respect of any Weighted Assessment Criteria, the Territory may, at its absolute discretion, determine not to further consider or evaluate the Proposal regardless of its scores in respect of any other Weighted Assessment Criteria.

(4) Where the Territory considers that there are aspects of any Proposal that are unclear or open to more than one interpretation, it may pose written questions to the Proponent to clarify those aspects. Proponents will have up to 5 Business Days (or as otherwise advised by the Territory) to provide answers to the questions.

(a) Proponents should note that this process is limited to clarification of ambiguities. Proponents will not be permitted to undertake refinements or seek to improve the substance of their Proposals through this process.

(5) Following resolution of these questions, the Territory will rank the Proposals. Proposals will initially be ranked according to the assessment of Weighted Assessment Criteria, however, the Territory reserves the right to alter the ranking of Proposals at its absolute discretion.

(6) Following completion of the assessment against the Weighted Assessment Criteria the Territory may undertake a further assessment to evaluate Proposals having regard to overall risk, including in relation to their financial standing and consideration of the Non-Weighted Assessment Criteria. The ranking of the Proposals may be adjusted following the conduct of that additional assessment, if undertaken.

(7) The ranking of Proposals will be used in consideration of whether to include the proposal for consideration under the Affordable Housing Project Fund.

15 DEBRIEFING OF PROPONENTS

Proponents may request a debriefing following the conclusion of the RFP process and should do so in writing via email to cmteddbuildtorent@act.gov.au. Debriefings will be limited to matters relevant to the Proponent's Proposal and the assessment criteria contained in this RFP.

16 POST PROPOSAL NEGOTIATIONS AND EXECUTION OF DOCUMENTS

(1) Upon the announcement of Successful Proponents, the Territory will commence negotiations with each Successful Proponent with a view to finalising the relevant Agreement.

Agreement Negotiations

(2) The Agreement will be completed from the information provided in the Proponent's Proposal and any subsequent post Proposal negotiations. Proponents are reminded that the Territory may limit post Proposal negotiations to refining the terms proposed in the Proposal and not permit variation of the Proposal.

Execution of Agreement

(3) At the conclusion of negotiations, the Territory and Successful Proponent may execute the Agreement bringing the RFP process to its conclusion. From that point the relationship between the parties will be governed by the Agreement.

(4) Proponents should note that the Territory will only execute documents with the entity or entities nominated in Returnable Schedule 1, and not with any subsequently proposed entity unless it determines otherwise at its absolute discretion. This is not a negotiable term.

PART D – STANDARD TERMS AND CONDITIONS

17 RETURNABLE SCHEDULES

In completing the Returnable Schedules Proponents must ensure that the following requirements are met.

(1) If a Proponent:

(a) is a company, it must execute the documents:

(i) in accordance with section 127 of the *Corporations Act 2001* (Cth); or

(ii) by attorney of the company pursuant to a power of attorney registrable in the ACT; and

(b) is a natural person, the documents must be executed:

(i) by that person; or

(ii) by attorney of that person pursuant to a power of attorney registrable in the ACT.

(2) All Returnable Schedules and all attachments and supporting material are written in English.

(3) Measurements are expressed in Australian legal units of measure (metric where applicable) and prices in Australian Dollars.

18 ADDENDA

The Territory may issue addenda to this RFP for the purposes of clarifying or amending it. Addenda become part of the RFP and Proponents must, on submitting a Proposal, acknowledge receipt of each addendum and respond to this RFP as amended by all addenda.

19 END DATE AND TIME

(1) There is no closing date or time for this RFP, however there is an End Date and Time for a proposal to be considered for a decision in a certain timeframe.

(2) The Territory may, at any time before the End Date and Time, change the relevant End Date and Time to a later time or date. If the Territory changes the End Date and Time it will use reasonable endeavours to notify that change to those who have registered as prospective Proponents.

(3) A Proposal lodged after the End Date and Time may be reviewed by the Territory but will be excluded from evaluation and will be returned to the Proponent unless, in the opinion of the Territory, there are extenuating circumstances justifying the acceptance of the Proposal for evaluation.

(4) A Proposal lodged but otherwise not in compliance with this RFP may be excluded from or admitted to evaluation by the Territory at the Territory's sole discretion.

20 TERRITORY'S RIGHTS

(1) The Territory may at any time:

(a) cancel, add to or amend the information, requirements, terms, procedures or processes set out in this RFP, including after the End Date and Time;

(b) provide additional information to prospective Proponents including by way of addenda;

(c) suspend or terminate the RFP process;

(d) admit or exclude any Proposal or Proponent from the RFP process;

(e) accept or reject or shortlist any Proposal, regardless of its compliance or non-compliance with this RFP;

(f) request and rely on any clarification or additional information from any Proponent;

(g) invite a best and final offer from Proponents being considered;

(h) enter into negotiations with any one or more Successful Proponents, including but not limited to negotiations as to price;

(i) discontinue negotiations with any Successful Proponent;

(j) elect not to proceed to select any Proposal where funding is agreed under the 2023-24 Budget, or any Successful Proponent(s).

(2) Any time or date in this RFP is for the sole convenience of the Territory. The establishment of a time or date in this RFP does not create an obligation on the part of the Territory, to take any action or extend any right to any Proponent to expect that any action be taken on the date established. The Territory may notify Proponents if the Territory exercises any of the rights listed in this RFP but will not be obliged to provide any reasons for its actions.

(3) If this RFP provides that the Territory "may" do a thing, it may do so in its absolute discretion, at any time and without having to notify any Proponent(s) or provide any reason(s).

21 EXCLUSIONS OF LIABILITY

(1) Participation in any stage of this RFP process or in relation to any matter concerning the RFP process will be at each Proponent's sole risk, cost and expense. The Territory will not be liable in any circumstances whatsoever for:

(a) any cost, expense, loss, claim or damage arising out of, or in connection with, any Proponent's participation in this RFP process including the preparation and submission of a Proposal, participation in a presentation or interview, arranging and conducting a site visit or the preparation and negotiation of an Agreement;

(b) any cost, expense, loss, claim or damage arising or resulting from the exercise of any of the Territory's rights referred to in this RFP; or

(c) any failure by the Territory to inform Proponents of the exercise of any of the Territory's rights or discretions under the RFP.

(2) The Territory will not be liable to any Proponent on the basis of any promissory estoppel, quantum meruit or on any other contractual, quasi contractual or restitutionary grounds or any rights with similar legal or equitable basis whatsoever or in negligence as a consequence of any matter or thing relating or incidental to a Proponent's participation in the RFP process, including, without limitation, instances where the Territory:

(a) varies or terminates this RFP process or any negotiations with a Proponent;

(b) decides not to proceed with or to change any aspect of the RFP;

(c) exercises or fails to exercise any of its rights under or in relation to this RFP; or

(d) makes information available or provides information to a Proponent relating to its assets, procedures, plans, Proposal, existing arrangements for the project or any other future arrangements.

22 DISCLAIMER

(1) This RFP is not an offer by the Territory to enter into an Agreement, nor does it constitute any recommendation in relation to any matter, and it does not include any investment, accounting, financial, legal or tax advice.

(2) This RFP has been prepared solely for prospective Proponents to use in deciding whether to respond to this RFP or to undertake further investigation of the opportunity described in it. Neither the information in this RFP nor any other information provided to Proponents by the Territory or the Territory, either of their officers, employees, agents or advisors contains or purports to contain all the information that Proponents would desire or require to

assess the opportunity for participation in the RFP process and the projects contemplated by the RFP. Proponents must:

(a) decide whether to submit a Proposal based on their own due diligence, inquiries, advice and knowledge and the Territory and its officers, employees, agents, consultants and advisors are not under any duty at any time to disclose any fact, matter or circumstance concerning the Territory, the RFP process, the projects contemplated by the RFP or anything else; and

(b) independently satisfy themselves as to the accuracy of this RFP and all information provided to them and must conduct their own inquiries, investigations, analysis and appraisal of this RFP and must seek appropriate professional advice about this RFP and all information provided to them with respect to:

(i) the projects contemplated by the RFP; and

(ii) all assumptions, uncertainties and contingencies, which may affect the projects contemplated by the RFP.

(3) Neither the release of this RFP, nor the submission of any Proposal, will create or evidence any contractual or other enforceable obligations or any other binding undertaking of any kind by the Territory or Territory (including one that could give rise to any promissory estoppel, quantum meruit or on any other contractual, quasi contractual or restitutionary grounds or any rights with a similar legal or equitable basis) in relation to:

(a) the conduct of this RFP process; or

(b) whether or not the Territory in fact enters into an Agreement with a Proponent.

(4) The Territory:

(a) are, and will not be, responsible or liable for the accuracy, currency, reliability or completeness of any information provided to Proponents;

(b) make no express or implied representation or warranty that any estimate or forecast will be achieved or that any statement as to future matters will prove correct;

(c) expressly disclaim any and all liability arising from all information provided to Proponents including errors or omissions contained in the information;

(d) except so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors in or omissions from this RFP or any information provided to Proponents in negligence;

(e) do not represent that they apply any expertise which can be relied upon by Proponents or any other interested party;

(f) have no responsibility to inform Proponents of any matter arising or of which they become aware which may affect or qualify any information provided to Proponents in any way;

(g) accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing any reliance on the contents of this RFP or any information provided to Proponents; and

(h) assume no duty of disclosure or fiduciary duty to any interested party.

23 OWNERSHIP OF RFP AND PROPOSALS

(1) In this RFP the expression "Intellectual Property Rights" means present and future copyright, registered and unregistered trademarks, industrial designs and registered or registrable patents, semiconductor and circuit layout rights, trade, business and company names, trade secrets, or any other proprietary rights and any rights to registration of those rights in Australia or elsewhere.

(2) All documents in this RFP are the property of the Territory. All Intellectual Property Rights contained in this RFP are retained by the Territory and/or any third party who has given the Territory permission to incorporate them in this RFP. No part of this RFP may be reproduced, stored in a retrieval system or transmitted in any form, by any method, including electronic, for any purpose, except as expressly permitted under applicable legislation or by

permission of the Territory. However, Proponents may reproduce any information provided by Territory to them in electronic format as part of this RFP for the sole and exclusive purpose of preparing their Proposal.

(3) The Territory may, at any stage during the RFP process, require Proponents to:

(a) return to the Territory; or

(b) destroy and provide the Territory with certification of the destruction of;

any information supplied by the Territory to Proponents, in any material form, in connection with the RFP.

(4) Upon lodgement, all Proposals will become the property of the Territory. The Territory may make further copies of, and use, any Proposal for the purpose of conducting the RFP process and evaluating Proposals. However, any Intellectual Property Rights in the information contained in the Proposals will not pass to the Territory simply by virtue of the lodgement of that Proposal.

24 DISCLOSURE OF CONFIDENTIAL INFORMATION

(1) Any requests for information contained in Proposals to be treated as Confidential Information will be considered by the Territory in its absolute discretion.

(2) Notwithstanding any other provision in this RFP, a Successful Proponent's details including their name, Land details, proposed timing and yield of the development, proposed timing and size of affordable rental component, and the Financial Assistance, may be made publicly available by the Territory after an Agreement is entered into.

(3) If the Territory provides Proponents with information expressly stated as Confidential Information, the Proponents must not disclose that information to any person other than to their employees or advisers directly involved in the preparation of their Proposal. Proponents must comply with this obligation both during and after the RFP process, for so long as such information is considered by the Territory to be Confidential Information.

25 APPLICABLE LAW

The law applying in the Territory applies to this RFP process.

26 SECURITY, PROBITY AND FINANCIAL CHECKS

The Territory may perform security or financial (including credit) checks in relation to Proponents, their directors, partners, associates, or related entities and their officers or employees. This may also include contact with financial advisers and auditors to clarify information or seek additional information. These checks may require individuals to sign forms verifying information relating to an individual and/or authorising the provision of confidential or personal information. Proponents must provide, at their cost, all reasonable assistance to the Territory in this regard.

27 CONFLICTS OF INTEREST

A conflict of interest may exist, for example, if the Proponent or any of its personnel has a relationship (whether professional, commercial or personal) with another party who is able to influence the matter (such as Territory personnel or advisers). If a Proponent identifies that a conflict of interest exists or might arise in its participation in the RFP process, the Proponent must notify the project team of the relevant circumstances as soon as practicable after becoming aware of the conflict or potential conflict, identify that actual or potential conflict of interest in writing in its Proposal, and complete the warranty in the Returnable Schedules in relation to conflict of interest. If the conflict or potential conflict arises after the lodgement of the Proposal, the relevant Proponent must notify the project team as soon as possible.

28 FALSE AND MISLEADING CLAIMS

Proponents are advised that giving false or misleading information is an offence. The Territory may reject any Proposal which is found to have made a false or misleading claim or statement.

29 COLLUSIVE BIDDING

(1) Proponents and their respective officers, employees, agents and advisers must not engage in any collusive bidding (other than bidding by consortia to the extent permitted by this RFP), anti-competitive conduct or any other similar unlawful conduct with any other Proponent or any other person in relation to the preparation or lodgement of their Proposal.

(2) In addition to any other remedies available, the Territory may in its absolute discretion reject any Proposal lodged by a Proponent that the Territory suspects is engaging or has engaged in any collusive bidding, anti-competitive conduct or any similar conduct with any other Proponent or any other person in relation to the preparation or lodgement of its Proposal. The Territory may also involve the Australian Competition and Consumer Commission to provide assistance to the Territory in relation to any competition issues concerning a Proponent or related to a Proposal.

30 UNLAWFUL INDUCEMENTS

Proponents and their officers, employees, agents or advisers must not have violated and must not violate any applicable laws or Territory or Territory policies regarding the offering of inducements in connection with the preparation of their Proposal.

31 IMPROPER ASSISTANCE

Proponents must not communicate with nor solicit information concerning or relating to the RFP process from employees of the Territory or of the Territory. Proponents may only communicate with the project team in the first instance.

ATTACHMENT A – RETURNABLE SCHEDULES

The following pages should be detached, completed and lodged in accordance with Part B section 8

- Returnable Schedule 1 – Proponent's details
- Returnable Schedule 2 – Land and capacity to deliver the Affordable Rental Dwellings
- Returnable Schedule 3 – Residential Development Experience
- Returnable Schedule 4 – Financial Response
- Returnable Schedule 5 – Timing of Development
- Returnable Schedule 6 – Affordable Rental Experience
- Returnable Schedule 7 – Intended Processes to Administer Affordable Rental
- Returnable Schedule 8 – Upfront Financial Assistance and satisfaction the project will meet the aims of Government over time (if applicable)
- Returnable Schedule 9 – Consortium Members and Details (if applicable)
- Returnable Schedule 10 – Checklist and Warranty

RETURNABLE SCHEDULE 1 – PROPONENT'S DETAILS

Proponents should note that the Territory will only execute documents with the entity nominated in Returnable Schedule 1 and not with any subsequently proposed entity. This is not a negotiable term.

Proponent's Name: ____ ACN/ABN:

____

Registered Office: ____Principal Place

of Business: ____

Date and Place of Incorporation: ____

Trading and Business Names: ____Registered

Business Number: ____

Registration for GST: Yes ☐ No ☐

Telephone Numbers: Business Telephone: ____________________ After Hours: ____________________

Contact Person

Name: ____

Position: ____

Address: ____

Telephone Numbers: Business Telephone: ____________________ Mobile: ____________________

Fax Number: ____

Email Address: ____

We acknowledge receipt of the following addendum / addenda issued by Territory in relation to this RFP:

____

(insert each addendum number above)

RETURNABLE SCHEDULE 2 – LAND AND CAPACITY TO DELIVER THE AFFORDABLE RENTAL DWELLINGS

The Territory must be satisfied the Proponent has a site and capacity to deliver at least 15 per cent of Development Dwellings, and at least 10 Development Dwellings, as Affordable Rental Dwellings to be considered. There is no page limit for responding to this criterion and all referenced attachments will be considered.

To demonstrate this requirement, Proponents are required to provide information on the:

(a) Land (Block, Section, Suburb) of which the Proponent or Consortium is the Crown lessee;

(b) proposed size of the residential and commercial components of the development;

(c) dwelling limits in the Crown lease for the Land;

(d) estimated or actual dwelling yield and bedroom configuration;

(e) if a change or variation to the Territory Plan is required and how this may impact feasibility; and

(f) number or percentage of Development Dwellings that will be Affordable Rental Dwellings.

In addition, Proponents must provide the following items and information as evidence of capacity, with different requirements for Proposals using an existing development.

(g) **For Proposals with an existing development**: Proponents must provide the approved Development Application (DA) and Certificate of Occupancy and Use as evidence of size of the development and accordance with the Multi Unit Housing Development Code.

(h) **For Proposals intending to construct or renovate:** Proponents must provide information that satisfies the Territory that the proposed development is feasible. To demonstrate this requirement Proponents must:

  (i) provide either the DA number or information on site feasibility for the proposed development size provided in items (b and d);

  (ii) provide a current or recent estimate of the cost of construction or renovation (e.g. from the 12 months prior to the Submission), in line with the proposed development size provided in items (b and (d);

  (iii) provide a letter from their financier or accountant confirming that the Proponent can raise the funds for the estimated cost of constructing the development. This letter should note that the financier or accountant has reviewed and considered the Proponent's:

    a. financial capacity, viability and stability through provision of audited financial statements; and

    b. ability to finance the cost through demonstrating certainty of finance in the form of commitment letters, letters of support from financiers, support for equity contributions, Government financing and/or support and further information as required to illustrate the proposed financing approach; and

  (iv) if a proportion of the development is to be funded through assistance from a separate ACT or Commonwealth Government initiative (including through the National Housing Accord) or through community raised funds, evidence should be provided and the source and timing for assistance should be outlined by either the accountant or the Proponent.

The information provided will be used to confirm the number of Affordable Rental Dwellings for the Financial Response criterion outlined in Part C section 12 (3 – 6).

If a Successful Proponent does not deliver the expected number of Development Dwellings, and this impacts on their ability to deliver on the Agreed Number of Affordable Rental Dwellings, the Territory may renegotiate any Upfront Financial Assistance in negotiating any Agreement. Any ongoing Financial Assistance is likely to be adjusted in line with the revised number of Affordable Rental Dwellings.

RETURNABLE SCHEDULE 3 – RESIDENTIAL DEVELOPMENT EXPERIENCE

The Territory must be satisfied the Proponent has demonstrated that the Proponent or Consortium has experience in designing or constructing residential development, suitable for long-term residential use (for at least 15 years), whether in the Territory or elsewhere.

To demonstrate this requirement, Proponents are required to prepare a response of no more than four A4 pages (inclusive of referenced attachments) in length with a minimum font size of 11 detailing:

(a) one or more recent examples in designing and constructing residential developments undertaken, including:

  (i) the address/location;

  (ii) the role of the Proponent;

  (iii) how long the Proponent worked on those projects;

  (iv) any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the project or the Proponent's experience; and

(b) the contact particulars of a minimum of two (2) referees who can attest to the capacity, performance and experience of the Proponent or Consortium.

RETURNABLE SCHEDULE 4 – FINANCIAL RESPONSE

In preparing the Financial Response, Proponents should note the Territory will evaluate this criterion on the lowest cost per Affordable Rental Dwelling to the Territory for providing the affordable rental component for a minimum of 15 years. The evaluation will be based on the estimate of net present value of the cost of the Financial Assistance to the Territory per Affordable Rental Dwelling (Cost Estimate).

The Territory will not consider Financial Assistance for a Proposal with a Cost Estimate that is higher than the benchmarks achieved under existing affordable rental initiatives. The 2023-24 RFP process is designed to grow the number of Affordable Rental Dwellings in the ACT, and is not designed to support higher cost social housing or homelessness initiatives. Proponents are required to identify any social housing or homelessness support component of the proposed development.

Proponents should also note that the Territory will only consider providing Financial Assistance to support the provision of Development Dwellings as Affordable Rental Dwellings. The Territory is not seeking to fund the development, which typically sits beyond the cost estimate benchmark achieved. Community Housing Provider proponents are encouraged to engage with NHFIC to understand any opportunities.

The Territory has a strong preference for ongoing Financial Assistance, compared to Upfront Financial Assistance. Proponents should be aware that while the Territory may contemplate some Upfront Financial Assistance, this would be dependent on the Proposal meeting the aims of the Territory for delivery of affordable rental over time as outlined in Part A - Overview.

The Territory will only consider providing Financial Assistance to Proposals where the Development Dwellings in the Build-to-Rent development are approved and built in line with residential use rules in the Crown Lease and compliant with the Multi Unit Development Code.

The Territory will not consider a concession on Land Tax, General Rates or the Foreign Ownership Land Tax Surcharge. Proponents should consider titling arrangements that reduce property tax obligations for genuine long-term rental models. See Background Documentation for more information on titling opportunities for Build-to-Rent developments.

Each Proponent must complete the below information:

Item	**Response**
Item 1 Ongoing Assistance (subsidy grants) requested based on rent subsidy. Ongoing Assistance will be **payable/applied following the commencement of the Affordable Rental Dwellings and in line with the reporting requirements,** as per the list of requirements in Part A section 1. Any direct monetary assistance should be requested under this Item.	**Response to Item 1:** Are you requesting Ongoing Assistance (subsidy grants) payable following commencement of Affordable Rental Dwellings: Y / N Percent of the gap between 74.9 per cent of market rent and market rental Estimate of the weekly rent in 2023-24 prices
Item 2 Ongoing Assistance (scheduled or availability payment grants). This assistance will be **payable/applied**	**Response to Item 2:** Are you requesting Ongoing Assistance (scheduled or availability payment grants) payable following commencement of Affordable Rental Dwellings:

following the commencement the Affordable Rental Dwellings and in line with the reporting requirements, as per the list of requirements in Part A in section 1.	Y / N Please specify amount and schedule of assistance, including any indexation rate: Estimated dollar amount in 2023-24 dollars:
Item 3 Upfront Financial Assistance covers any assistance requested **prior to the commencement of the Affordable Rental Dwellings**. As outlined in Part C section 13 (2 - 3) of the Non-Weighted Criterion, the Territory may contemplate some Upfront financial assistance if satisfied the project will meet delivery milestones and achieve the Government's objectives and requirements over time as identified in Part A.	**Response to Item 3:** Are you requesting Upfront Financial Assistance (direct monetary assistance prior to commencement of the Affordable Rental Dwellings): Y / N Please specify if a grant or other type of assistance: Estimated dollar amount in 2023-24 dollars: Are you requesting Lease Variation Charge (LVC) assistance (note the assistance would be offered as a monetary grant and a dollar amount will be calculated to inform the Financial Assistance): Y / N Percent of LVC liability: If requesting a LVC assistance you will need to provide a Valuation Report prepared by an independent valuer. The Territory will seek to align any Upfront Financial Assistance with project delivery milestones. This may be achieved through the structuring of the Upfront Financial Assistance including consideration of repayment mechanisms.
Item 4 LVC deferral requested. A Certificate of Occupancy and Use can only be issued where the LVC has been paid. Therefore the LVC can only be deferred until this time.	**Response to Item 4:** Are you requesting an interest free LVC deferral until Certificate of Occupancy and Use. If you are also requesting LVC assistance, you can request to defer the remaining LVC. Y / N Generally LVC deferral incurs interest. As interest isn't applied, the opportunity cost will be costed into your proposal.

Proponents should detail any assumptions, inclusions, or exclusions relevant to the Financial Response.

If any additional ACT Government financial assistance or concession supports the Affordable Rental Dwellings, it may be factored into the cost per affordable rental at the discretion of the Territory. This includes any other assistance received on the purchase or development of the Land.

There is no page limit in responding to this criteria and all referenced attachments will be considered. The Territory may contact Proponents for further information related to this section.

RETURNABLE SCHEDULE 5 – TIMING OF DEVELOPMENT

Proponents should provide a response of no more than five A4 pages (inclusive of referenced attachments) with a minimum font size of 11 in response to this criterion. In line with the Government's 10th Parliamentary and Governing Agreement commitment to increase the supply of affordable rental by 600 Dwellings by 2025-26, the Territory has included a weighted criterion that provides greater weighting to proposals that are likely to deliver and operate the Agreed Number of Affordable Rental Dwellings by 2024-25, followed by proposals that have progressed a Development Application (DA) by 2024-25.

(a) For existing developments, outline a timeline of any proposed works including any Development Application (DA) number and proposed timeframe for operation of the Agreed Number of Affordable Rental Dwellings.

(b) For new developments, outline a timeline for construction, the year that the Agreed Number of Affordable Rental Dwellings is anticipated to commence operation, and:

   (i) If a DA has been submitted for the project, provide the DA number.

   (ii) If a project is pre-DA, include the timeframe to submit a DA.

(c) If the Proponent or Consortium is seeking:

   a. additional ACT or Commonwealth Government funding for the initiative,

   b. community raised funding for the development, or

   c. to operate a co-located service within the development,

   the Proponent must also include any implications for the timing of the Agreed Number of Affordable Rental Dwellings.

RETURNABLE SCHEDULE 6 – AFFORDABLE RENTAL EXPERIENCE

Proponents should provide a response of no more than two A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11 outlining:

(a) one or more relevant examples of operating, leasing and maintaining affordable rental accommodation of a kind comparable to a Build-to-Rent project. This may include through the engagement of, or collaboration with, other entities;

(b) for each example provided, Proponents should include:

  (i) the address/location of those affordable rental properties;

  (ii) what role the Proponent had (i.e. operating, leasing and/or maintaining affordable rental accommodation);

  (iii) how long the Proponent operated those projects;

  (iv) how large each project was, including details of number of tenancies;

  (v) the key features of each project, including tenancy management operational systems and protocols and provision of other services to tenants; and

  (vi) any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the Proponent's experience;

(c) the contact particulars of a minimum of two (2) referees who can attest to the capacity, performance and experience of the Proponent.

The Territory will favour Proponents with experience of operating, leasing and maintaining affordable rental accommodation.

The Territory will provide some weighting to Proponents who have used an entity that has experience of operating, leasing and maintaining affordable rental accommodation.

RETURNABLE SCHEDULE 7 – INTENDED PROCESSES TO ADMINISTER AFFORDABLE RENTAL

Each Proponent must complete the below information and can provide additional details of no more than six A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11.

Item	Response
Item 1 Is the Proponent currently a registered Community Housing Provider?	**Response to Item 1:** ☐ Yes, go to Item 4 ☐ No, go to Item 2
Item 2 Will the Affordable Rental Dwellings be managed by a registered Community Housing Provider? What will the arrangement between the Proponent and the Community Housing Provider be? How will this be maintained over 15 years? Provide an agreement or letter of support from the Provider.	**Response to Item 2:** ☐ Yes, go to Item 4 ☐ No, go to Item 3
Item 3 Which organisation will manage the Affordable Rental Dwellings? What experience do they have in affordable rental management? What will the arrangement between the Proponent and this organisation be? How will this be maintained over 15 years? Arrangements that can be demonstrated to be existing, formal and/or ongoing, with an entity that has experience in affordable rental management will be favoured. Provide an agreement or letter of support from any specifically proposed agencies.	**Response to Item 3:** Property management Agency: Experience: Arrangement:
Item 4	**Response to Item 4:**

Outline how tenant eligibility will be confirmed. • Provide the process for initially confirming a tenant's eligibility. • Provide the process for confirming eligibility over the course of tenure, in line with the list of requirements in Part A section 1. Note these processes must protect tenants' privacy and personal information. This should be addressed in the response.	
Item 5 Outline how Eligible Tenants will be selected. Will additional criteria to those indicated in the RFP, or a target cohort, be used? Assessment will consider capacity to support the Government's priority cohorts for targeted assistance.	**Response to Item 5:**
Item 6 Include information that ensures all tenants have equal access to common areas, facilities (including carparking), services and infrastructure.	**Response to Item 6:**
Item 7 Outline the proposed operational systems and protocols for delivering and demonstrating compliance with the list of requirements in Part A section 1.	**Response to Item 7:**

RETURNABLE SCHEDULE 8 – UPFRONT FINANCIAL ASSISTANCE AND SATISFACTION THE PROJECT WILL MEET THE AIMS OF GOVERNMENT OVER TIME

Proponents are only required to return this Returnable Schedule if any upfront Financial Assistance (including LVC or upfront grant assistance) is requested in response to the Financial Response Part C section 12 (3 – 6) of the RFP.

Proponents must satisfy the Territory that the project will meet the Territory's affordable rental aims over time, to deliver the Minimum Number of Affordable Rental Dwellings over at least 15 years, if requesting Upfront Financial Assistance.

Proponents should provide a response of no more than two A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11 in providing information to meet this requirement.

(a) This could include, but isn't limited to, evidence the Upfront Financial assistance will be provided to an entity of experience in delivering affordable rental over time as part of core business, E.g. Community Housing Provider Proposals or a formalised joint venture arrangement with a Community Housing Provider.

(b) If a high amount of Upfront Financial Assistance is requested, Proponents will require a strong response to this criterion.

RETURNABLE SCHEDULE 9 – CONSORTIUM MEMBERS AND DETAILS

	Member # 1	Member # 2	Member # 3
Member's Name:			
ACN/ABN:			
Registered Office:			
Principal Place of Business:			
Date and Place of Incorporation:			
Trading and Business Names:			
Registered Business Number:			
Registration for GST:	Yes / No	Yes / No	Yes / No
Telephone Number			
Business Telephone:			
After Hours:			
Contact Person			
Name:			
Position:			
Address:			
Telephone Number:			
Fax Number:			
Email Address:			
MEMBER DETAILS (AS ABOVE) MUST BE PROVIDED FOR EACH CONSORTIUM MEMBER. ONE CONTACT PERSON MUST BE PROVIDED ON BEHALF OF THE CONSORTIUM			
Attach extra pages as required for any additional consortium members.			

Indicate the nature, structure and shareholding of the Proponents and outline the proposed financial arrangements underpinning the consortium:

RETURNABLE SCHEDULE 10 – CHECKLIST AND WARRANTY

Checklist

In submitting this Proposal, the Proponent has completed the following tasks:

Task	Please tick
Completed Proponent's Details (Returnable Schedule 1)	☐
Land and capacity to deliver the Affordable Rental Dwellings (Returnable Schedule 2)	☐
Residential development experience (Returnable Schedule 3)	☐
Financial response (Returnable Schedule 4)	☐
Timing of development (Returnable Schedule 5)	☐
Affordable rental experience (Returnable Schedule 6)	☐
Intended processes to administer affordable rental (Returnable Schedule 7)	☐
Upfront Financial Assistance and satisfaction the project will meet Government aims over time (Returnable Schedule 8) (if applicable)	☐
Consortium members and details (Returnable Schedule 9) (if applicable)	☐
Completed this Checklist and signed the Warranty (Returnable Schedule 10)	☐

Warranty

The Proponent warrants to Territory that:

(1) it has undertaken reasonable checks and searches and it is not aware of any information, relationships or other matters that may give rise to a conflict of interest or the potential for a conflict of interest in respect of this Proposal that has not been disclosed to Territory in writing;

(2) it has read and understood, and this Proposal is submitted in accordance with, the RFP;

(3) it has submitted this Proposal taking into account the matters acknowledged above;

(4) all information in this Proposal is true and correct at the time of lodgement; and

(5) in preparing its Proposal it has received and reviewed each Addendum issued.

Dated this __________________________ day of _____________________________ 202__

If signed by a person:

SIGNED SEALED AND DELIVERED by)

_______________________________) _______________________________

Print name) Signature

in the presence of)

_______________________________ _______________________________

Signature of witness Print name

If signed by a company:

SIGNED by or for and on behalf of) _______________________________
Signature of authorised representative

_____________________________________)
Company name) _______________________________
Print name and position

_____________________________________)
ACN) _______________________________
Signature of authorised representative

under section 127 of the *Corporations Act 2001* (Cth)

____
Print name and position

ATTACHMENT A – RETURNABLE SCHEDULES

The following pages should be detached, completed and lodged in accordance with Part B section 8

- Returnable Schedule 1 – Proponent's details
- Returnable Schedule 2 – Land and capacity to deliver the Affordable Rental Dwellings
- Returnable Schedule 3 – Residential Development Experience
- Returnable Schedule 4 – Financial Response
- Returnable Schedule 5 – Timing of Development
- Returnable Schedule 6 – Affordable Rental Experience
- Returnable Schedule 7 – Intended Processes to Administer Affordable Rental
- Returnable Schedule 8 – Upfront Financial Assistance and satisfaction the project will meet the aims of Government over time (if applicable)
- Returnable Schedule 9 – Consortium Members and Details (if applicable)
- Returnable Schedule 10 – Checklist and Warranty

RETURNABLE SCHEDULE 1 – PROPONENT'S DETAILS

Proponents should note that the Territory will only execute documents with the entity nominated in Returnable Schedule 1 and not with any subsequently proposed entity. This is not a negotiable term.

Proponent's Name: ______________________________

ACN/ABN: ______________________________

Registered Office: ______________________________

Principal Place of Business: ______________________________

Date and Place of Incorporation: ______________________________

Trading and Business Names: ______________________________

Registered Business Number: ______________________________

Registration for GST: Yes ☐ No ☐

Telephone Numbers: Business Telephone: ______________ After Hours: ______________

Contact Person

Name: ______________________________

Position: ______________________________

Address: ______________________________

Telephone Numbers: Business Telephone: ______________ Mobile: ______________

Fax Number: ______________________________

Email Address: ______________________________

We acknowledge receipt of the following addendum / addenda issued by Territory in relation to this RFP:

____

(insert each addendum number above)

RETURNABLE SCHEDULE 2 – LAND AND CAPACITY TO DELIVER THE AFFORDABLE RENTAL DWELLINGS

The Territory must be satisfied the Proponent has a site and capacity to deliver at least 15 per cent of Development Dwellings, and at least 10 Development Dwellings, as Affordable Rental Dwellings to be considered. There is no page limit for responding to this criterion and all referenced attachments will be considered.

To demonstrate this requirement, Proponents are required to provide information on the:

(a) Land (Block, Section, Suburb) of which the Proponent or Consortium is the Crown lessee;

(b) proposed size of the residential and commercial components of the development;

(c) dwelling limits in the Crown lease for the Land;

(d) estimated or actual dwelling yield and bedroom configuration;

(e) if a change or variation to the Territory Plan is required and how this may impact feasibility; and

(f) number or percentage of Development Dwellings that will be Affordable Rental Dwellings.

In addition, Proponents must provide the following items and information as evidence of capacity, with different requirements for Proposals using an existing development.

(g) **For Proposals with an existing development**: Proponents must provide the approved Development Application (DA) and Certificate of Occupancy and Use as evidence of size of the development and accordance with the Multi Unit Housing Development Code.

(h) **For Proposals intending to construct or renovate:** Proponents must provide information that satisfies the Territory that the proposed development is feasible. To demonstrate this requirement Proponents must:

   (i) provide either the DA number or information on site feasibility for the proposed development size provided in items (b and d);

   (ii) provide a current or recent estimate of the cost of construction or renovation (e.g. from the 12 months prior to the Submission), in line with the proposed development size provided in items (b and (d);

   (iii) provide a letter from their financier or accountant confirming that the Proponent can raise the funds for the estimated cost of constructing the development. This letter should note that the financier or accountant has reviewed and considered the Proponent's:

      a. financial capacity, viability and stability through provision of audited financial statements; and

      b. ability to finance the cost through demonstrating certainty of finance in the form of commitment letters, letters of support from financiers, support for equity contributions, Government financing and/or support and further information as required to illustrate the proposed financing approach; and

   (iv) if a proportion of the development is to be funded through assistance from a separate ACT or Commonwealth Government initiative (including through the National Housing Accord) or through community raised funds, evidence should be provided and the source and timing for assistance should be outlined by either the accountant or the Proponent.

The information provided will be used to confirm the number of Affordable Rental Dwellings for the Financial Response criterion outlined in Part C section 12 (3 – 6).

If a Successful Proponent does not deliver the expected number of Development Dwellings, and this impacts on their ability to deliver on the Agreed Number of Affordable Rental Dwellings, the Territory may renegotiate any Upfront Financial Assistance in negotiating any Agreement. Any ongoing Financial Assistance is likely to be adjusted in line with the revised number of Affordable Rental Dwellings.

RETURNABLE SCHEDULE 3 – RESIDENTIAL DEVELOPMENT EXPERIENCE

The Territory must be satisfied the Proponent has demonstrated that the Proponent or Consortium has experience in designing or constructing residential development, suitable for long-term residential use (for at least 15 years), whether in the Territory or elsewhere.

To demonstrate this requirement, Proponents are required to prepare a response of no more than four A4 pages (inclusive of referenced attachments) in length with a minimum font size of 11 detailing:

(a) one or more recent examples in designing and constructing residential developments undertaken, including:

  (i) the address/location;

  (ii) the role of the Proponent;

  (iii) how long the Proponent worked on those projects;

  (iv) any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the project or the Proponent's experience; and

(b) the contact particulars of a minimum of two (2) referees who can attest to the capacity, performance and experience of the Proponent or Consortium.

RETURNABLE SCHEDULE 4 – FINANCIAL RESPONSE

In preparing the Financial Response, Proponents should note the Territory will evaluate this criterion on the lowest cost per Affordable Rental Dwelling to the Territory for providing the affordable rental component for a minimum of 15 years. The evaluation will be based on the estimate of net present value of the cost of the Financial Assistance to the Territory per Affordable Rental Dwelling (Cost Estimate).

The Territory will not consider Financial Assistance for a Proposal with a Cost Estimate that is higher than the benchmarks achieved under existing affordable rental initiatives. The 2023-24 RFP process is designed to grow the number of Affordable Rental Dwellings in the ACT, and is not designed to support higher cost social housing or homelessness initiatives. Proponents are required to identify any social housing or homelessness support component of the proposed development.

Proponents should also note that the Territory will only consider providing Financial Assistance to support the provision of Development Dwellings as Affordable Rental Dwellings. The Territory is not seeking to fund the development, which typically sits beyond the cost estimate benchmark achieved. Community Housing Provider proponents are encouraged to engage with NHFIC to understand any opportunities.

The Territory has a strong preference for ongoing Financial Assistance, compared to Upfront Financial Assistance. Proponents should be aware that while the Territory may contemplate some Upfront Financial Assistance, this would be dependent on the Proposal meeting the aims of the Territory for delivery of affordable rental over time as outlined in Part A - Overview.

The Territory will only consider providing Financial Assistance to Proposals where the Development Dwellings in the Build-to-Rent development are approved and built in line with residential use rules in the Crown Lease and compliant with the Multi Unit Development Code.

The Territory will not consider a concession on Land Tax, General Rates or the Foreign Ownership Land Tax Surcharge. Proponents should consider titling arrangements that reduce property tax obligations for genuine long-term rental models. See Background Documentation for more information on titling opportunities for Build-to-Rent developments.

Each Proponent must complete the below information:

Item	Response
<u>**Item 1**</u> Ongoing Assistance (subsidy grants) requested based on rent subsidy. Ongoing Assistance will be **payable/applied following the commencement of the Affordable Rental Dwellings and in line with the reporting requirements,** as per the list of requirements in Part A section 1. Any direct monetary assistance should be requested under this Item.	<u>**Response to Item 1:**</u> Are you requesting Ongoing Assistance (subsidy grants) payable following commencement of Affordable Rental Dwellings: Y / N Percent of the gap between 74.9 per cent of market rent and market rental Estimate of the weekly rent in 2023-24 prices
<u>**Item 2**</u> Ongoing Assistance (scheduled or availability payment grants). This assistance will be **payable/applied**	<u>**Response to Item 2:**</u> Are you requesting Ongoing Assistance (scheduled or availability payment grants) payable following commencement of Affordable Rental Dwellings:

following the commencement the Affordable Rental Dwellings and in line with the reporting requirements, as per the list of requirements in Part A in section 1.	Y / N Please specify amount and schedule of assistance, including any indexation rate: Estimated dollar amount in 2023-24 dollars:
Item 3 Upfront Financial Assistance covers any assistance requested **prior to the commencement of the Affordable Rental Dwellings**. As outlined in Part C section 13 (2 - 3) of the Non-Weighted Criterion, the Territory may contemplate some Upfront financial assistance if satisfied the project will meet delivery milestones and achieve the Government's objectives and requirements over time as identified in Part A.	**Response to Item 3:** Are you requesting Upfront Financial Assistance (direct monetary assistance prior to commencement of the Affordable Rental Dwellings): Y / N Please specify if a grant or other type of assistance: Estimated dollar amount in 2023-24 dollars: Are you requesting Lease Variation Charge (LVC) assistance (note the assistance would be offered as a monetary grant and a dollar amount will be calculated to inform the Financial Assistance): Y / N Percent of LVC liability: If requesting a LVC assistance you will need to provide a Valuation Report prepared by an independent valuer. The Territory will seek to align any Upfront Financial Assistance with project delivery milestones. This may be achieved through the structuring of the Upfront Financial Assistance including consideration of repayment mechanisms.
Item 4 LVC deferral requested. A Certificate of Occupancy and Use can only be issued where the LVC has been paid. Therefore the LVC can only be deferred until this time.	**Response to Item 4:** Are you requesting an interest free LVC deferral until Certificate of Occupancy and Use. If you are also requesting LVC assistance, you can request to defer the remaining LVC. Y / N Generally LVC deferral incurs interest. As interest isn't applied, the opportunity cost will be costed into your proposal.

Proponents should detail any assumptions, inclusions, or exclusions relevant to the Financial Response.

If any additional ACT Government financial assistance or concession supports the Affordable Rental Dwellings, it may be factored into the cost per affordable rental at the discretion of the Territory. This includes any other assistance received on the purchase or development of the Land.

There is no page limit in responding to this criteria and all referenced attachments will be considered. The Territory may contact Proponents for further information related to this section.

RETURNABLE SCHEDULE 5 – TIMING OF DEVELOPMENT

Proponents should provide a response of no more than five A4 pages (inclusive of referenced attachments) with a minimum font size of 11 in response to this criterion. In line with the Government's 10th Parliamentary and Governing Agreement commitment to increase the supply of affordable rental by 600 Dwellings by 2025-26, the Territory has included a weighted criterion that provides greater weighting to proposals that are likely to deliver and operate the Agreed Number of Affordable Rental Dwellings by 2024-25, followed by proposals that have progressed a Development Application (DA) by 2024-25.

(a) For existing developments, outline a timeline of any proposed works including any Development Application (DA) number and proposed timeframe for operation of the Agreed Number of Affordable Rental Dwellings.

(b) For new developments, outline a timeline for construction, the year that the Agreed Number of Affordable Rental Dwellings is anticipated to commence operation, and:

   (i) If a DA has been submitted for the project, provide the DA number.

   (ii) If a project is pre-DA, include the timeframe to submit a DA.

(c) If the Proponent or Consortium is seeking:

   a. additional ACT or Commonwealth Government funding for the initiative,

   b. community raised funding for the development, or

   c. to operate a co-located service within the development,

   the Proponent must also include any implications for the timing of the Agreed Number of Affordable Rental Dwellings.

RETURNABLE SCHEDULE 6 – AFFORDABLE RENTAL EXPERIENCE

Proponents should provide a response of no more than two A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11 outlining:

(a) one or more relevant examples of operating, leasing and maintaining affordable rental accommodation of a kind comparable to a Build-to-Rent project. This may include through the engagement of, or collaboration with, other entities;

(b) for each example provided, Proponents should include:

  (i) the address/location of those affordable rental properties;

  (ii) what role the Proponent had (i.e. operating, leasing and/or maintaining affordable rental accommodation);

  (iii) how long the Proponent operated those projects;

  (iv) how large each project was, including details of number of tenancies;

  (v) the key features of each project, including tenancy management operational systems and protocols and provision of other services to tenants; and

  (vi) any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the Proponent's experience;

(c) the contact particulars of a minimum of two (2) referees who can attest to the capacity, performance and experience of the Proponent.

The Territory will favour Proponents with experience of operating, leasing and maintaining affordable rental accommodation.

The Territory will provide some weighting to Proponents who have used an entity that has experience of operating, leasing and maintaining affordable rental accommodation.

RETURNABLE SCHEDULE 7 – INTENDED PROCESSES TO ADMINISTER AFFORDABLE RENTAL

Each Proponent must complete the below information and can provide additional details of no more than six A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11.

Item	Response
Item 1 Is the Proponent currently a registered Community Housing Provider?	**Response to Item 1:** ☐ Yes, go to Item 4 ☐ No, go to Item 2
Item 2 Will the Affordable Rental Dwellings be managed by a registered Community Housing Provider? What will the arrangement between the Proponent and the Community Housing Provider be? How will this be maintained over 15 years? Provide an agreement or letter of support from the Provider.	**Response to Item 2:** ☐ Yes, go to Item 4 ☐ No, go to Item 3
Item 3 Which organisation will manage the Affordable Rental Dwellings? What experience do they have in affordable rental management? What will the arrangement between the Proponent and this organisation be? How will this be maintained over 15 years? Arrangements that can be demonstrated to be existing, formal and/or ongoing, with an entity that has experience in affordable rental management will be favoured. Provide an agreement or letter of support from any specifically proposed agencies.	**Response to Item 3:** Property management Agency: Experience: Arrangement:
Item 4	**Response to Item 4:**

Outline how tenant eligibility will be confirmed. • Provide the process for initially confirming a tenant's eligibility. • Provide the process for confirming eligibility over the course of tenure, in line with the list of requirements in Part A section 1. Note these processes must protect tenants' privacy and personal information. This should be addressed in the response.	
Item 5 Outline how Eligible Tenants will be selected. Will additional criteria to those indicated in the RFP, or a target cohort, be used? Assessment will consider capacity to support the Government's priority cohorts for targeted assistance.	**Response to Item 5:**
Item 6 Include information that ensures all tenants have equal access to common areas, facilities (including carparking), services and infrastructure.	**Response to Item 6:**
Item 7 Outline the proposed operational systems and protocols for delivering and demonstrating compliance with the list of requirements in Part A section 1.	**Response to Item 7:**

RETURNABLE SCHEDULE 8 – UPFRONT FINANCIAL ASSISTANCE AND SATISFACTION THE PROJECT WILL MEET THE AIMS OF GOVERNMENT OVER TIME

Proponents are only required to return this Returnable Schedule if any upfront Financial Assistance (including LVC or upfront grant assistance) is requested in response to the Financial Response Part C section 12 (3 – 6) of the RFP.

Proponents must satisfy the Territory that the project will meet the Territory's affordable rental aims over time, to deliver the Minimum Number of Affordable Rental Dwellings over at least 15 years, if requesting Upfront Financial Assistance.

Proponents should provide a response of no more than two A4 pages (inclusive of any attachments referenced in the response to this Returnable Schedule) with a minimum font size of 11 in providing information to meet this requirement.

(a) This could include, but isn't limited to, evidence the Upfront Financial assistance will be provided to an entity of experience in delivering affordable rental over time as part of core business, E.g. Community Housing Provider Proposals or a formalised joint venture arrangement with a Community Housing Provider.

(b) If a high amount of Upfront Financial Assistance is requested, Proponents will require a strong response to this criterion.

RETURNABLE SCHEDULE 9 – CONSORTIUM MEMBERS AND DETAILS

	Member # 1	Member # 2	Member # 3
Member's Name:			
ACN/ABN:			
Registered Office:			
Principal Place of Business:			
Date and Place of Incorporation:			
Trading and Business Names:			
Registered Business Number:			
Registration for GST:	Yes / No	Yes / No	Yes / No
Telephone Number			
Business Telephone:			
After Hours:			
Contact Person			
Name:			
Position:			
Address:			
Telephone Number:			
Fax Number:			
Email Address:			
MEMBER DETAILS (AS ABOVE) MUST BE PROVIDED FOR EACH CONSORTIUM MEMBER. ONE CONTACT PERSON MUST BE PROVIDED ON BEHALF OF THE CONSORTIUM			
Attach extra pages as required for any additional consortium members.			

Indicate the nature, structure and shareholding of the Proponents and outline the proposed financial arrangements underpinning the consortium:

RETURNABLE SCHEDULE 10 – CHECKLIST AND WARRANTY

Checklist

In submitting this Proposal, the Proponent has completed the following tasks:

Task	Please tick
Completed Proponent's Details (Returnable Schedule 1)	☐
Land and capacity to deliver the Affordable Rental Dwellings (Returnable Schedule 2)	☐
Residential development experience (Returnable Schedule 3)	☐
Financial response (Returnable Schedule 4)	☐
Timing of development (Returnable Schedule 5)	☐
Affordable rental experience (Returnable Schedule 6)	☐
Intended processes to administer affordable rental (Returnable Schedule 7)	☐
Upfront Financial Assistance and satisfaction the project will meet Government aims over time (Returnable Schedule 8) (if applicable)	☐
Consortium members and details (Returnable Schedule 9) (if applicable)	☐
Completed this Checklist and signed the Warranty (Returnable Schedule 10)	☐

Warranty

The Proponent warrants to Territory that:

(1) it has undertaken reasonable checks and searches and it is not aware of any information, relationships or other matters that may give rise to a conflict of interest or the potential for a conflict of interest in respect of this Proposal that has not been disclosed to Territory in writing;

(2) it has read and understood, and this Proposal is submitted in accordance with, the RFP;

(3) it has submitted this Proposal taking into account the matters acknowledged above;

(4) all information in this Proposal is true and correct at the time of lodgement; and

(5) in preparing its Proposal it has received and reviewed each Addendum issued.

Dated this __________________________ day of _____________________________ 202__

If signed by a person:

SIGNED SEALED AND DELIVERED by ______________________________ Print name in the presence of	))))))))	______________________________ Signature
______________________________ Signature of witness		______________________________ Print name

If signed by a company:

SIGNED by or for and on behalf of ____________________________________ Company name ____________________________________ ACN under section 127 of the *Corporations Act 2001* (Cth)	)))))))))))	______________________________ Signature of authorised representative ______________________________ Print name and position ______________________________ Signature of authorised representative ______________________________ Print name and position

Evaluation Plan
Request for Proposal
Build-to-Rent Affordable Rental

Issued 30 October 2023

1. AIM

This Evaluation Plan details the Evaluation Team, its responsibilities and the evaluation methodology by which Proposals received will be evaluated and ranked. The methodology as set out here in must be consistent with the assessment criteria set out in the Request for Proposal (RFP).

2. THE PROJECT

Treasury has sought Proposals through a public RFP to provide affordable rental as part of an existing or planned Build-to-Rent (BtR) development. Proponents can request financial assistance through Grant assistance, or a mix of Grant and tax assistance.

Decisions will be staged over two timeframes in line with budget processes. Proposals received by 2pm 31 October 2023, or a later date if agreed to by the Delegate, will be considered together under this Evaluation Plan from November 2023 with a decision to be made as part of 2023-24 budget review and provided to the proponents in early 2024.

Proposals received after 2pm 31 October 2023 will be considered together from March 2024 under a future Evaluation Plan with a decision to be made as part of the 2024-25 budget.

This Evaluation Plan covers this round of assessment of the proposals received by 2pm 31 October 2023 only. There will be a revised Evaluation Plan for the future round for proposals received and assessed after this time.

Under this Evaluation Plan, the Proposals that are considered compliant will be recommended to the Treasurer for inclusion in a business case for consideration as part of the 2023-24 budget review. The business case would seek a decision on whether to draw on the proposed financial assistance from the $60 million Affordable Housing Project Fund (AHPF), which was established in the 2023-24 budget.

The aim of the RFP initiative is to support the Territory to build on the existing achievements in delivering on the target of an additional 600 additional affordable rental dwellings by 2025-26, including by using the remaining budget allocation under the AHPF. Therefore the RFP includes weighted criteria that provides greater consideration of proposals likely to commence the affordable rental dwellings by the end of 2025-26 (30 June 2026).

To ensure projects that are provided consideration are feasible, there is threshold criteria to test the financial and planning feasibility for the project. If the planning or financial status of the project means the build may not progress, the proposal ceases consideration under this RFP round.

The Territory also has a preference for affordable rental that utilises a registered community housing provider. Weighted criteria seeks to provide greater consideration of proposals that include a more formal arrangement with a registered community housing provider (as leaseholder or a registered joint venture), or an informal arrangement (a management agreement) that could be formalised as part of any funding agreement. Under Returnable Schedule 8, significant upfront assistance is only likely to be considered where there is evidence of a more formal arrangement, unless the Proponent can provide the Territory with satisfaction the affordable rental will be delivered over the life of the program without one.

Where Government agrees to fund a proposal from the AHPF, Treasury will invite the proponent to enter into an agreement of 15 years with the Territory. The agreement will require the proponent to provide the Agreed Number of Affordable Rental Dwellings to be rented at an affordable rate, being less than 75 percent of the full market rate. In return, the Proponent will be eligible to receive the agreed financial assistance from the Territory for the affordable rental component.

3. EVALUATION TEAM, MEMBERS, ADVISORS AND ADMINISTRATORS

The Evaluation Team (Team), detailed below, has been formed to receive, respond to, and evaluate Proposals received in response to the RFP. The Team is comprised of Members, Advisors and Administrators.

Members will be responsible for:

(1) maintaining confidentiality and probity, including following the processes outlined in the Deed of Confidentiality and Conflict of Interest Forms regarding any risks or issues that may arise;

(2) evaluating the Proposals in accordance with the RFP and this Evaluation Plan;

(3) documenting the evaluation process;

(4) preparing the Evaluation Report;

(5) seeking Delegate approval to proceed with the recommendations in the Evaluation Report;

(6) preparing a business case with the recommendations in the Evaluation Report; and

(7) providing feedback to Proponents where requested.

The Advisors will be responsible for assisting Members evaluating the Proposals in accordance with the RFP and this Evaluation Plan.

No Proposals will be released to a member of the Team unless:

(1) they have completed and signed the Confidentiality and Conflict of Interest Undertaking and Disclosure form; and

(2) if they have disclosed an actual, potential or perceived conflict of interest on their Confidentiality and Conflict of Interest Undertaking and Disclosure form, the Evaluation Chairperson has resolved that they may proceed to evaluate Proposals.

All Members and Advisors are aware of their responsibilities, and the need to demonstrate impartiality and equity to all proponents.

The Team (Members and Delegate) are as follows:

Position	Name	Title	Department
Chairperson and Member	Kathy Goth	EBM, Affordable Housing Policy Coordination	Treasury
Member	Chris Osborne	Senior Director, Infrastructure Finance and Reform	Treasury
Member	Jessica Hillcrest	Program Manager, Housing Choice	SLA
Member and mailbox administrator	Hayley Jones	Director, Affordable Housing Policy Coordination	Treasury
Member and mailbox administrator	Ahror Hamraev	Assistant Director, Affordable Housing Policy Coordination	Treasury
Delegate	Stuart Hocking	Under-Treasurer	Treasury

Members are endorsed by the Delegate and should not be withdrawn or replaced without the approval of the Delegate.

Members may, as required, utilise specialist advice to assist in the evaluation process. The areas of expertise may include:

1. financial assessment including taxation and concessions;
2. Development Applications (DA);
3. lease conditions for the Land;
4. procurement;
5. probity; and
6. legal issues.

Advice on taxation, Development Applications and lease conditions is likely to require the sharing of Confidential Information related to Proponents or Proposals (including the proposed site).

While legal advice will require the sharing of Confidential Information, the ACT Government has legal privilege with the ACT Government Solicitor's Office (ACTGS).

In line with the Confidentiality and Conflict of Interest Undertaking and Disclosure form signed by the Panel, any sharing of information on a Proponent or a Proposal must be endorsed by the Chair of the Evaluation Panel.

The evaluation will include pre-endorsed advisors to provide advice on financial assessment and lease conditions. The Chair of the Panel is required to endorse the Advisors. The Advisors to be endorsed by the Chair are as follows:

Position	**Name**	**Title**	**Department**
Advisor	TBC	Leasing Services	EPSDD
Advisor	TBC	Territory Plan	EPSDD
Advisor	Sally Gibson	Human Services Registrar	CSD
Advisor	Kim Salisbury	ACT Revenue Office	Treasury

The Advisors will be/have been required to sign a Confidentiality and Conflict of Interest Undertaking and Disclosure form prior to being provided any Confidential Information on the proposals.

If additional advice is required where Confidential Information needs to be shared, the new Advisor must be endorsed by the Chair and will be required to sign a Confidentiality and Conflict of Interest Undertaking and Disclosure form.

Advice to support evaluation that does not require Confidential Information to be shared does not require endorsement by the Chair, or a signed Confidentiality and Conflict of Interest Undertaking and Disclosure form.

The process will also require support in responding to mailbox enquiries and applications.

The Affordable Housing Policy Coordination team, Treasury, have signed Confidentiality and Conflict of Interest Undertaking and Disclosure form to support administration of the mailbox, where required. Standard words are being utilised, where possible.

Position	Name	Title	Department
Member and Administration support	Hayley Jones	Affordable Housing Policy Coordination	Treasury
Member and Administration support	Ahror Hamraev	Affordable Housing Policy Coordination	Treasury
Administration support	Antonia Harmer	Affordable Housing Policy Coordination	Treasury
Administration support	Peter Rowed	Affordable Housing Policy Coordination	Treasury

The Administrators will be responsible for:

(1) supporting administration of the mailbox with the support of standard words;

(2) maintaining confidentiality and probity, including following the processes outlined in the Deed of Confidentiality and Conflict of Interest Forms regarding any risks or issues that may arise;

(3) preparing a business case with the recommendations in the Evaluation Report; and

(4) providing feedback to Proponents where requested, consistent with the advice of Members.

4. PROPOSAL CLOSING

Part A (11) of the RFP state that while there is no timing constraint in relation to the AHPF, decisions are likely to be staged over two timeframes to enable consideration in line with budget processes. The RFP noted that proposals received before 2pm Tuesday 31 October 2023, are likely to be reflected in the earlier decision to be finalised by Government in early 2024 with negotiations to commence after.

To be considered by Members, proposals must be submitted by email no later than **2pm on Tuesday 31 October 2023** (Closing Time).

Any Proposals submitted after the Closing Time will not be considered until early 2024, unless there is agreement from the Delegate to delay the Closing Time for all potential applicants.

5. PROBITY AND ETHICAL BEHAVIOUR

The Evaluation Team will comply with the following protocols:

Conflict of Interest Declarations and Confidentiality Undertakings

1. The highest levels of confidentiality are to be enforced during the evaluation process to ensure the safeguarding of the Member's and Proponents' Confidential Information, and to ensure that the Territory maintains a reputation of probity and fair dealing.
2. Confidentiality is to be maintained during all stages of the process and Confidential Information will be provided to people outside the Team only as authorised by the Evaluation Chairperson.
3. The number of persons given access or having access to any Confidential Information will generally be kept to an absolute minimum.
4. It is recognised that the disclosure of Confidential Information contained in a Proposal may prejudice the commercial interests of the Proponent concerned and their bargaining position during subsequent contract negotiations.
5. All Members have signed a Confidentiality and Conflict of Interest Undertaking and Disclosure prior to receiving access to Proposals, or before accessing information in the mailbox.

6. Where the Team is required to share Confidential Information to receive advice from external parties, it should obtain Confidentiality and Conflict of Interest Undertakings and Disclosures from those parties. Any new Advisors must be provided with a probity briefing before they are given access to any copies of Proposals, including to treat the contents of Proposals in confidence.

Handling of Information

7. Any request for information regarding the evaluation process should be made in writing and sent through the Evaluation Chairperson.

Conflicts of Interest

8. Before Proposals are released to the Members, each Member must review the list of Proponents and associated entities nominated in their Proposals, and disclose any actual, perceived or potential conflicts of interest involving themselves, their immediate family or any other relevant relationships.

9. Before the Evaluation Report is provided to the Delegate, the Delegate must review the list of Proponents and associated entities nominated in their Proposals, and disclose any actual, perceived or potential conflicts of interest involving themselves, their immediate family or any other relevant relationships.

10. Team Administrators, and Advisors being provided with Confidential Information, will have signed the Confidentiality and Conflict of Interest Undertaking and Disclosure requiring disclosure of any actual, perceived or potential conflicts of interest on the information received. However Team Administrators and Advisors will not be required to review the list of Proponents and associated entities nominated in their proposals.

Recording of communications

11. All communications between the Team (including personnel engaged by the Team) and any Proponent are to be conducted, documented, retained on file and otherwise undertaken.

6. STAGE 1 – PROPOSAL PAGE LIMITS AND COMPLIANCE CHECKS

In accordance with Part B Section 7 of the RFP, the Members will initially determine whether the Proposals received are Compliant Proposals.

Page limit exceeded

The first compliance check is related to page limits and will be completed by the Administrator/Members.

If a Proposal exceeds one of the five defined page limits of the Returnable Schedules, the pages that are non-compliant will not be provided to Members by the Member/Administrator. The following Returnable Schedules will be checked:

- Returnable Schedule 3 – a response of no more than four A4 pages (inclusive of any referenced attachments) with a minimum font size of 11.
- Returnable Schedule 5 – a response of no more than five A4 pages (inclusive of any referenced attachments) with a minimum font size of 11.
- Returnable Schedule 6 – a response of no more than two A4 pages (inclusive of any referenced attachments) with a minimum font size of 11.
- Returnable Schedule 7 – if additional details are provided, no more than six A4 pages (inclusive of any referenced attachments) with a minimum font size of 11.
- If required – Returnable Schedule 8 – a response of no more than two A4 pages (inclusive of any referenced attachments) with a minimum font size of 11.

Members will be made aware where a Proponent exceeded the specified page limit, and how many pages have not been provided.

As detailed above, Part B section 7(b) of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant, ignore the non-compliance in the Proposal and assess the Proposal further. Members can choose to review the missing pages and ignore any non-compliance, in line with Section 7 of the RFP.

Attachments to Returnable Schedules

As part of its initial Proposal compliance checks, the Member/Administrator will also review each of the Returnable Schedules for references to attachments. In line with Part B, Section 6 (3) where an attachment is not referenced – it will not be provided to the Members. The only exception is the following documents requested in Returnable Schedule 2:

- Crown Lease;
- Development Application or site plans; and
- Letters from financier or accountant.

Compliant proposals

Members are required to confirm if each proposal received has any non-compliance.

A Compliant Proposal is one that:

a) is submitted by an Eligible Person(s) or a consortium of Eligible Persons;

b) comprises the completed (and, where applicable, signed):

   (i) Returnable Schedules 1-7;

   (ii) Returnable Schedule 8 (if required);

   (iii) Returnable Schedule 9 (if required); and

   (iv) Returnable Schedule 10,

   including all documents and information required in the Returnable Schedules; and

c) otherwise conforms with the requirements of the RFP.

As detailed above, section 7 of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant, ignore the non-compliance in the Proposal and assess the Proposal further, including whether ignoring any such non-compliance would unfairly disadvantage other Proponents that complied.

Eligible Persons

The RFP defines an Eligible Person as a person or entity that is:

(1) a natural person or a company; and

(2) legally competent to enter into an Agreement and satisfy all conditions and obligations set out therein.

Company Checks will be performed by the ACTGS for each Proponent that is a company or a consortium of companies, in order to support determination of whether those Proponents are Eligible Persons. The Administrator/Members will coordinate this advice.

Returnable Schedules

Each Proposal must comprise the completed Returnable Schedules 1-7 and the completed and signed Returnable Schedule 10.

Where a Proponent is requesting upfront forms of assistance, Proposals must comprise a completed Returnable Schedule 8.

Where a Proponent is a company or a consortium of companies, the Members will determine whether Returnable Schedule 9 has been properly executed in accordance with section 127 of the *Corporations Act 2001* (Cth) (as detailed at Section 17 of the RFP) by reference to the Company Check conducted by the ACTGS.

Where a Proponent is a natural person, the Returnable Schedule 9 must be executed by that person, or by attorney of that person.

Discretion in Respect of Non-Compliant Proposals

Part B Section 7(2) of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant:

a) at any time exclude the Proposal from consideration or further consideration, including if in the opinion of the Territory the Proposal is:
   i. incomplete or non-compliant with the requirements of the RFP;
   ii. subject to any condition or requirement which is contrary to the requirements of the RFP; or
   iii. subject to a condition or requirement that may require further due diligence or other investigations to be performed after the Proposal is submitted;

b) ignore the non-compliance in the Proposal and assess the Proposal further; or

c) if it is possible to correct the non-compliance without affecting the probity of the RFP process, permit the Proponent to do so.

Under Part B Section 7 (2) the Members may use discretion to ignore non-compliance. The following is one instance the Members would consider using this discretion:

(1) ignore the non-compliance of a bid offering fewer than 10 Affordable Rental Dwellings in circumstances where it offers exceptional value relative to compliant bids or where the aggregate of the bids considered to offer value for money produces a lower total number of Affordable Rental Dwellings than the Government's aspirations for the process.

Part C Section 14 (4) of the RFP provides that where the Territory considers that there are aspects of any Proposal that are unclear or open to more than one interpretation, written questions can be provided to the Proponent to clarify those aspects. Proponents will have up to 5 Business Days (or as otherwise advised by the Territory) to provide answers. Section 14 (4) of the RFP provides that this process is limited to clarification of ambiguities and that Proponents will not be permitted to undertake refinements or seek to improve the substance of their Proposals through this process.

Examples of instances of non-compliance that can be corrected without affecting the probity of the RFP process include:

(1) providing Proponents with the opportunity to properly execute the Warranty at Returnable Schedule 10 where it has not been properly executed;

(2) clarifying a Proponent’s details provided in accordance with Returnable Schedule 1 (including where, for example, a Company Check indicates that the ACN or ABN number provided does not match the Proponent’s name, or vice versa);

(3) clarifying the financial assistance requested by a Proponent in Returnable Schedule 4 (Financial Response); and

(4) providing a Proponent with an opportunity to provide a copy of an attachment referred to in the Proponent’s response to a Returnable Schedule, where the attachment has not been included in the Proposal submission or is corrupted or otherwise cannot be accessed.

Members may also consider allowing Proponents to submit a required and missing Returnable Schedule, if their non-compliance can be corrected in a way which does not affect the probity of the RFP process, as per Section 7 (2c).

In accordance with the need to demonstrate impartiality and equity to all Proponents, opportunities to correct instances of non-compliance without affecting the probity of the RFP process should not be provided selectively and should be provided to all Proponents where applicable. Likewise, instances of non-compliance should only be ignored where this is not to the detriment of complying Proponents.

Section 7(3) provides that if a Proposal has not been excluded but is considered by the Territory to be incomplete, non-compliant or otherwise in need of clarification, the Territory may in its absolute discretion seek clarification from the Proponent about any matter that it considers relevant to the evaluation of the Proposal.

8. STAGE 2 – THRESHOLD ASSESSMENT CRITERIA

Proposals that satisfy the Members initial compliance checks at Stage 1 will proceed to be evaluated against the Threshold Assessment Criteria at Stage 2.

In evaluating Proposals against the Threshold Assessment Criteria, the Members will refer to this section 8 of the Evaluation Plan and to the Evaluation Checklists at Attachment A.

Section 11(1) of the RFP provides that a Proposal must satisfy both of the following Threshold Assessment Criteria to qualify as a Compliant Proposal:

(1) **Land and capacity to deliver the Affordable Rental Dwellings – RS2**

In accordance with Sections 11(2)-(7) of the RFP, the Members must be satisfied that a Proponent's response to Returnable Schedule 2 demonstrates that the Proponent:

i. Is planning to deliver at least 15 per cent of proposed residential dwellings, and at least 10 residential dwellings as affordable rental; and

ii. Is proposing a site that is feasible for the proposed development; and

   a. If an existing development – evidence the development is in accordance with the proposal and the Multi Unit Housing Development Code (MUHDC); or

   b. If construction or renovation is required – financial capacity to deliver the development.

As evidence, all Proponents must provide the following information:

a) Block, Section, Suburb of which the Proponent or Consortium is the Crown lessee;
b) Dwelling limits in the Crown lease;
c) Proposed size of the residential and commercial components of the development;
   a. The proposed size of the development must be feasible based on a) and b) to pass the threshold criteria;
d) Estimate or actual dwelling yield and bedroom configuration; and
   a. The proposed yield must be feasible based on a) and b) to pass the threshold criteria;
e) Number or percentage of Development Dwellings that will be Affordable Rental Dwellings;
   a. The number of Development Dwellings must be 10 or more dwellings, and must be a minimum of 15 per cent of all residential development dwellings, to pass this threshold criteria.

In addition, Proponents must provide additional information depending on the status of their development.

For Proposals with an existing development Proponents must also provide:

a) the approved Development Application (DA); and
b) Certificate of Occupancy and Use as evidence of size of the development and accordance with MUHDC.

For Proposals intending to construct or renovate, Proponents must also provide
a) the DA number or information on site feasibility;
b) a recent or current estimate of the cost of construction or renovation;

   a. the estimate should reflect the market in the last two to three years;

c) provide a letter from their financier or accountant confirming that the Proponent can raise the funds for the estimated cost of constructing the development. This letter should note that the financier or accountant has reviewed and considered the Proponent's:
   a. financial capacity, viability and stability through provision of audited financial statements;
   b. ability to finance the cost through demonstrating certainty of finance in the form of commitment letters, letters of support from financiers, support for equity contributions, Government financing and/or support and further information as required to illustrate the proposed financing approach; and
d) if a proportion of the development is to be funded through assistance from a separate Government initiative (including through the National Housing Accord) or through community raised funds, the source and timing for assistance should be outlined by either the accountant or the Proponent.

As detailed above, section 7 of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant, ignore the non-compliance in the Proposal and assess the Proposal further.

Members may, at its discretion, make independent enquiries to verify that the financier or accountant that has attested to the Proponent's financial capacity is genuine. The Team may contact the financier or accountant directly, conduct a Company Check, or conduct any other enquiries necessary to complete the verification.

If a Proponent has not included a letter from a financier or accountant, Members could consider any other evidence provided of assets or capacity to raise funds, and whether this evidence provides satisfaction the development is feasible.

Members may be required to get advice from EPSDD on the impact of lease conditions and zoning to be satisfied that the Proponent has demonstrated that their proposed development and yield is feasible.

Members may check whether housing targets apply to the subject site by checking the ACT Legislation Register.

There is potential the development will have a different yield to what is proposed at this RFP stage. If a Successful Proponent does not deliver the expected number of Development Dwellings, and this impacts on their ability to deliver on the Agreed Number of Affordable Rental Dwellings, the Territory will seek to build in clawback mechanisms for any Upfront Financial Assistance in negotiating any Agreement. Any ongoing Financial Assistance is likely to be adjusted in line with the revised number of Affordable Rental Dwellings.

(2) **Residential development experience – RS3**

In accordance with Sections 11(8)-(9) of the RFP, Members must be satisfied that a Proponent's response to Returnable Schedule 2 demonstrates that the Proponent has designed or constructed residential development suitable for long-term residential use (for at least 15 years) whether in the Territory or elsewhere.

In order to demonstrate their experience, Proponents must provide a response of no more than four A4 pages in length with a minimum font size of 11 detailing:

a) one or more recent examples of in designing and/or constructing residential developments undertaken.

   Members may consider that a Proponent has demonstrated experience in acquiring, designing, constructing and operating a relevant project over the course of multiple examples.

For each example provided, Proponents should include:

i. the address/location of those projects;

ii. what role the Proponent had (i.e. design, construction, operation);

iii. how long the Proponent worked on or owned and operated those projects; and

iv. any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the project or the Proponent's experience;

b) the contact particulars of a minimum of two referees who can attest to the capacity, performance and experience of the Proponent.

Members may agree, at the Team's discretion, to contact one or more of the referees nominated by any of the Proponents and seek confirmation of the Proponent's capacity, performance and experience, including in relation to any of the examples provided by the Proponent.

As detailed above, section 7(2) of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant, ignore the non-compliance in the Proposal and assess the Proposal further.

9. STAGE 3 – WEIGHTED ASSESSMENT CRITERIA

Only the Proposals that satisfy Members that both of the Threshold Assessment Criteria have been met will proceed to Stage 3 of the Evaluation process below. Any Proposals that do not satisfy Members that the Threshold Assessment Criteria have been met will not proceed to Stage 3.

In evaluating Proposals against the Weighted Assessment Criteria, Members will refer to this section 9 of the Evaluation Plan and to the Evaluation Checklists and Rating Scales at Attachment A.

Members will evaluate all Compliant Proposals against the Weighted Assessment Criteria below, as detailed at section 12 of the RFP:

Weighted Assessment Criteria	**Returnable Schedule (RS)**	**Weighting (%)**
Financial Response Proponents must provide a Financial Response addressing matters set out in Returnable Schedule 4. Additional information regarding this criterion is set out in section 12 (3 – 6) of this RFP and Returnable Schedule 4.	**RS 4** Address all RS requirements	30
Timing of development Proposals that can deliver the Agreed Number of Affordable Rental Dwellings by 2024-25 will score highest under this criterion. Proposals that intend to have a Development Application (DA) progressed by 2024-25 will score next highest under this criterion. Additional information regarding this criterion is set out in section 12 (7 – 8) and Returnable Schedule 5.	**RS 5** Address all RS requirements	30
Affordable Rental Experience Proponents must provide a response to this criterion addressing the matters set out in Returnable Schedule 6 referencing the demonstrated experience of the Proponent to successfully operate,	**RS 6** Address all RS requirements	20

lease and maintain affordable rental accommodation of the kind contemplated in this Build-to-Rent project. Additional information regarding this criterion is set out in section 12 (9 – 10) and Returnable Schedule 6.		
Intended Processes to Administer Affordable Rental Proponents must provide a response to this criterion addressing the matters set out in Returnable Schedule 7 referencing the intended processes for administering Affordable Rental Dwellings. This can include using a Community Housing Provider to manage Affordable Rental Dwellings. Additional information regarding this criterion is set out in section 12 (11- 12) and Returnable Schedule 7.	**RS 7** Address all RS requirements	20

Members will score Proponents' responses to each of the Weighted Assessment Criteria by reference to the Evaluation Checklists and Rating Scales included at Attachment A.

Section 14(3) of the RFP provides that where Members determine that a Proposal does not provide a satisfactory response in respect of any Weighted Assessment Criteria, Members may determine not to further consider or evaluate the Proposal regardless of its scores in respect of any other Weighted Assessment Criteria.

Financial Response – RS4

Section 12(3) of the RFP provides that responses to the Financial Response Criterion will be evaluated on the lowest cost per Affordable Rental Dwelling to the Territory, based on an assessment of Net Present Value (NPV). The use of NPV (inclusive of a discount rate) enables comparison of different types of assistance, including upfront grants and ongoing grants over time.

Section 12(4) of the RFP states that the Territory will only consider Financial Assistance to support provision of Development Residential Dwellings as Affordable Rental Dwellings. If proposals request Financial Assistance beyond this, the RFP process is not considered an appropriate mechanism.

Proponents must complete Returnable Schedule 4 as part of their Financial Response, including each of the following details:

a) the type, amount (and where required in the table – timing) of Financial Assistance requested:

    1. any ongoing grant assistance based on the amount of rental subsidy, in line with reporting requirements;
    2. any ongoing grant assistance based on scheduled or availability payments, in line with reporting requirements;
    3. any upfront financial assistance through a grant, or Lease Variation Charge (LVC) assistance, that is paid prior to the commencement of the Affordable Rental Dwellings;
    4. any interest free LVC deferral until the Certificate of Occupancy; and

In determining whether a Proponent has provided a satisfactory response to this Criterion, Members will have particular regard for whether:

(1) the Proposal is clear on the type of assistance that is requested;

(2) the Proposal is clear on the amount and timing of assistance, or provides enough information that the Members can estimate the amount and timing of the assistance;

(3) where LVC assistance is requested, the Proposal includes a recent Valuation Report prepared by an independent valuer; and

(4) the amount of Financial Assistance per affordable rental dwelling is considered in reasonable and

value for money, and can be provided in line with Government legislation and the limits of the RFP process.

If the Proponent has provided a satisfactory response that is clear on the type and timing of assistance that is requested, however the assistance is not requested under the most appropriate item, Members will still consider the request for assistance, however the request will be considered under the most appropriate Item rather than the one the Proponent identified.

Members may be required to seek advice on Procurement, Deed of Grant Agreements, tax assistance, or any other relevant instrument, to be satisfied on the final point.

Where the Proponent indicated that additional funding from the ACT Government is being sought in either Returnable Schedule 2 or Returnable Schedule 4, the Members should consider whether this funding should be included in the calculation of the cost per affordable rental dwelling.

Further guidance on assessing responses to this Criterion is provided at Attachment A.

Timing of development – RS5

Section 12(7) of the RFP provides that the Territory will evaluate the likely timing for the operator to develop and operate the affordable rental dwellings. Projects that are likely to be operating by 2024-25, or to have progressed a Development Application by 2024-25 will be rated higher.

Where the Proponent is seeking Government or community raised funds for the development (outside the RFP), Section 12(8) requires the Proponent to outline any implications for timing of the development.

Proponents must provide additional information depending on the status of their development.

For Proposals with an existing development Proponents must provide:

a) the proposed timeframe for operation of the Agreed Number of Affordable Rental Dwellings, including any proposed works; and

b) if there are any proposed works, include the Development Application (DA) number.

For Proposals intending to construct, Proponents must provide:

a) the DA number (if available) or the timeframe to submit a DA; and

b) if the proposal is seeking additional Government or community raised funding for the development, or to operate a co-located service within the development, include the expected timing to obtain the additional funding.

In determining whether a Proponent has provided a satisfactory response to this Criterion, Members will have particular regard for whether:

- the timing indicated is feasible; and
- if it was confirmed the Proposal was seeking additional community raised or Government funding for the development in Returnable Schedule 2 or Returnable Schedule 4, does the response outline expected timing for this funding.

Further guidance on assessing responses to this Criterion is provided at Attachment A.

Members should note that Proponents' responses to Returnable Schedule 5 are provided for information only. There may be limited opportunity for the Territory to negotiate/encourage compliance to Returnable Schedule 5 in negotiation of the Agreement with the proponent.

Affordable Rental Experience – RS6

Section 12(9) of the RFP provides that the Territory will evaluate the demonstrated experience of the Proponents to successfully:

i. operate (control the functioning of);

ii. lease (manage tenancies); and

iii. maintain (property management – maintenance)

affordable rental accommodation of the kind contemplated by the Project, including through the engagement of, or collaboration with, other entities.

Proponents must demonstrate experience in at least one of the three activities listed above in order to receive a score higher than 0 for this Criterion.

For the purposes of the evaluation process, affordable rental of the kind contemplated by the Project is the provision of rental dwellings at a discounted rate to eligible tenants. For the purposes of this Criterion, eligibility does not necessarily need to be determined by reference to income thresholds. For example, examples of eligibility criteria based on specific cohorts, such as disability could also satisfy this Criterion.

Returnable Schedule 6 to the RFP states that, in order to demonstrate their experience, Proponents must provide a response of no more than two A4 pages in length with a minimum font size of 11 outlining:

a) one or more relevant examples demonstrating their experience;

b) for each example provided, Proponents should include:

    a. the address/location of those affordable rental properties in operating, leasing and maintaining;

    b. what role the Proponent had (i.e. operating, leasing and/or maintaining affordable rental accommodation);

    c. how long the Proponent operated those projects;

    d. how large each project was, including details of number of tenancies;

    e. the key features of each project, including tenancy management operational systems and protocols and provision of other services to tenants; and

    f. any other relevant information or links to relevant information that the Proponent considers will demonstrate details of the Proponent's experience;

c) the contact particulars of a minimum of two referees who can attest to the capacity, performance and experience of the Proponent.

The Team may, at its discretion, contact one or more of the referees nominated by any of the Proponents and seek confirmation of the Proponent's capacity, performance and experience, including in relation to any of the examples provided by the Proponent.

Members may consider that a Proponent has demonstrated experience in operating, leasing and maintaining affordable rental accommodation over the course of multiple examples. For example, where one example concerns leasing and a second example concerns operating and maintaining.

As a minimum, a response to this Criterion must include at least one example that addresses sections (b) a. to e. of Returnable Schedule 6, as detailed above. Any Proposals that do not meet this minimum standard may not be considered further, in accordance with section 14(3) of the RFP.

The scores awarded to each Proposal against this Criterion will be determined by reference to:

i. the quality of the examples and the level of detail provided in the Proponent's response; and

ii. the relative quality of the Proponent's response compared the responses provided by other Proposals.

Subject to points i. and ii. above, in assessing responses to this Criterion, Members will have particular regard for the each of the following principles:

(1) Section 12(9) of the RFP provides that Proponents able to demonstrate experience of operating, leasing and maintaining affordable rental accommodation will be considered more highly. In accordance with this section, Members will award higher scores to Proponents that demonstrate:

a. experience in all three activities (operating, leasing and maintaining), rather than just one or two activities. For example, a Proponent that demonstrates experience in operating and maintaining an affordable rental complex will be considered more favourably that a Proponent that has been engaged by an operator to maintain an affordable rental complex only; and

b. direct experience of operating, leasing and maintaining affordable rental accommodation, rather than through the engagement of, or collaboration with, other entities (for example, a Community Housing Provider Proponent that demonstrates experience directly managing affordable rental accommodation will receive a higher score than a private developer that demonstrates experience in engaging a third-party to manage affordable rental accommodation on its behalf).

(2) Registered Community Housing Provider affordable rental experience will be considered more highly than others. Providers with supported or disability housing experience will be considered less highly than registered Community Housing Provider experience, but higher than others.

Intended Processes to Administer Affordable Rental – RS7

Section 12(10) provides that the Territory will evaluate each Proponent's proposed operational systems and protocols for delivering and demonstrating compliance with the requirements of the Subsidy Deed in respect to the management of Affordable Rental Dwellings, including:

a) any use of Community Housing Providers or other entities, for tenancy identification or management of the Affordable Rental Dwellings;

b) the process for selecting affordable tenants, including method for ensuring tenants meet the Eligibility Criteria set by the Territory and protect tenants' privacy and personal information;

c) process for ensuring tenants of Affordable Rental Dwellings have equal access and rights to use common areas, facilities, services, carparking, infrastructure on the Land as other tenants; and

d) any other relevant supporting information.

In determining whether a Proponent has provided a satisfactory response to this Criterion, the Members will have particular regard for whether:

(1) the Proponent's response indicates any intended or potential non-compliance with the List of Requirements within the RFP (for example, whether the response indicates that the Affordable Rental Dwellings will not have equal access to common areas, amenity or car parking arrangements);

(2) whether the Proponent has completed all required sections of Returnable Schedule 7 (Items 1 to 7); and

(3) whether the Proposal has provided sufficient detail for the Members to understand the Proponent's intended processes (with the potential exception of Community Housing Provider Proponents – the Members may consider that references to administering the Affordable Rental Dwellings in accordance with the National Regulatory System for Community Housing (NRSCH) will constitute sufficient detail to score highly against this Criterion).

In determining an overall score for each Proponent's response to this Criterion, Members will initially assign a score from 0 to 10 to each of the responses to Items 1 to 7 of Returnable Schedule 7 (treating Items 1 to 3 as a single item for this purpose). Each Proponent's overall score against the Criterion will be the aggregate of their scores to Items 1 to 7 (i.e. the 5 scores out of 10 will be added together and then divided by five).

Notwithstanding an aggregate exceeding 0, a Proposal that receives a score of 0 against any of the individual Items 1 to 9 may not be considered further by Members.

In assigning scores to each Item, the Members will reference the guidance notes below:

(1) **Items 1 to 3**

a. As noted above, Items 1 to 3 will be treated as a single Item for the purposes of scoring responses against the Weighted Assessment Criterion.

b. Community Housing Provider Proponents that are also the Crown Lessee or intend to form a joint venture with a registered CHP that will become a registered CHP for the development, will receive a score of 10 against Items 1 to 3, followed by Community Housing Provider Proponents that do not.

c. Proponents that are not Community Housing Provider Proponents that state that the Affordable Rental Dwellings will be managed by a Registered Community Housing Provider (CHP) at Item 2 will receive a higher score against Items 1 to 3 than Proponents that do not intend to engage a CHP. The score assigned may vary according to the detail provided by the Proponent on what the arrangement between the Proponent and the CHP will be and how this will be maintained over 15 years.

d. Section 12(11) and Item 3 of Returnable Schedule 6 of the RFP provide that Proponents that propose arrangements that demonstrated to be existing, formal and ongoing, with an entity that has experience in affordable rental management will be considered more favourably. Members will award higher scores against Items 1 to 3 in accordance with these sections of the RFP.

(2) **Item 4**

a. As a minimum, Proponents must:

   i. demonstrate how they will store and update tenants' information, including they will maintain tenants' privacy/confidentiality;

   ii. the processes regarding the management of tenant information should align with the Privacy Act;

   iii. detail that they will check potential tenants' incomes and household composition; and

   iv. indicate the types of evidence they will request from potential tenants.

b. Any Proposal that does not meet the minimum standards listed above will receive a score of 0 against Item 4 and may not be considered further by the Members.

c. Responses that outline how the Territory will be given access to confidential information through a Deed audit process will be considered more favourably.

(3) **Item 5**

a. Members will assess responses to Item 5 against examples of good practice in tenant selection processes, e.g. where selection is based on verification of identity, income, employment, asset checks and referee reports.

(4) **Items 6**

a. As a minimum, Proponents must confirm that equal access to common areas, facilities, services and infrastructure and rights to car parking will be afforded to all tenants and provide some detail on how this will be achieved. For example, if access to car parking will be by application, the Proponent must demonstrate that all tenants will have equal rights to apply through the same process and at the same price.

b. Responses that provide greater detail on how tenants will be afforded equal access will be considered more favourably.

c. Any Proposal that does not meet the minimum standards listed above, including responses that indicate that all tenants will not be afforded equal access, will receive a score of 0 against the relevant Item and may not be considered further by Members.

(5) **Item 7**

a. As a minimum, Proponents must provide detail on how they intend to comply with reporting obligations. Proposals that do not meet this minimum requirement may not be considered further by the Members.

b. Additional information that provides satisfaction of sound governance and operational arrangements should be provided a higher rating.

10. RANKING OF PROPOSALS

Section 14(5) of the RFP provides that Proposals will initially be ranked according to Members assessment of responses to the Weighted Assessment Criteria, noting that the Territory reserves the right to alter the ranking of Proposals at its absolute discretion.

For each Proposal, Members agreed score for each Weighted Assessment Criterion will be multiplied by the weighting listed in the table above to obtain a weighted score for each Criterion for each Proposal. Proposals will then be ranked according to the aggregate of the scores awarded by Members against each of the Weighted Assessment Criteria.

Members may alter the ranking of Proposals in line with the Assessment of the Non-Weighted Assessment Criteria.

11. NON-WEIGHTED ASSESSMENT CRITERIA

Satisfaction the project will meet the aims of Government over time (where upfront assistance is requested) – RS8

Section 13(2) of the RFP provides that where requesting upfront forms of Financial Assistance (LVC or upfront Grant assistance) as aligns to Item 3, the Members must be satisfied the Territory's affordable rental aims, to deliver the Minimum Number of Affordable Rental Dwellings for at least 15 years.

Proponents requesting assistance in Item 3 should provide a response of no more than two A4 pages with a minimum font size of 11 in providing information to meet this requirement.

In determining whether a Proponent has provided a satisfactory response to this Criterion, Members should consider that:

(1) Registered Community Housing Providers provide a high level assurance of affordable rental aims over time – with reduced risk of even a high amount of upfront assistance;

(2) Other providers with demonstrated affordable rental experience may be able to provide a some assurance, the level of assurance will vary depend on the quality of the response;

(3) Providers without experience will not be able to provide assurance.

This criteria is not weighted or threshold. Members should consider the risks in deciding whether to cease considering a proposal where there is limited assurance, or whether to continue considering the proposal. If a proposal has limited assurance, this information should go into the Evaluation Report.

The ranking of the Proposals may be adjusted following assessment of any identified risk.

In deciding on whether to continue considering a proposal, and in formulating advice from the Evaluation Report, Members should also consider:

(1) The amount of Upfront Financial Assistance requested. If a proposal is only seeking a small amount of Upfront Financial Assistance, the financial risk to the Territory is reduced; and

(2) The strength of clawback mechanisms that can be negotiated into an Agreement for the type of Financial Assistance that has been requested.

Members should note that Proponents' responses to Returnable Schedule 8 are provided for information only. There are limited mechanisms for the Territory to enforce ongoing provision of affordable rental.

Members may be required to seek advice on Procurement, Deed of Grant Agreements, tax waiver/deferral instruments, or any other relevant instrument, to be satisfied on the final point.

As detailed above, section 7 of the RFP provides that the Territory may, at its absolute discretion, in respect of a Proposal that is non-compliant or deemed non-compliant, ignore the non-compliance in the Proposal and assess the Proposal further. In considering use of discretion, the Members should consider the risks to the Territory of providing upfront financial support for ongoing affordable rental, including any options for a clawback mechanism.

In the circumstance where the financial assistance requested in Returnable Schedule 4 most closely aligns with Item 3 (Upfront Financial Assistance) however the Proponent has not returned a response to Returnable Schedule 8, Members should consider using the discretion entitlement (as per Section 7 of the RFP) to ignore the non-compliance, and use the information provided in response to the other Returnable Schedules that have been submitted. For example,

- The response to Returnable Schedule 4 (Financial Response) providing information on the type, amount and timing of the upfront assistance requested may provide assurance the affordable rental will be delivered.
- The response to Returnable Schedule 6 (Affordable Rental experience) may provide assurance that affordable rental will be delivered.
- If this does not provide assurance/satisfaction, Members should consider whether discretion can be used as per Section 7 (2c) to permit the Proponent to correct the non-compliance by providing additional information without affecting the probity of the RFP Process.

The ranking of the Proposals may be adjusted following assessment of any identified risk.

Suitability of location

Section 13(5) of the RFP provides that Members may take into account the suitability of location of the proposed development in its assessment of the Proposals at its absolute discretion, in terms of:

i. Access to transport, services and employment; or

ii. Co-location of services or businesses where there is a risk to the wellbeing of tenants.

Members should consider the location and any co-located commercial components (within the same development) of the project as outlined in Returnable Schedule 2. Examples of issues that could be considered include:

- A location that is not as accessible to key services and employment as the other proposals, where there is a risk of poorer outcomes compared to other proposals; or
- A co-located commercial component that risks harm to tenants, e.g. through gambling harm.

This criteria is not weighted or threshold. Members should consider any identified risks in deciding whether to cease considering a proposal, or whether to continue considering the proposal. If a risk is identified by the Members, this information should go into the Evaluation Report.

The ranking of the Proposals may be adjusted following assessment of any identified risk.

Overall Risk

Section 14(6) of the RFP provides that, following completion of the assessment against the Weighted Assessment Criteria, the Territory may undertake a further assessment to evaluate Proposals having regard to overall risk.

The ranking of the Proposals may be adjusted following the overall risk assessment, if undertaken.

12. EVALUATION REPORT

Upon concluding the evaluation process, Members will prepare for the Delegate an Evaluation Report including the following information:

1. Proposal compliance checks (RFP Evaluation Stage 1);
2. Evaluation against Threshold Assessment Criteria (RFP Evaluation Stage 2);
3. Evaluation against Weighted Assessment Criteria (RFP Evaluation Stage 3);
4. Ranking of Proposals (including any consideration of the two Non-weighted Assessment Criteria, if applicable);

5. Any proposals where there is a risk that is not considered acceptable and/or manageable;
6. Identification of any issues which should be resolved by negotiation; and
7. Recommendations to the Delegate.

Following the ranking of Proposals the Members will finalise the assessment and determine the recommendations to be endorsed by the Delegate.

The recommendations will include the proposals that met the requirements, represent acceptable and/or manageable risk (preferably the lowest). There may be additional recommendations based on competitiveness in ranking.

13. DELEGATE ENDORSEMENT

The Evaluation Report and Recommendation are to be approved by the Delegate.

In accordance with the RFP, the Administrators will incorporate the endorsed recommendations into a business case for the 2023-24 budget review. The business case will include options for timing of negotiations, including consideration of confidentiality mechanisms to allow negotiation with successful proponents prior to budget announcement.

14. DEBRIEFING

Section 15 of the RFP provides that Proponents may request a debriefing following the conclusion of the RFP process and should do so in writing. Debriefings will be limited to matters relevant to the Proponent's Proposal and the assessment criteria contained in the RFP.

Following the budget announcement, the Team will provide emails to each of the Proponents where there was no agreement to budget funding. This will include the following information:

(1) a statement demonstrating the Territory's appreciation for the Proposal;

(2) a statement demonstrating the Territory's regret that they were not successful on this occasion;

(3) a statement advising the Proponent that they may request a debriefing session in writing; and

(4) an invitation to participate in future Build-to-Rent initiatives.

If requested, the Team will conduct a debriefing with the relevant Proponent.

In conducting debriefings, the Team will have regard for any requests made by any of the Proponents under section 24 of the RFP for information contained in their Proposals to be treated as Confidential Information.