

**New Mexico Mortgage Finance Authority
Request for Qualifications for
Architectural Review and Construction Inspection Services**

PART I: BACKGROUND AND GENERAL INFORMATION

Introduction

The New Mexico Mortgage Finance Authority (MFA) is a governmental instrumentality, separate and apart from the state, created by the Mortgage Finance Authority Act, 58-18-1 NMSA 1978 et seq., for the purpose of financing affordable housing for low- and moderate-income families in New Mexico.

The Low Income Housing Tax Credit (LIHTC) program was created in the Tax Reform Act of 1986 as an incentive for individuals and corporations to invest in the construction or rehabilitation of low-income housing. LIHTC provides the investor with a dollar-for-dollar reduction in personal or corporate federal income tax liability for a 10-year period for projects meeting the program's requirements.

In January 1997, MFA was designated by Governor Johnson as the Housing Credit Agency (HCA) responsible for administering the LIHTC program in the state of New Mexico and allocating tax credits to eligible New Mexico Projects. MFA awards tax credits to projects meeting its Project Selection Criteria and other requirements and monitors existing Projects for compliance with the IRS Code (IRC) Section 42.

MFA's Housing Development Department administers the allocation of tax credits. Overall responsibility extends to publishing the Qualified Allocation Plan; setting the allocation schedule; reviewing and ranking applications; recommending projects for MFA Board approval; processing Carryover Allocations; Final Allocation of Tax Credits by issuance of IRS Form 8609; annual notification to the IRS of program performance through submission of IRS Form 8610; and providing public information concerning the program.

MFA also provides gap financing for LIHTC and non-LIHTC projects, offering construction and permanent financing for all phases of multifamily and single family affordable housing project developments, including land and building acquisition, infrastructure development, rehabilitation and new construction.

Purpose

The purpose of this Request for Qualifications (RFQ) is to invite the submittal of qualification statements along with proposals, in accordance with MFA Procurement Policy, from highly qualified, capable persons or firms, who by reason of their skill, knowledge, and experience are able to furnish MFA with Architectural Review and Construction Inspection services (Offeror) for LIHTC and non-LIHTC, MFA-financed projects. The Minimum Qualifications and Requirements for this RFQ are outlined in Part II of this RFQ, below. Qualification statements must address all elements outlined in the Minimum Qualifications and Requirements of this RFQ.

Scope of Services to Be Performed

Services to be provided under this RFQ (Assignment) include, but are not limited to architectural review and construction inspection services as described below. Applicants meeting the RFQ requirements, as determined by MFA, will be designated Qualified Service Providers (QSP.) MFA will notify and solicit quotes from one or more QSPs whenever services are needed for a specific project, and MFA will provide an itemized scope of required services. The Assignment will be awarded to the QSP whose quote best meets the needs of the project with respect to pricing, time frames for delivery of services and reports, and other project-relevant considerations, as solely determined by MFA, and all of which will be incorporated into an engagement letter signed by both parties.

1. Architectural Plan review and Construction Inspection for LIHTC and Non-LIHTC Projects

A. Pre-Construction Activity

- i. Review of plans and specs upon which the construction contract is based including comparison with preliminary plans submitted in initial funding application (to be supplied by MFA) and written opinion as to whether the two sets are substantively the same (i.e. the unit and project design, square footage, unit mix, number of units or number of buildings, in compliance with MFA Mandatory Design Standards.) The opinion shall also contain written recommendations as to approval or disapproval of overall design and/or specific design elements, including any recommended changes.
- ii. Review of construction documentation (including but not limited to contracts, permits, construction schedule, etc.) and recommendations on adequacy, completeness, and acceptability.
- iii. As needed, review of Phase I Environmental Assessment report, if any, and, if applicable, HUD Environmental Assessment approval to ensure that all environmental recommendations, if any, are incorporated into the plans and specs and construction documentation.
- iv. As needed, review of geotechnical reports, if any, to ensure all engineering recommendations are incorporated into the plans and specs.
- v. With respect to this section, the written opinion/recommendation shall be completed and submitted to MFA within three (3) weeks of the Assignment.

B. Construction Period Activity

- i. Monthly inspections throughout construction, prior to each construction loan draw, to a) review draw requests; b) determine percent of work completed by line item; c) determine "value in place;" d) review change orders; e) inspect stored materials; f) review adequacy and completeness of invoices and lien waivers. Timing of on-site inspections shall coincide with onsite project meetings between the construction project manager, architect and owner;
- ii. The number of inspections may vary for each Assignment and could range from two (2) total construction inspections for LIHTC projects without MFA construction financing to twelve (12) or more construction inspections for

projects with MFA construction financing. Proposed construction inspection fees should be based on a per inspection basis.

- iii. Prepare a timely, written report to MFA to address each of the items in (1) above, including a recommendation as to approval or disapproval of each payment request and release of funds, complete with photographs. The monthly inspection reports shall be prepared and submitted to MFA no later than ten (10) calendar days from the date of the inspection.
- iv. Additional interim inspections or report reviews as needed.
- v. Site inspections shall be performed commensurate with the receipt of each monthly draw request. Construction inspection reports shall be prepared and submitted to MFA within ten (10) calendar days of the date of the onsite field inspection.

C. Completion Activity

- i. Inspection upon completion of construction;
- ii. Estimate of costs of incomplete work;
- iii. Review of certificates of occupancy, project architect's certification and all other completion documentation; and
- iv. Submission of a final report, which must specially state that the project as-built: a) conforms to the original plans and specifications (with any changes approved by MFA;) b) meets all applicable state and local codes, ordinances, and zoning requirements; c) meets the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act or any other applicable standards; and d) complies with MFA's Mandatory Design Standards.
- v. Completion inspection shall be performed commensurate with receipt of the documents identified in 1.C.iii above. The final written completion report shall be submitted to MFA within fifteen (15) calendar days of the completion inspection.

2. MFA's LIHTC Mandatory Design Standards Review (optional)

Time is of the essence for any work performed under this optional section of the RFQ and Offeror must agree to complete any work with respect to this section within three weeks from date of Assignment engagement.

As described in the Introduction section of this RFQ, MFA is responsible for administering the federal LIHTC program for New Mexico. The program consists of two components: 1) the 9 percent "competitive" program, for which approximately 15-20 applications are submitted as part of an annual application round that concludes in late January; and 2) the 4 percent "non-competitive" program, for which there is no application deadline and for which approximately 2-6 applications are submitted annually. Project plans and specs must be reviewed at the time of application for compliance with MFA Mandatory Design Standards.

Services to be provided include, but are not limited to, a) review of preliminary plans and specs submitted in initial LIHTC application; and b) a written opinion as to whether the project is in compliance with MFA's Mandatory Design Standards; and c) the opinion shall contain written recommendations as to approval or disapproval of overall design and/or specific design elements, and any variances from the Design Standards. MFA 2016 Mandatory Design Standards can be found on MFA's website at: <http://www.housingnm.org/developers/low-income-housing-tax-credits-lihtc>

At Offeror's option, the proposal may include estimated fees per project for this LIHTC Application Activity. Bulk pricing discounts will be considered.

3. Proposed Fees

Fees for proposed services will be negotiated at the time of Assignment; however, for evaluation purposes the proposal shall include proposed fees based on current-market conditions and priced as if the Assignment were to be awarded immediately. Proposed fees should be unit-priced on a per activity basis (i.e. per activity unit-price each for a) Pre-construction Activity, b) Construction Activity and c) Completion Activity, as well as for the optional MFA's LIHTC Mandatory Design Standards Review activity), including applicable taxes.

Fees for miscellaneous additional services will be negotiated as needed (e.g. interim inspections, environmental or geotechnical report reviews, Davis-Bacon Wage monitoring, latent defects inspections, and other services as needed.)

Offeror(s) shall identify a Primary Service Area (PSA) for which the proposed pricing is valid. Additional fees for Assignments outside of the QSP's identified PSA, if any, may be negotiated at the time of assignment

PART II: MINIMUM QUALIFICATION AND REQUIREMENTS

1. Offeror(s) must demonstrate that it has significant, current experience/knowledge in/of the development, design, renovation and construction of medium-to-large scale multifamily rental and/or single family development projects, preferably in New Mexico. Experience with federal subsidy programs is preferred. A minimum of three years' experience with this work, and references from former clients engaging the Offeror for similar assignments.
2. Offeror(s) must be licensed/registered/certified in the state of New Mexico and in good standing pursuant to the relevant licensing laws.
3. Offeror(s) may not have any ownership interest in any proposed project that is the subject of a contract award pursuant to this RFQ. Further, every Offeror must disclose, and may not receive an Assignment for any project in which a) Offeror has undertaken prior work, b) Offeror or Offeror's family has a financial interest in the project or development team ¹. In the RFQ response, Offeror must disclose and describe any role it has had, currently has, or anticipates having in any MFA-related low-income housing project in New Mexico. Additionally, with respect to any assigned project, any report(s) prepared by the Offeror(s) must contain a statement to the effect that the Offeror has no financial interest or identity of interest in any project.

¹ "Development Team" includes any person or entity with any ownership or proposed ownership interest in the project, and the proposed builder or subcontractor, management agent, architect, lender, proposed equity investor or other proposed vendor or service provider with respect to the project.

4. Every Offeror must disclose any pending investigation, litigation, recent settlements or regulatory sanctions in performing professional services during the past five years involving your firm or employees or individuals or organizations involved in any third-party agreements or joint venture agreements. Describe any circumstances under which your firm or any of your members or employees has been disciplined by any professional licensing, regulatory or ethics entity. Indicate whether your firm has been involved in any capacity in litigation, investigations or regulatory proceedings involving HUD, the state of New Mexico or any agency thereof.
5. Offeror(s) must provide proof of professional liability insurance or comparable protection with the limit of \$1,000,000 per claim.

PART III: EVALUATION CRITERIA

1. Minimum Threshold Requirements

Responses must meet the following minimum requirements in order to qualify for further consideration:

- A. The response must be complete and legible and must be submitted by the application deadline.
- B. Offeror(s) must provide evidence of being licensed/registered/certified in the state of New Mexico and in good standing pursuant to the relevant licensing laws.
- C. Offeror(s) must demonstrate at least three years of experience providing a comparable scope of services contained herein.
- D. Offeror(s) must provide evidence of high quality professional presentation of work, as verified through sample reports and positive references from clients.

2. Evaluation of Proposals and Criteria

Responses meeting the Minimum Threshold Requirements will be scored on a weighted scale of 100 based on the Evaluation Criteria listed below. Responses that do not meet the Minimum Threshold Requirements cited above will be returned. A minimum weighted score of 70 is required. Please note, however, that a serious deficiency in any one criterion may be grounds for rejection regardless of overall score. When making selections, MFA will consider Offeror's:

- A. Scoring
- B. Qualifications specifically as it relates to the scope of work
- C. Experience in providing the scope of work identified herein
- D. Offeror's ability, capacity and availability to complete awarded Assignments
- E. Offeror's overall suitability for the proposed scope of work

Offeror(s), meeting the minimum required standards will be selected and placed on MFA's list of Qualified Service Providers of Architectural Review and Construction Services. MFA may select one or more Offeror(s). Being selected as a QSP does not guaranty an award of an Assignment. MFA may, for cause, remove a selected Offeror from its approved list of Qualified Service Providers.

| Evaluation Criteria | Max Points A. | Weighting B. | Weighted Score A. x B. |
|---|--------------------------|-------------------------|-----------------------------------|
| A determination that the Offeror has submitted a complete and responsive proposal. | 5 | 1 | 5 |
| Evaluation of the professional qualifications, background & resume(s) of those providing services. | 5 | 5 | 25 |
| Expertise and experience in the development, design, renovation and construction of multifamily rental and/or single family development projects. | 5 | 5 | 25 |
| Quality and conciseness of sample reports | 5 | 2 | 10 |
| Demonstrated ability and capacity to provide the services and meet timing requirements | 5 | 5 | 25 |
| Evaluation of Offeror's work plan to provide the services | 5 | 2 | 10 |
| Total Points | | | 100 |

MFA will use the "Evaluation Worksheet" attached hereto as Exhibit A to evaluate proposals.

PART IV: PROPOSAL SUBMISSION

One (1) original, three (3) bound copies and one (1) electronic PDF copy (provided on CD or flash drive) of a qualification statement and proposal (Submission) must be received by the contact person at the above address no later than **September 2, 2016 at 5:00 PM, Mountain Time**. Submissions shall be in sealed envelopes marked "Proposal to Furnish Architectural Plan Review and Construction Inspection Services." Submissions will be opened and review will begin after the deadline established for receipt of Submissions. Submissions will not be opened publicly and will not be available for public inspection until after the award of the contract.

Contact Person

Offeror(s) may direct questions regarding this RFQ to:

Michael Scott, Housing Development Program Manager
 New Mexico Mortgage Finance Authority
 344 Fourth St., SW
 Albuquerque, NM 87102
 Phone: 505-843-6880; Fax: 505-243-3289
 E-mail: mscott@housingnm.org

1. RFQ Revisions, Supplements and Termination

Should it become necessary to revise any part of this RFQ or if additional information is necessary to clarify any provision of this RFQ, the revision or additional information will be provided to all Offeror(s) who have requested the RFQ.

This RFQ may be terminated without designating any Qualified Service Providers or granting an award or contract if, at MFA's discretion, no responses are deemed sufficient to meet MFA's Minimum Qualifications and Requirements. MFA shall provide written notice to all Offerors, if this RFQ is terminated without granting an award or contract, within ten (10) days of MFA's decision to terminate this RFQ.

2. **Evaluation of Qualification Statements and Proposals, Award Notice**

Responses will be evaluated by an internal review committee of MFA staff using the criteria listed in Parts II and III above, with final approval of selection to be determined by the Deputy Director of Programs.

MFA shall provide written notice of approval as a QSP to all Offeror(s) within ten (10) days of the date of the award.

3. **Contract**

This RFQ is not a contract or a commitment of any kind. If this RFQ results in a contract offer by MFA, the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations.

MFA may enter into an agreement(s) (Contracts) with one or more QSP's. These Contract(s) may be for one or more Architectural Plan Review and Construction Inspection Assignments for affordable housing development projects throughout New Mexico. Once an Assignment is awarded and Contract executed, if MFA determines that it is in the best interest of MFA or its programs to discontinue the services of the QSP, upon provision of contractually required notice, it may do so without liability to MFA or to the QSP. Upon termination, MFA may negotiate and award a Contract to another QSP under this RFQ.

4. **Proposal Confidentiality**

Except in response to inquiries from the committee or the Contact Person as part of the evaluation process, until the award is made and notice is given to all Offeror(s), no employee, agent or representative of an Offeror(s) shall make available or discuss its proposal with any officer, member, employee, agent or representative of MFA other than the Contact Person.

Until the award is made and notice given to all Offeror(s), MFA will not disclose the contents of any proposal or discuss the contents of any proposal with an Offeror(s) or potential Offeror(s), so as to make the contents of any offer available to competing or potential Offeror(s).

5. **Protest**

Any Offeror(s) who is aggrieved in connection with this RFQ, specifically the approval or non-approval as a QSP, may protest to MFA. The protest must be written and addressed to the Contact Person:

Michael Scott, Housing Development Program Manager
New Mexico Mortgage Finance Authority
344 Fourth St., SW
Albuquerque, NM 87102

The protest must be delivered to MFA within fifteen (15) calendar days after the notice of approval or non-approval as a QSP. Upon the timely filing of a protest, the Contact Person shall give notice of the

protest to all Offeror(s) who appear to have a substantial and reasonable prospect of being affected by the outcome of the protest. The Offeror(s) receiving notice may file responses to the protest within seven (7) calendar days of notice of protest. The protest process shall be:

The protest will be reviewed by the MFA's Policy Committee and that committee shall make a final decision regarding the disposition of the protest.

Offerors or their representatives shall not communicate with MFA Board of Directors or staff members regarding any proposal under consideration, except when specifically permitted to present testimony to the committee. A proposal will be deemed ineligible if the Offeror or any person or entity acting on behalf of Offeror attempts to influence members of the Board of Directors or staff during any portion of the RFQ review process or does not follow the prescribed application and protest process.

PART V: PROPOSAL FORMAT AND INSTRUCTIONS TO OFFEROR(S)

Proposals submitted to MFA must, at a minimum, contain the following information and shall be organized as follows:

1. **Letter of Transmittal** – to include at least the following information:
 - A. Name, address and telephone number of Offeror(s)
 - B. A signature of the Offeror(s) or of any partner, officer or employee who certifies that he or she has the authority to bind the Offeror(s)
 - C. Date of proposal
 - D. A statement that the Offeror(s) proposal is valid for ninety (90) days after the deadline for submission of proposals
 - E. A description of the Offeror's ability to satisfy the minimum qualifications listed in Part II of this RFP, and a detailed explanation of the Offeror's ability to perform the services outlined in Part I of this RFQ
2. **Executive Summary** of the Proposal (not to exceed one page.)
3. **Names and resumes of the key personnel** including support staff to be assigned to the Contract. Resumes describing the qualifications of personnel to be utilized in the performance of this Contract must show, at a minimum, the person's name, education, position, certifications, registrations and licensing and total years and types of experience relevant to the performance of the Contract. Resumes must also highlight architectural reviews and construction inspections services completed for commercial housing developments and projects in the state of New Mexico since January 1, 2012.
4. **References.** Please provide names of at least three references of persons who have worked with the same primary personnel proposed.
5. **Offeror(s) proposal** for delivering services as outlined in Part I of this RFQ, including organization of responsibilities, work plan, approach and the availability of personnel for consultation and discussion as necessary to serve the needs of MFA. Include a detailed discussion of Offeror's staffing and other elements of its capacity to complete the scope of services as specified in PART

I, Section 1 “*Architectural Plan review and Construction Inspection for LIHTC and Non-LIHTC Projects*” and Section 2 (optional) “*MFA’s LIHTC Mandatory Design Standards Review.*”

6. **Work plan** identifying steps and time frames for all of the tasks needed to complete an individual assignment.
7. **Proposed cost per Assignment** (as specified in PART I, Section 1 “Proposed Fees”)
8. MFA requires that Offeror(s) be an Equal Opportunity Employer. Please state that Offeror(s) complies fully with all government regulations regarding nondiscriminatory employment practices and provide a copy of any written EEO, ADA or affirmative action policies presently followed by Offeror(s).
9. **Attachments**
 - A. Sample reports produced for a similar assignment (i.e. pre-construction plan review, monthly inspection report and final project completion report). Property and client names and other proprietary information may be deleted or blacked out.
 - B. At least three (3) letters of reference from clients requiring similar work in the past five (5) years.
 - C. Certification concerning projects known or likely to be submitted to MFA for financing within the next twelve (12) calendar months, including: 1) financial interests, 2) whether Offeror is “related to” any principal or development team member, 3) whether Offeror has completed any prior work or expects to undertake work additional to that completed under this RFQ within the next twelve months for such projects and 4) proposal tenure. (See Certification Exhibit B.)
10. **Submission Procedures**
 - A. In accordance with the Proposal Submission section in Part IV, above, one (1) original bound, three (3) bound copies and (1) one electronic PDF copy (provided on CD or flash drive) of the Proposal must be submitted to the Contact Person by the submission deadline.
 - B. Incomplete proposals shall not be considered.
 - C. Discussion may be conducted with Offeror(s) to provide clarification, but proposals may be selected or rejected without such discussions.

11. Certification of Compliance with Equal Employment Law

Successful Offeror(s) will be required to comply with applicable state and federal laws, regulations and executive orders relating to equal employment opportunity and affirmative action.

12. Code of Conduct

No Board member or employee of MFA shall have any direct financial interest in any contract with the Offeror, nor shall any contract exist between Offeror or its affiliate with any MFA Board member or employee that might give rise to a claim of conflict of interest. Any violation of this provision will render void any contract between MFA and the Offeror for which MFA determines that a conflict of interest exists as herein described, unless that contract is approved by MFA's Board of Directors after full disclosure.

Offeror shall provide a statement disclosing any political contribution or gift valued in excess of \$250 (singularly or in the aggregate) made by Offeror or on Offeror's behalf to any elected official of the state of New Mexico currently serving or who has served on MFA's Board of Directors in the last three (3) years.

Offeror shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under any contract entered into with MFA pursuant to this RFP. Offeror shall at all times conduct itself in a manner consistent with MFA's Code of Conduct and MFA's Anti-Harassment Policy. A copy of MFA's Code of Conduct and MFA's Anti-Harassment Policy is posted on the MFA website for review at <http://www.housingnm.org/rfp>. Upon request by MFA, Offeror shall disclose information MFA may reasonably request relating to conflict or potential conflicts of interest.

Offeror shall provide written certification that Offeror is eligible to participate in any and all federal or state funded housing programs; is not currently facing disciplinary action by any federal, state or local entity; is not suspended, debarred or excluded from participation in any federal or state funded housing program; and is not listed as an excluded party(ies) on the System for Award Management's list of excluded parties accessed at www.sam.gov.

New Mexico Mortgage Finance Authority

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| Francina Martinez | Rebecca Sanchez | Yvonne Segovia |
| Frankie Salcido | Rob Jones | |
| Gina Bell | Robyn Powell | |

Exhibit A

Evaluation Worksheet

| Evaluation Criteria | Points per MFA MAX 5 Points each Criterion | Points Per MFA A. | Weighting B. | Weighted Score A. x B. |
|---|---|---------------------------------------|------------------------------|--|
| | Excellent 5 Pts Very Good 4 Pts Good 3 Pts Fair 2 Pts Poor 1 Pt | | | |
| Offeror has submitted a complete and responsive proposal as required by this RFP. | | | 1 | |
| Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services. | | | 5 | |
| Expertise & experience in the development, design, renovation and construction of multifamily rental and/or single family development projects. | | | 5 | |
| Quality and conciseness of sample reports | | | 2 | |
| Demonstrated ability and capacity to provide the services and meet timing requirements | | | 5 | |
| Evaluation of Offeror's work plan to provide the services | | | 2 | |
| TOTAL | | | | Min. 70 pts. Needed² |

² A minimum weighted score of 70 is required. Please note, however, that a serious deficiency in any one criterion may be grounds for rejection regardless of overall score

Exhibit B

Offerors' Certification

Offeror hereby certifies that he/she/it:

1. Has no financial interest in projects that Offeror expects will submit an application(s) to MFA for funding with respect to his RFQ, including but not limited to LIHTC, state tax credits, construction and or permanent financing and/or grants.
2. Will not accept any Assignments for any projects in which:
 - a) Offeror has performed any prior work or expects to perform such work during or within one year after the performance of work for MFA under this RFQ; and/or
 - b) Offeror, or a member of Offeror's family, has a financial interest in the project or the project development team.

Offeror Name _____

Date_____

Authorized Signature _____

Name Printed _____

Title _____