



**CITY OF WEST PALM BEACH**  
Procurement Division  
City Hall – 401 Clematis Street  
West Palm Beach, FL 33401  
Tel: 561-822-2100  
Fax: 561-822-1564

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**Request for Proposal 10-11-125**

**HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)**

The City of West Palm Beach is accepting proposals from qualified organizations for the purpose of providing assistance through the federally funded HOME Investment Partnership Program to construct or rehabilitate affordable housing in the City of West Palm Beach. The City anticipates \$420,187 in HOME Investment Partnerships Program funds to be available for projects that are ready to proceed immediately.

Time is of the essence and any proposal received after **3:00 p.m., Tuesday, May 31, 2011**, whether by mail or otherwise, will be returned unopened. The time of receipt shall be determined by the time clock located in the office of the Procurement Division. Proposals shall be placed in a sealed envelope, marked in the lower left-hand corner with the RFP number, title, and date and hour proposals are scheduled to be received. Proposers are responsible for insuring that their proposal is stamped by Procurement Division personnel by the deadline indicated.

Interested parties may obtain a copy of this proposal by contacting the Procurement Division at 561-822-2100 or downloading a PDF file at <http://www.wpb.org/procurement>.

A Proposer shall submit **one (1) original, five (5) copies and one (1) electronic copy (MS Word or searchable PDF)** of the proposal to the Procurement Division, at the time and date specified in the legal notice.

**PRE-PROPOSAL CONFERENCE (Mandatory)**

**The pre-proposal conference is scheduled for May 19, 2011 10:00 a.m. at the City of West Palm Beach, City Hall, 401 Clematis Street, 5<sup>th</sup> Floor, Conference Room 519, and West Palm Beach, Florida.** Parking is available in the City Center and Clematis Garage.

All proposals must be delivered or mailed to:

Althea Pemsel, MA, C.P.M., Procurement Official  
City of West Palm Beach Procurement Division  
401 Clematis Street, 5<sup>th</sup> Floor  
West Palm Beach, FL 33401

**ENVELOPE MUST BE IDENTIFIED AS RFP # 10-11-125**

**BY:** *Kari Hansen*  
Kari Hansen, Purchasing Agent

**PUBLISH:** Palm Beach Post,  
May 11, 2011

**TENTATIVE RFP SCHEDULE**

Listed below are the tentative dates and times of the project and which the actions noted must be completed. If the Procurement Division finds it necessary to change any of these dates or times, the change will be accomplished by addendum. All dates are subject to change.

<b><u>ACTION</u></b>	<b><u>COMPLETION DATE</u></b>
RFP Issue Date, CWPB Website	May 9, 2011
RFP Issue Date, The Palm Beach Post	May 11, 2011
Mandatory Pre-Bid Conference	May 19, 2011 at 10:00am
Final Questions Due	May 23, 2011 by 5:00pm
Proposals Due	May 31, 2011 at 3:00pm.
Initial Proposal Review	Week of June 6, 2011
Vendor Meeting/Interviews	Starting Week of June 13, 2011
Selection of Proposers	Starting Week of June 27, 2011
Contract Negotiation	July 2011

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## INSTRUCTIONS FOR SUBMITTALS

### 1. Preparing Proposal for Submission:

Each Proposer is required, before submitting its Proposal, to carefully examine the requirements and to completely familiarize themselves with all of the terms and conditions that are contained within this RFP. Ignorance on the part of the Proposer will in no way relieve the Proposer of any of the obligations and responsibilities which are a part of this RFP. This RFP constitutes the complete set of specification requirements and forms. It is the responsibility of the Proposer to insure that all pages are included. Therefore, all Proposers are advised to closely examine this package and their Proposal prior to submittal.

All Proposals must be typed or written in ink, and must be signed in ink by an officer or employee having authority to bind the company. **Signatures are required where indicated; failure to do so shall be cause for rejection of proposal.**

Proposals shall be presented in a clear and concise format, on 8 ½" x 11" papers, in English. Each tabbed set shall contain all the information required by this RFP. Omission of required data may be cause for disqualification. Any other information thought to be relevant, but not applicable to the enumerated sections, should be provided as an appendix to the statement. The proposer is asked to limit marketing materials and excess verbiage yet, sufficiently their qualifications, cost, and other information pertinent for evaluation. **Only one proposal may be submitted by each Proposer.**

No modifications to those proposals already submitted will be permitted prior to award, except in those cases where the City requests more information for clarification and/or enhancement purposes from all of the Proposers.

Proposals shall be placed in a sealed envelope, marked in the lower left-hand corner with the RFP number, RFP title, deadline date and hour for receipt of Proposals.

### 2. Proposal Formatting

**A. Registration:** Registration Form on page 16, or complete on-line during download of RFP.

**B. Proposal Cover Letter**

A proposal cover letter is required containing the corporate name (if applicable), name, principal address, telephone number, fax number, website and email address of Proposer and principal contact person. The cover letter shall be no more than one page. **This letter must be signed by an individual authorized to bind the firm. Failure to meet this requirement may result in disqualification.**

**C. Refer to Applicant Checklist on Page 17 for list of Sections to be included.**

**D. Insurance:** Proposer should be prepared to provide certificate(s) of insurance within 7 days of receipt of notice of intent to award.

## E. Small Business Participation

For Small Business participation, describe the specific tasks that the identified Small Business (SB) will complete. Include all required forms included or referenced in this RFP. The Small Business forms are included as *Forms SB01, SB02 and SB03* listed under Attachment G. These forms are as follows:

- *Statement of Subcontractor Participation Form SB01*  
List **all** your certified Small Businesses -- indicate dollar amounts and percentages in the appropriate columns. Only City and County certified Small Businesses can be used to meet the established goal. This form must be submitted with the Proposal.
- *Subcontractor's List Form SB02*  
List the names and telephone numbers of Small Businesses that submitted a quote to you, whether you will use them on this project or not. Also, include here all Small Businesses listed in the *Statement of Small Business Participation*. This form must be submitted with the Proposal.
- *Letter of Intent Form SB03*  
One form per each Small Business subcontractor must be executed and delivered to the City's Procurement Division **prior** to contract award and will be made a part of the contract.

If the Small Business Participation goal cannot be met, Proposers must document their efforts to comply and submit a *Good Faith Effort Form SB04*. Please contact Tiffany Neilly-McCray at 561-822-1277 for the form.

**The Small Business Ordinance provides that compliance with the small business goals shall be material criterion for selection.**

Proposers are encouraged to reference the Small Business Division's website at [www.wpb.org/sbiz](http://www.wpb.org/sbiz) for a directory of all currently certified small **businesses**. If you are unsuccessful in obtaining sufficient participation from the City's directory, through reciprocity with Palm Beach County, County-certified small businesses may be utilized in meeting the goal. The Palm Beach County small business directory is found at [www.pbcgov.com/osba](http://www.pbcgov.com/osba).

Please note, regardless of whether a goal is established or not, the City encourages small business participation in *all* of its procurements.

## PROCUREMENT PROCESS

### 1. Registration

Each Proposer is requested to **register** with the Procurement Division in order to receive any addenda to this RFP. Please complete the Registration Form and fax or email to the Procurement Division on or before **5:00 p.m., Monday, May 23, 2011**. It is the responsibility of each Proposer to ensure that it receives all addenda. The City shall have no responsibility to provide any addenda issued under this RFP to any firm or Proposer not registered for this RFP with the City. **If registering on-line, please verify that your information is correct prior to downloading this RFP, as that information on the Planholder's List is also used to send out addenda notifications via the email address you submitted for registration download.**

### 2. Questions / Addenda to the RFP

No interpretation or changes in the scope or meaning of this Request for Proposals will be made to any Proposer, orally or otherwise, except at the **mandatory Pre-Proposal Conference on May 19, 2011** at 10:00am and by written addendum. Questions may be submitted in writing to Kari Hansen, Purchasing Agent, at the address or fax number below, or emailed to [KHansen@wpb.org](mailto:KHansen@wpb.org). All responses to questions submitted in writing or at the Pre-Proposal Conference will be issued via addendum to the RFP to all Proposers who are registered with the City for this RFP.

Contact with the Procurement Division is to be for clarification purposes only.

*All questions regarding this RFP should be submitted in writing and must be received not later than 5:00pm on May 23, 2011, addressed to:*

Kari Hansen, Purchasing Agent  
City of West Palm Beach Procurement Division  
401 Clematis Street – 5<sup>th</sup> Floor / Procurement  
West Palm Beach, FL 33401  
E-Mail: [khansen@wpb.org](mailto:khansen@wpb.org)  
Fax: (561) 822-1564

Contact regarding this RFP with the Mayor, any City Commissioner, officer or employee, other than the Procurement Division, is grounds for disqualification.

### 3. Submittal

**Time is of the essence and any Proposals received after 3:00 p.m., EST, Tuesday, May 31, 2011, will be returned unopened.** In accordance with Sec. 66-63 of the City Code of Ordinances, PROPOSALS NOT RECEIVED BY THAT TIME WILL BE REFUSED. The time of receipt shall be determined by the time clock located in the office of the Procurement Division. Proposers are responsible for ensuring that their proposal is clocked as received by the deadline indicated. Details regarding submittal of proposals are contained in the next section of this RFP. Proposals shall comply with the requirements of this RFP.

**OVERVIEW OF THE  
REQUEST FOR QUALIFICATION PROCESS**

The City of West Palm Beach receives HOME Investment Partnership Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) to assist the housing for low-income persons within the city limits of West Palm Beach. This year the City seeks to maximize the benefits of these funds by partnering with local eligible agencies.

**ELIGIBLE APPLICANTS** - Applicants may be Non Profit developers and organizations wishing to sponsor or develop affordable housing within the city limits of West Palm Beach, and meet the criteria established under the HOME rule (24 CFR Part 92) for Community Housing Development Organizations (CHDO). This is a certification process for new applicants and a re-certification for previous CHDOs.

**APPLICATION DEADLINE** - Applications are due no later than Tuesday, May 31, 2011, 3:00 p.m. and must be date stamped by our office for official time. Sealed proposals are to be submitted in person or by mail at:

**City of West Palm Beach  
Procurement Division  
401 Clematis Street, 5<sup>th</sup> Floor  
West Palm Beach, FL 33401**

**Applications submitted by fax or email will NOT be accepted.**

**Introduction:**

The City of West Palm Beach Housing and Community Development Department (HCD) is currently seeking proposals and qualifications from eligible Community Housing Development Organizations (CHDO) to utilize a portion of its federal funds to construct or rehabilitate affordable housing in the City of West Palm Beach. The City anticipates \$420,187 in HOME Investment Partnerships Program funds will be available for construction projects that are ready to proceed immediately. This proposal seeks CHDOs interested in qualifying to participate in the program and/or CHDO's with projects ready to be funded. You do not need to have a project selected to become qualified under the Request for Proposal.

The proposed developments shall provide long-term, affordable housing to low and very low income households. By submitting the attached application, the Applicant acknowledges their understanding of and agrees to adhere to all federal, state, and local requirements associated with these funds, including the HOME Investment Partnerships Program.

The HCD invites eligible non-profit and for-profit organizations to submit proposals for the acquisition, construction, and/or rehabilitation of multi-family rental housing.

**HOME Investment Partnership Program:**

The HOME program was created by the National Affordable Housing Act of 1990 (NAHA), and has been amended several times by subsequent legislation.

Objectives: The intent of the HOME Program is to:

- Provide decent affordable housing to lower income households
- Expand the capacity of nonprofit housing providers
- Strengthen the ability of state and local governments to provide housing
- Leverage private-sector participation

Participating Jurisdictions (PJs) must set aside a minimum of 15 percent of their HOME allocations for housing development activities in which qualified CHDOs are the owners, developers and/or sponsors of the housing. PJ's must have a reasonable expectation of specific projects going forward.

**CHDO Requirements:**

A CHDO is a specific type of private nonprofit entity. CHDOs must meet certain requirements pertaining to their legal status; organizational structure; and capacity and experience. HUD Notice CPD 97-11, located at <http://www.hud.gov/offices/cpd/lawsregs/notices/1997/97-11.pdf>, details these requirements as does 24 CFR Part 92. An overview of these requirements is provided below.

*Legal Status:* The 501 (c) nonprofit must be organized under state/local law, must identify decent affordable housing as a purpose of its existence, there must be no individual benefit from earnings, and it must have a clearly defined service area.

*Organizational Structure:* At least one-third of its board of directors must be low-income residents, reside in a low-income area, or serve as an elected representative of the low-income community and no more than one-third may be public officials or employees of the City of West Palm Beach. The CHDO must additionally provide a formal process for input from the low-income community. (*Refer to C-1*

*through C-3)*

*Capacity and Experience:* The CHDO must demonstrate that it has at least one (1) year of experience serving the community where it intends to develop the housing and that its staff has the capacity to carry out the proposed activities. The CHDO must also have financial accountability standards that conform to 24 CFR § 84.21, “Standards for Financial Management Systems.”

Refer to Tab B, Applicant Checklist and Tab E, Review Criteria for submission requirements and additional information requirements considered by the AHD review committee.

**CHDO Role:**

CHDO set-aside funds may be used by CHDOs for those HOME activities where the CHDO acts as the owner, developer, and/or sponsor of the housing.

*Owner:* The CHDO is an “owner” when it holds valid legal title to or has a long-term 99-year minimum leasehold interest in a rental property. The CHDO may be an owner with one or more individuals, corporations, partnerships or other legal entities. Example: A CHDO owns a property and contracts with another entity (for-profit or nonprofit) to act as a developer, and to construct new buildings or rehabilitate existing building(s). After completion of the development, the CHDO will maintain ownership of the property.

While the CHDO may be solely the owner, with another entity acting as a developer, it may also be the owner and developer of its own project. The CHDO may own a property in partnership with either a majority or minority interest. However, the CHDO, in partnership with a wholly owned for-profit or nonprofit subsidiary, must be the managing general partner with effective control (in decision-making authority) of the project.

*Developer:* A CHDO is a "developer" when it (1) either owns a property and develops a project, or has a contractual obligation to a property owner to develop a project; and (2) performs all the functions typically expected of for-profit developers, and assumes all the risks and rewards associated with being the project developer.

*Sponsor:* A CHDO is a “sponsor” for HOME-assisted rental or homebuyer housing according to the circumstances outlined below. In either case, the CHDO must always own the property prior to the development phase of the project.

For rental housing: The CHDO develops a project that it solely or partially owns and agrees to convey ownership to a second nonprofit organization at a predetermined time. The conveyance may take place prior to, during or upon completion of the development phase. The other nonprofit will assume from the CHDO at a specified time all HOME obligations (including repayment of loans and tenant and rent requirements) for the project. If the property is not transferred to the nonprofit organization, the CHDO sponsor will remain liable for the HOME obligations. The other nonprofit organization must be financially and legally separate from the CHDO sponsor.

For homebuyers program: The CHDO owns a property and then shifts responsibility for the project to another nonprofit at some specified time in the development process. The second

nonprofit in turn transfers title, along with the HOME loan/grant obligations and resale requirements, to a HOME-qualified homebuyer within a specified timeframe.

**Eligible Activities:**

The HOME funds set aside for CHDO activities may be used to acquire and/or rehabilitate rental housing and homebuyer properties or to construct rental or homebuyer properties.

Additional guidance on the use of CHDOs is provided in HUD CPD Notice 97-11, CPD Notice 97-09, and CPD Notice 96-09. The Code of Federal Regulations contains regulatory guidance on CHDOs at 24 CFR §§ 92.2 and 92.300-303. The HOME CHDO Toolbox also provides expanded CHDO information at:

<http://www.hud.gov/offices/cpd/affordablehousing/library/modelguides/2004/200408.pdf>

**Reporting Results:**

HUD reports program outcomes at a national level. The purpose for this reporting is to demonstrate program results to policy makers and the public, to allow HUD and the grantees to capture program accomplishments, to help enhance program capacity and results, and to build public support for the funded programs. Because the group of grantees and their activities are so diverse, data must be reported consistently so that it can be nationally aggregated. HUD requires each activity funded by HOME to report on standard objectives and outcomes. HOME project results will be most often reported in terms of the number of households assisted with improved access to decent, affordable housing. CHDOs will be responsible for reporting all required information to the County prior to the closeout of any activity.

**Service Area:**

All City funded CHDO housing units must be located within the City of West Palm Beach. The CHDO service areas must be identified and be consistent with the City's service area.

**Pre-Bid Conference:**

A pre-bid conference will be held at 10:00 am on May 19, 2011 at **City of West Palm Beach, City Hall, 401 Clematis Street, 5<sup>th</sup> Floor, Conference Room 519, and West Palm Beach, Florida**. The purpose of the conference is to discuss the requirements and answer any questions the Respondents may have. Attendance is mandatory.

**Application Process:**

Please keep responses to questions as brief and concise as possible.

Submissions should follow the established outline and instructions, and are to be compiled in the order provided on the checklist located on Page 17, Applicant Checklist.

The submission section being addressed should be cited and quoted prior to the response. Attachments should be submitted at the end of the applicable section.

Applications must be submitted on standard 8 ½" x 11" paper, consecutively numbered pages. All pages must be one-sided submissions.

The original must contain original signatures, and be clearly noted as original. Five (5) additional copies must also be submitted and be clearly noted as copies.

Please verify that all dates, figures, and related financial information are accurate.

Submissions will be evaluated based on information provided in the submitted application. Omitted information will not be accepted unless specifically requested.

Templates are provided for certain application requirements. Please use these templates as provided. All other information must be developed and provided by the applicant.

**REVIEW PROCESS:**

All responses to this RFP will be reviewed by a Review Committee. The Committee will perform a preliminary review of all proposals, with a follow-up interview of each applicant. At the interview, applicants will be required to make a 3 to 5 minute presentation on the merits of their project. The presentation will be followed by a question and answer session conducted by the Review Committee. These presentations will be open to attendance by the public and other applicants.

It is the responsibility of the Review Committee to ensure that each proposal contains all the information and documents required to verify that the proposal is appropriate for funding. This committee evaluates the content of the proposals and determines:

- Whether the proposed project appropriately addresses the identified needs;
- Whether the proposed project complies with existing state and county laws, ordinances, regulations and policies;
- Whether, if funded, implementation of the proposal would be delayed by the application for and processing of required discretionary land use permits;
- Feasibility of timely implementation of the project; and
- Whether cost estimates appear to be accurate.

Additionally, committee members may visit the proposal sites, which may impact the final funding recommendation.

If a proposal is determined to be ineligible, the Applicant is informed and the proposal is withdrawn from consideration. In cases where there is uncertainty as to the proposal's eligibility, the City's HUD CPD representative will be consulted for a final decision.

The Review Committee will evaluate proposals based on information provided in the original submission, but have the option of requesting additional information for clarification purposes.

**AWARD RECOMMENDATIONS**

The Review Committee will make funding recommendations to the Director of the Housing and Community Development Department. The number of awards will be determined by the number of qualifying Applicants and the amounts requested by each. Award amounts may not be equal to the full amount requested in the proposal.

The Director of the Housing and Community Development Department will confirm or revise the recommendations and will subsequently make tentative commitments.

If the City has committed funds to a project that can no longer proceed (i.e. other required funding is no longer available, site is not feasible due to environmental issues, etc.), the City reserves the right to redistribute funds to the next highest ranked Applicant. At the City's discretion, the funding commitment may be increased based on funding availability and need.

### **DISCLAIMER**

The City reserves the right to: 1) accept or reject any or all proposals received; 2) waive any non-substantive deficiency or irregularity; 3) negotiate with any qualified Applicant; 4) award a contract in what it believes to be the best interest of the City; 5) cancel this request, in part or its entirety, if it is deemed to be in the best interest of the City; 6) reject the Proposal of any Applicant who has previously failed to perform properly; 7) reject the Proposal of any Applicant who has failed to complete a contract within the specified timeframe; 8) reject the Proposal of any Applicant that is not in a position to fulfill a resulting contractual obligation. This RFP does not commit the City to award any contract, pay any pre-award expenses, or pay any costs incurred in the preparation of a Proposal.

### **APPEAL PROCESS**

In the event a Applicant (1) did not submit a complete proposal and will not be considered for funding, (2) is ineligible to receive funding for their proposal, or (3) was not recommended for funding by the Review Committee, the HCD will notify the Applicant in writing. This notice will be sent via certified mail with the return receipt requested.

If the Applicant wishes to object, it must do so not later than five (5) working days from the date the letter was sent by sending a letter to the Director of the Housing and Community Development Department that includes all pertinent documents and information necessary to support the Applicant's position.

If the HCD receives an objection within the five (5) working day period, the appropriate staff will review the objection and provide a recommendation to the Director of the Housing and Community Development Department.

If the Director of the Housing and Community Development Department concurs with the Applicant, the Applicant will be notified, and the process will be concluded.

If the Director of the Housing and Community Development Department does not concur with the Applicant, the Applicant will be notified in writing of the decision and that it may appeal to the Deputy City Administrator. This notice will be sent via certified mail with the return receipt requested.

If the Applicant wishes to appeal to the Deputy City Administrator, it must do so not later than five (5) working days from the date the letter was sent by sending a letter to the Director of the Housing and Community Development Department, requesting that the appeal be forwarded to the Deputy City Administrator.

If the Department receives the appeal within the five (5) working day period, the appropriate staff will review the appeal and the Director of the Housing and Community Development Department will provide information for review by the Deputy City Administrator.

If the Deputy City Administrator concurs with the Applicant, the Applicant will be notified, and the appeal process will be concluded.

If the Deputy City Administrator does not concur with the Applicant, the Applicant will be notified in writing of the City’s intent to proceed. The Deputy City Administrator’s response will constitute the Applicant’s final administrative action with regard to its appeal.

If an Applicant fails to object or respond at any point in the process, that Applicant waives its rights to appeal. Objections or responses received after the five (5) day time period will not be considered.

The Director of the Housing and Community Development Department has the authority to determine whether or not a recommendation will be deferred pending the outcome of a protest.

Prior to responding to the RFP, each qualified organization is urged to review the RFP and read the instructions carefully. Before submitting the proposal, check all calculations and review the package for completion of all forms and sections. Inaccuracies, omissions and use of RFP forms from previous competitions will be grounds for rejection.

**PROJECT PROPOSAL:**

**Income Eligibility Standards:**

All HOME funded units must be made available exclusively to individuals or families whose incomes do not exceed 80 percent of the area median income. Household income limit information is updated annually by HUD.

**HOUSEHOLD INCOME LIMITS - 50% of Area Median Income (as of 6/2010)**

	<b>1 Person</b>	<b>2 People</b>	<b>3 People</b>	<b>4 People</b>	<b>5 People</b>	<b>6 People</b>	<b>7 People</b>
50% AMI	\$25,700	\$29,400	\$33,050	\$36,700	\$39,650	\$42,600	\$45,550
80% AMI	\$41,100	\$47,000	\$52,850	\$58,700	\$63,400	\$68,100	\$72,800

Other Requirements:

*Affirmative Marketing*

Any entity applying for funds for development activities that will result in five (5) or more City assisted units must adopt an affirmative marketing plan including affirmative marketing procedures and requirements. Affirmative marketing requirements and procedures must include:

1. Methods for informing the public, owners and potential tenants about fair housing laws and the City of West Palm Beach’s policies;
2. A description of what owners and/or the property managers will do to affirmatively market housing assisted with HOME Program funds;
3. A description of what owners and/or the property managers will do to inform persons not likely to apply for housing without special outreach;
4. Maintenance of records to document actions taken to affirmatively market HOME-assisted units and to assess marketing effectiveness; and

5. A description of how efforts will be assessed and what corrective actions will be taken when requirements are not met.

#### *Minority and Women's Business Enterprises*

The requirements of Executive Orders 11625, 12432, 12138 and 24 CFR 85.36(e) applies to grants under this part. Consistent with HUD's responsibilities under these Orders, the Applicant must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities. MBE reporting on contractor activity is required to be submitted to HCD quarterly.

#### *Section 3*

Section 3 of the Housing Development Act of 1968 will apply as amended (12 U.S.C. 1701U), relative to the hiring and training of low- and moderate-income persons and the use of local Section 3 certified businesses. The purpose of Section 3 is to ensure that the employment and other economic opportunities generated as a result of U.S. HUD assistance or by a U.S. HUD-assisted project covered by Section 3 shall, to the greatest extent feasible, and be directed to low- and very-low income persons, particularly persons who are recipients of U.S. HUD housing assistance.

#### *Labor Standards*

Labor standards requirements apply to any construction, rehabilitation, alteration, or repair, including painting, flooring, and decoration, in an amount of \$2,000 or more or eight (8) units or more, any part of which is federal money. These standards include:

- Paying workers the prevailing federal wages and fringe benefits effective at the time the job is contracted must be paid. (This information is provided by HUD through HCD).
- Paying workers weekly and submitting certified payrolls weekly in the prescribed format. The payrolls must include details of each worker's job classification, hours worked, and wages and benefits paid. Certified payrolls must be reviewed as soon as they are received and compared to the appropriate federal wage decision. Any discrepancies must be resolved immediately.
- Workers must be interviewed on the job site regarding appropriate job classification and wages and benefits received. Employee interviews must be compared to the appropriate federal wage decision. Any discrepancies must be resolved immediately.
- Contractor and successful bidder must maintain all records for a minimum of five (5) years of the completion of the project.

Contractors and subcontractors must comply with Federal laws and regulations regarding labor standards and the HUD Handbook 1344.1 (Federal Labor Standard Compliance in Housing and Community Development Programs) as applicable to the project.

The prevailing wage provisions do not apply to volunteers who receive no compensation and are not otherwise employed at any time in the construction work. The provisions also do not apply to members of a family providing labor in exchange for acquisition of a property for homeownership or in lieu of, or as a supplement to, rent payments. For more information about labor standards, see 24 CFR 570.603. HCD will have a Davis Bacon Wage Consultant to assist in processing and reporting Davis Bacon activities.

### *Environmental Review*

The environmental effects of each HOME funded activity must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and related authorities listed in HUD's implementing regulations at 24 CFR Parts 50 and 58. This review is completed by the City of West Palm Beach's Housing and Community Development Department.

**No activity may commence until the environmental review has been completed and the Finding of No Significant Impact has been received and approved by HUD.**

### *Flood Insurance*

Under the Flood Disaster Protection Act of 1973 (U.S.C. 4001-4128), HOME funds may not be used with respect to the acquisition, new construction, or rehabilitation of a project located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless flood insurance is obtained as a condition of approval or commitment. Flood insurance will be required to be maintained on the property for the term of the mortgage and note.

### *Accessibility*

In addition to the Fair Housing Act, HUD has enforcement obligations under the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), which provide additional protections to persons with disabilities. Together, these federal laws require housing providers, state and local governments, and all recipients of federal financial assistance to ensure accessibility for persons with disabilities. Public facilities and buildings, as well as all projects receiving federal financial assistance, must be designed, constructed and altered to be fully accessible to people with mobility and sensory impairments.

The Fair Housing Act applies to both public and private housing. Under the Fair Housing Act, new multifamily buildings must be designed and constructed to have fully accessible common areas. These buildings must also incorporate basic adaptive features in ground floor and elevator-accessible dwelling units to allow for use by people with disabilities. In addition to these requirements, when housing is created using federal funding, at least five (5) percent of a project's dwellings must be fully accessible to people with mobility impairments, and an additional two (2) percent must be accessible to people with vision and hearing impairments.

Recipients of HUD funding include, but are not limited to, public housing authorities, CDBG entitlement entities, and private organizations receiving HUD grant monies. Recipients must ensure full compliance with these federal laws and must also ensure compliance by all sub-recipients to whom funds are distributed. The Uniform Federal Accessibility Standards, the ADA Accessibility Guidelines, and the Fair Housing Act Accessibility Guidelines set forth architectural specifications for features of accessible design, such as ramps, passable doorways, and Braille signage.

HUD encourages state and local governments to adopt local building codes that comply with the accessibility requirements of the Fair Housing Act. In this regard, HUD has recognized ten (10) "safe harbor" model building codes which fully comply with the Fair Housing Act's accessibility requirements. HUD provides free training and technical assistance on the Fair Housing Act's design and construction requirements through its Fair Housing Accessibility FIRST program. For more

information, please visit [www.fairhousingfirst.org](http://www.fairhousingfirst.org). The Applicant must comply with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101-12213) and assist the City with complying with the implementing regulations at 28 CFR part 35.

#### *Lead-Based Paint*

The utilization of HOME funds requires the City and its partners to ensure that their activities comply with the same lead regulatory requirements that apply to Community Block Grant Development programs. These requirements are in the Lead Disclosure Rule (24 CFR part 35, subpart A), and the Lead Safe Housing Rule's provisions for rehabilitation (subpart J), and for acquisition, leasing, support services, or operation (subpart K), and the accompanying procedural requirements in subparts B and R. For more information regarding compliance with the Lead rules, visit the OHHLHC's web site at: [www.hud.gov/offices/lead/enforcement/regulations.cfm](http://www.hud.gov/offices/lead/enforcement/regulations.cfm).

#### *Uniform Relocation Act*

The Uniform Act, passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs (see Accessibility Section above) and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. The Applicant agrees to adhere to 49 CFR Part 24, the government-wide regulation that implements the URA, and HUD Handbook 1378, which provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects. For additional information visit the HUD website at: <http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm>.

#### *Conflict of Interest Provisions*

Applicants must guarantee that no member of, or Delegate to, the Congress of the United States shall be admitted to any share or part of this contract or to any benefit to arise from the same. Additionally, the Applicant must agree that no members of the governing body of the locality in which the Project Sponsor is situated, no other public official of such locality or localities, and no person, unless expressly permitted by HUD, who is an employee, agent, consultant, officer, or elected or appointed official of the Applicant, and who exercises or has exercised any functions or responsibilities with respect to HOME-assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the HOME-assisted activity, or have any interest in any contract, subcontract, or agreement with respect thereto, or with respect to the proceeds hereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one (1) year thereafter.

The Applicant must agree that the codes of conduct provisions in 24 CFR § 84.42 shall apply to the procurement of supplies, equipment, construction and services. In all cases not governed by 24 CFR 84.42, the provisions of 24 CFR 92.356 shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the Applicant assistants of the Applicant to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to 24 CFR 92).

The Applicant must represent that it has no interest, and shall not acquire such interest, financial or otherwise, direct or indirect, nor engage in any business transaction or professional activity or incur

any obligation of any nature which would conflict in any manner with the performance of scope of service required hereunder.

Without receiving prior written authorization by the City, the Applicant shall not (i) retain any individual or company with whom the Applicant or any individual member thereof has a financial or other conflict of interest; nor (ii) in fulfillment of this Agreement, do business with a for-profit entity in which the Applicant or any individual member has a financial or other interest therein.

The Applicant warrants to the City that no gifts or gratuities have been or will be given to any City employee or agent, either directly or indirectly, to obtain this Award.

*Rehabilitation Standards*

All housing that requires rehabilitation must meet local building codes including but not limited to, the Standard Southern Building Code (SBCCI), and ordinances pertaining to providing housing that is decent, safe, sanitary, and fit for habitation.

## Applicant Checklist

Applicant Name: \_\_\_\_\_

Each of the three (3) copies, plus the original, submitted must include all of the following information in the following order. Submissions that do not contain all of the required documents may be considered incomplete. Forms marked with an asterisk\* are provided.

- Section 1  Registration Form\*  
 Applicant Checklist\*  
 Map of Organization Service Area  
 Applicant Cover Sheet\* (Attachment A)
- Section 2  Board of Directors Information\* (Attachment B1 through B3)  
 Job Descriptions, resumes of key personnel
- Section 3  Signature Authorization\* (Attachment C)  
 Organizational Chart  
 Minutes authorizing response to CHDO Request for Qualifications
- Section 4  Articles of Incorporation  
 Organizational Charter if Articles of Incorporation do not provide sufficient evidence of meeting statutory requirements  
 501 © (3) or (4) documentation from IRS or Section 905 status  
 Bylaws  
 Policies & Procedures for employees, including internal control policies  
 Code of conduct, including prohibited behavior for board and employees  
 Financial audit / Certified Financial Statement  
 Working capital documentation
- Section 5  Completed CHDO Criteria Review Checklist\* (Attachment D)  
 Support documentation for CHDO Checklist
- Section 6  Representation and Disclosures\* (Attachment E)  
 Small Business Forms\* (Attachment F1 through F3)

## REGISTRATION FORM

Proposers shall complete and return this form to the Procurement Official prior **5:00 P.M. EST May 23, 2011**, **in order to receive any addenda(s) issued for this RFP.**

It is the responsibility of the Proposer to ensure its receipt of all addenda.

Name of Company: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Preferred Method of Receipt:     Fax         E-Mail

**ATTACHMENT A**

**HOME Investment Partnerships CHDO Qualifications**

**APPLICANT COVER SHEET**

**Part 1 - General Information**

Organization Name: \_\_\_\_\_

Tax ID Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

City, State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Part 2 - CHDO Service Area**

Please clearly define the boundaries of your organization's service area. Attach a map.

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**ATTACHMENT B1**

**Board of Directors**

Complete the table below for each current member of the applicant's Board of Directors.

**All applicants** should attach a Board Roster that includes names, board office (if any), home addresses, and phone numbers.

Board of Directors Table							
Board Member Name	Occupation	County of Residence	Member of Low Income Household	Representative of Low-Income Area	Elected Representative of a Low-Income Group	Not a Low-Income Representative	Public Official
<b>TOTAL</b>							

\*Public representatives cannot be qualified as low-income representatives, even if they meet the qualifying criteria.  
No more than 1.3 of the Board Members may be Public Officials.  
\*\* CHDO's must be accountable to the low-income residents of its service area by maintaining at least 1.3 of its governing body representing the established service area.  
\*\*\* The 1/3 low-income resident and public official representations are based upon the total maximum number of board members identified in the bylaws. Vacancies in the board membership do not reduce these requirements.

**ATTACHMENT B2**

**Board of Directors**

There are three (3) methods to meet the HOME requirement that stipulates 1.3 of the organization's board be representatives of the low-income community served by the CHDO. If a potential board member fits one of the following descriptions, then they can count towards fulfilling this requirement:

- 1 The person lives in a low-income neighborhood where 51% or more of the residents are low-income. This resident does not have to be low-income;  
  
OR
- 2 The person is a low-income resident of the community;  
  
OR
- 3  
  
The person was elected by a low-income neighborhood organization to serve on the CHDO board. The neighborhood organization must be composed primarily of residents of a low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organization might include block groups, neighborhood associations, and neighborhood watch groups.

**What if a low-income person is a public official?** For purposes of the CHDO board certification, a "public official" is any employee or elected or appointed representative in West Palm Beach, Florida. Their role as a public sector representative supersedes their residency or income status. Therefore, the official would be counted towards the 1/3 public sector limitation and not towards the 1/3 low income representative requirement.

In all cases, the CHDO is responsible for certifying that the individual meets at least one of the above criteria.

By my signature below, I warrant that I am duly qualified **OFFICIER** of the organization and that the information provided on all current board members of the organization is true and correct, and I have reviewed written documentation in the organization's files that support the information provided.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

**ATTACHMENT B3**

**Board of Directors**

**CHDO Board Member Certification**  
**(Duplicate form so that all board members are included)**

Select only one:

**Public Official or Employee of the City of West Palm Beach**

I currently hold a publicly elected or appointed office in Palm Beach County, Florida; I am employed by a public agency in Palm Beach County, Florida; or I was appointed by a public official of the City of West Palm Beach, Florida or other regulatory agency or advisory board/commission in West Palm Beach, Florida.

**Member of Low-Income Household**

I am a member of a household that has a combined total income which is at or below 80% of the area median income.

**Resident of Low-Income Area**

I am a resident of a community which, according to the 2000 census, has at least 51% of its households with incomes at or below 80% of the area median income. Provide a listing of all census tracts/block groups that comprise this community:

**Elected Representatives of Low-Income Group**

I am elected by membership of a neighborhood organization whose membership is open to all residents of a defined neighborhood in which the 2000 census shows that more than 50% of the households have incomes at or below 80% of the area median income, and my position on our governing body is primarily as a representative of that neighborhood organization. The name of the neighborhood organization and the census tracts/block groups served by the neighborhood organization are:

**Not a Low-Income Representative**

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

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

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

**ATTACHMENT C**

**Signature Authorization**

Organization Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_  
\_\_\_\_\_

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

Telephone: \_\_\_\_\_

The following person(s) are authorized by the Board of Directors to sign contracts and sign and submit invoices, reports, time/attendance, client progress or evaluation forms pertaining to this agreement.

Name	Title	Phone	Email
------	-------	-------	-------

Name	Title	Phone	Email
------	-------	-------	-------

Name	Title	Phone	Email
------	-------	-------	-------

Name	Title	Phone	Email
------	-------	-------	-------

We understand and agree to abide by the condition that if any changes occur, a new signature authorization form **must** be submitted.

Authorized by:

Printed Name	Signature	Date
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**ATTACHMENT D**

**CHDO Criteria Review Checklist**

The following checklist is a tool that combines the regulatory requirements of CHDO qualification with additional questions that will help determine the CHDO's capacity to be successful. For each question, identify the page number of the material that supports the answer. **If this support has not been included in other parts of your proposal, include the support documentation requested behind Section 5. INCOMPLETE SUBMISSIONS WILL NOT BE CONSIDERED.**

**Topic/Question**

**1 Organizational Status and Mission**

*Regulatory Thresholds:*

The nonprofit is organized under State or local laws, as evidenced by:

- A Charter, OR
- Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

It has a tax exempt ruling from the Internal Revenue Services as evidenced by:

- A 501(c)(3) or (4) Certificate from the IRS
- A group exemption letter under Section 905 from the IRS that includes the CHDO

(As indicated on page(s)\_\_\_\_\_ of the proposal)

*Additional Questions:*

**Certificate of Good Standing:** Can it deliver a certificate of good standing or other documents from the State? Documentation of such good standing is provided on page(s)\_\_\_\_\_ of the proposal.

**Service Area:** Does it have a documented service area consistent with the City's? Reference page(s) \_\_\_\_\_ of the proposal.

**Strategic Plan:** Has it produced a strategic plan that specifies an action plan for housing development? Reference page(s) \_\_\_\_\_ of the proposal.

**Other Organizational Issues:**

**2 Board Composition**

*Regulatory Thresholds:*

At least 1/3 of board membership is for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations, as evidenced by the CHDO's:

- By-Laws;
- Charter; OR
- Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

No more than 1/3 of the governing board members may be public officials (including West Palm Beach employees) or appointed by public officials, and government-appointed board members may not, in turn, appoint any of the remaining two-thirds of the board members, as evidenced by the CHDO's:

By-Laws;

Charter; OR

Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

If the CHDO is sponsored/created by a for-profit entity, the for-profit entity may not appoint more than 1/3 of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members, as evidenced by the CHDO's:

By-Laws;

Charter; OR

Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

*Additional Questions:*

**Board Stability:** Has there been stability/continuity of board members over the last several years? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Development Oversight:** Does the board have a committee structure or other means of overseeing planning and development? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Board Skills:** Do board members have professional skills directly relevant to housing development (e.g. real estate, legal, architecture, finance, management)? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Decision Making:** Has the board demonstrated the ability to make timely decisions? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Board-staff relations:** Is there a good relationship between the board and staff? DO they have shared goals? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Other board issues:**

**Topic/Question**

**3 Sponsorship/Independence**

*Regulatory Thresholds:*

The CHDO is not controlled, nor receives directions from individuals or entities seeking profit from the organization, as evidenced by:

The organization's by-laws, OR

A Memorandum of Understanding (MOU)

(As indicated on page(s)\_\_\_\_\_ of the proposal)

If sponsored or created by a for-profit, the for-profit entity's primary purpose does not include the development or management of housing, as evidenced by:

The for-profit's by-laws

(As indicated on page(s)\_\_\_\_\_ of the proposal)

If sponsored or created by a for-profit entity, the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced by:

By-Laws;

Charter; OR

Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

If sponsored by a religious organization, the CHDO is a separate secular entity from the religious organization, with membership available to all persons, regardless of religion or membership criteria, as evidenced by:

By-Laws;

Charter; OR

Articles of Incorporation

(As indicated on page(s)\_\_\_\_\_ of the proposal)

*Additional Questions:*

**Identity of Interest:** Are there any identity of interest issues between the CHDO and the contractors/vendors, consultants, and professionals it uses for its CHDO projects?

**Topic/Question**

**4 Relationship / Service to the Community**

*Regulatory Thresholds:*

It has a history of serving the community within which housing to be assisted with HOME funds is to be located, as evidenced by:

Documentation of at least one year of experience in serving the community, OR

For new organizations, documentation that its parent organization has at least one year of experience in serving the community.

(As indicated on page(s)\_\_\_\_\_ of the proposal)

It provides a formal process for low-income program beneficiaries to advise the organization in decisions regarding design, siting, development, and management of affordable housing projects, as evidenced by:

The organization's by-laws'

Resolutions, OR

A written statement of operating procedures approved by the governing body.

(As indicated on page(s)\_\_\_\_\_ of the proposal)

*Additional Questions:*

**Needs:** Are current plans well-grounded in an understanding of current housing conditions, housing needs, and need for supportive services? Has it done an analysis of the local housing market and the housing needs of low-income households? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Relations:** How strong is the current reputation of the corporation and its relationship with the community? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**NIMBY:** To what extent does NIMBY opposition exist to low-income housing in the service area? To what extent do channels exist for the CHDO to negotiate with the community and potential opponents? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Local government relations:** How strong is the CHDO's relationship with the local government(s)? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Other community issues:**

**Topic/Question**

**5 Financial Management & Capacity**

*Regulatory Thresholds:*

It conforms to the financial accountability standards of 24 CFR 84.21, "Standards for Financial Management Systems," as evidenced by:

A notarized statement by the president or CFO,

A certification from a CPA, OR

A HUD approved audit summary

(As indicated on page(s)\_\_\_\_\_ of the proposal)

*Additional Questions:*

**Audit:** Does the CHDO have an annual audit? Is the most recent audit current? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Audit findings:** Were there management or compliance findings in the last two years? Are the findings resolved? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Budgeting:** Does it do an annual budgeting of its operations and all activities or programs? Does it track and report budget vs. actual income and expenses? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Reporting:** Is financial reporting regular, current and sufficient for the board to forecast and monitor the financial status of the corporation? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Cash flow management:** Does it know its current cash position and maintain controls over expenditures? How regularly does it experience cash flow problems? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Internal controls:** Does it have adequate internal controls to ensure separation of duties and safeguarding of corporate assets? Is there sufficient oversight of all financial activities? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Procurement/Conflict of Interest:** Does the organization have a conflict of interest policy governing employees and development activities, particularly in procurement and contract services and the award of housing units for occupancy? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Insurance:** Does it maintain adequate insurance - liability, fidelity, bond, workers comp, property hazard, and project? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Financial stability:** Does the current balance sheet and budget indicate sufficient funds to support essential operations? To what extent does the organization have a diversified and stable funding base for operations? What revenue sources are predictable year-to-year? Does the CHDO have an established fundraising program for both capital and operational needs? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Portfolio financial condition:** If it has a portfolio of properties, are they in stable physical and financial condition or are they a drain on corporate resources? Does it collect adequate management fees from the properties? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Liquidity:** Does the organization have liquid assets available to cover current expenses? Does it have funds available for predevelopment expenses or equity investments required for development? (As indicated on page(s)\_\_\_\_\_ of the proposal)

## Topic/Question

### 6 Development Capacity

#### *Regulatory Thresholds:*

It has demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by:

Experience of key staff who have completed similar projects to HOME-funded activities, OR

Contract(s) with consultants who have relevant housing experience to train key staff

(As indicated on page(s)\_\_\_\_\_ of the proposal)

#### *Additional Questions:*

**Structure:** Can the current corporation structure support housing development activities, or is there a need for a subsidiary or other organizational structure for future development? Are there operations or activities that need to be organizationally separate from housing development activities and portfolios? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Portfolio:** Does its portfolio of projects/properties evidence competent management and oversight? Do the properties appear to have adequate funding? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Previous Performance:** Has it completed the CHDO activities previously? Did it perform competently? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Management capacity:** Does the current management have the ability to manage additional development activities? Does the organization have the capabilities to analyze alternative housing projects? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Procedures:** Are the corporate lines of authority for development activities clear? Are the policies and procedures in place governing development activities? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Personnel:** Does it have staff that are assigned responsibilities for housing development? Are personnel policies and job descriptions clear? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Staff skills:** How strong are the staff in the following areas: (1) legal/financial aspects of housing development, (2) management of real estate, (3) oversight of design and construction management, (4) marketing, intake, and (5) property management (if applicable). (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Training:** Are staff encouraged to obtain training and develop new skills? What is their potential for learning skills that they currently do not have? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Member Involvement:** Is the membership active and in support of the housing activities? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Use of consultants:** To what extent does the CHDO have access to and make use of qualified development consultants? How well do consultants interact with staff? Is the consulting focus on training staff? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Funding Access:** Does the organization have funds available as equity in housing development projects? Does the organization have the ability to raise funds for the capital requirements of a project? How strong are relationships with funders of housing? With lenders? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Opportunity costs:** If the organization pursues housing development, what other activities are likely to suffer or not be able to be pursued due to the effort required for development activities? (As indicated on page(s)\_\_\_\_\_ of the proposal)

**Other capacity issues:**

**ATTACHMENT E  
REPRESENTATIONS  
AND DISCLOSURE**

RFP No.: \_\_\_\_\_

STATE OF \_\_\_\_\_ }

COUNTY OF \_\_\_\_\_ }

} SS:

I am an officer of the Proposer firm, named below, submitting its qualifications under an RFP and am authorized to make the following Representations and Disclosures on behalf of the Proposer. I certify or affirm that to the best of my knowledge and belief, the following statements are true:

1. Proposer agrees that its proposal may become part of any contract entered into between the City and the Proposer.
2. There are no actual, apparent or potential conflicts of interest with Proposer or any sub-Contractors or subcontractors that are present or could develop with respect to the scope of services for the project/study and any parties to this solicitation or any third parties.
3. Submittal of Proposer's Proposal is made without connection with any persons, company or party making another submittal, and that it is in all respects fair and in good faith without collusion or fraud.
4. Proposer has not filed for bankruptcy in the past five (5) years.
5. Neither Proposer nor any of Proposer's principals have been convicted of or indicted for a felony or fraud.
6. Proposer and any parent corporations, affiliates, subsidiaries, members, shareholders, partners, officers, directors or executives thereof are not presently debarred, proposed for debarment or declared ineligible to bid or participate in any federal, state or local government agency projects and are not listed on the Florida convicted vendor list.
7. Proposer warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Proposer, to solicit or secure an award under this RFP and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for Proposer, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from an award.
8. Proposer certifies the compensation and hourly rates and other expenses or costs to be compensated as proposed are accurate, complete and current and the time of contracting and no higher than those charged to the Proposer's other customers for the same or substantially similar service in the Southeast Region of the United States during the preceding twelve (12) month period.

9. Proposer certifies to the best of its knowledge and belief that no funds or other resources received in connection with an award of a contract from this RFP will be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

I certify or affirm that to the best of my knowledge and belief, the above 9 statements are true.

Proposer Firm: \_\_\_\_\_

Officer's Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

AFFIRMED AND SIGNED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 \_\_\_\_

by \_\_\_\_\_ (name) as \_\_\_\_\_ (title) of

\_\_\_\_\_ (Proposer firm), and who is personally known to me

or produced \_\_\_\_\_

as identification.

\_\_\_\_\_  
Notary Public

Notary Stamp:

*In the event Proposer cannot execute this form as drafted, Proposer may substitute a similar Representations and Disclosure certifying to the facts applicable to the Proposer.*

**ATTACHMENT F1 through F3  
STANDARD FORMS FOR  
SMALL BUSINESS PARTICIPATION  
FORMS SB01-SB03**



**Procurement Division/Small Business Program**  
 401 Clematis St., 5<sup>th</sup> Floor, West Palm Beach, FL 33401  
 Tel. (561) 822-2100  
 Fax (561) 822-1564  
 Website: [www.wpb.org/sbiz](http://www.wpb.org/sbiz)

**Attachment F1  
Form SB01**

**Statement of Small Business Participation**

**Instructions:** List all Small Businesses that will participate on this project/contract. **Only City certified small businesses and Palm Beach County Office of Small Business Assistance (PBC-OSBA) certified Small Businesses can be used to meet the goal** established for this project/contract. **Submit this form with your bid/proposal.**

**SECTION I. General Information**

Bidder or Proposer's  
 Name: \_\_\_\_\_  
 Preparer's  
 Name: \_\_\_\_\_ Title \_\_\_\_\_  
 ITB or RFP  
 Title: \_\_\_\_\_ Project Number: \_\_\_\_\_  
 ITB or RFP Number: \_\_\_\_\_ SBGoal(if established): \_\_\_\_\_ %  
 Total Project/Contract Amount: \$ \_\_\_\_\_

**SECTION II. Small Business Participation**

The firm(s) listed below has agreed to participate in this project or contract.

Subcontractor Name	Item Description or Work/Service to be Performed	Dollar Value	Percent of Dollar Value Total Bid
1. _____	_____	\$ _____	% _____
2. _____	_____	\$ _____	% _____
3. _____	_____	\$ _____	% _____
4. _____	_____	\$ _____	% _____
5. _____	_____	\$ _____	% _____
6. _____	_____	\$ _____	% _____
<b>TOTAL</b>		\$ _____	% _____

Preparer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Procurement Division/Small Business Program**  
 401 Clematis St., 5<sup>th</sup> Floor, West Palm Beach, FL 33401  
 Tel: 561-822-2100  
 Fax: 561-822-1564  
 Website: [www.wpb.org/sbiz](http://www.wpb.org/sbiz)

**Attachment F2  
Form SB02**

**Subcontractors Listing**

**Bidder/Proposer's**

Name: \_\_\_\_\_ Telephone No. \_\_\_\_\_  
 ITB or RFP \_\_\_\_\_ ITB or RFP  
 Title: \_\_\_\_\_ No.: \_\_\_\_\_

**NOTE:** List **all subcontractors** you invited to bid on this project, whether they were selected or not, including those identified on the Schedule of Subcontractors. **Submit this form with your bid.** Use additional sheets if necessary.

Company Name	Work To Be Performed	Contact Person	Telephone Number
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

Print Preparer's Name: \_\_\_\_\_ Title: \_\_\_\_\_

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



**Procurement Division/Small Business Program**  
401 Clematis St., 5<sup>th</sup> Floor, West Palm Beach, FL 33401  
Tel. (561) 822-2100  
Fax (561) 822-1564  
Website: [www.wpb.org/sbiz](http://www.wpb.org/sbiz)

**Attachment F3  
Form SB03**

**Letter of Intent**

Instructions: The Bidder/Proposer will complete Section I. The Small Business subcontractor will complete Sections II and III. It is the responsibility of the bidder/Proposer to verify that the undersigned is a City Certified Small Business. **Only City of West Palm Beach or Palm Beach County Office of Small Business Assistance (PBC-OSBA) certified Small Businesses can be used to meet the goal** established for this project/contract. This completed form will be required before contract award. **Note!** This form needs to be completed for each certified Small Business selected.

**SECTION I. General Information**

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

ITB or RFP Title: \_\_\_\_\_

ITB or RFP Number: \_\_\_\_\_

**SECTION II. Small Business Participation**

The undersigned intends to perform the following work pertaining to the above project:

Item No.	Item Description or Work to be Performed	Contract Amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**SECTION III. Information on the Small Business**

Small Business Name: \_\_\_\_\_

Preparer's Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

## GENERAL TERMS AND CONDITIONS

### 1. Lobbying Prohibited

As to any matter relating to this RFP, any proposer, team member, or anyone representing a proposer are advised that they are prohibited from contacting or lobbying the Mayor, any City Commissioner, City staff, evaluation committee, City representative or Contractor, or any other person working on behalf of the City on any matter related to or involved with this RFP. For purposes of clarification, a team's representatives shall include, but not be limited to, the proposer's employees, partners, attorneys, officers, directors, Contractors, lobbyists, or any actual or potential subcontractor or Contractor of the proposer and the proposer's team. All oral or written inquiries are to be directed to the Procurement Official. Any violation of this condition may result in rejection and/or disqualification of the respondent and team.

**The "No-Lobbying" condition is in effect from the date of publication of this RFP and shall remain in effect until the City executes a contract, or otherwise takes action which ends the solicitation process for the project or study.**

### 2. Ethics Requirements.

No Proposer may employ, directly or indirectly, the mayor, any member of the city commission or any director or department head of the City. The City Code prohibits any employee, or member or their immediate family or close personal relation to receive a substantial benefit or profit from any contract entered into with the City, either directly or through any firm of which they are a member, or any corporation of which they are a stockholder, or any business entity in which they have a controlling financial interest. Any affected city employee may seek a conflict of interest opinion from the city ethics officer prior to the submittal of a bid. Additionally, any employee may seek a legal opinion from the State of Florida Ethics Commission regarding state law conflict of interest provisions.

### 3. Small Business Program

The City's Small Business Ordinance is set forth in Chapter 66 of the Code of Ordinances and is incorporated herein by reference. Proposers are encouraged to read it in its entirety. Any conflicts between the SB Ordinance and these specifications shall be interpreted pursuant to the SB Ordinance. Please note, regardless of whether a goal is established or not, the City encourages small business participation in *all* of its procurements.

### 4. News Releases / Publicity

News releases, publicity releases, or advertisements relating to this contract or the tasks or projects associated with the Project shall not be made without prior City approval.

### 5. Confidential Information

Florida law provides that municipal records shall at all times be open for personal inspection by any person. Section 119.01, F.S., The Public Records law pertains. Information and materials received by City in connection with all RFPs and proposals shall be deemed to be public records subject to public inspection upon award, recommendation for award or 10 days after bid opening, whichever occurs first. However, certain exemptions to the public records law are statutorily provided for in Section 119.07, F.S. Therefore, if the Proposer believes any of the information contained in its Proposal is exempt from the public records law, then the Proposer must specifically identify the material which is deemed to be exempt and cite the legal authority for the exemption, otherwise, the City will treat all material received as public records.

### 6. Non-discrimination

Proposer shall not discriminate in any way based on race, color, religion, sex, gender identity or expression, national origin, age, disability, familial status, marital status or sexual orientation, or any other factor which cannot be lawfully used as a basis for selection or service delivery.

**7. Rights and Privileges; No Assignment**

The selected proposer will be precluded from assigning, transferring, conveying, subletting or otherwise disposing of the award rights and ensuing contracts, if any, or of any or all of the rights, titles or interest therein, if any, without prior written consent of the City Commission.

**8. Procurement Code**

Chapter 66 of the Code of Ordinances of the City of West Palm Beach shall govern this RFP.

**9. City as Gatekeeper of Documents**

This document is issued directly by the City of West Palm Beach and the City shall be the sole distributor of all addendums and/or changes to these documents. It is the responsibility of the Proposer to confirm the legitimacy of procurement opportunities or notices directly with the Procurement Division. The City is not responsible for any solicitations advertised by subscriber publications, or other sources not connected with the City and the respondent/proposer should not rely on such sources for information regarding any solicitation made by the City of West Palm Beach.

**10. Right to Contract for similar/additional services.**

The City reserves the right to provide for similar and/or additional services from other companies if the City so deems necessary. If the City elects to exercise this right the contract awarded under this RFP shall remain in effect as for to all terms, agreements, and conditions without penalty or diminution of ongoing services as contained therein and previously provided by the proposal. No contract with the City is an exclusive contract, unless explicitly stated in such contract.

**11. Ownership of Documents**

The City shall have full ownership and the right to use, reproduce, or modify, all drawings, surveys, plans, specifications, reports and documents resulting from this solicitation, and regardless of whether in paper or electronic format, without payment of any royalties or fees to the Proposer. Proposer acknowledges that City's contract will require a full waiver of all intellectual property rights and copyrights in all such documents.

**12. Proposal**

The successful Proposer will be required to assume responsibility for all services offered in its proposal whether or not such services are provided by Proposer or a subcontractor. Further, the selected Proposer shall be the sole point of contact with regard to all contractual matters.

**13. Indemnity**

Proposer agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees, from any claim, demand, suit, loss, cost or expense for any damages that may be asserted, claimed or recovered against or from City, its officials, agents, or employees by reason of any damage to property or personal injury, including death and which damage, injury or death arises out of or is incidental to or in any way connected with Proposer's performance of the services or caused by or arising out of (a) any act, omission, default or negligence of Proposer in the provision of the services under the contract; (b) property damage or personal injury, which damage, injury or death arises out of or is incidental to or in any way connected with Proposer's execution of services under the contract; or (c) the violation of federal, state, county or municipal laws, ordinances or regulations by Proposer. This indemnification includes, but is not limited to, the performance of the contract by Proposer or any act or omission of Proposer, its agents, servants, contractors, patrons, guests or invitees and includes any costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claims or the investigation thereof. Proposer agrees to pay all claims and losses and shall defend all suits, in the name of the City, its employees, and officers, including but not limited to appellate proceedings, and shall pay all costs, judgments and attorneys' fees which may issue thereon. City reserves the right to select its own legal counsel to conduct any defense in any such proceeding and all costs and fees associated therewith shall be the responsibility of Proposer under this indemnification provision. To the extent considered necessary by the City, any sums due Proposer under the contract may be retained by City until all of City's claims for indemnification have been resolved, and any amount withheld shall not be subject to the payment of interest by City. This indemnification is separate and apart from, and in no way limited by, any insurance provided pursuant to the contract or otherwise. The parties mutually acknowledge that the provisions of §725.08, Fla. Stat., have been fulfilled and govern this provision. This

paragraph shall not be construed to require Proposer to indemnify the City for its own negligence, or intentional acts of the City, its agents or employees. This clause shall survive the expiration or termination of this Agreement.

**14. Disclosures and Disclaimers**

This Request for Proposals (“RFP”) is being issued by the City of West Palm Beach (hereinafter known as “City”). Any action taken by the City in response to proposals made pursuant to this RFP or in making any award or failure or refusal to make any award pursuant to such proposals, or in any cancellation of award, or in any withdrawal or cancellation of this RFP, either before or after issuance of an award, shall be without any liability or obligation on the part of the City or their advisors.

In its sole discretion, the City may withdraw this RFP either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the RFP. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting proposals in response to this RFP (each such party being hereinafter known as “Proposer”).

Following submission of a proposal, the Proposer agrees to promptly deliver such further details, information and assurances, including, but not limited to, financial and disclosure data, relating to the proposal and/or the Proposer, including the Proposer’s affiliates, officers, directors, shareholders, partners and employees, as requested by the City.

The information contained herein is provided solely for the convenience of Proposers. It is the responsibility of a Proposer to assure itself that information contained herein is accurate and complete. Neither the City, nor their advisors provide any assurances as to the accuracy of any information in this RFP. Any reliance on the contents of this RFP, or on any communications with City representatives or advisors, shall be at each Proposer’s own risk. Proposers should rely exclusively on their own investigations, interpretations and analyses in connection with this matter. The RFP is being provided by the City without any warranty or representation, express or implied, as to its content; accuracy or completeness and no Proposer or other party shall have recourse to the City if any information herein contained shall be inaccurate or incomplete. No warranty or representation is made by the City that any proposal conforming to these requirements will be selected for consideration, negotiation or approval.

The City, and its representatives shall have no obligation or liability with respect to this RFP, or the selection and award process contemplated hereunder. Neither the City nor its representatives warrant or represent that any award or recommendation will be made as a result of the issuance of this RFP. All costs incurred by a Proposer in preparing and responding to this RFP are the sole responsibility of the Proposer. Any recipient of this RFP who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer and agrees to be bound by the terms hereof. Any proposal submitted pursuant to this RFP is at the sole risk and responsibility of the party submitting such proposal.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information contained in the RFP is for guidance only and each recipient hereof is cautioned and advised to independently verify all of such information. In the event of any differences between this Disclosure and Disclaimer and the balance of the RFP, the provisions of this Disclosure and Disclaimer shall govern.

Formal presentation by the Proposer shall be made before the City which may include one or more Proposers. Contract negotiation will take place with the first choice of the City and if a suitable contractual arrangement cannot be made, negotiations will commence with the second choice or, the City may, at its sole option, withdraw this RFP.

The City reserves the right to select the proposal which in the opinion and sole discretion of the City will be in the best interest of and/or most advantageous to the City. The City reserves the right to waive any irregularities and technicalities and may at its discretion request re-submittal of proposals. All expenses in preparing the proposal and any re-submittals shall be borne by the Proposer.

The City and the Proposer will be bound only if and when a proposal, as it may be modified, is approved and accepted by the City, and the applicable agreements pertaining thereto, are approved, executed and delivered by

the Proposer and the City, and then only pursuant to the terms of a contract executed by the Proposer and the City. All or any responses to this RFP may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City and its representatives are governed by the Sunshine law and the Public Records law of the State of Florida and all proposals and supporting data shall be subject to disclosure as required by such laws. All proposals shall be submitted in sealed bid form and shall remain confidential to the extent permitted by the Public Records law until the date and time selected for opening responses. Upon award recommendation or ten (10) days after opening, whichever is greater, any material submitted in response to this RFP will become a  public record  and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Proposers must claim the applicable exemptions to disclosure provided by law in their response to the RFP by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The City reserves the right /to make any final determination of the applicability of the Public Records Law.

## **15. Florida Prompt Payment Act**

### **1. Proper Invoice**

For purposes of billing submission and payment procedures, a "proper invoice" by a contractor, vendor or other invoicing party shall consist of at least all of the following:

2. a description (including quantity) of the goods and/or services provided to the City (or a party on behalf of the City) reasonably sufficient to identify it (or them);
3. the amount due, applicable discount(s), and the terms thereof;
4. the full name of the vendor, contractor or other party who is supplying the goods and/or services including a mailing address in case of a dispute and a mailing address for payment purposes (if they are different) and a telephone number;
5. the Purchase Order or Contract number as supplied by the City; and
6. an identification by Bureau, Office or Department of the party(ies) to whom the goods were delivered or services provided.

All invoices, in order to be classified as a proper invoice, shall be delivered to Accounts Payable, Finance Department, City of West Palm Beach, 401 Clematis Street, P.O. Box 3366, West Palm Beach, Florida, 33402.

Finally, in addition to all of the above, in order to be considered a proper invoice, it must be based on a proper delivery, installation, or provision of the goods and/or services to and acceptance by the City (or party on behalf of the City); the vendor, contractor or other party who is supplying the goods and/or services has otherwise complied with all of the contract's terms and conditions and is not in default of any of them; and if the contract requires any subcontractors or other parties to be bound by similar other "flow-down" requirements that those requirements have been complied with.

### **7. Dispute Resolution**

In the event a dispute occurs between a contractor, vendor or other invoicing party ("invoicing party") and the City concerning payment of an invoice, the City Department, Office or Bureau which has the dispute along with a representative of the City's Purchasing and Materials Management Division and the invoicing party shall meet to consider the disputed issues. The invoicing party shall provide to the City such material and information as the City may reasonably require. Any such procedure shall be initiated by either party notifying the other in writing of a dispute and stating with specificity its nature. This procedure shall commence not later than forty-five (45) days, and be resolved not later than sixty (60) days, after the date on which the proper invoice was received by the City. Any decision by the Director of Purchasing shall constitute the final decision of the City regarding these matters and shall be communicated in writing to the invoicing party within three business days after such decision. If no decision is rendered within the time period as set out above, then a decision against the invoicing party shall be deemed to have been issued.