



PROCUREMENT DIVISION

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“The Capital City of the Palm Beaches”

**REQUEST FOR QUALIFICATIONS
RFQ 10-11-Q046**

NON-PROFIT DEVELOPER

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 affordable housing in the City of West Palm Beach. The City anticipates \$1,000,000 in HOME Investment Partnership Program funds to be available to non-profit developers for the construction of affordable housing on lots owned by the City.

Time is of the essence and any proposal received after 3:00 p.m., Thursday, September 22, 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 RFQ 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 web site at www.wpb.org/procurement/index.php.

All proposals must be delivered or mailed to:
City of West Palm Beach Procurement Division
401 Clematis Street, 5th Floor
West Palm Beach, FL 33401

ENVELOPE MUST BE IDENTIFIED AS RFQ 10-11-Q046.

Althea Pemsel
Althea Pemsel, MA, C.P.M.
Procurement Official

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Overview of the RFQ 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 develop housing for low-income persons in 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. The City is seeking non-profit developers to construct affordable housing on lots owned by the City of West Palm Beach funded in whole, or partially, by the HOME Program.

Introduction:

The City of West Palm Beach Housing and Community Development Department (HCD) is currently seeking qualifications from eligible non-profit organizations to utilize a portion of its federal funds to act as a developer of housing on lots currently owned by the City. The City anticipates \$1,000,000 in HOME Investment Partnerships Program funds will be available.

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 organizations to submit proposals. HCD will be providing the plans for the developers. The lots to be developed are will be scattered throughout Coleman Park.

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:

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

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.

Application Process:

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

All forms need to be submitted in a typed format.

Submissions should follow the established outline and instructions, and are to be compiled in the order provided on the checklist located at Tab B.

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. Three (3) 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

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.

The number of awards will be determined by the number of qualifying Applicants and the amounts requested by each. Award amounts will not necessarily be equal to the full amount requested in the proposal.

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 7/2011)

	1 Person	2 People	3 People	4 People	5 People	6 People	7 People
50% AMI	\$26,650	\$30,450	\$34,250	\$38,050	\$41,100	\$44,150	\$47,200
80% AMI	\$42,650	\$48,750	\$54,850	\$60,900	\$65,800	\$70,650	\$75,550

Other Requirements, Terms and Conditions:

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.

Housing Development Act 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:

1. 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).
2. 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.
3. 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.
4. 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. 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.

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.

REFERENCES

Please provide three (3) references for similar or like work for this type of project and

Respondent/Firm Name:

Client Contact Name and Title:

Name of Client Company:

Address: _____

Phone: _____ Fax: _____

Email: _____

Dates of Performance: _____

Define scope of services provided:

Name of Staff that performed services:

Attach additional reference and supplemental information as needed.

REPRESENTATIONS AND DISCLOSURE

RFP No. _____

STATE OF _____ }

COUNTY OF _____ }

} SS:

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

1. Respondent agrees that its proposal may become part of any contract entered into between the City and the Respondent.
2. There are no actual, apparent or potential conflicts of interest with Respondent 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 Respondent'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. Respondent has not filed for bankruptcy in the past five (5) years.
5. Neither Respondent nor any of Respondent's principals have been convicted of or indicted for a felony or fraud.
6. Respondent 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. Respondent warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Respondent, 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 Respondent, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from an award.

8. Respondent 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 Respondent'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. Respondent 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.

Respondent Firm: _____

Officer's Name: _____ Title: _____

Signature: _____

AFFIRMED AND SIGNED before me this _____ day of _____, 2011
by _____ (name) as _____ title) of
_____ (Respondent firm), and who is personally known to me
or produced _____ as identification.

Notary Public

Notary Stamp:

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