

BROWARD COUNTY HOUSING AUTHORITY

REQUEST FOR PROPOSALS

PROJECT-BASED VOUCHERS PROGRAM

Solicitation #RFP 22-313

Broward County Housing Authority
4780 North State Road 7,
Lauderdale Lakes, FL 33319

Every effort will be made to maintain the schedule below; however, all dates are subject to change if it is deemed to be in the best interest of BCHA.

| Timeline Event | Anticipated Date |
|--|----------------------------|
| Date of Issue | 8/5/2022 |
| Questions Due | 9/1/2022 @ 5:00 PM |
| Addendum for Responses to Questions | 9/8/2022 |
| Applications Due | 9/22/2022 @ 9:30 AM |
| Public Meeting: Rating Panel to Evaluate Applications | 10/4/2022 @ 9:30 AM |
| Public Meeting: Approval by the Board of Commissioners | 10/18/2022 |
| Posting of Intent to Award | 10/18/2022 |

BROWARD COUNTY HOUSING AUTHORITY

REQUEST FOR PROPOSALS

PROJECT-BASED VOUCHERS PROGRAM

I. PURPOSE AND ELIGIBILITY

The Broward County Housing ("BCHA") is accepting proposals (applications) from property owner(s) and/or developer(s) (proposer(s)/applicant(s)) to provide assistance under the Section 8 Project-Based Voucher ("PBV") program. Under this RFP, the BCHA anticipates the ability to provide project-based assistance for approximately 70– 80 units of housing for multiple member and single member households under the PBV program to support senior (62+ years of age) affordable housing opportunities in Broward County, Florida in high-density housing. BCHA reserves the right to award multiple contracts, and a related entity may also participate as an eligible applicant as deemed to be in the best interest of BCHA. BCHA may award all or none of the vouchers applied for up to the anticipated level of availability referenced above.

PBVs are a component of BCHA's Housing Choice Program. BCHA will attach voucher assistance to specific developments. All units must meet U.S. Department of Housing and Urban Development ("HUD") housing quality standards (HQS) and all rent must be considered reasonable by BCHA.

The purpose of this RFP is to select a single or multiple developments that require and are eligible to use Housing Choice Vouchers for the new development of affordable housing. Award will be pursuant to an agreement between the BCHA and owner, for use under the PBV program and for newly constructed units within Broward County, Florida.

Applicants should be aware of the following conditions:

- An affiliate of the BCHA may respond to this RFP.
- All required land use approvals and entitlements (e.g. Development Review Committee (DRC), Zoning, etc.) must be obtained, prior to application submission.
- The Project must meet all applicable requirements of the HUD Project-Based and Housing Choice Voucher program regulations (24 CFR 983).
- The project will be subject to a HUD subsidy layering review (SLR), in accordance with HUD subsidy layering regulations (24 CFR 4.13) to prevent excess subsidy. Selected Applicants will be required to submit a list of documents to BCHA to facilitate this HUD subsidy layering review.
- The housing project must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable, and implementing regulations at 24 CFR Part 8.

- An Environmental Review and/or Assessment will be required. If an Assessment is required, the cost will be charged to the applicant.
- Execution of an Agreement to enter into a Housing Assistance Payments Contract ("AHAP")^{1&2} is contingent upon completion of all of the above requirements which must be signed before construction of the proposed development begins. Upon final inspection of the work, the applicant and BCHA will execute a Housing Assistance Payments Contract ("HAP Contract")^{3&4}.
- Applicants should note that upon execution of the AHAP, the applicant will be required to comply with Federal requirements imposed by the AHAP, considerations include the use of the Federal Davis-Bacon construction wage guidelines, participation of Section 3 and minority-owned and women-owned business enterprise businesses, and the need to obtain National Environmental Policy Act environmental clearance. A copy of the form of AHAP can be found at HUD.Gov and includes forms 52531A and 52531B.
- Any award is contingent upon receipt of adequate funding and necessary approvals by HUD.

BCHA Reservation of Rights

- BCHA reserves the right to reject any or all proposals, to waive any informality in the solicitation process, or to terminate the solicitation process at any time, if deemed by BCHA to be in its best interest.
- BCHA reserves the right not to award a contract pursuant to this solicitation.
- BCHA reserves the right to terminate a contract awarded pursuant to this solicitation, at any time for its convenience or for proposer default upon ten (10) days written notice to the successful proposer(s).
- BCHA reserves the right to retain all responses submitted and not permit withdrawal for a period of 90 days subsequent to the deadline for receiving proposals without the written consent of the Contracting Officer.
- BCHA reserves the right to reject and not consider any response that does not meet the requirements of this solicitation, including but not necessarily limited to:
 - Incomplete responses and/or responses offering alternate or non-requested services;
 - Failure to use BCHA and HUD provided forms, or
 - Failure of the proposer to check for addenda or corrections and adhere to any revised requirements.

¹ HUD-52531-A: [PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 1](#)

² HUD-52531-B: [PBV Agreement to Enter Into Housing Assistance Payments Contract for New Construction or Rehabilitation Part 2](#)

³ HUD-52530-A: [PBV Housing Assistance Payments Contract for New Construction or Rehabilitation Part 1](#)

⁴ HUD-52530-A: [PBV Housing Assistance Payments Contract for New Construction or Rehabilitation Part 1](#)

- BCHA shall have no obligation to compensate any proposer for any costs incurred in preparing the response to this solicitation.
- In the event of legal action BCHA will not waive trial by jury.
- BCHA reserves the right to select Broward County, Florida as the venue for any legal proceedings arising from this contract.
- This request for proposal and any subsequent contract supersedes any other agreement with contractor/proposer.

The following housing types *are not eligible* for PBV awards under this RFP:

1. Shared housing units;
2. Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
3. Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (however, PBV assistance may be provided in assisted living facilities);
4. Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students;
5. Manufactured homes;
6. Cooperative housing;
7. Transitional Housing;
8. Single family homes, townhomes, and low-rise apartments consisting of four stories or less;
9. Units occupied by an owner of the housing; or
10. Units occupied by a family ineligible for participation in the PBV program.

In addition, PBV assistance *will not* be provided to:

1. A public housing unit;
2. A unit subsidized with any other form of Section 8 assistance;
3. A unit subsidized with any governmental rent subsidy;
4. A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
5. A unit subsidized with Section 236 rental assistance payments (12 U.S.C. 1715z-1) (except that BCHA may attach assistance to a unit subsidized with Section 236

interest reduction payments);

6. A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 1490a (a Rural Housing Service Program);
7. Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note);
8. Section 811 project-based supportive housing for persons with disabilities (42 U.S.C. 8013);
9. Section 202 supportive housing for the elderly (12 U.S.C. 1701q);
10. A Section 101 rent supplement project (12 U.S.C. 1701s);
11. A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b) (2)) (*e.g.*, a unit subsidized with tenant-based rental assistance under the HOME program, 42 U.S.C. 12701 *et seq.*); or
12. A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by BCHA in accordance with HUD requirements. For this purpose, "housing subsidy" does not include the housing component of a welfare payment; a social security payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

II. ELIGIBLE APPLICANTS

Developers or owners proposing new construction affordable housing that will be for Senior Households below 50% of the Area Median Income (AMI) in Broward County, Florida.

III. THRESHOLD ELIGIBILITY REQUIREMENTS FOR PROPERTIES AND APPLICANTS

- The property must be located in Broward County, Florida.
- The project must be 100% affordable and target Senior household below 50% AMI only.
- The project must contain at least 50 units;
- The applicant must prove ownership of the site or control of proposed site by purchase contract, or long-term ground lease greater than twenty years, deed, or other right that evidences control through the date necessary to acquire title to the site.
- The applicant must be incorporated, formed or organized in the State of Florida;
- The applicant must be classified as a not-for-profit organization under the IRS with prior experience in the participation and development of low-income housing;
- The applicant must have policies and procedures including admission policies, rules for resident behavior, procedures for involuntary discharge, and a grievance procedure that can

apply to the applicant project.

- The applicant must not be involved in any current litigation or contractual dispute with BCHA, Broward County, or any municipality in Broward County;
- The applicant must designate a point of contact for BCHA staff;
- Must be new construction. Development and operating budgets required at submission. Pro formas with and without PBVs required at submission.

In addition to the above, the applicant must submit the following:

- a. Certification of Applicant Regarding Debarment, Suspension and Other Responsibility Matters (enclosed as Exhibit 4)
- b. Certification Pursuant to Florida Statute § 287.135 (enclosed as Exhibit 5)
- c. Identity of Interest: If one of the Respondents presents an Identity of Interest related to the purchase, rehabilitation or financing of the property, the Respondent must submit a signed statement fully describing any identity of interest relationships. The proposal in question and the signed statement will be forwarded to the HUD field office or HUD-approved independent entity for review.

VI. GUIDANCE:

- **Resident Choice and Continued Assistance.** When a family or individual move out of a unit with PBV assistance, it will be replaced by a family/individual that is referred from BCHA's waiting list. This will ensure that the specified number of subsidies continue to be used at the development throughout the term of BCHA's contract with the owner.
- **HAP Contract.** A form of the HAP Contract can be found at HUD.Gov.
- **Rent.** BCHA's contract with the owner sets the rent for each unit with PBV assistance. The amount of the rent may not exceed the lower of the applicable maximum level, as explained below, or the "reasonable" rent in light of the rents charged for comparable unassisted units in the area. The applicable maximum level is the maximum voucher payment standard which is 110 percent of the HUD-determined fair market rent ("FMR"). Up to this maximum, the rent for a unit is allowed as long as the rent is reasonable. In some cases, HUD may approve at their discretion exception rents for as much as 120 percent of the HUD-determined FMR. At the sole discretion of BCHA it may pursue such approval. If such approval is pursued an independent reasonable rent study in accordance with HUD requirements will be prepared to determine the initial contract rent. The total rent to the owner for PBV assisted units consists of the tenant rent (the portion of the rent to owner paid by the family) and the rental assistance paid by BCHA in accordance with the HAP contract.
- **Rent Increases.** Rent increases during the term of the contract may be approved by BCHA so long as the increased rents do not exceed the above rent limits and are reasonable. HUD's annual adjustment factors do not apply.

- **Individual or Family Share of the Rent.** Individuals or families with PBVs pay 30 percent of their adjusted income for rent and utilities.
- **Waiting List.** BCHA may, at its discretion, maintain a separate waiting list for any project eligible for PBV assistance. Owners are responsible for selecting tenants for units assisted with PBVs from among the persons or families referred by BCHA from its waiting list. An owner may refer persons or families that apply directly to the development to BCHA to be placed on the waiting list. No person or family is required to accept PBV assistance; persons or families that reject an offer of PBV assistance or are rejected by the owner and are on the tenant-based voucher waiting list retain their place on that list.
- **Targeting.** The income of persons or families selected for PBV units is considered in determining whether BCHA has complied with the requirement that at least 75 percent of new admissions to the voucher program each year must have incomes at or below 50 percent of the area median income. It is anticipated that all households at time of admission to the project will have incomes at or below 50 percent of area median income.
- **Feasibility.** Proposed developments must be new construction, financially feasible and operationally viable, as demonstrated via submission of development and operating pro formas. Pro formas must show the need for the PBV to make the development feasible for households with very low and extremely low incomes. This will be demonstrated by providing pro formas with and without PBV.
 - Projects utilizing PBV to increase debt for Gap financing to ensure project feasibility will be awarded points.
 - Projects utilizing or intending to utilize Multifamily Mortgage Revenue Bond (Bonds) financing with 4% Low Income Housing Tax Credits (LIHTC) will be Awarded points.
 - Projects utilizing Bonds that are issued by Broward County HFA. Bonds must have already been allotted by the proposal submission deadline to receive points.
 - Projects should include the BCHA, or at its discretion, an affiliate to share in the ownership structure will be given points. Examples might include equity, future rights to acquire, and shared benefits of project refinance.
 - Projects that have received local project funding in the form of a grant or long-term soft loan financing [not fee waivers] to assure the provision of housing for low-income households. Extra points: for local project funding through municipal sources or Broward County or public agency-controlled affiliate in excess of \$500,000.
- **HAP Contract.** A form of the HAP Contract can be found at HUD.Gov.
 - BCHA may not enter into an AHAP until it has determined that the site complies with the HUD required site and neighborhood standards set forth at 24 CFR 983.57(e) for new construction developments.
 - Upon completion of construction and issuance of an occupancy permit, and provided that all other requirements under this RFP have been met, BCHA will

enter into a Housing Assistance Payments Contract (HAP Contract) with the owner for the site selected and approved for PBV assistance. BCHA will make housing assistance payments to the owner in accordance with the HAP Contract for those contract units leased and occupied by eligible families during the HAP contract term.

- **Contract Term and Extension.** BCHA has the discretion to set the initial contract term for any period of time up to a maximum of twenty years, subject to the availability of adequate annual federal appropriations. The initial contract may be extended for a period of up to twenty years if the BCHA considers such extension appropriate to achieve long-term affordability or to expand housing opportunities. At BCHA's option, the initial contract may bind the owner to accept extensions offered by BCHA.
- **HQS and Inspections.** Each unit identified to receive project-based assistance must pass a Housing Quality Standards ("HQS") inspection before a HAP contract may be signed. Project-based voucher contracts are subject to the same annual/biennial inspection requirements as tenant-based vouchers.
- **Supportive Services.** An applicant intending to make supportive services available at a project must make such supportive services available to all residents receiving PBV assistance in the project, but the residents do not actually have to accept and receive supportive services for the unit to be considered an "excepted unit" (as such term is defined in 24 CFR Part 983), however, the family occupying such excepted unit must be eligible to receive the supportive services for such unit to be considered an excepted unit). It is not necessary that the services be provided at or by the project, but must be reasonably available to residents receiving PBV assistance. A PHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

V. APPLICATION INSTRUCTIONS

Any questions regarding the application must be submitted in writing. Questions are to be directed to Joe Ricardo, Procurement Manager Broward County Housing Authority, 4780 North State Road 7, Lauderdale Lakes, FL 33319 or by email at Purchasing@bchafl.org.

Applications are due and must be received by BCHA by the date stated on the cover page of this RFP. Responses will not be read aloud. Late responses will not be accepted. Fax responses will not be accepted.

All responses shall be submitted to the contact person and addressed and by the date specified on the first page of this solicitation document.

—Remainder of page intentionally left blank—

The applicant shall submit one (1) original signature copy (marked “ORIGINAL”) with three (3) exact copies with your application submission. They shall be placed unfolded in a sealed package and addressed to:

**Broward County Housing Authority
Attn: Joe Ricardo
4780 North State Road 7
Lauderdale Lakes, FL 33319**

The proposer shall ensure that the response is received by the time and date indicated on the first page of this solicitation document. **The package shall clearly indicate the solicitation number and title.** Submissions received after the noted deadline will not be accepted. The official US time at <https://www.time.gov/> shall determine receipt within deadline.

Only proposals submitted in response to this RFP will be considered. Submitted responses must respond to all requirements as outlined in this RFP; incomplete proposals will not be considered for award.

No proposals may be withdrawn for a minimum period of 90 days following the RFP deadline without the consent of BCHA.

Please organize responses as required (see Application Contents below).

VI. APPLICATION CONTENTS

Omission of any of the following information, documents or certifications may render the application non-responsive. All applications shall contain the following:

Section 1 Application Form. (Use enclosed form --- Exhibit 1, Application Form and Schedule of Buildings Proposed for Assistance.)

Section 2 Threshold Application Requirements:

1. **Letter of Interest.** Applicant's submittals shall be accompanied by a Letter of Interest on the Applicant's letterhead. The letter should state Applicant's understanding of the engagement, the commitment to perform the work, if any, expeditiously, a brief statement indicating why the Applicant believes itself to be best qualified to perform the engagement, and a statement that the response is firm and irrevocable for 90 days.
2. **Proven Ownership or Control of Property Proposed for Project-Based Assistance.**
3. **Compliance with Fair Housing and Civil Rights Laws.** (Use enclosed form --- Exhibit 2, Certification of Previous Compliance with Fair Housing and Civil Rights Laws.)

All applicants and their employees must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a).

The applicant will not be eligible for consideration if the applicant:

- Has been charged with a systemic violation of the Fair Housing Act by HUD alleging ongoing discrimination;
- Is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
- Has received a letter of noncompliance findings under Title VI, Section 504, or Section 109 within seven (7) years of the publication date which has not been resolved or discharged.

BCHA will not rate or rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of BCHA before the application deadline stated in this RFP. BCHA's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

4. **Certification that the applicant has not been deemed ineligible for participation in Federal and HUD programs.** (Use enclosed form --- Exhibit 3, Certification of Eligibility for Participation in Federal and BCHA Programs.)

The applicant will not be eligible for consideration if the applicant:

- Has had its participation in Federal programs limited;
- Has been debarred from participation in Federal programs;
- Has been charged with fraud or abuse of a Section 8 program;
- Is a defendant in a fraud or abuse lawsuit filed by the Department of Justice, HUD or BCHA alleging fraud or abuse; or
- Has received a letter from the Department of Justice, HUD, or BCHA alleging fraud or abuse.

BCHA will not rate or rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of BCHA before the application deadline stated in this RFP. BCHA's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of fraud or abuse in the policies or practices involved in the charge, lawsuit, or letter of findings.

Section 3 Property Requirements:

1. The application for project-based assistance must provide a schedule of buildings indicating that the units proposed for participation in the project-based program are specifically made available for elderly households receiving supportive services (also known as qualifying families), and that the proposed project will be for families or individuals and intends to provide resident services for all residents in accordance with the U.S. Housing Opportunities Through Modernization Act of 2016 ("**HOTMA**"), as implemented by HUD, or (e) as otherwise permitted by HOTMA, as implemented by HUD (Use enclosed form --- Exhibit 1, Application Form and Schedule of Buildings Proposed for Assistance).
2. The applicant must submit development and operating pro formas evidencing the financial feasibility and operation viability of the proposed new construction development. Two versions must be submitted, for review, showing the proposed development with and without the voucher rents to determine the need. Sizing of the actual voucher need will be in accordance with the HUD SLR requirements and may be more formally determined after scoring.
3. The applicant must provide evidence that the proposed new construction development is currently permitted by applicable zoning ordinances and meets all related zoning approvals for the project.
4. Proposed Development Methods and Strategy: Provide a narrative description of the applicant's methods and strategy to develop this new construction project. Illustrate this approach with descriptions of at least two such developments in which the proposer participated, including one well established development over ten years and one development completed within the past ten years.

Section 4 Management Capability:

The Applicant shall submit the following information regarding its qualifications:

1. **Organizational Structure and Staffing.** Provide a detailed description of the organizational structure and staffing of the applicant. List the members of the applicant's team to include contracted subspecialty disciplines as A&E or Construction Management; indicate their areas of specialization and specific contribution to the team. Provide a brief description of previous collaboration among the members of the applicant's team. Additionally, for each discipline represented on the applicant's team, indicate if familiarity with state or local rules, practices or conditions is important to the effective accomplishment of the development and, if so, indicate the extent of and basis for the team's familiarity.
2. **Profile of Principals and Key Staff.** Provide profiles of the principals and key staff to be involved in the development effort. This information should specify their roles, their existing time commitments, their previous similar

development experience, and whether the staff will be locally based. Identify the individual who will serve as the project manager and who will direct and coordinate the development project to completion.

3. **Termination**. Indicate whether the applicant or any applicant team member has been terminated from a contract, and if so, describe the circumstances and outcome.
4. **Litigation**. Indicate whether the applicant or any applicant team member has ever sued or been sued by a public agency, and if so, describe the circumstances and outcome.
5. **Previous Housing Development Experience**. Provide information on the most recent multifamily rental development projects (up to 5) in which the applicant has participated. This information should list the location, size, ownership type, public programs utilized, income levels served (very low, moderate, market rate, or mixed), type of development (high, mid or low-rise, walk-ups, townhouses, etc.), extent of community and/or resident participation, extent and nature of resident services programs, extent of non-for-profit's participation, and development cost.
6. **Capacity**. Applicant shall certify that the applicant and all team members are available to start immediately. The applicant should describe any existing time commitments of the proposed team members or their proposed staff which would impair the applicant's ability to proceed expeditiously.
7. **References**. Provide the name, mailing address, email address, and telephone number of two community partner references, two housing authority references (if developer has housing authority experience and if not, provide 2 others), two tax credit investor references, and at least one housing finance agency reference. Please provide list only and not letters of reference.
9. **Understanding Local Requirements**. Demonstrate that the applicant possesses an understanding of local zoning and land use requirements and procedures that will enable the effort to be efficiently completed. Provide a critical path for development.

Section 5 Other Required Forms:

Applicant must submit the following forms:

- Exhibit 4: Certification of Applicant Regarding Debarment, Suspension and Other Responsibility Matters.
- Exhibit 5: Certification Pursuant to Florida Statute § 287.135

Presenting the Proposal:

- Unnecessarily elaborate special brochures, artwork, and expensive visual and other presentation aids are neither necessary nor desired.

- It is preferable and recommended that the response be bound in such a manner that BCHA can, if needed, remove the binding to make copies then return the response to its original condition. BCHA suggests that either comb type binding or three ring binding be used.
- All information must be incorporated into a response to a specific requirement and clearly referenced. Any information the firm provides which does not meet these criteria will be deemed extraneous and will in no way contribute to the evaluation process.

VII. EVALUATION METHOD AND SCORING CRITERIA:

- **Rating Panels.** To review and rate proposals BCHA will establish a Rating Panel. This panel may include persons not employed by BCHA.
- **Threshold Requirements.** BCHA will review each proposal to determine whether it meets all of the threshold requirements. If the proposal does not meet the threshold requirements, it may not be rated or ranked.
- **Rating.** The BCHA Rating Panel will evaluate and rate all applications for assistance that meet the threshold requirements and according to the rating factors below. The rating of the applications for technical merit or threshold compliance may include any owners, employees, agents, consultants, and members of boards of directors. Extra point consideration will apply to proposals for Projects that are located West of North State Road 7 and South of State Road 84, Project Using a Broward County Housing Finance Authority Bond Allocation, Local project funding at \$500,000 or above, Supportive Services above the minimum level as may be required by FHFC and accessible to all residents.
- **Ranking.** The BCHA Rating Panel will rank all applicants who meet the threshold requirements by assigning points to each of the rating criteria requirements. Ranking will be given with those applicants by points assigned.
- **Award.** After evaluation of proposal revisions, if any, the contract shall be awarded to the responsible firm(s) whose qualifications and other factors considered, are the most advantageous to BCHA. Within 10 business days of BCHA making the selection, BCHA will notify the selected applicant in writing of the applicant's selection for the PBV program under this RFP. BCHA will post award to web site and notify the highest ranked proposal(s) eligible to receive an award.
- **Right to Award Multiple Contracts.** BCHA reserves the right to award multiple contracts under this procurement as deemed to be in the best interest of BCHA. Furthermore, BCHA reserves the right to award all or none of the vouchers applied for and to cancel and/or reissue this RFP at any time in BCHA's sole discretion.

➤ **Factors for Award Used to Evaluate and Rate Applications.**

| Scoring Criteria (Scoring Factors) | Max Points |
|---|------------|
| 1. Property Requirements | - |
| 1. Proposed development will expand ELI/LI senior housing options by more than fifty apartment units. <ul style="list-style-type: none"> a. Developments with 50-59 units will receive 5 Points b. Developments with 60-69 units will receive 10 Points c. Developments with 70+ units will receive 15 Points | 15 |
| 2. Extent to which services and amenities will be provided on site, adjacent to existing services, or in the immediate area (within three miles) and without resident cost to access, (social, recreational, educational, transportation, commercial, health facilities and services, etc.) If services include supportive services, include information on the type of services, the frequency the services are offered, whether the services are provided on-site and whether there is a fee charged. | 15 |
| 3. Applicants must provide evidence of its ability to enter into an AHAP and start the project for which PBVs have been requested within a 24-month period after the announcement of award. | 15 |
| 4. Feasibility– maximum of five (5) points each <ul style="list-style-type: none"> a. Project utilizes 4% LIHTC b. BCHA or related entity ownership interest during the term of the voucher award; and/or right of first refusal to acquire; cash out options of refinance; other. c. Committed Financing and/or executed engagement letters | 15 |
| 2. Management and Financial Capability | - |
| 1. The applicant has adequate experience and capability to build new construction housing and meet the requirements of this RFP | 20 |
| 2. Proposed building(s) must be financially feasible and operationally viable and show need for PBV, as demonstrated by submission of development and operating pro formas and subject to third party reviews. | 20 |
| 3. Extra Points | - |
| 1. Projects that are located West of North State Road 7 and South of State Road 84 | 5 |
| 2. Project Using a Broward County Housing Finance Authority Bond Allocation | 5 |
| 3. Local project funding at \$500,000 or above | 5 |
| 4. Supportive Services above the minimum level as may be required by FHFC and accessible to all residents. | 5 |
| Maximum Points Possible: | 120 |

VIII. ADMINISTRATIVE TERMS AND CONDITIONS

In order to maintain a fair and impartial competitive process, BCHA shall avoid private communication concerning this procurement with prospective Proposers during the entire procurement process. From the issue date of this RFP until five (5) calendar days after notice of award (i.e. when notifications are sent or results are posted to BCHA's webpage). Proposers are not allowed to communicate about this RFP for any reason with any BCHA staff, any member of the Board of Commissioners, any member of the Board of Directors, or Audit Committee members except through the RFP Point of Contact, identified on the cover page, in writing via e-mail, during the Pre-Proposal Conference (if any), as otherwise defined in this RFP or as provided by existing work agreements(s). Prohibited communication includes all contact or interaction, including but not limited to, telephonic communications, emails, faxes, letters, or personal meetings, such as lunch, entertainment, or otherwise. BCHA reserves the right to reject the proposal of any Proposer violating this provision. If any Respondent has any reason, not related to this RFP, to contact any of the above parties, they will be required to disclose to that party that they are a respondent in this solicitation. Failure to adhere to these requirements may result in disqualification from the solicitation.

- Responses to questions shall be made via the form of addenda which will be posted on the BCHA website (www.bchafl.org) and on the DemandStar website (www.demandstar.com)
- Unless an answer or information is provided by BCHA in writing as part of an addendum, such information shall have no effect and may not be relied upon by the Proposer.
- Bid Protest:
Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of the BCHA Procurement Policy. Any protest against a solicitation must be received at least seventy-two hours before the due date for receipt of bids or proposals. Any protest against the award of a contract must be received within five (5) calendar days after notice of award (i.e. when notifications are sent or results are posted to BCHA's webpage), or the protest will not be considered. All bid protests shall be in writing submitted to the Procurement Manager or designee who shall issue a written decision on the matter. The Procurement Manager may, at his or her discretion, suspend the procurement pending resolution of the protest if warranted by the facts presented.

Protests shall include, as a minimum, the following information:

- a. Names, addresses and telephone numbers of the protestors;
- b. The solicitation number and project title;
- c. A detailed statement of the basis for the protest;
- d. Supporting evidence or documents to substantiate any arguments; and
- e. The form of relief requested (e.g. reconsideration of their offer).

Appeals:

If a protestor is not satisfied with the decision of the Procurement Manager, he or she may appeal to the CEO. Such appeals shall be in writing (see above) and must be submitted within five business days after the Procurement Manager's written decision is released. The written documentation is to include language that details how the written decision of the Procurement Manager is in error. The decision of BCHA's CEO shall be final, and no further appeal shall be authorized within Broward County Housing Authority.

- **Cost of Proposal**

All costs incurred, directly or indirectly, in response to this solicitation, to include the preparation, submittal, or presentation of the proposal, shall be the sole responsibility of, and borne by, the Proposer. The cost for developing the proposal and participating in the procurement process (including the protest process) is the sole responsibility of the Proposer. BCHA will not provide reimbursement for such costs.
- **Amendments to Solicitation**

If this solicitation is amended, then all terms and conditions which are not modified remain unchanged. It is the responsibility of the Proposer to monitor BCHA's website for any addenda issued. Each Proposer must acknowledge all addenda issued on BCHA's website so as to ensure that addenda are considered in their proposal response. **All Proposers are encouraged to frequently check BCHA's website at www.bchafl.org for additional information.**
- **Prohibition against Gifts/Favors/Anything of Monetary Value**

No BCHA employee can accept or solicit for themselves or for others, anything of value from Proposer or any person, corporation, or other entity doing business with or attempting to do business with BCHA, Building Better Communities, Inc. or MCCAN Communities, Inc.
- **Compliance with Law**

While conducting business with BCHA, Proposer shall comply with all applicable Federal, State and local laws, regulations, ordinances and requirements, applicable to the work described herein including, but not limited to, those applicable laws, regulations and requirements governing equal employment opportunity strategies, subcontracting with small and minority firms, women's business enterprise, and labor surplus area firms, equal opportunity for businesses and unemployed and underemployed persons as referenced in Section 3 of The Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"), the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Davis-Bacon Act, and shall provide for such compliance in the contract documents as required. All proposers must be authorized and/or licensed to do business in Florida. Proposer is responsible for contacting their local city and county authorities and the State of Florida to ensure that Proposer has complied with all laws and is authorized and/or licensed to do business in Florida. All applicable fees associated therewith are the responsibility of Proposer.
- **E-Verify:**

As a condition precedent to entering into this AGREEMENT, and in compliance with Section 448.095, Fla. Stat., Contractor and its subcontractors shall, register with and use the E-Verify system to verify work authorization status of all employees hired after January 1, 2021.

 - a. Contractor shall require each of its subcontractors to provide Contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. Contractor shall maintain a copy of the subcontractor's affidavit as part of and pursuant to the records retention requirements of this AGREEMENT.

- b. BCHA, Contractor, or any subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated Section 448.09(1), Fla. Stat. or the provisions of this section shall terminate the contract with the person or entity.
- c. BCHA, upon good faith belief that a subcontractor knowingly violated the provisions of this section, but Contractor otherwise complied, shall promptly notify Contractor and Contractor shall immediately terminate the contract with the subcontractor.
- d. A contract terminated under the provisions of this section is not a breach of contract and may not be considered such. Any contract termination under the provisions of this section may be challenged pursuant to Section 448.095(2)(d), Fla. Stat. Contractor acknowledges that upon termination of this AGREEMENT by the BCHA for a violation of this section by Contractor, Contractor may not be awarded a public contract for at least one (1) year. Contractor further acknowledges that Contractor is liable for any additional costs incurred by the BCHA as a result of termination of any contract for a violation of this section.
- e. Subcontracts. Contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section, including this subsection, requiring the subcontractors to include these clauses in any lower tier subcontracts. Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in this section.

➤ **Public Access to Procurement Record**

The laws of the State of Florida, including the Florida Open Records Act, require procurement records and other records to be made public unless otherwise provided by law. The awarded Proposer shall comply with Florida's Public Records Law. Specifically, the awarded Proposer shall:

Keep and maintain public records that ordinarily and necessarily would be required by BCHA in order to perform the service;

Provide the public with access to such public records on the same terms and conditions that BCHA would provide the records and at a cost that does not exceed that provided in chapter 119, Fla. Stat., or as otherwise provided by law;

Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and

Meet all requirements for retaining public records and transfer to BCHA, at no cost, all public records in possession of the proposer upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to BCHA in a format that is compatible with the information technology systems of BCHA.

PUBLIC RECORDS: IF THE VENDOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE VENDOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT,

CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

PUBLIC RECORDS

Attn: Noah Szugajew

4780 North State Road 7

Lauderdale Lakes, FL 33319

(954) 739-1114 ext. 2350

PUBLICRECORDS@bchafll.org

➤ **Ownership of Documents**

All documents and information generated, prepared, assembled or encountered by or provided for pursuant to this RFP are the property of BCHA. Proposers shall not copyright, or cause to be copyrighted, any portion of any said document submitted to BCHA as a result of this RFP.

➤ **Advertising**

In submitting a proposal, Proposer agrees not to use the results from it as a part of any commercial advertising. BCHA does not permit Proposers to advertise or promote the fact of your relationship with BCHA in the course of marketing efforts, unless BCHA specifically agrees otherwise.

➤ **Government Restrictions**

In the event any change in governmental regulations or mandates which would necessitate alteration in the performance of services offered, it shall be the responsibility of the successful Proposer to immediately notify BCHA in writing specifying the regulation which requires an alteration. BCHA reserves the right to accept any such alteration, including any reasonable price adjustments occasioned thereby, or to terminate the contract at no expense to BCHA.

➤ **Indemnification**

BCHA is defined in this Section to include BCHA Commissioners/Board of Directors, employees, agents and/or assigns. To the fullest extent permitted by law, Proposer agrees to indemnify BCHA and hold it harmless from and against any and all claims, damages, losses or expenses, including reasonable attorney fees, arising out of or in the performance of the Services by Proposer, a subcontractor, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Proposer's indemnification obligation shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the Proposer or subcontractor under any insurance required by the contract, including workers' compensation acts, disability benefit acts, other employee benefit acts, or any other insurance. BCHA cannot, and by the agreement resulting from this RFP does not, agree to indemnify, hold harmless, exonerate or assume the defense of the Proposer or any other person or entity whatsoever, for any purpose whatsoever.

IX. APPLICATION FORMS ENCLOSED

1. Exhibit 1: Application Form and Schedule of Buildings Proposed for Assistance;
2. Exhibit 2: Certification of Previous Compliance with Fair Housing and Civil Rights Laws;
3. Exhibit 3: Certification of Eligibility for Participation in Federal and BCHA Programs;
4. Exhibit 4: Certification of Applicant Regarding Debarment, Suspension and Other Responsibility Matters.
5. Exhibit 5: Certification Pursuant to Florida Statute § 287.135

Exhibit 1

APPLICATION FORM AND SCHEDULE OF BUILDINGS PROPOSED FOR ASSISTANCE

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

1. OWNERSHIP

A. Property Owner: _____

Entity Type: _____

Mailing Address: _____

Telephone: _____

B. Site Control

(Please check the appropriate response and attach one of the following documents as evidence of site control).

_____ Deed _____ Contract of Sale _____ Option to Purchase

_____ Pre-Lease Agreement _____ Long-term Lease Agreement

Property Address: _____

C. Does the proposed new construction currently comply with local zoning and building codes?

Yes _____ No _____

2. BUILDING CHARACTERISTICS

Demographic: _____

Type of Building design: _____

Number of Residential Buildings: _____

Exhibit 1

APPLICATION FORM AND SCHEDULE OF BUILDINGS PROPOSED FOR ASSISTANCE

Number of Stories: _____

Available Parking: _____ Off-Street _____ On-Street _____

Units to Receive Project Based Assistance:

1-Bedroom _____

2-Bedroom _____

3-Bedroom _____

4-Bedroom _____

Other (describe) _____

Amenities and Services:

Total Number of Affordable Units: _____

Total Number of Units in Development to Receive Project Based Assistance: _____

Total Number of Units in Development: _____

3. GENERAL LIVING QUALITY

Please provide detailed information about proximity to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services, either on site or off-site, including those that may be geared toward elderly or family residents.

Exhibit 1

APPLICATION FORM AND SCHEDULE OF BUILDINGS PROPOSED FOR ASSISTANCE

4. PRIORITY PROJECTS

1. Does the project require PBV to ensure project feasibility (to increase debt for Gap financing)? This must be demonstrated through pro formas submitted with this response showing the project with and without PBV.

YES _____ NO _____.

2. Is the project utilizing or does the project intend to utilize Multifamily Mortgage Revenue Bond (Bonds) financing with 4% Low Income Housing Tax Credits (4%os) for its financing?

YES _____ NO _____.

3. If YES is the project utilizing or does the project intend to utilize Bonds that are issued by the Broward County HFA.

YES _____ NO _____.

4. Is the Project willing to allow the BCHA to share in the ownership interest of the development? This can be negotiated upon award.

YES _____ NO _____.

5. Is the Project located in an area that includes a site that is or was Public Housing?

YES _____ NO _____.

6. Is the Project located West of North State Road 7?

YES _____ NO _____.

7. Has the project received local funding?

YES _____ NO _____.

8. Has the project received committed financing?

YES _____ NO _____.

Exhibit 2

CERTIFICATION OF PREVIOUS COMPLIANCE WITH FAIR HOUSING AND CIVIL RIGHTS LAWS

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

This is to certify that the above-named property owner, its directors, and employees are in full compliance with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a).

The above-named property owner, its directors, and employees also understand that they will not be eligible for consideration as an applicant for assistance for existing units under the PBV program if any one of the following is true —

- Has been charged with a systemic violation of the Fair Housing Act by HUD alleging ongoing discrimination;
- Is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
- Has received a letter of noncompliance findings under Title VI, Section 504, or Section 109.

Additionally, the above-named property owner, its directors, and employees also understand that BCHA will not rate and rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of BCHA before the application deadline stated in the Request for Applications or Qualifications for Assistance Under the Section 8 Project-Based Voucher Program for New Construction Housing Units. BCHA's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT.

Signature

Name of Owner or Authorized Agent

Date

Exhibit 3

**CERTIFICATION OF ELIGIBILITY FOR PARTICIPATION IN FEDERAL AND
BCHA PROGRAMS**

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

This is to certify that the above named property owner, its directors, and employees have not had participation in Federal programs limited; have not been debarred from participation in Federal programs; have not been charged with fraud or abuse of a Section 8 program; is not a defendant in a fraud or abuse lawsuit filed by the Department of Justice, HUD or the BCHA alleging fraud or abuse; or have not received a letter from the Department of Justice, HUD or the BCHA alleging fraud or abuse in any Federally-funded program, and that the occurrence of such would render the property owner, its directors, and employees ineligible for consideration as an applicant for assistance for existing units under the PBV program.

Additionally, it is understood that the BCHA will not rate and rank an application if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the BCHA before the application deadline stated in the Request for Applications or Qualifications for Assistance Under the Section 8 Project-Based Voucher Program for New Construction Housing Units. The BCHA's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of fraud or abuse in the policies or practices involved in the charge, lawsuit, or letter of findings.

Definition of Fraud and/or Program Abuse

"Fraud" and "abuse" mean a single act or pattern of actions made with the intent to deceive or mislead, constituting a false statement, omission, or concealment of a substantive fact. Fraud and abuse result in the payment of housing choice voucher program funds in violation of program requirements.

**TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL INFORMATION IN THIS
APPLICATION IS TRUE AND CORRECT.**

Signature

Name of Owner or Authorized Agent

Date

Exhibit 4

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS**

Property Owner's Legal Name: _____

Address: _____

Contact Name and Telephone Number: _____

Employer Identification Number: _____

1. The applicant certifies that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
2. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

Signature

Name of Owner or Authorized Agent

Date

Exhibit 5

CERTIFICATION PURSUANT TO FLORIDA STATUTE § 287.135

I, _____, on behalf of _____,
Print Name and Title Company Name

certify that _____ does not:
Company Name

1. Participate in a boycott of Israel; and
2. Is not on the Scrutinized Companies that Boycott Israel List; and
3. Is not on the Scrutinized Companies with Activities in Sudan List; and
4. Is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
5. Has not engaged in business operations in Syria.

Submitting a false certification shall be deemed a material breach of contract. The BCHA shall provide notice, in writing, to the Contractor of the BCHA's determination concerning the false certification. The Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If the Contractor does not demonstrate that the BCHA's determination of false certification was made in error then the BCHA shall have the right to terminate the contract and seek civil remedies pursuant to Florida Statute § 287.135.

Section 287.135, Florida Statutes, prohibits the BCHA from:

- 1) Contracting with companies for goods or services in any amount if at the time of bidding on, submitting a proposal for, or entering into or renewing a contract if the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, F.S. or is engaged in a boycott of Israel; and
- 2) Contracting with companies, for goods or services over \$1,000,000.00 that are on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, or are engaged in business operations in Syria.

As the person authorized to sign on behalf of the Contractor, I hereby certify that the company identified above in the section entitled "Contractor Name" does not participate in any boycott of Israel, is not listed on the Scrutinized Companies that Boycott Israel List, is not listed on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, and is not engaged in business operations in Syria. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject the company to civil penalties, attorney's fees, and/or costs. I further understand that any contract with the BCHA for goods or services may be terminated at the option of the BCHA if the company is found to have submitted a false certification or has been placed on the Scrutinized Companies with Activities in Sudan list or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

Exhibit 5

CERTIFICATION PURSUANT TO FLORIDA STATUTE § 287.135

COMPANY NAME

SIGNATURE

PRINT NAME

TITLE

Must be executed and returned with attached proposal to be considered.