

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures					
Operating Costs	1,000,000				
External Revenues	(1,000,000)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				

# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
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Is Item Included In Current Budget? Yes X No
 Does this Item include the use of Federal funds? Yes X No

Budget Account No.:

Fund 1103 Dept 143 Unit 1434 Object 8201 Program Code/Period _____

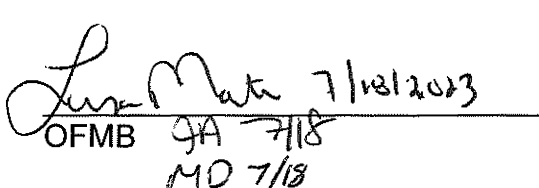
B. Recommended Sources of Funds/Summary of Fiscal Impact:


Approval of this agenda item will appropriate \$1,000,000 in HOME funds for a loan to ND Flex, LLC.

C. Departmental Fiscal Review: 
 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 7/18/2023
 OFMB GA 7/18
 MD 7/18

 7/18/23
 Contract Development and Control
 Tol 7/18/23

B. Legal Sufficiency:

 7/19/23
 Chief Assistant County Attorney

C. Other Department Review:

 Department Director

Background and Policy Issues: (continued from Page 1)

HOME provides affordable rental housing and homeownership opportunities for persons with incomes no greater than 80% of Area Median Income.

The FHFC administers the 9% Housing Credits Program offering Federal low-income housing tax credits to developers of affordable rental housing through a competitive Request for Applications (RFA) process. RFA 2023-202 offers a tax credit basis boost and additional scoring points for applications that demonstrate the LGAOF contribution from a local government entity.

RFP HED.2023.3 made \$1,000,000 in HOME funds available for the LGAOF contribution. A total of four (4) proposals were received in response to the RFP. Three (3) of the proposals were determined to be responsive to the submittal requirements of the RFP and were reviewed and scored by a three (3) member RFP selection committee during a public meeting held on July 6, 2023. The resulting scores and ranking were as follows:

Rank	Score	Project	Funding Recommendation
1	285	Waterview Apartments	\$1,000,000
2	239	Residences at Marina Village	\$-0-
3	227	Calusa Pointe	\$-0-

All respondents to the RFP have been notified of the funding recommendations and of RFP protest procedures. No protests were received by the protest period deadline.

Waterview Apartments

An Affordable Independent Senior Community

August 18th, 2023



W Tiffany Drive, Mangonia Park FL, 33407

BACKGROUND

ND Flex Partnership LP, a partnership between Safehold LLC, and McCurdy Senior Housing Corporation (McCurdy), is seeking financing for Waterview Apartments, a 113 unit proposed affordable rental community in Mangonia Park, FL dedicated to seniors and disabled adults.

Safehold LLC, is a qualified opportunity zone business formed with the specific intention of investing in vacant land within opportunity zones and developing it to realize its highest and best use. McCurdy is a federally designated 501(c)(3) community based, non-profit organization created in 2003, whose mission is to assist with the provision of affordable housing opportunities for low and very-low-income households with a focus on the seniors of Palm Beach County. Together the Co-Developers are dedicated to bringing a quality oriented and very necessary development to the City of Mangoina Park.

McCurdy previously developed Quiet Waters, a senior/disabled adult community in Belle Glade, with funding provided by 9% LIHTC, SAIL from the FHFC, and SHIP from Palm Beach County to maintain affordability for 50 years. Quiet Waters (aka McCurdy Center), originally built in 2009, has been a role model for Senior Housing for the last 14 years and was recognized as a national and state demonstration model for the elderly by the Robert

Wood Johnson Foundation and the Florida Department of Elder Affairs. The two-story concrete building consists of 93 single bedroom apartments in 4 residential wings with a central core to provide amenities and supportive services.

Proposed amenities for Waterview Apartments have been designed to foster greater independence for the residents of the new community and are based on the most popular and successful amenities at Quiet Waters. These include 24hr emergency assistance, residence assurance check-ins, social and therapeutic activities, on-site physician offices, home healthcare services, wellness programs, resident computer stations, gathering areas, and a large community room. Parking requirements are met by providing ground level covered parking under the building for residents as well as visitor parking at the front of the building.

DEVELOPMENT LOCATION



Waterview Apartments will be constructed on a 1.67 acre vacant corner lot within a commercial PUD in the municipality of Mangonia Park. The site is less than 1 mile from I-95, Palm Tran bus routes and the Mangonia Park Tri-Rail station, providing excellent access to multiple transportation resources. Bordered by a small lake on the North and East sides of the property, with Tiffany Drive on the South and West sides, this compact

site offers a perfect location as a quiet residential spot while being within reach of all the amenities that Palm Beach County offers.

With regards to specific performance under the guidelines within RFA 2023-202, each project can earn up to 6 points for proximity to transit resources and up to 4 points for each community resource in 3 categories. Waterview Apartments scores extremely high with a total of 15.5 out of a maximum of 18 points. The threshold to obtain the highest proximity preference is 12.5 points meaning Waterview Apartments will receive maximum preference which is essential to being selected for funding. In addition to the standard community resources, Waterview Apartments' proximity to the Area Agency on Aging provides access to a wide range of supportive services designed to promote greater independence and will help improve the quality of life for the residents of Waterview Apartments

Community Services	Latitude	Longitude	Distance from Site (Miles)	Points per RFA 2023-202
Waterview Apartments	26.754351	-80.083798		
Tri-Rail Station	26.758154	-80.076629	0.515	5.0
Presidente Supermarket	26.753900	-80.074500	0.575	3.0
MedFlorida - Doctor Offices	26.758287	-80.084590	0.276	4.0
Walgreens Pharmacy	26.758401	-80.086278	0.319	3.5

DESIGN & APPROVALS

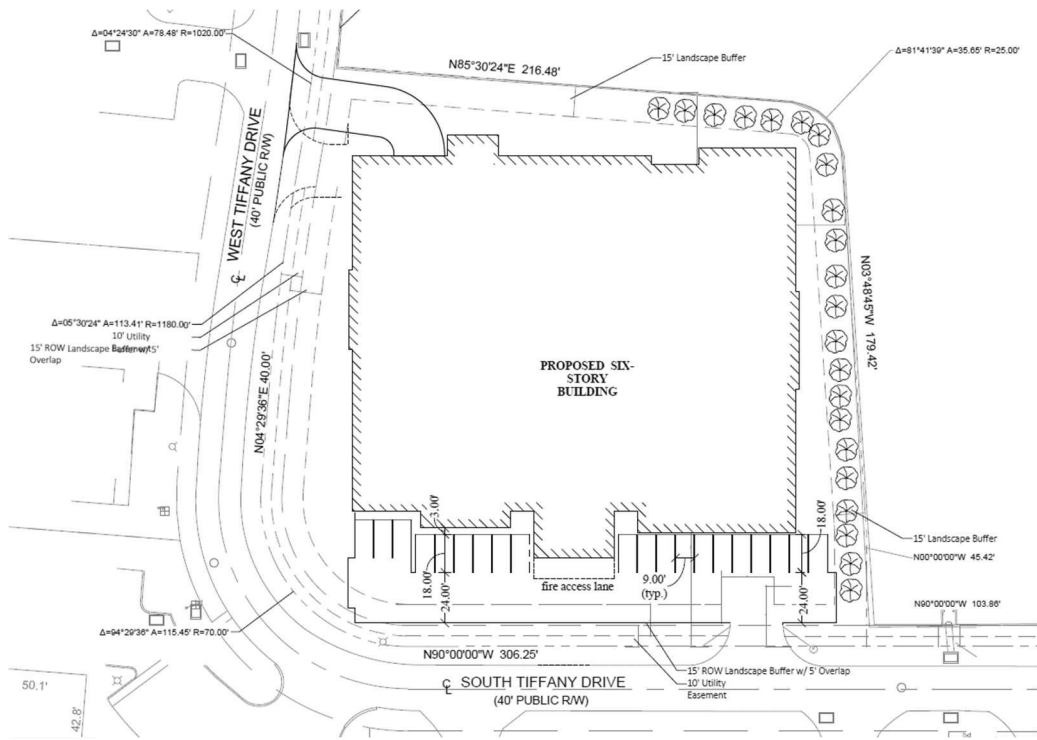
Waterview Apartments, is part of an area zoned Planned Commerce Center (PCC), a mixed-use zoning district which is also included in a Bioscience Overlay and has a future land use designation of Commercial. The PCC and future land use originally allowed for up to 20% of the area of the PCC to be used as residential, but that was restricted as part of the State of Florida's recruitment of Scripts to Palm Beach County.

The Town of Mangonia Park is extremely supportive of this proposed use and has already taken all required steps to make the necessary changes to allow Waterview Apartments to move forward. In addition to the text amendments to the comprehensive plan involving the Bioscience overlay, changes to the zoning code were needed including a reduced parking requirement of 0.8 spaces per unit for senior housing. All approvals including text amendments to the zoning and comprehensive plan have been approved.

Waterview Apartment's development plan includes a newly constructed building consisting of four levels of residential apartments above a ground level dedicated to parking for residents. 113 single bedroom residences and extensive supportive services areas will be provided to serve low-income seniors and disabled adults. The plan also calls for a new retaining wall to be installed along the adjacent lake along with landscaping, walkways and seating to create an inviting recreation area for our residents.

Waterview Apartment's will meet all requirements of Florida Housing Finance Corporation (FHFC) for Enhanced Structural Systems Construction (ESS Construction) and will also comply with Florida Green Building Coalition's Green High Rise Residential Standard. All 113 new senior / disabled adult units are one-bedroom residences of 650 square feet with a full kitchen including energy star appliances and independent HVAC controls. Durable materials such as granite countertops and plywood cabinets will ensure high quality and lower annual operating costs.

Preliminary designs for the building and site are complete and all engineering studies are underway. The team is currently obtaining the relevant letters for utility service but no issues are anticipated as this project is within the urban boundaries of Mangonia Park and water, sewer and electric are all available along site Tiffany Avenue. Traffic and Environmental Studies are being conducted and are anticipated to support the proposed development.



Preliminary Site Plan

CURRENT PROJECT FINANCING

Waterview Apartments was chosen by the Selection Committee, whose recommendations will be provided to the Board of County Commissioners, for funding under RFP HED.2023.3 issued by Palm Beach County. This funding of \$1,000,000 in 1% interest only HOME loan was won through a competitive application to Palm Beach County will comply with FHFC's requirements for designation as a Local Area of Opportunity Development and will allow the team to submit an application for an allocation of 9% LIHTC funding under RFA 2023-202 which was issued by FHFC on July 7th 2023.

Anticipated mix of affordable units includes a commitment to minimum of 80% affordable or 91 of 113 total units. The mix of income levels consistent with the FHFC requirements are shown in the chart below. Of the total 113 units 22 are currently unrestricted market rate units. The development team is committed to building and operating affordable housing and is exploring all available funding that could be used to further subsidize Waterview Apartments, including funding that would add income restrictions to the 22 market rate units.

Income Restrictions	# of Units	Anticipated Rent
Below 30% of AMI	18 (11 set aside as Low Home Rent Units)	\$548
Below 60% of AMI	46 (40 set aside as High Home Rent Units)	\$1,096
Below 80% of AMI	27	\$1,462
Market Rent	22	\$2,558
Total Units	113	

An anticipated annual tax credit allocation of \$2,992,500 will generate an estimated equity funding of \$26,630,311. The tax credit equity combined with a \$13,000,000 conventional loan and a deferred developer fee of \$1,723,500 will complete the project financing.

Waterview Apartments plans to seek \$500,000 to assist in funding predevelopment costs through the FHFC's Pre-Development Loan Program. This funding will be used to advance the critical activities necessary to obtain permanent financing such as:

- Completion of environmental assessments, soil testing and surveying
- Design development, construction plans and specifications
- Detailed budgeting and applications to secure permanent financing.
- Legal services related to the corporate structure and financing applications.

Key project milestones for the completion of Waterview Apartments are listed below. While the dates are subject to change, the overall timing and duration of each activity is our current best estimate and provides a realistic estimation of the overall project schedule.

- ✓ Obtain recommendation from Bioscience Land Protection Advisory Board for Comp Plan Text Amendments – May 22, 2023
- ✓ Approval of Comprehensive Plan Text Amendment by Town Council - 1st Reading – May 31, 2023
- ✓ Submit to PBC for funding to designate Waterview Apartments Local Area of Opportunity Funding (LAOF) RFP.2023.3 - June 21st, 2023
- ✓ Successful selection by PBC selection committee for LAOF Home Loan – July 6th, 2023
- ✓ Final Approval of Text Modifications to Comp Plan – July 18th, 2023
- ✓ Final Approval of Text Modifications to Zoning Code – August 1st, 2023
- Submit RFP to FHFC for 9% LIHTC – September 13, 2023
- Anticipated Invitation to Underwriting for 9% LIHTC – December, 2023
- Anticipated Closing date – May 2024
- Anticipated Start of Construction – June 2024
- Anticipated Construction Completion – December 2025
- Placed in Service – March 2025

Thank you for your support of our vision for the creation of Waterview Apartments. Safehold LLC and McCurdy Senior Housing Corporation greatly appreciate your continued participation and look forward toward delivering quality elderly housing with supportive services to the citizens of Mangonia Park and all of Palm Beach County.

Attachments

Attachment A – Current Design Development Building Plans

Attachment B – Development Sources and Uses

Attachment C – Development Operating Pro-Forma

Attachment 2

**RFP HED.2023.3
 Selection Committee Score Tally Sheet
 July 6, 2023**

Selection Committee Members	Calusa Pointe	Residences at Marina Village	Waterview Apartments
Bolton, Jeff	67	73	87
Cheney, Bud	80	83	100
George, Lesley	80	83	98
TOTAL SCORE	227	239	285



RFP HED.2023.3
Selection Committee Member Score Sheet
July 6, 2023

Scoring Criterion	Maximum Points	Calusa Pointe	Residences at Marina Village	Waterview Apartments
Quality of Proposed Project: Assessment of project development plan, design features, unit finishes, site amenities, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	20	22	23
Qualifications and Experience: Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	22	22	22
Financial Viability: Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, revenues/expenses, ability to repay debt and meet future physical needs, and likelihood of sustainable performance over time.	20	17	18	16
Readiness to Proceed: The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of County funds. There are no apparent obstacles that will jeopardize the project schedule. The project will deliver into service County-Assisted housing units by target date of June 30, 2026.	10	8	8	6
Leveraging: Score for leveraging of other development sources based on amount of funding/subsidy from all County sources per County-Assisted housing unit, as follows: 20 Points: Less than \$20,000 per unit 15 Points: \$20,000-\$39,999 per unit 10 Points: \$40,000-\$59,999 per unit 5 Points: \$60,000-\$79,999 per unit 3 Points: \$80,000-\$99,999 per unit 0 Points: \$100,000 or more per unit	20	0	3	20
TOTAL SCORE		67	73	87

Name: JEFF BOLTON
 Signature: [Signature] Date: 7/6/23



RFP HED.2023.3
Selection Committee Member Score Sheet
July 6, 2023

Scoring Criterion	Maximum Points	Calusa Pointe	Residences at Marina Village	Waterview Apartments
Quality of Proposed Project: Assessment of project development plan, design features, unit finishes, site amenities, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	25	25	25
Qualifications and Experience: Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	25	25	25
Financial Viability: Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, revenues/expenses, ability to repay debt and meet future physical needs, and likelihood of sustainable performance over time.	20	20	20	20
Readiness to Proceed: The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of County funds. There are no apparent obstacles that will jeopardize the project schedule. The project will deliver into service County-Assisted housing units by target date of June 30, 2026.	10	10	10	10
Leveraging: Score for leveraging of other development sources based on amount of funding/subsidy from all County sources per County-Assisted housing unit, as follows: 20 Points: Less than \$20,000 per unit 15 Points: \$20,000-\$39,999 per unit 10 Points: \$40,000-\$59,999 per unit 5 Points: \$60,000-\$79,999 per unit 3 Points: \$80,000-\$99,999 per unit 0 Points: \$100,000 or more per unit	20	0	3	20
TOTAL SCORE		80	83	100

Name: Bud Cheney

Signature: *Bud Cheney* Date: 7-6-23



RFP HED.2023.3
Selection Committee Member Score Sheet
July 6, 2023

Scoring Criterion	Maximum Points	Calusa Pointe	Residences at Marina Village	Waterview Apartments
Quality of Proposed Project: Assessment of project development plan, design features, unit finishes, site amenities, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	25	25	25
Qualifications and Experience: Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	25	25	25
Financial Viability: Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, revenues/expenses, ability to repay debt and meet future physical needs, and likelihood of sustainable performance over time.	20	20	20	20
Readiness to Proceed: The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of County funds. There are no apparent obstacles that will jeopardize the project schedule. The project will deliver into service County-Assisted housing units by target date of June 30, 2026.	10	10	10	8
Leveraging: Score for leveraging of other development sources based on amount of funding/subsidy from all County sources per County-Assisted housing unit, as follows: 20 Points: Less than \$20,000 per unit 15 Points: \$20,000-\$39,999 per unit 10 Points: \$40,000-\$59,999 per unit 5 Points: \$60,000-\$79,999 per unit 3 Points: \$80,000-\$99,999 per unit 0 Points: \$100,000 or more per unit	20	0	3	20
TOTAL SCORE		80	93	98

Name: Lesley George
 Signature: _____ Date: 7/6/23



Request for Proposals

RFP HED.2023.3



**Local Government Area of Opportunity Funding
for the 9% Housing Credits RFA 2023-202**

May 2023



TABLE OF CONTENTS

SECTION I

- A. Statement of Purpose.....1
- B. Background.....1
- C. Funding Available.....1
- D. Defined Terms.....1
- E. Location Limitations.....3
- F. Eligible Projects.....3
- G. LGAOF Terms.....4
- H. HOME-Assisted Housing Units.....4
- I. Eligible Beneficiaries.....5
- J. Period of Affordability.....5
- K. Affordable Rental Rates.....5
- L. Rehabilitation Standards.....6
- M. Eligible Costs.....6
- N. Relocation.....6
- O. Green Building/Sustainability.....6
- P. Schedule.....7
- Q. Build America, Buy America Act.....7
- R. Federal Requirements.....7

SECTION II

- A. Proposal Requirements.....8
- B. Timetable.....11
- C. Addenda.....11
- D. Submittal Format.....12
- E. Submittal Deadline.....12
- F. Responsiveness Review.....12
- G. Contact Person.....13
- H. Lobbying – “Cone of Silence”13
- I. Postponement/Cancellation.....13

J. Costs Incurred by Respondents.....13

K. Right of Clarification.....14

L. Delineation of RFP.....14

M. Oral Presentations.....14

N. Proprietary/Confidential Information.....14

O. Non-Discrimination.....14

P. Rules, Regulations, Licensing Requirements.....14

Q. Disclaimer.....15

R. Public Entity Crime.....15

S. Insurance.....15

T. Palm Beach County Office of the Inspector General.....15

SECTION III

A. Proposal Selection and Evaluation.....15

B. Award Recommendation.....17

C. Funding Award.....17

D. Agreement Negotiations.....17

E. Right to Protest.....17

EXHIBIT A: 2022 Income Limits Chart.....19

EXHIBIT B: 2022 HOME Rent Limits.....20

EXHIBIT C: Respondent Certification Form.....21

EXHIBIT D: Disclosure of Beneficial Interests.....22

EXHIBIT E: Disclosure of Relationships with the County.....24

EXHIBIT F: Drug Free Workplace Certification.....26

EXHIBIT G: Palm Beach County Lobbyist Registration Ordinance.....27

SECTION I

A. Statement of Purpose

Through this RFP, the Palm Beach County Board of County Commissioners (County) intends to select one (1) affordable housing project to which it will commit federal HOME Investments Partnership (HOME) Program funds to serve as Local Government Area of Opportunity Funding (LGAOF) for that project's application to the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program 2023 Request for Applications (RFA 2023-202).

B. Background

The 9% Housing Credits Program is administered by FHFC and offers federal low-income housing tax credits to developers of affordable rental housing. FHFC makes these credits available through an annual competitive Request for Applications (RFA) process. RFA 2023-202 offers a tax credit basis boost and additional scoring points for applications that demonstrate the commitment of a LGAOF contribution from a local government entity. The LGAOF contribution must be in the form of a monetary grant, loan, or fee waiver/deferral in the minimum amount specified in RFA 2023-202 for the particular project type. Any single local government entity may only provide a LGAOF contribution to one (1) project.

Prospective Respondents are strongly urged to study FHFC's 9% Housing Credits RFA 2023-202 before submitting a proposal in response to this RFP. Information is located at [Competitive - 2023 \(floridahousing.org\)](https://www.floridahousing.org)

The HOME Program was created by the 1990 Title II, 42 USC 1271, SEC. 201 Cranston-Gonzalez National Affordable Housing Act, and is administered by the U.S. Department of Housing and Urban Development (HUD). The purpose of this program is to allocate funds to strengthen public/private partnerships for the provision of affordable housing opportunities for Very Low Income and Low Income households. Palm Beach County's HOME Program is administered by the Department of Housing and Economic Development (HED).

C. Funding Available

RFP HED.2023.3 makes available \$1,000,000 in HOME entitlement funding from Program Year (PY) 2023-2024. These funds are made available exclusively to provide a loan to serve as the LGAOF for a rental housing project seeking 9% Housing Credits through RFA 2023-202.

D. Defined Terms

Affordability Requirements are defined as the requirements imposed upon HOME Assisted Housing Units to serve lower income households at affordable rents as established in this RFP HED.2023.3.

Annual Monitoring Fee is defined as a \$2,500 fee paid by the Developer annually during the Period of Affordability to cover County costs of required project monitoring.

Area Median Income (AMI) is defined as the most current income limits published by HUD for the West Palm Beach - Boca Raton Metropolitan Statistical Area (Palm Beach County).

Developer is defined as an entity which: 1) is funded through this RFP to complete the development of HOME-Assisted Housing Units; 2) has site control of the project site; and 3) plans and implements the project through completion and delivery to Eligible Beneficiaries. Such entities shall be limited to private for-profit entities, private non-profit entities, public agencies, or ventures between the same. Developers shall assume responsibility for compliance with all program requirements in accordance with HOME regulations.

Disabled Person is defined as a person with a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment, including persons less than 65 years of age who receive Supplemental Security Income.

Eligible Beneficiaries are defined as Low Income and Very Low Income households.

HOME-Assisted Housing Unit is defined as a housing unit assisted with HOME funding provided through RFP HED.2023.3 and bearing all requirements related thereto.

Low Income is defined as an annual household income that does not exceed eighty percent (80%) of AMI as annually determined by HUD.

Period of Affordability is defined as the time period for which HOME-Assisted Housing Units shall bear Affordability Requirements of the HOME Program and RFP HED.2023.3.

Redevelopment is defined as development activity entailing the demolition of multifamily rental residential structures or public housing structures currently or previously existing that are at least 30 years old and new construction of replacement structures on the same site, as further described at 67-48.002 F.A.C.

Rehabilitation is defined as development activity entailing the alteration, improvement or modification of an existing structure where less than 50% of the work consists of new construction, as further described at 67-48.002 F.A.C.

Respondent is defined as an entity that submits a proposal in response to this RFP.

Selection Committee is defined as the body of individuals that evaluates responsive proposals at a public meeting and formulates funding recommendations for consideration by the Palm Beach County Board of County Commissioners.

Very Low Income is defined as an annual income that does not exceed fifty percent (50%) of AMI as determined annually by HUD.

E. Location Limitations

Properties must be located exclusively within Palm Beach County HOME Program jurisdiction. The Palm Beach County HOME Program jurisdiction includes the geographic area within the corporate bounds of Palm Beach County, but excludes the municipalities of:

- Boca Raton, City of
- Boynton Beach, City of
- Delray Beach, City of
- Jupiter, Town of
- Ocean Ridge, Town of
- Palm Beach Gardens, City of
- Wellington, Village of
- West Palm Beach, City of

Projects located the above-listed municipalities are not eligible for funding through this RFP.

F. Eligible Projects

Eligible projects shall be limited to multifamily housing for rental tenancy, including assisted living facilities for the elderly. Transitional housing, emergency shelters, group homes, and other specialized licensed residential facilities, and units within a condominium complex are not eligible for funding under this RFP.

Eligible development categories shall be limited to those eligible for LGAOF permitted by 9% Housing Credits RFA 2023-202, as follow:

- New Construction
- Rehabilitation
- Acquisition and Rehabilitation
- Redevelopment
- Acquisition and Redevelopment

Eligible development types shall be limited to those permitted by 9% Housing Credits RFA 2023-202, as follows:

- Garden Apartments (a building comprised of 1, 2 or 3 stories, with/without elevator)
- Townhouses
- Duplexes
- Quadraplexes
- Mid-Rise, 4-stories (a building comprised of 4 stories and each residential building must have at least one elevator)

- Mid-Rise, 5 to 6-stories (a building comprised of 5 or 6 stories and each residential building must have at least one elevator)
- High Rise (a building comprised of 7 or more stories and each residential building must have at least one elevator)

Respondents should ensure that the proposed project conforms to minimum and maximum size requirements established by Housing Credits RFA 2023-202.

G. LGAOF Terms

The County will provide to the selected Developer a commitment for the LGAOF for the proposed project's application to 9% Housing Credits RFA 2023-202. The commitment is contingent on the Developer being awarded 9% Housing Credits through RFA 2023-202. Only after the FHFC Board of Directors approves of the Developer's 9% Housing Credits application will the County enter into a funding agreement with the Developer. Should the selected Developer and project not be awarded 9% Housing Credits by FHFC through RFA 2023-202, or if the application is successful but the project's 9% Housing Credit financing does not close, the County commitment to fund shall become null and void, and the County shall bear no further obligations to the Developer.

The LGAOF commitment will be for a \$1,000,000 loan at 1.0% interest only for a thirty (30) year term with the full amount of principal due at maturity, or upon sale prior to maturity. The loan will be secured by a mortgage and note. The loan will close and become available at the same time as other development financing.

The Developer shall pay a \$2,500 Annual Monitoring Fee to the County during each year of the term of the Period of Affordability.

H. HOME-Assisted Housing Units

Developers shall designate a certain number of units within the project as HOME-Assisted Housing Units. HOME-Assisted Housing Units may "float" within the project or may be "fixed". Projects may contain both HOME-Assisted Housing Units and non-HOME-Assisted Housing Units. There shall be a representative distribution of housing unit sizes among the mix of HOME-Assisted Housing Units and non-HOME-Assisted Housing Units.

There is no maximum per unit HOME subsidy requirement for HOME-assisted Housing Units, however the RFP scoring criteria favor projects requesting a low per unit subsidy amount (see Section III.A.).

All HOME-Assisted Housing Units must be completed, put into service and leased to Eligible Beneficiaries no later than June 30, 2026.

Respondents should ensure that the proposed project meets minimum unit set-aside requirements

established by Housing Credits RFA 2023-202.

Housing Credit set-aside units may also serve as HOME-Assisted Housing Units.

I. Eligible Beneficiaries

All HOME-Assisted Housing Units must be set aside exclusively for Eligible Beneficiaries during the Period of Affordability, that is for Low Income and Very Low Income households.

At least twenty percent (20%) of the HOME-Assisted Housing Units must be set aside for Very Low Income households ($\leq 50\%$ AMI). For at least half of these units, the Developer's tenant selection process must give preference to prospective tenants referred through the Palm Beach County Community Services Department Coordinated Entry System and/or households seeking family reunification under the auspices of the courts or Department of Children and Families.

HUD's 2022 income limits are set forth in Exhibit A.

J. Period of Affordability

All HOME-Assisted Housing Units shall bear the Affordability Requirements of the HOME Program and RFP HED.2023.3 for no less than fifty (50) years (the Period of Affordability).

During the Period of Affordability, all HOME-Assisted Housing Units shall be occupied by Eligible Beneficiaries as leasehold tenants.

The Period of Affordability will be secured and enforced through an encumbrance on title to the property that will remain in place regardless of repayment of the HOME mortgage.

K. Affordable Rental Rates

During the Period of Affordability, all HOME-Assisted Housing Units in Multi-Family Housing projects must be leased to Eligible Beneficiaries at rents that do not exceed HUD's HOME High and Low Rents, less utility allowance. The High and Low HOME Rents are applicable to HOME-Assisted Housing Units set aside for income groups as follow:

- Low Income ($<80\%$ AMI) Units = High HOME Rent
- Very Low Income ($<50\%$ AMI) Units = Low HOME Rent

HUD's most recent available HOME Rents are set forth in Exhibit B. HOME Rents are subject to annual adjustment by HUD.

A utility allowance for tenant paid utilities shall be calculated based on the applicable HUD utility allowance schedule, and shall be deducted from the applicable HOME Rent to yield the maximum

rent that may be charged to the tenant leasing the HOME-Assisted Housing Unit. Developers are required to calculate utility allowances in accordance with the HUD Utility Schedule Model (HUSM), which can be found at <https://tools.huduser.gov/husm/uam.html> or other HUD-approved methodology in accordance with 24 CFR 92.252(d). Additional guidance can be found at <https://www.hud.gov/sites/dfiles/CPD/documents/HOMEfires-Vol-13-No2-Guidance-on-How-to-Establish-Utility-Allowances-for-HOME-Assisted-Rental-Units.pdf>.

This RFP places no restrictions on the rents Developers may charge for the non-HOME-Assisted Units within a mixed income project, except that those rents shall comply with the applicable requirements of other non-HOME subsidy sources.

All rental requirements will be included in a HOME funding agreement between the County and the Developer and will be secured by an encumbrance on title to the property.

L. Rehabilitation Standards

Rehabilitation work completed under this program shall seek to upgrade the property to the extent practicable and feasible to applicable housing and building code standards including the HUD Section 8 Housing Quality Standards, and Florida Statutes Chapter 553, Building Construction Standards. The rehabilitation shall address lead-based paint remediation and asbestos remediation. The rehabilitation may address hurricane protection, energy efficiency and conservation, the removal of architectural barriers, as well as any construction related improvements to the property in order to comply with the requirements of the required environmental review. When rehabilitation is undertaken, a minimum of \$1,000 in rehabilitation costs must be expended on each unit for all housing types.

M. Eligible Costs

Eligible uses of the HOME funds are limited to the portion of project development costs allocable to the HOME-Assisted Housing Units; including: acquisition; architectural and engineering services; demolition; site improvements, rehabilitation; construction; building permits; utility connection fees; impact fees; and developer fee. The HOME funds shall not reimburse for costs incurred prior to approval of the HOME award by the Board of County Commissioners. Determination of cost eligibility and reasonableness shall be at the County's sole and absolute discretion. Costs of off-site improvements, payment of delinquent taxes and other fees, and costs related to other project financing are ineligible for payment with HOME funds.

N. Relocation

Respondents are cautioned that any activities causing displacement of residents and/or businesses are required to comply with the federal Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA). The Respondent is solely responsible for all procedural requirements and costs related to the URA.

O. Green Building / Sustainability

The County encourages use of building design, materials, and components that will promote energy and resource conservation and environmental quality and sustainability. RFP scoring criteria (see Section III.A.) favor projects that document compliance with any of the following sustainable building rating systems and national green model codes:

- Leadership in Energy and Environmental Design (LEED) v4.1
- Florida Green Building Coalition
- National Green Building Standard
- Enterprise Green Communities
- International Living Future’s Living Building Challenge
- Green Building Initiative’s Green Globes rating system
- International Green Construction Code

P. Schedule

It is the goal of the County to select proposals that are most likely to meet the following schedule:

- June 30, 2024.....Execution of HOME Funding Agreement
- June 30, 2025.....100% expenditure of HOME Funds
- June 30, 2026.....100% Lease up /Beneficiaries Realized

Q. Build America, Buy America Act

The Build America, Buy America Act (BABA) is included in the Infrastructure Investment and Jobs Act (“IIJA”), Public Law 117-58 and provides statutory authority to maximize and enforce compliance with Made in America Laws to ensure that “none of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States”. The Build America, Buy America Act requirements are applicable to projects funded through this RFP, and requires that all iron and steel products, all manufactured products, and all construction materials utilized in the construction of the project must be produced in the United States. (See Federal Register / Vol. 88 / No. 27 / Thursday, February 9, 2023 / Proposed Rules / pages 8374 - 8378 <https://www.govinfo.gov/content/pkg/FR-2023-02-09/pdf/2023-02617.pdf>)

R. Federal Requirements

Applicable federal regulations will be incorporated in the HOME funding agreement. The following are some of the federal regulations applicable to projects funded through this RFP. This list is not all-encompassing, and the exclusion of a requirement from this list does not relieve the Developer of its obligations related thereto:

- The HOME Investment Partnerships Act at Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. 12701 et se., and the HOME Investment Partnerships Program Regulations (24 CFR Part 92);
- 2 CFR Part 200 and 24 CFR Part 5, Subpart A;
- Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990;
- Executive Orders 11246, 11375, 11478, 12086, 12107, 11625, 12007, 12138, 12608, 12432, the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, Section 3 of the Housing and Community Development Act of 1968, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, Protecting Tenants at Foreclosure Act of 2009 (PFTA), Public Law No. 111-22;
- Executive Orders 11063, 12259, the Fair Housing Act of 1988, and Section 109 of the Housing and Community Development Act of 1974, as amended;
- Florida Statutes, Chapter 112;
- The Drug-Free Workplace Act of 1988;
- Section 504 of the Rehabilitation Act of 1973; and
- National Environmental Policy Act of 1969, Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992 and 24 CFR Part 35, Environmental Protection Agency (EPA) NESHAP, 40 CFR Parts 61 Subpart M National Emission Standard for Asbestos, revised July 1991, Clean Air and Clean Water Acts, Energy Policy and Conservation Act of 1975; Occupational Health and Safety Administration (OSHA) Construction Industry Standard, 29 CFR 1926.1101, Florida State Licensing and Asbestos Laws, Title XVIII, Chapter 255.

SECTION II

A. Proposal Requirements

A completed registration form for RFP HED.2023.3 shall be submitted to HED in order to be eligible to submit a proposal. The registration form is located at <http://www.pbcgov.com/HED> or may be obtained by visiting HED at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.

Each proposal shall meet the following criteria in order to be considered responsive and to be eligible for funding consideration:

1. Provide a detailed project description, including but not limited to: development category; development type; site plan; architectural renderings; numbers and types of buildings; total numbers of housing units by unit size, designated income tier, and proposed rents; numbers of HOME-Assisted Housing Units by unit size, designated income tier, and proposed rents (either Low HOME or High HOME rents); site amenities; and targeted resident populations. The description shall include a narrative description of the green building design features and/or construction methods, materials, equipment, and appliances that provide for energy efficiency and resiliency of the project. The description shall include project location information

including the development site(s) PCN(s), address (if any), Census Tract, and a detailed site location map. The description shall describe the site's proximity to and availability of transportation services, employment centers, commercial centers, medical facilities, and educational services. If applicable, include documentation evidencing the project's compliance with a sustainable building rating system or national green model code cited in RFP Section I.O. *Submit as Attachment 1.*

2. Identify the contact information for all of the project team members. Information should include the name, business affiliation, address, phone number and contact person for each team member. The proposal must identify at a minimum the Respondent, Developer, construction contractor, A&E consultant(s), and attorney. *Submit as Attachment 2.*
3. Provide an organizational chart that details the ownership structure of the project, including the membership of the Respondent and Developer. *Submit as Attachment 3.*
4. Describe the experience of the Respondent in undertaking similar activities, including details of the last three (3) projects of similar scope and magnitude to the project proposed by the Respondent. The proposal shall include documentation of any audit findings, punitive sanctions, or adverse designations to which the Developer or its ownership entities have been subject within the past three (3) years. In addition, the proposal shall include individual résumés that identify each of the proposed team members' experience in similar roles. *Submit as Attachment 4.*
5. Provide evidence of site control for the entire project site(s) in the form of a fully executed contract for purchase of the property(ies), option to purchase, long-term lease, lease option, recorded deed, or recorded certificate of title. *Submit as Attachment 5.*
6. Provide a detailed development pro forma which includes all project sources and uses of funding, and which explicitly states all assumptions. The proposal shall discretely identify all proposed sources of County funding/subsidy. The proposal shall include documentation supporting all proposed construction costs in the form of either an estimate of probable cost prepared by a licensed architect or by written price estimates from at least two (2) licensed contractors. *Submit as Attachment 6.*
7. Provide a detailed 15-year operating pro forma that includes all project revenues, expenses, debt service, and reserves, and which explicitly states all assumptions. *Submit as Attachment 7.*
8. Provide documentation evidencing availability of all sources of funding required for the non-County balance of the project development budget. Acceptable documentation includes documentation from the funding source(s) providing a firm or a conditional commitment to fund and identifying all terms and conditions. If development sources include Palm Beach County Workforce Housing Program (WHP) exchange funding, the proposal shall include

documentation of Board of County Commissioners approval of the comingling of WHP exchange funds with other County funds in the project. The proposal shall also document availability of all sources of operating subsidy (if any), including project-based voucher subsidies. *Submit as Attachment 8.*

9. Provide a detailed project schedule including all development activities from pre-development through lease-up, and indicating activity status at time of submittal. *Submit as Attachment 9.*
10. Identify the current zoning and land use for the project site, and identify all applicable development review processes including but not limited to: re-zoning, zoning variances, future land use changes, comprehensive plan amendments, platting, site plan approval, and building permitting. Provide estimated dates/timeframes for all submittals, reviews, hearings, and approvals, and indicate the status of project applications in all such applicable development review processes. *Submit as Attachment 10.*
11. Indicate if the project is anticipated to cause any displacement, and if so, shall identify: the number of occupied housing units at time of proposal submittal; number of households/businesses that will be displaced; householder/business owner tenure; and whether displacement is temporary or permanent. For projects that will result in the displacement of bona fide tenants (residential or commercial), the proposal shall include a relocation plan to address requirements of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act (URA). *Submit as Attachment 11.*
12. Provide a completed and executed copy of the Respondent Certification Form, attached hereto as Exhibit C. *Submit as Attachment 12.*
13. Provide an executed public disclosure, in writing, under oath and subject to the penalties prescribed for perjury, on the form attached hereto as Exhibit D, disclosing the name and address of every person having a beneficial interest in the proposed transaction. The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public, is exempt and need not be disclosed. *Submit as Attachment 13.*
14. Provide an executed public disclosure, in writing, under oath and subject to the penalties prescribed for perjury, on the form attached hereto as Exhibit E, disclosing the name of any Respondent officer, director, or agent, who is also an employee of Palm Beach County, and disclosing the name of any County official or employee who owns, directly or indirectly, an interest in Respondent's firm or any of its affiliates. *Submit as Attachment 14.*
15. Provide a detailed litigation history of the Respondent, which shall identify any litigation matter in the past five (5) years involving any projects or key personnel employed by Respondent. *Submit as Attachment 15.*

16. Provide an executed Drug Free Workplace Certification indicating that the Respondent has implemented a Drug Free Workplace Program, which meets requirements of Section 287.087, Florida Statutes. A Drug Free Workplace Certification is provided as Exhibit F to this RFP. If Respondent has not implemented a Drug Free Workplace program, simply complete the form using "not applicable". *Submit as Attachment 16.*

Proposals which fail to provide all applicable proposal requirements listed in Section II.A above will be deemed non-responsive. Determination of responsiveness is at the sole discretion of the County. Non-responsive proposals will receive no consideration for funding by the Selection Committee.

B. Timetable

The anticipated schedule and deadlines for the RFP are as follows:

<u>Activity</u>	<u>Date, Time, and Location</u>
Issue RFP	Advertised Wednesday, May 10, 2023
Non-Mandatory Pre-Submittal Workshop	Wednesday, May 17, 2023, 9:30am conducted remotely via Webex software platform (Meeting number: 2319 721 9224 / Password: MHhdJWDh245)
Submittal Deadline	Wednesday, June 21, 2023, 4:00pm , at the Department of Housing and Economic Development, 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406. Proposals received after the deadline will be not be considered, and will be returned without consideration for funding. Modifications to proposals will not be permitted after the deadline.
Selection Committee Meeting	To Be Determined
BCC Consideration	Tuesday, August 22, 2023 (TENTATIVE) , at the Commission Chambers, 6 th Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401. BCC meetings begin at 9:30am.

C. Addenda

If necessary, addenda will be mailed or delivered electronically to all known to have received a complete set of the RFP documents. Copies of the addenda will be made available at the Department

of Housing and Economic Development, 100 Australian Avenue, Suite 500, West Palm Beach, Florida 33406 where the RFP documents are on file for that purpose. No addenda will be issued later than three (3) calendar days prior to the date for receipt of submittal deadline, except an addendum withdrawing the RFP or one, which includes postponement of the submittal deadline.

D. Submittal Format

Failure to provide all of the information and documentation required by this RFP (Section II.A—Submittal Requirements) shall result in a proposal being deemed non-responsive. Non-responsive proposals will receive no consideration for funding.

The Respondent must submit an electronic copy of the complete proposal in pdf file format on a USB stick, and eight (8) hard copies of the complete proposal. One (1) original hard copy must be single sided, in loose-leaf form, on paper no larger than 8.5" x 11". The remaining seven (7) hard copies shall be bound on paper no larger than 8.5" x 11", with tabbed/identified sections for each required attachment.

E. Submittal Deadline

Completed proposal submittal must be received by HED no later than 4:00p.m. Wednesday, June 21, 2023, at HED offices located at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.

The Respondent is solely responsible for ensuring that its proposal arrives prior to the closing time and date. Delivery problems by third parties are not a valid excuse for missing the closing date or time. The words **RFP HED.2023.3** must be boldly printed on the proposal.

F. Responsiveness Review

Each proposal shall be reviewed by the County to determine, in its sole discretion, if the proposal is responsive to the RFP. **A responsive proposal is one which has been submitted by the specified submittal deadline, that meets all basic eligibility requirements of the RFP, and that contains all information and documentation required by Section II.A—Proposal Requirements. Determination of responsiveness is at the sole discretion of the County. Proposals deemed to be non-responsive shall be rejected without being evaluated by the Selection Committee.**

While poor formatting, poor documentation, and/or incomplete or unclear information may not be cause to classify a proposal as non-responsive, such substandard submissions may adversely impact the evaluation of a proposal. Respondents who fail to comply with the required and/or desired elements of this RFP do so at their own risk.

Any Respondent who is aggrieved as a result of a non-responsiveness determination by the County may submit a written protest via hand delivery, mail or email within three (3) calendar days following

notice of the non-responsive determination. The protest must be submitted to the designated RFP contact person and must contain identification of the RFP and the protester, as well as a factual summary of the basis of the protest. The written protest is considered filed when it is received and date/time stamped. Only the issues submitted in the writing within the period specified for the protest will be considered. Upon receipt of a written protest, HED staff shall review the protest and any written material provided by the protester, and submit a written summary of the protest along with a recommendation to the Department Director or designee as to the validity of the protest. The Department Director or designee shall have the authority to deny the protest based on the findings of the review, or uphold the protest and determine the proposal to be responsive.

G. Contact Person

Carlos Serrano, Director of Strategic Planning and Operations
Department of Housing and Economic Development
100 Australian Avenue, 5th Floor, West Palm Beach, FL 33406
Phone: (561) 233-3608
Email: cserrano@pbcgov.org

H. Lobbying - "Cone of Silence"

Respondents are advised that the "Palm Beach County Lobbyist Registration Ordinance", a copy of which is attached hereto as Exhibit G, is in effect. The Respondent shall read and familiarize themselves with all of the provisions of said Ordinance, but for convenience, the provisions relating to the Cone of Silence have been summarized here. "Cone of Silence" means a prohibition on any non-written communication regarding this RFP between any Respondent or respondent's representative and any County Commissioner or Commissioner's staff. A Respondent's representative shall include but not be limited to the Respondent's employee, partner, officer, director or consultant, lobbyist, or any actual or potential subcontractor or consultant of the Respondent. The Cone of Silence is in effect as of the submittal deadline. The provisions of this Ordinance shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, or negotiations during any public meeting. The Cone of Silence shall terminate at the time that the BCC awards or approves a funding award, rejects all proposals or otherwise takes action which ends the solicitation process.

I. Postponement/Cancellation

The County may, at its sole and absolute discretion, reject any and all, or parts of any and all proposals; re-advertise this RFP; postpone or cancel this RFP; or waive any irregularities in this RFP or in the proposals received as a result of this RFP.

J. Costs Incurred by Respondents

All costs involved with the preparing and submission of Respondent's proposal to the County, and

any work performed in connection therewith and in negotiating a proposed final agreement(s) shall be borne by the Respondent.

K. Right of Clarification

The County retains the right to contact Respondents after submittal in order to obtain supplemental information and/or clarification in either oral or written form.

L. Delineation of RFP

This is a Request for Proposals. The County reserves the right to reject all proposals or to negotiate individually with one or more Respondents, and to select a proposal on the basis of what the Board of County Commissioners determines to be in the best interest of the County.

M. Oral Presentation(s)

Respondents may be required to make oral presentations during the Selection Committee Meeting, and possibly, to answer questions in support of their proposal or to exhibit or otherwise demonstrate the information contained therein.

N. Proprietary/Confidential Information

All information submitted as part of, or in support of, proposals will be available for public inspection after submittal of proposals, in compliance with Chapters 119 and 286, Florida Statutes, popularly known as the "Public Records Law" and the "Government in the Sunshine Law", respectively.

O. Non-Discrimination

Palm Beach County does not discriminate on the basis of race, disability, color, sex, sexual orientation, religion, ancestry, age, gender identity or expression, genetic information, marital status, familial status, or national origin. Palm Beach County provides equal housing opportunities to all individuals.

P. Rules, Regulations, Licensing Requirements

The Respondent shall comply with all laws, ordinances, and regulations applicable to the agreement contemplated herein, including those applicable to conflict of interest and collusion. Respondents are presumed to be familiar with all federal, state, and local laws, ordinances, codes, and regulations that may in any way affect the contract, especially Executive Order No. 11246 entitled "Equal Employment Opportunity" and as amended by Executive Order No. 11375, as supplemented by the Department of Labor Regulations (41 CFR, Part 60).

Q. Disclaimer

All documents and information, whether written, oral or otherwise, provided by the County relating to this RFP are being provided solely as an accommodation and for informational purposes only, and the County is not making any representations or warranties of any kind as to the truth, accuracy or completeness, or the sources thereof. County shall have no liability whatsoever relating to such documents and information and all parties receiving the same shall not be entitled to rely on such documents and information, but shall have a duty to independently verify the accuracy of the information contained therein.

R. Public Entity Crime

As provided in Florida Statutes 287.132-133, by submitting a proposal pursuant to this RFP or performing any work in furtherance hereof, the Respondent certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the thirty-six (36) months immediately preceding the date hereof. This notice is required by Florida Statutes 287.133(3)(a).

S. Insurance

The Developer shall be required to comply with County insurance requirements at such time that an agreement is executed.

T. Palm Beach County Office of the Inspector General

Palm Beach County has established the Office of Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of any party doing business with the County, including the party's officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud. All consultants and parties doing business with the County shall fully cooperate with the Inspector General including providing access to records relating to this RFP and any resulting contract. Failure to cooperate with Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 – 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

SECTION III

A. Proposal Selection and Evaluation

A Selection Committee will be designated for evaluation of all responsive proposals. Non-responsive proposals will not be evaluated by the Selection Committee and will be given no consideration for funding. The Selection Committee shall conduct its evaluation in adherence with the program requirements and evaluation criteria outlined in this RFP. The County reserves the right to appoint non-County employee(s) to the Selection Committee.

The following criteria will be used by the Selection Committee as a guideline in evaluating proposals, and is not intended to identify all items within each category to be considered. The Selection Committee will award scores up to the maximum amounts identified for each criterion to result in a combined total of up to 100 points:

25 Points - Quality of Proposed Project

Assessment of project development plan, design features, unit finishes, site amenities, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.

25 Points - Qualifications and Experience

Assessment of the Respondent and development team’s qualifications and experience, particularly with residential projects of a similar nature as that proposed.

20 Points - Financial Viability

Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, revenues/expenses, ability to repay debt and meet future physical needs, and likelihood of sustainable performance over time.

10 Points - Readiness to Proceed

The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of County funds. There are no apparent obstacles that will jeopardize the project schedule. The Project will deliver into service County-Assisted housing units by target date of June 30, 2026.

20 Points - Leveraging

Score for leveraging of other development sources based on amount of funding/subsidy from all County sources per County-Assisted housing unit, as follows:

- 20 Points: Less than \$20,000 per unit
- 15 Points: \$20,000-\$39,999 per unit
- 10 Points: \$40,000-\$59,000 per unit
- 5 Points: \$60,000-\$79,999 per unit
- 3 Points: \$80,000-\$99,999 per unit

0 Points: \$100,000 or more per unit

The Selection Committee shall tally individual scores to yield a total score for each project, and shall rank the projects from highest scoring to lowest scoring. In the event of a tie score among two or more highest scoring proposals, the below-listed criteria shall be applied to the tied proposals. The criteria are listed in descending rank order, and shall be applied in sequence to tied proposals until a rank order is established among the proposals.

1st: Proposal with higher score for Quality of Proposed Project scoring criterion

2nd: Proposal with higher score for Qualifications and Experience scoring criterion

3rd: Proposal with higher score for Financial Viability scoring criterion

B. Award Recommendation

The recommendation to award, if any, will be made to the Respondent whose proposal is considered to be most advantageous to the County as determined by vote of the Selection Committee. The Selection Committee may elect not to recommend the award of funding to any of the Respondents. The Department of Housing and Economic Development will post the award recommendation for review.

C. Funding Award

The Department of Housing and Economic Development will present the funding recommendation to the Palm Beach County Board of County Commissioners (BCC) at a public meeting. **The BCC has the sole authority to modify, reject, or approve funding recommendations under this RFP, or to award to another Respondent.**

D. Agreement Negotiations

After approval by the BCC, the County will enter into negotiations with the Respondent(s) awarded funding. If the County and the Respondent cannot successfully negotiate an agreement, the County may terminate said negotiations and the funding award, and may elect to initiate negotiations with the second highest ranked Respondent. This process may continue until an agreement(s) has been executed or until the County elects to terminate the process. No Respondent shall have any right against the County arising from such negotiations or termination.

E. Right to Protest

Any proposer who is aggrieved in connection with the recommended award of an RFP may submit a written protest via hand delivery, mail or email within five (5) business days following notice of the recommendation to award. The protest must be submitted to the designated RFP contact person and must contain identification of the RFP and the protestor, as well as a factual summary of the basis of the protest. The written protest is considered filed when it is received and date/time

stamped. Only the issues submitted in writing within the period specified for the protest will be considered.

Upon receipt of a written protest, HED staff shall review the protest and any written material provided by the protestor, and submit a written summary of the protest along with a recommendation to the Department Director or designee as to the validity of the protest. The Department Director or designee shall have the authority to:

1. Deny the protest, based on the findings of the review; or
2. Uphold the protest, and recommend award to the next highest ranked proposer; provided however if the RFP is awarded to the next highest ranked proposer, new notice and protest provisions defined in the RFP shall apply.
3. Cancel the RFP.

The ruling of the Department Director or designee shall be final, unless the Respondent appeals it to a Special Master. If the protest is denied, the protestor may submit a written request of appeal, along with a \$3,000 non-refundable check, which shall be submitted in the form of a money order, cashier's check or a bank check payable to Palm Beach County, for costs associated with the engaging of a Special Master, to the designated RFP contact within five (5) business days of the issuance of the Department Director's written decision. If no appeal is submitted within the allotted time, the Department may proceed with the award process as provided in the RFP. Upon timely submittal of a written request of appeal, the designated RFP contact shall submit all documents relating to the protest, including the written decision, to the Director of Purchasing to be referred directly to a Special Master under contract with Palm Beach County in accordance with Section 2-55(c)(4) of the Palm Beach County Code. Notwithstanding the provisions of Section 2-55(c)(4) of the Palm Beach County Code, the request for a Special Master hearing shall be accompanied by a protest bond of \$3,000. Any costs associated with the engaging of a Special Master in excess of \$3,000, shall be the sole responsibility of the protestor. Special Master hearings shall be conducted in accordance with Housing and Economic Development PPM HED-O-603, "Requests for Proposals". The Special Master shall make a recommendation as to whether the protest should be upheld or denied. If the Special Master upholds the protest, the Special Master shall either make a recommendation to cancel the RFP, or to cancel the award recommendation and post a new award recommendation after re-evaluation based on the Special Master's determination of the facts in the case.

The Board of County Commissioners may accept or reject the decision of the Special Master in making its final funding determination.

EXHIBIT A:

2022 INCOME LIMITS CHART

2022 HOME Income Limits for West Palm Beach – Boca Raton, FL HMFA

U.S. Department of Housing and Urban Development

Number of Persons in Household	Very Low Income 50% AMI	Low Income 80% AMI
1	\$32,200	\$51,550
2	\$36,800	\$58,900
3	\$41,400	\$66,250
4	\$46,000	\$73,600
5	\$49,700	\$79,500
6	\$53,400	\$85,400
7	\$57,050	\$91,300
8	\$60,750	\$97,200

EXHIBIT B:

2022 HOME RENT LIMITS

Affordable Rents that may be charged in HOME-Assisted Housing Units funded through RFP HED.2023.3 will be HOME Program Rents (High and Low) for existing comparable housing units for the West Palm Beach – Boca Raton, FL MSA as published annually by HUD.

FY2022 HOME Rent Limits

U.S. Department of Housing and Urban Development

Number of Bedrooms in Unit	Low HOME Rent Limit (50% AMI Units)	High HOME Rent Limit (80% AMI Units)
Efficiency	\$805	\$1,028
1	\$862	\$1,102
2	\$1,035	\$1,324
3	\$1,196	\$1,521
4	\$1,335	\$1,678
5	\$1,472	\$1,832
6	\$1,610	\$1,987

EXHIBIT C:

RESPONDENT CERTIFICATION FORM

By signing below, the undersigned _____, as _____ of _____ (the Respondent), a _____ i.e. Florida corporation hereby certifies that the undersigned is duly authorized to sign this Respondent Certification Form on behalf of the Respondent and that this Respondent Certification Form shall be fully binding upon Respondent. Respondent hereby covenants and agrees to comply with the terms upon RFP HED.2023.3, all related Federal Regulations, and related Addenda and to attempt to negotiate in good faith with the County the terms of an agreement and will implement the response submitted by Respondent of the RFP. The Respondent further covenants and agrees that it has received all of the information referenced in the RFP, that Respondent fully understands the same, that Respondent completely and accurately completed the response submitted by Respondent pursuant to the RFP, that the information contained in such response submitted by Respondent is true and correct and that Respondent shall be bound by the terms and conditions of the RFP and the covenants, agreements and representations made by Respondent herein and in the response submitted by Respondent to the RFP.

Date of Execution by Respondent: _____, 2023.

RESPONDENT

By: _____
Signature

Its: _____
SEAL

Print Signatory's Name

The foregoing Respondent Certification Form was acknowledged before me this _____ day of _____, 2023, _____ the _____ of _____, a _____ (state and type of entity), who is personally known to me OR who produced _____ as identification and who did take an oath.

Notary Public

NOTARY PUBLIC

State of _____ at large

Print Notary Name

My Commission Expires

EXHIBIT D:

**DISCLOSURE OF BENEFICIAL INTERESTS
(REQUIRED BY FLORIDA STATUTES 286.23)**

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY
DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared _____ hereinafter referred to an Affiant who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the _____ which entity is the Lead Entity for the Respondent to Palm Beach County Request for proposals Number _____.
2. Affiant's address is: _____
3. Attached hereto, and made a part thereof, as an Attachment is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the proposed HOME project and the percentage interest of each such person or entity.
4. Affiant acknowledges that this Affidavit is given to comply with Florida Statutes 286.23, and will be relied upon by Palm Beach County.
5. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____, Affiant

The foregoing instrument was sworn to, subscribed and acknowledged before me this ____ day of _____, 2023, by _____, who is personally known to me OR who produced _____ as identification and who did take an oath.

(NOTARY SEAL BELOW)

Notary Signature: _____

Notary Name: _____

Notary Public State of Florida

EXHIBIT E:

DISCLOSURE OF RELATIONSHIPS WITH COUNTY

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared _____ hereinafter referred to an Affiant who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the _____ which entity is the Lead Entity for the Respondent to Palm Beach County Request for proposals Number _____.
2. Affiant's address is: _____
3. Attached hereto, and made a part thereof, as an Attachment is a complete listing of the names and addresses of every officer, director, or agent of the Respondent who is also an employee of Palm Beach County, and the names and addresses of every County official or employee who owns, directly or indirectly, an interest in the Respondent's firm or any of its affiliates.
4. Affiant acknowledges that this Affidavit will be relied upon by Palm Beach County.
5. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____, Affiant

The foregoing instrument was sworn to, subscribed and acknowledged before me this ____ day of _____, 2023, by _____, who is personally known to me OR who produced _____ as identification and who did take an oath.

(NOTARY SEAL BELOW)

Notary Signature: _____

Notary Name: _____

Notary Public State of Florida

ATTACHMENT TO DISCLOSURE OF RELATIONSHIPS WITH COUNTY

Affiant shall list the names and addresses of every officer, director, or agent of the Respondent who is also an employee of Palm Beach County, and the names and addresses of every County official or employee who owns, directly or indirectly, an interest in the Respondent's firm or any of its affiliates.

NAME	ADDRESS	RELATIONSHIP

EXHIBIT F:

DRUG FREE WORKPLACE CERTIFICATION

Preference shall be given to businesses with drug-free workplace programs. Pursuant to Section 287.087, Florida Statutes, whenever two or more competitive solicitations that are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a response received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie responses will be followed if none of the tied providers has a drug free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under proposal a copy of the statement specified in Subsection (1).
4. In the statement specified in Subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or *nolo contendere* to, any violation of Chapter 894, Florida Statutes, or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on any employee who is so convicted or require the satisfactory participation in a drug abuse assistance or rehabilitation program as such is available in the employee's community.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of applicable laws, rules and regulations.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

BUSINESS NAME

PROVIDER'S SIGNATURE

EXHIBIT G:

PALM BEACH COUNTY LOBBYIST REGISTRATION ORDINANCE

Sec. 2-351. - Title and purpose.

- (a) This article may be cited as the "Palm Beach County Lobbyist Registration Ordinance."
- (b) The board of county commissioners of the county and the governing bodies of the municipalities located within the county hereby determine that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county and local governments for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence the county commissioners, members of the local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, county and municipal advisory board members, and county and municipal employees on matters within their official duties, be publicly and regularly disclosed. In accordance with Section 1.3 of the County Charter, this article shall not apply in any municipality that has adopted an ordinance in conflict governing the same subject matter.

(Ord. No. 03-018, § 1, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-352. - Definitions.

Unless expressly provided herein to the contrary, for purposes of this article, the following definitions will apply:

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Board will mean the board of county commissioners of Palm Beach County, Florida.

County commissioner will mean any member of the board of county commissioners of Palm Beach County, Florida.

Central lobbyist registration site will mean the official location for countywide lobbyist registration.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include:

- (1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the

official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.

- (2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities. Inc. lobbying on behalf of that entity.

Local municipal governing body will mean the councils and commissions of the municipalities located within Palm Beach County, Florida.

Member of local municipal governing body will mean any member of the municipal council or commission.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

(Ord. No. 03-018, § 2, 5-20-03; Ord. No. 03-055, Pt. I, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-353. - Registration and expenditures.

- (a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "central lobbyist registration site." The registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. Each lobbyist

is required to submit a separate registration for each principal represented. A registration fee of twenty-five dollars (\$25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.

(b) *Registration form.* The registration form shall be prepared by county administration and shall require the following information:

- (1) The name, phone number and address of the lobbyist;
- (2) The name, phone number and address of the principal represented;
- (3) The date the lobbyist was initially retained by the principal;
- (4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive office that is not a member of a local municipal governing body, advisory board member, or employee;
- (5) The area of legislative interest;
- (6) A statement confirming that the registrant is authorized to represent the principal;
- (7) Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and
- (8) The county or municipalities to be lobbied.

(c) *Registration exceptions.* Registration shall not be required for the following:

- (1) Persons under contract with the county or municipalities as applicable who communicate with county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of a local municipal governing body, advisory board members or employees regarding issues related only to the performance of their services under their contract;
- (2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the division of administrative hearings, in which the county or municipality as applicable is a party, who communicates with county or municipal attorneys on issues related only to the subject matter of the judicial proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the county or municipal attorneys are present for those communications.

(d) *Reporting of expenditures.* Commencing November 1, 2011, and by November 1 of each year thereafter, all lobbyists shall submit to the central lobbyist registration site a signed statement under oath listing all expenditures made by the lobbyist in lobbying county or municipal officials and employees in excess of twenty-five dollars (\$25.00) for the preceding fiscal year commencing on October 1 and ending on September 30. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting

requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.

- (1) The county administrator of the central lobbyist registration site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.
- (e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, advisory board members, or employees.
- (f) *Existing county registrations.* All registrations on file and in effect with the county before the effective date of this ordinance shall remain in full force and effect.

(Ord. No. 03-018, § 3, 5-20-03; Ord. No. 03-055, Pt. II, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-354. - Record of lobbying contacts.

- (a) *Contact log.* Except when appearing before the board, local municipal governing body, or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the county or municipality as applicable for a period of five (5) fiscal years.
- (b) *Lobbying outside of county or municipal offices.* In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing the commissioner's office, the member of a local municipal governing board's office, the mayor or chief executive officer's office, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 03-018, § 4, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-355. - Cone of silence.

- (a) "Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:
 - (1) Any person or person's representative seeking an award from such competitive solicitation; and
 - (2) Any county commissioner or commissioner's staff, any member of a local governing body or the member's staff, a mayor or chief executive officer that is not a member of a local governing body

or the mayor or chief executive officer's staff, or any employee authorized to act on behalf of the commission or local governing body to award a particular contract.

- (b) For the purposes of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
- (c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence applies to any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and shall remain in effect until such response is either rejected by the county or municipality as applicable or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this article.
- (d) The provisions of this article shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the board or local municipal governing body as applicable, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, county commissioner, member of a local municipal governing body, mayor or chief executive officer that is not a member of the local municipal governing body, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.
- (e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the county purchasing ordinance (County Code, chapter 2, article III, division 2, part A, section 2-51 et seq.) or municipal ordinance as applicable.
- (f) The cone of silence shall terminate at the time the board, local municipal governing body, or a county or municipal department authorized to act on behalf of the board or local municipal governing body as applicable, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.
- (g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 03-018, § 5, 5-20-03; Ord. No. 03-055, Pt. 3, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-356. - Enforcement.

- (a) If the county administrator or municipal administrator as applicable is informed of any person who has failed to comply with the requirements of this article, he or she shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the county administrator or municipal administrator as applicable determines that a violation may have occurred based on the results of the investigation, the county administrator or municipal administrator as applicable shall forward the matter to the county commission on ethics for further investigation and enforcement proceeding as set forth in article XIII of this chapter, the countywide code of ethics. For the purposes of further investigation and enforcement by the commission on ethics, a complaint submitted under this subsection by the county administrator or municipal administrator shall be deemed legally sufficient.

(b) The commission on ethics may process any other legally sufficient complaints of violations under this article pursuant to the procedures established in article XIII of this chapter.

(Ord. No. 03-018, § 6, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2010-043, pt. 6, 9-28-10; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-357. - Penalties.

Violations of this article shall be punishable as follows:

- (1) Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars (\$2,500.00).
- (2) Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (4) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation.
- (5) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.
- (6) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.

(Ord. No. 03-018, § 7, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Secs. 2-358—2-370. – Reserved