

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: August 20, 2024

Consent
 Ordinance

Regular
 Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve a HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) funding award of \$1,000,000 to Riviera Beach Community Development Corporation, Inc. (RBCDC); and

B) direct staff to negotiate the loan agreement.

Summary: On March 13, 2024, the Department of Housing and Economic Development (DHED) issued a Request for Proposal RFP HED.2024.1 making available \$2,454,364.67 in HOME CHDO Program Activities and up to \$484,355.48 in CHDO Operating Funds to County certified CHDOs for the creation of affordable rental or homeownership housing through new construction or acquisition and/or rehabilitation of residential property. A Selection Committee met at a publicly held meeting on April 16, 2024 and recommended funding to RBCDC for the Villas of Solana project in the amount of \$750,000 for program activities and up to \$250,000 for operating funds.

This for-sale project will create 28 new townhomes. When complete, the project will consist of 14 two-story buildings with two units per structure, for a total of 28 units. Eleven (11) of the units will be 2-bedrooms and 2.5 bathrooms and 17 of the units will be 3-bedrooms with 2 or 2.5 bathrooms.

Impact Fee Affordable Housing Assistance Program (IFAHAP) funding was also awarded to this project in the amount of \$108,601. This project was previously awarded \$494,786 to build four (4) units. The applicant responded to the CHDO RFP in March, committing six (6) additional units that will be set aside for individuals/families at or below 80% of the Area Median Income (AMI). The sale price for the County-assisted units will be \$325,000. All HOME-assisted housing units will remain affordable to households with incomes no greater than 80% of AMI for no less than 30 years. Total project cost is \$12,170,610. While the exact terms have not been negotiated at the time of this award, staff anticipates that it will provide for a 30-year forgivable term.

Loan agreements and related documents pursuant to these HOME funds will be between the County and the RBCDC and its respective successors and/or assigns.

Continued on Page 3

Background and Policy Issues: Continued on Page 3

Attachments:

1. Selection Committee Scoring Sheet
2. Request for Proposal RFP HED.2024.1
3. Proposal Summary

Recommended By: _____

[Signature]
Department Director

7-22-24
Date

Approved By: _____

[Signature]
Assistant County Administrator

8/2/24
Date

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
 Does this item include the use of State funds? Yes No X

Budget Account No.:

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

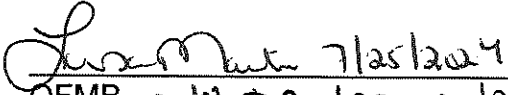
B. Recommended Sources of Funds/Summary of Fiscal Impact:

Approval of this agenda item will appropriate \$1,000,000 in Federal HOME funds to Riviera Beach Community Development Corporation, Inc.

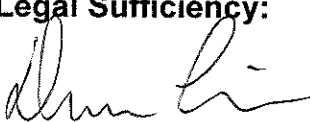
C. Departmental Fiscal Review: 
 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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

 7/25/2024
 OFMB pc 7/23 DA7/23 DA7/25

 7/31/24
 Contract Development and Control
 7/26/24

B. Legal Sufficiency:

 Chief Assistant County Attorney

C. Other Department Review:

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Summary: Continued from Page 1

Details and specifics of the project are included in the Final Proposal Summary.

Total Project Cost	Total Cost/All Units (28 units)	IFAHAP	2020 CHDO Award (4 units)	2024 CHDO Recommended (6 units)	Total County Funds per County-assisted unit (10 units)	% of Total County Assistance	% of County Funds Per County-Assisted Unit (10)
\$12,170,610	\$434,665	\$108,601	\$494,786 (4 units)	\$1,000,000 (6 units)	\$160,339	13.17%	36.89%

These are HOME grant funds that do not require a local match. District 7 (HJF)

Background and Policy Issues: Continued from Page 1

The U.S. Department of Housing and Urban Development (HUD) allocates to the County an annual HOME Program entitlement. HUD requires that at least 15% of the County's annual entitlement allocation be awarded to CHDO activities. HUD also permits the County to provide up to an additional 5% of its annual entitlement allocation for CHDO operating costs. HOME works to provide affordable rental housing and homeownership opportunities for persons with incomes no greater than 80% of AMI.

One proposal was submitted in response to the RFP. Staff review of the proposal deemed the proposal to be responsive to the basic eligibility and submittal requirements of the RFP, and therefore, warrant consideration by the Selection Committee. The responsiveness review did not judge the merits or shortcomings of the proposals - this is solely the purview of the Selection Committee.

1. Villas of Solana, by Riviera Beach Community Development Corporation, Inc.

The Villas of Solana proposal provided substantial evidence of funding capability and also the ability to complete the project within the proposed timeframe. Villas of Solana proposal provided the number and type of units to be funded and also met all the affordability criteria and financing allocation criteria as required in the RFP.

Proposal Summary

Project Name: **Villas of Solana**

Respondent/Developer: Riviera Beach Community Development Corporation, Inc.

Development Cost and Funding Sources:

Total Project Cost	\$12,170,610	
CHDO #1	\$494,786	
CHDO #2	\$1,000,000	
Impact Fee	\$108,601	
BEDF Loan	\$4,900,000	
PLP Loan	\$250,000	
Revolving Sale Proceeds	\$5,417,223	Proceeds from the sales will fund the construction of the remaining units
Total Funding Sources	\$12,170,610	

RFP HED.2024.1 - CHDO
Selection Committee Score Tally Sheet
April 16, 2024

Selection Committee Members	Villas of Solana
Brown, Sheila	75
Lees, David	73
Pessoa, Marcel	85
TOTAL SCORE	236

Full funds 4/16/24

ATTACHMENT 1





**Palm Beach County
Department of Housing and Economic Development**

**HOME Investment Partnerships Program
Community Housing Development Organizations (CHDOs)**

**Request For Proposals (RFP)
Housing and Economic Development (HED).2024.1**

March 2024



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SECTION I

A. Statement of Purpose

The Palm Beach County Board of County Commissioners (County), through the Department of Housing and Economic Development (DHED), is soliciting proposals from County Certified Community Housing Development Organizations (CHDOs) that have applied and are certified by the County prior to the submittal deadline.

B. Background

The HOME Investment Partnership Program (HOME) was created by the 1990 Title II, 42 USC 1271, SEC. 201 Cranston-Gonzalez National Affordable Housing Act. The purpose of this program is to allocate funds to eligible Participating Jurisdictions (PJ) to strengthen public/private partnerships for the provision of Affordable Housing opportunities for Very Low and Low Income households. Palm Beach County's HOME Program is administered on behalf of the Board of County Commissioners by the Department of Housing and Economic Development (DHED).

The Department of Housing and Urban Development (HUD) allocates to the County an annual HOME Program entitlement. HUD requires that at least 15% of the County's annual entitlement allocation be awarded to CHDO activities. HUD also permits the County to provide up to an additional 5% of its annual entitlement allocation for CHDO operating costs.

C. Funding Available

RFP HED.2024.1 will make available \$2,454,364.67 in HOME CHDO Program Activities and up to \$484,355.48 in CHDO Operating funds to County certified CHDOs. Funding will be provided to create affordable rental or homeownership housing through new construction or acquisition and/or rehabilitation of residential property. Financial assistance will be provided as a 30 year deferred loan secured by a mortgage and note.

D. Defined Terms

Beneficiary – the person occupying the HOME-assisted housing unit.

Community Housing Development Organization (CHDO) - a private nonprofit organization that adheres to 24 CFR 92.2 and has been certified by the County, as an eligible CHDO.

Commitment – an executed legally binding written agreement (that includes the date of the signature of each person signing the agreement) that meets the minimum requirements for a written agreement in §92.504 (c)

First-Time Homebuyer - an individual or household who has not owned a home during the three-year period prior to application for HOME assistance. The term First-Time Homebuyer also includes an individual who is a displaced homemaker or single parent.

Extremely Very Low income - households who annual incomes do not exceed thirty percent (30%) of the Area Median Income (AMI), as determined by HUD with adjustments for household size.

Low Income - households whose annual incomes do not exceed fifty percent (50%) of the Area Median Income (AMI), as determined by HUD with adjustments for household size.

Multi-Family Housing – a residential construction type with four (4) or more attached units per residential structure under common ownership.

Ownership Housing - housing which is to be conveyed to an eligible First-Time Homebuyer in fee simple title to be used as their principal place of residence and in which the owner will hold a homestead exemption. Ownership Housing does not include condominiums, cooperative units, trailers or mobile homes.

Rental Housing - housing which is leased to an eligible tenant household under the terms of a signed lease agreement.

Respondent - an entity that submits a proposal in response to this RFP.

Review Committee - 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.

Single-Family Housing - a residential construction type with one (1) to four (4) dwelling units per detached structure.

Very Low-Income - households whose annual income do not exceed eighty percent (80%) of the AMI, as determined by HUD with adjustments for household size.

E. Eligible Residential Properties and Projects

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
- Palm Beach Gardens, City of
- Wellington, Village of
- West Palm Beach, City of

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

Properties to be acquired must be vacant, with the exception of properties occupied by a willing owner-seller. Respondents are cautioned that any activities causing displacement of residents and/or businesses are required to comply with the federal Uniform Real Property Acquisition Relocation Assistance Act (URA). Relocation will not be permitted using HOME funds.

Properties containing or utilizing Chinese drywall are not eligible for acquisition with HOME funds.

Properties may not be acquired for more than 95% of the median purchase price in Palm Beach County as established by HUD. Medium purchase price \$359,000.00.

Eligible projects are limited to new construction or rehabilitation, with or without acquisition, of Multi-Family Housing or Single-Family Housing.

Developers shall designate a certain number of units within the project as "float" HOME-Assisted Housing Units. 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.

The amount of HOME funding requested for the project should be guided by the minimum subsidy required to make the project viable and affordable. However, the requested HOME subsidy per HOME-Assisted Housing Unit shall not exceed the maximum per unit HOME subsidy amounts established by Palm Beach County for purposes of this RFP.

For Multi-Family Housing projects, the maximum per unit subsidy is \$100,000 for all unit sizes up to and including two (2) bedroom units, and is \$125,000 for all unit sizes three (3) bedrooms and larger.

For Single-Family Housing projects, the maximum per unit subsidy is \$150,000 for all unit sizes up to and including two (2) bedroom units three (3) bedrooms and larger.

F. Project Beneficiaries

Housing units assisted with HOME funding through RFP HED.2024.1 must provide Rental Housing or Ownership Housing to individuals and families whose incomes do not exceed 80% of AMI. Income verification must be conducted prior to execution of a lease or closing of a sale. Income verification is based upon third-party verification and not self-declaration. Income limits for each income category by household size are published annually by HUD. HUD's 2023 Income Limit Chart is attached as "Exhibit A".

For Multi-Family Housing projects with five (5) or more HOME-Assisted Housing Units, at least twenty percent (20%) of the HOME-Assisted Housing Units must be set aside for Very Low Income households. Prospective tenants referred through Palm Beach County Community Services Department's coordinated entry system must be given first priority for no less than half of these Very Low Income units.

For Single-Family Housing projects, there is no requirement to set aside units for Very Low Income Households.

All HOME-assisted housing units must be completed, put into service, and serving eligible Beneficiaries by June 30, 2026.

G. Rental Housing Requirements

All HOME-assisted Rental Housing units must be leased to eligible Beneficiaries at rents which do not exceed HOME High and Low Rents (for Moderate income and Low Income tenants, respectively), less utility allowance. DHED must approve, in writing, rent schedules and amounts prior to leasing. The 2023 HUD HOME High and Low Rents are included in "Exhibit B", and are applicable to the household income group for which housing units are designated.

All HOME-assisted Rental Housing units shall remain affordable for no less than thirty (30) years. The affordability restrictions of the HOME Program and RFP HED2024.1 shall be secured by an encumbrance recorded against title to the property.

All HOME-assisted Rental Housing units in a Multi-family Housing project shall be designated as either fixed or floating. Furthermore, there should be a representative distribution of HOME-assisted housing units among the mix of various size units that constitute the total Multifamily Housing project. The County has the sole authority to approve the proposed HOME-assisted unit mix, or to require revisions to the same. Ultimately, the unit mix will be codified in the HOME funding agreement.

All HOME-assisted Rental Housing units shall be leased to eligible beneficiaries no later than eighteen (18) months after completion of construction, or the CHDO shall repay to the County all HOME funds expended within 30 days.

H. Ownership Housing Requirements

All HOME-assisted Ownership Housing units shall be sold to First-Time Homebuyers at the lesser of fair market value as established by appraisal at time of sale or 95 percent of area median sales price as published by HUD.

All HOME-assisted Ownership Housing shall remain affordable for no less than thirty (30) years. The affordability restrictions of the HOME Program and RFP HED.2024.1 shall be secured by an encumbrance recorded against title to the property.

Federal regulations at 24 CFR 92.254 require that housing developed for homeownership must have a ratified sales contract with an eligible homebuyer within nine (9) months of the completion of construction or rehabilitation. Housing developed for lease-purchase must have a lease-purchase agreement executed with an eligible lease-purchaser within twelve (12) months of completion of construction or rehabilitation and the purchase must close within three (3) years. If not, the housing unit must be converted to rental housing and comply with all provisions of 24 CFR 92.252. If an unsold homeownership unit is not converted to rental housing when required, the CHDO shall repay to the County all HOME funds expended on that unit.

I. 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). 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 environmental review. A minimum of \$1,000 in rehabilitation costs must be expended per unit for all housing types.

J. Eligible Project Costs

1. The CHDO Reserve funds may be used for hard and soft costs including but not limited to: property acquisition and related; demolition; construction; holding costs during construction; engineering/architectural services; legal; developer fee; costs of other financing; development-related fees (impact, permit, utility connection, etc...). Determination of eligibility of costs shall be at the County's sole discretion.
2. The CHDO Operating funds may be used for the CHDO's administrative and operating expenses, and will be paid to the CHDO at certain project benchmarks, as determined by the County in its sole and absolute discretion.

Costs incurred prior to Board of County Commissioners approval of funding award are ineligible for reimbursement.

K. Deadlines

March 27, 2024.....	Submittal of Proposal
September 30, 2025.....	50% expenditure of HOME /CHDO Funds
June 30, 2026	100% expenditure of HOME/CHDO Funds
December 30, 2026.....	100% Completion/Beneficiaries (leased or sold)

L. Federal Requirements

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 CHDO of its obligations related thereto.

- 2 CFR Part 200
- 24 CFR Part 92 (HOME Program Regulations)
- HOME 42 U.S.C.12704
- Davis-Bacon and Related Acts
- Uniform Relocation Assistance and Real Property Acquisition Policies (URA)
- Section 504 of the Rehabilitation Act of 1973, as amended
- Lead-Based Paint Poisoning Prevention Act
- Section 3 of the Housing and Urban Development Act of 1968, as amended
- Executive Order 11246
- Executive Order 11063
- Fair Housing Act of 1988
- Palm Beach County Purchasing Code
- Section 8 Housing Quality Standards
- Protecting Tenants at Foreclosure Act of 2009 (PFTA), Pub. L. No. 111-22
- Implementation of Section 418 of Division A of the Consolidated Appropriations Act, 2010, Public Law 111-117, Title IV, 123 Statute 3034, 3112 (ACORN affiliated organizations are not eligible to receive HOME funding)
- S.A.F.E. Mortgage Act and related Acts (RESPA, Consumer Protection, HOEPA, etc.)

- Section 109 Housing and Community Development Act of 1974
- Nondiscrimination under the Age Discrimination Act of 1975, as amended
- Title VII of the Civil Rights Act of 1964
- Compliance with Clean Air and Water Acts
- The Energy Policy and Conservation Act of 1975

SECTION II

A. Proposal Requirements

A completed Registration Form for RFP **HED.2024.1** shall be submitted to DHED 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 DHED 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 further consideration:

1. The proposal shall include a completed and executed copy of the Respondent Certification Form, attached hereto as "Exhibit C". *Submit as Attachment 1*
2. The proposal shall include a detailed project description including, cost estimates, but not limited to: project location; type of project (i.e., acquisition and rehabilitation, new construction with/or without acquisition, etc.); project tenure – rental or for-sale; development lay out; architectural style; numbers and types of buildings; numbers/types/sizes of housing units; number of HOME-assisted units; site amenities; target market and marketing strategy. Indicate status of project activities undertaken to date (for example, acquisition, site planning, development approvals); A detailed location map is required. *Submit as Attachment 2*
3. The proposal shall 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, CHDO, construction contractor, architect/engineer, and attorney. *Submit as Attachment 3.*
4. The proposal shall include an organization chart which identifies the Respondent and the roles of all team members on the project. *Submit as Attachment 4.*
5. The proposal shall describe the past experience of the Respondent in undertaking similar activities, including details of the most recent project of similar scope and magnitude to the project being proposed by the Respondent. In addition, the proposal shall include individual résumés which identify each of the proposed team members' experience in similar roles. *Submit as Attachment*
6. The proposal shall include evidence of site control. Evidence means a fully executed contract for purchase and sale of the property, an option to purchase, a long term lease, a lease option, a recorded warranty deed, or a recorded

certificate of title. *Submit as Attachment 6.*

7. The proposal shall include a detailed litigation history, to include any non-compliance issues with governmental agencies, of the Respondent which shall identify any litigation matter in the past five (5) years involving any projects or key personnel employed with Respondent. *Submit as Attachment 7.*
8. The proposal shall include a detailed development pro forma which includes all project sources and uses of funding and which explicitly states all assumptions. All proposed construction costs must be supported by an estimate of probable cost from a licensed architect or by a price estimate from a licensed contractor. *Submit as Attachment 8*
9. For Rental Housing, the proposal shall include a detailed 15-year operating pro forma which includes all projected revenues and expenses and which explicitly states all assumptions. *Submit as Attachment 9*
10. For Ownership Housing, the proposal shall include a detailed sales pro forma which includes all projected revenues, expenses, financing, and subsidies, and which explicitly states all assumptions. *Submit as Attachment 10*
11. The proposal shall include documentation evidencing all other financing required for the non-HOME balance of project costs. Acceptable documentation includes documentation from the financing source(s) providing commitment to financing and identifying all terms and conditions to financing. *Submit as Attachment 11.*
12. The proposal shall include two (2) years of Externally Audited Financial Statements, Externally Reviewed Financial Statements Externally Complied Financial Statements, Federal Income Tax Returns, or Internally Complied Financial Statements for organizations that have been in existence for two (2) or more years. Organizations less than two (2) years old must provide the required documents for the maximum period possible. Organizations less than one (1) years old must submit documentation supporting why the requirements cannot be met and provide any documentation evidencing the financial status of the organization. *Submit as Attachment 12.*
13. The proposal shall include a detailed project schedule including all activities from conceptualization, pre-development, due diligence, land acquisition, engineering, development approvals, permitting, construction, marketing, completion, and lease-up to full occupancy. *Submit as Attachment 13*
14. The proposal shall include a schedule or expenditures that details the proposed eligible CHDO set-aside expense items, the amounts of the expenses, the dates of the expenses, and explanation and/or documentation to support the projected timing of the expenses. *Submit as Attachment 14.*

15. The proposal shall include 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 to be disclosed. All proposals shall specifically identify, in said disclosure, the name of any officer, director, or agent which is also an employee of Palm Beach County. Further, all proposals must specifically identify any County official employee who owns, directly or indirectly, an interest of Respondent's firm or any of its affiliates. *Submit as Attachment 15*

16. The proposal shall include 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 E" 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 proposal requirements listed in Section II. A will be deemed non-responsive, and will receive no consideration for funding by the Review 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	Advertise Wednesday March 13, 2024
Pre-Submittal Conference	Wednesday, March 20, 2024, @ 11:00am Via Webex https://pbc-gov.webex.com/pbc-gov/j.php?MTID=m84734b66ab15e314fe47023dd15d8970
Submittal Deadline	Wednesday March 27, 2024, 4:00pm. at the Palm Beach County Airport Center Department of Housing and Economic Development, 100 Australian Avenue, 5 th Floor West Palm Beach, Florida 33406

Proposals received after the deadline will not be considered. Modifications to proposals will not be permitted after the deadline.

Selection Committee Meeting **April 16, 2024, 11:00am,**
Oral Presentations maybe required at Palm Beach County Airport Center
Department of Housing and Economic
Development, 100 Australian Avenue, 5th
Floor, West Palm Beach, Florida 33406

BCC Consideration (TENTATIVE) **Tuesday, June 11, 2024,** at the Commission
Chambers, 6th Floor, PBC Robert Weisman
Governmental Center, 301 North Olive Ave,
West Palm Beach, FL 33401

C. Pre-Submittal Conference

A non-mandatory pre-submittal conference will be held on **Wednesday, March 20, @ 11:00 a.m. via WEBX.** County representatives will verbally present, highlight and reinforce the requirements of the RFP.

D. Addenda

If necessary, addenda will be mailed or delivered 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. Please address all comments/questions in writing to:

Lesley George, Housing Liaison
Department of Housing and Economic Development
100 Australian Avenue, Suite 500, West Palm Beach, FL 33406
Phone: (561)233-2065
Fax: (561)656-7553
HEDverify@pbcgov.org

E. Submittal Format

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

The Respondent must submit six (6) copies of the complete proposal. One (1) copy must be single sided, in loose leaf form, on paper no larger than 8.5" x 11" and reproducible without color copying. The remaining nine (5) copies shall be bound on paper no larger than 8.5" x 11", with tabbed/identified sections for each required attachment. Additionally, the submittal must include one (1) electronic copy on an USB drive (PDF format) of the complete proposal.

F. Submittal Deadline

Complete proposal submittal must be received by DHED no later than 4:00pm, March 27, 2024, at DHED office 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.2024.1** must be boldly printed on the proposal.

G. Review of Proposals

Each proposal will be reviewed by the County to determine, in its sole discretion, if the proposal is responsive to the RFP. Proposals deemed to be non-responsive will be rejected without being evaluated by the Review Committee. A responsive proposal is one which has been signed, which has been submitted by the specified submittal deadline, and which has provided all information and documentation required by Section II.A— Proposal Requirements.

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.

H. Contact Person

The contact person for this RFP is:

Lesley George, Housing Liaison
Department of Housing and Economic Development
100 Australian Avenue, Suite 500, West Palm Beach, FL 33406
Phone: (561)233-2065 Fax: (561)656-7553
lgeorge@pbcgov.org

I. Lobbying - "Cone of Silence"

Respondents are advised that the "Palm Beach County Lobbyist Registration Ordinance", a copy of which is attached hereto as "Exhibit F", 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, Sponsor, or Respondent's/Sponsor's representative and any County Commissioner or Commissioner's staff. A Respondent's/Commissioner's representative shall include but not be limited to the Respondent's/Sponsor's employee, partner, officer, director or consultant, lobbyist, or any actual or potential subcontractor or consultant of the Respondent/Sponsor. 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.

J. 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 process; or waive any irregularities in this RFP or in the proposals received as a result of this RFP.

K. 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.

L. 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.

M. Delineation of RFP

This is a Request for Proposals. The County reserves the right to award all, part, or none of the available funding to one or more, or none, of the Respondents. Additionally, 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 Review Committee or the BCC determines to be in the best interest of the County.

N. Oral Presentation(s)

The County may require certain Respondents to make oral presentations, and possibly answer questions, in support of their proposal or to exhibit or otherwise demonstrate the information contained therein.

O. 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.

P. 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, marital or familial status, national origin, or genetic information. Palm Beach County provides equal housing opportunities to all individuals.

Q. 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).

R. 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.

S. Public Entity Crime

As provided in Florida Statutes 287.132-133, by entering into 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).

T. Insurance

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

U. 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

Review Committee

A Review Committee will be designated for evaluation of all proposals received in response to this RFP. The Review Committee shall make its recommendations based on adherence to the goals, objectives, and evaluation criteria outlined in this RFP. The County reserves the right to appoint non County employee(s) to the Review Committee.

Evaluation Criteria

The following criteria will be used by the Review Committee as a guideline in evaluating proposals, and is not intended to identify all items within each category to be considered:

- **25 Points - Quality of proposed project and proximity to public services;** Assessment of project development plan, design features, project amenities, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.
- **20 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.
- **15 Points – Financial Viability of project;** 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.
- **15 Points – Targeted Groups;** Units set aside for underserved populations (youth aging out of foster care, prisoners exiting jail, special needs, pregnant women, single parents) in Palm Beach County;
- **10 Points – Leveraging;** Leveraged financing, commitment letters from other funding sources:
 - 4:1 or greater = 10 points
 - 3:1 = 7 points
 - 2:1 = 5 points
 - 1:1 = 3 points
 - Less than 1:1 = 1 point;
- **10 Points – Project Schedule;** Realistic and achievable documented ability to meet expenditure deadlines;
- **5 Points – Geographic Preference;** Project located within the Glades Region of Palm Beach County

B. Award Recommendation(s)

The award, if any, will be made to the Respondent(s) whose proposal(s) is considered to be the most advantageous to the County based on the Review Committee's recommendations. The Department of Housing and Economic Development will post the award recommendation(s) for review.

C. Funding Award

The Department of Housing and Economic Development will present recommendations for funding award to the Palm Beach County Board of County Commissioners (BCC) at a public meeting. **The BCC has the sole authority to award funding under this RFP.**

D. Agreement Negotiations

After approval by the BCC, the County will enter into negotiations with the Respondent 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 of 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 it is appealed 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 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.

EXHIBITS

EXHIBIT A: 2023 INCOME LIMITS CHART

**ANNUAL INCOME LIMITS FOR
WEST PALM BEACH – BOCA RATON, FL HMFA
HUD INCOME LIMITS 2023
U.S. Department of Housing and Urban Development**

Number of Persons in Household	Extremely Low Income 30%	Very Low Income 50%	Low Income 80%
1	\$20,450.00	\$34,100.00	\$54,550.00
2	\$23,400.00	\$39,000.00	\$62,350.00
3	\$26,300.00	\$43,850.00	\$70,150.00
4	\$30,000.00	\$48,700.00	\$77,900.00
5	\$35,140.00	\$52,600.00	\$84,150.00
6	\$40,280.00	\$56,500.00	\$90,400.00
7	\$45,420.00	\$60,400.00	\$96,600.00
8	\$50,560.00	\$64,300.00	\$102,850.00

EXHIBIT B: AFFORDABLE RENTS

Affordable Rents that may be charged in rental housing assisted by funding under the RFP HED.2024.1 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.

FY2023 HOME Rent Limits
High and Low Rent Summary

Number of Bedrooms in Unit	Low HOME Rent Limit (50% AMI Units)	High HOME Rent Limit (80% AMI Units)
Efficiency	\$852.00	\$1089.00
1	\$913.00	\$1,168.00
2	\$1,096.00	\$1,403.00
3	\$1,266.00	\$1,612.00
4	\$1,412.00	\$1,779.00
5	\$1,558.00	\$1,944.00
6	\$1,704.00	\$2,110.00

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.2024.1, 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: _____, 2024.

 RESPONDENT By: _____
 Signature

Its: _____
 SEAL Print Signatory's Name

The foregoing Respondent Certification Form was acknowledged before me this _____ day
 of _____, 2024 _____ 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 CHDO 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 _____, 2024, 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 THE DISCLOSURE OF BENEFICIAL INTERESTS

Schedule to Beneficial Interests in Project Proposal

Affiant is only required to identify five percent (5%) or greater beneficial interest holders in the proposed project. If none, so state. Affiant must identify individual owners. If, by way of example, the proposed project is wholly or partially owned by another entity, such as a corporation, Affiant must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME	ADDRESS	PERCENTAGE OF INTEREST

EXHIBIT E:

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 F:

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. - Code 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

RFP HED.2024.1
HOME Investment Partnerships Program
Community Housing Development Organizations (CHDO)
Single Family

Proposal Summary

Villas of Solana

Respondent/Developer: The respondent/developer is Riviera Beach Community Development Corporation, Inc.

Project Location: The project site is located at Avenue J, with 33rd Street to the north and 30th street to the south (PCN: 56-43-29-24-000-0170)

Project Description: The project will consist of 28-unit new construction townhouse units. The completed project will have fourteen (14) two story attractive buildings with two units per structure, for a total of 28 units. There will be eleven (11) 2-bedroom units with 2 ½ bathrooms and seventeen (17) 3-bedroom units with 2 or 2 ½ bathrooms. The two (2) bedroom units are 1,214 square feet and the three (3) bedroom units will be 1,278 to 1,556 square feet. The total site is 2 acres.

County-Assisted Units: The respondent is requesting \$750,000 in HOME CHDO funds and \$250,000 in HOME CHDO operating cost to construct six (6) units. This project was previously awarded HOME CHDO funds in the amount of \$494,786 to construct four (4) units. The applicant stated there will be a total of ten (10) county assisted units set aside for <80%AMI, meeting the RFP requirement.

Development Pro Forma:

<u>Cost</u>	<u>Amount</u>
Hard Cost	
Construction	\$7,031,391
Site Work	\$1,699,524
Contractor Contingency	\$ 159,245
Total Hard Cost	\$8,890,160
Soft Cost	
Architectural/ Design	\$ 175,000
Builders Risk Insurance	\$ 74,000

Legal	\$25,000
Project Management	\$140,000
Impact Fees	\$196,000
Site Plan Fees	\$15,000
Utility Connection Fees	\$140,000
Loan Fees	\$659,450
Permit/Zoning fees	\$221,000
Developer fee	\$280,000
Land Acquisition Cost	\$1,025,000
Materials Testing/Surveying	\$5,000
Misc Reimbursable	\$25,000
Soft Contingency	\$250,000
FPL	\$50,000
Total Soft Cost	\$3,280,450
Total Development Cost	\$12,170,610

***Applicant provided two detailed cost estimates from two-licensed contractor – Atlas Pearl Investments with a total project cost of \$11,146,776 and Zabik and Associates with a total project cost of \$12,170,610.**

Acquisition and Site Control: Respondent documented site control with a special warranty deed executed on January 26, 2018 between JB Chart Development Co., a Florida Corporation and Riviera Beach Community Development Corporation a Florida not-for-profit corporation.

Development Sources:

<u>Source</u>	<u>Amount</u>
CHDO #1	\$ 494,786
CHDO #2	\$1,000,000
Impact Fee	\$ 108,601
BEDF	\$4,900,000
FHFC PLP loan	\$ 250,000
Revolving Sale Proceeds	\$5,417,223
Total Sources	\$12,170,610

Funding Commitments:

- Respondent provided a letter written to Florida Housing Finance Corporation (FHFC) requesting an extension on a \$250,000 PLP loan.
- Interest letter from Black Economic Development Fund (BEDF) dated March 25, 2024 and September 7, 2023 expressing interest to provide financing to the project. Both letters are not a final commitment. However, they are in the final stages of the approval process.

Project Schedule:

Date	Major Events
01/22/24	Mobilization
09/24/24	Site Preparation
12/05/24	Building PAD & US Roughs
03/05/25	Vertical Construction – Phase 1
05/05/25	Vertical Construction – Phase 2
06/26/25	Vertical Construction – Phase 3
07/26/25	Vertical Construction – Phase 4
11/07/25	Architectural Site Work
12/01/25	Dumpster PAD
11/24/25	Site Improvements

SALES PRO FORMA:

		Total All Units
+Sales Price	18 units @\$400,000 10 units @\$325,000	\$10,450,000
+Other Grants	CHDO #1 (4units)	\$494,786
	CHDO #2 (6 units)	\$750,000
	Owner's Equity (Land)	\$350,561
	Impact Fee Credit	\$100,049
	VE Savings	\$100,000
Total		\$12,245,396

RFP Scoring

NONE