

City of Miami



2009

**NEIGHBORHOOD STABILIZATION PROGRAM
REQUEST FOR PROPOSALS
FOR MULTI-FAMILY DEVELOPERS**

Date of Issuance: 7/10/2009

Copies of this RFP application are available at: City of Miami Department of Community Development,
444 SW 2nd Avenue, 2nd Floor, Miami, Florida 33130 or www.ci.miami.fl.us/communitydevelopment

**NSP 2009 REQUEST FOR PROPOSALS (RFP)
NEIGHBORHOOD STABLIZATION PROGRAM
MULTI-FAMILY DEVELOPER APPLICANTS**

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Ladies and Gentlemen:

Thank you for your interest in this Request for Proposals (RFP) for the implementation of a program to acquire, rehabilitate, own, and manage foreclosed multi-family rental properties, to be utilized as affordable rental housing, benefitting families making less than 50% for the Area Median Income (AMI), as adjusted for family size. Properties under the RFP must be located in the City of Miami's Neighborhood Stabilization Program's Area of Greatest Need. This initiative is funded by The Housing and Economic Recovery Act of 2008 (HERA) under the Neighborhood Stabilization Program (NSP).

Enclosed is the City's Multi-family RFP which contains detailed information as follows: eligibility criteria; RFP submission requirements; general conditions; regulatory requirements; general City of Miami reservations, and the evaluation and approval procedures pertinent to the proposal.

Please carefully review all of the enclosed documents. Proposals must comply with all the submission requirements detailed in the RFP to be eligible for consideration.

Proposals are due no later than **3:00 p.m. on Friday, August 28, 2009** and must be delivered to the City of Miami Clerk's Office, 3500 Pan American Drive, Miami, Florida, 33133.

An application workshop will be held from **9 to 11 a.m. on Thursday, July 16, 2009** at the City of Miami's City Hall, City of Miami Commission Chambers. Applicants are strongly encouraged to attend.

The City welcomes responsive proposals and looks forward to working with the successful proposers.

Sincerely,

George Mensah
Director
Department of Community Development

A. INTRODUCTION / ELIGIBLE PROJECTS

The City of Miami is requesting multi-family developer Applicants to provide real property services including, but not limited to, identifying, negotiating, purchasing (at a discount at least 1% below the “as is” appraised value), owning, and managing foreclosed and/or abandoned multi-family units in the City of Miami in the Areas of Greatest Need (AGN); contracting for and overseeing any needed rehabilitation, advertising the development to income-qualifying households to rent these units, and to comply with all U.S. Housing and Urban Development’s Neighborhood Stabilization Program requirements. At least 50% plus 1 (number rounded to the next highest unit) of the building units acquired must be rented to tenants at 50% or below of the Area Median Income (AMI), adjusted for family size.

On July 30, 2008, President George W. Bush signed The Housing and Economic Recovery Act of 2008 (HERA), which appropriated \$3.92 billion for assistance to state and local governments for the redevelopment of abandoned and foreclosed homes under the Neighborhood Stabilization Program (NSP). To facilitate quick implementation and funding of NSP, Congress used the basic elements of the U.S. Department of Housing and Urban Development (HUD)’s Community Development Block Grant Program (CDBG) for this program only. Many of the CDBG requirements will apply to this Request for Proposals (RFP). The City of Miami is the recipient of \$12,063,702 in NSP federal funding to acquire, rehabilitate, and re-sell/rent, lender-foreclosed properties to income-eligible buyers and renters.

The City has allocated \$4,000,000 of its NSP fund to acquire and rehabilitate foreclosed multi-family rental properties, to be utilized for affordable rental housing, benefiting NSP-income eligible households. The RFP for multi-family developers seeks qualified developers to identify, negotiate, and purchase (at least a 1% discount below the “as is” appraised value) qualified foreclosed and/or abandoned multi-family units in a certain geographic area of the City. The developers will be expected to rehabilitate, manage, own, and rent these units to income-qualified renters, as well as maintain these units, for a term of 30 years. The program is expected to fund up to 100 units.

Eligible activities

Request for Proposal (RFP) - Multi-family projects: For a multi-family project to be eligible, it must meet the following criteria:

1. The property must be located within the City of Miami’s Area of Greatest Need (AGN). Maps of the AGN are located in Exhibit A.
2. Be foreclosed upon or abandoned as defined by the NSP Statute.
3. Priority will be given to vacant properties; however, occupied properties may be considered if any of the following conditions apply:
 - 3.1. The property requires little or no rehabilitation. Any rehabilitation can be completed without moving any tenant, or
 - 3.2. The property has enough vacant units to be able to move tenants* from occupied units to vacant units after they have been rehabbed; or
 - 3.3. The operating pro-forma of the property can support a minimum of 6 month relocation* and all associated payments.

**A relocation plan must be completed.

4. Minimum size of project: five (5) units or more, which may include single family, townhome, condominium, duplexes, triplexes, fourplexes or apartments as product types.
5. No co-ops are eligible under this program.
6. Purchase price of property must be at a discount of at least 1% below the “as is” appraised value of the property. The appraisal must be prepared according to U.S. HUD standards, and be dated within 60 days of a final offer on the property.
7. No property can be purchased or rehabilitated before a US HUD Release of Grant Conditions or a confirmation of exempt status (environmental clearance) has been issued for the Project.
8. Funding from the City must be used for both acquisition and rehabilitation.
9. Eligible properties must have a lender letter stating that the property had been vacant for at least 90 days before foreclosure, or if occupied by a bona fide tenant at time of foreclosure, and leases had been cancelled, that HUD Uniform Relocation Act (URA) – 90 days notices and procedures were followed.

Scope of Services:

Applicants (or designated team) must be able to:

- 1) Locate eligible renters.
- 2) Identify eligible foreclosed units for eligible individuals to rent.
- 3) Negotiate the purchase at a discount (at least 1%) of the “as is” appraisal, with present lenders owning foreclosed multi-family properties
- 4) Conduct due diligence, including but not limited to appraisals, title, building costs, or assess code or lien violations.
- 5) Estimate rehabilitation costs.
- 6) Obtain financing to supplement the NSP loan to purchase the property from the lender and rehabilitate the property.
- 7) Rehabilitate properties in accordance with local building code requirements and to US HUD’s Housing Quality Standards.
- 8) Provide energy efficiency and conservation (“green”) rehabilitation elements.
- 9) Comply with all NSP and US HUD’s regulations, including but not limited to, Release of Grant Conditions (environmental requirements), Davis-Bacon Wage Rates, Fair Housing Act, Uniform Relocation Act, and Section 3 of the Housing and Urban Act of 1968 (Section 3) requirements.
- 10) Own, maintain, and manage the property for a term of 30 years.

Qualifications:

The selected Applicants:

- Shall have key personnel performing the requested services with significant experience in purchasing foreclosed properties, conducting due diligence prior to property purchases, and effecting the rehabilitation, marketing, rental and on-going management of units.
- Shall have capacity to fully staff this project immediately upon award.
- General and subcontractors must have current licenses/certificates and insurance in accordance with State of Florida Statutes necessary to provide the Services being requested in Scope of Services.

Structure of RFP allocation

It is the City's intention to fund as many applicants as possible to provide the required services. The applications will include a proposed multi-family property to be acquired from lender foreclosure and perform all necessary rehabilitation and rent the units to income-qualified individuals. The selection of the Applicants will be determined by the order of their total overall score and ranking (i.e., highest ranked first). Selected Applicants shall sign an agreement with the City. The agreement will include general legal and administrative provisions and all required City affidavits, and may be updated periodically to reflect new City requirements.

The City, at its discretion, may periodically add additional qualified Applicants using this RFP ranking, if additional funds are allocated to this activity, or if award is returned to the City.

At the City's discretion, selected Applicants may lose their allocation based upon lack of participation, poor performance as to quality, responsiveness and accuracy of services performed, being in arrears in obligations to the City, being behind schedule and any other reason specified by City policies and procedures. Selected Applicants shall maintain the qualifications of the firm and proposed personnel at a standard consistent and equivalent to the qualification submissions submitted in response to the RFP.

Scoring:

Review of funding proposals will be based on a 100 point scoring system (attached). If the threshold items are not met, the remainder of the application will not be scored, and the application will be disqualified.

Tie Breakers:

In the case that two or more Applicants score equal number of points, the City will use the following criteria to break the tie:

- Attendance at the RFP Multi-family Application Workshop
- A Green Certification or previous experience in green building

B. PROPOSAL SUBMISSION REQUIREMENTS & PRE-BID WORKSHOP

Applications will **not** be accepted at the Miami Riverside Center. Proposals submitted in person or by mail must be submitted to the following:

**NSP Multi-family Developer Proposal
City of Miami
City Clerk's Office
3500 Pan American Drive
Miami, Florida 33133**

All proposals must be *received* by **3:00 p.m., August 28, 2009**, at the City Clerk's Office. Proposals submitted via facsimile will not be accepted. **Proposals submitted after the deadline will not be accepted, reviewed or considered for funding in any manner.** It is the sole responsibility of the applicant to ensure that proposals are submitted on time. Responses must be clearly marked on the outside of the package referencing:

NEIGHBORHOOD STABILIZATION PROGRAM PROPOSAL FOR MULTI-FAMILY DEVELOPER APPLICANTS

An RFP Workshop will be held on Thursday, July 16, 2009 from 9:00 to 11:00 am at the City of Miami Commission Chambers at City Hall, located at 3500 Pan American Drive. The workshop is not mandatory but individuals considering responding to this RFP are strongly encouraged to attend. Favorable consideration will be given during the proposal review process to those in attendance.

Submittal Specifications:

Responses must be binded and be submitted in triplicate (one original and two copies) and must be presented as follows:

- Sequenced and tabbed according to the Sections as specified below under Application Contents
- Be on 8 ½ " X 11" paper;
- Only one-sided page text with standard margins of 1";
- 12-point font size;
- Pages and attachments must be sequentially numbered; and
- Be contained in a secure binder or report binding.

Required Proposal Content – Multi-family Developer Applicants

Table of Contents

The table of contents should outline, in sequential order, the major sections of the proposal as listed below, including all other relevant documents requested for submission. All pages of the proposal, including enclosures such as charts, graphs and illustrations should be clearly and consecutively numbered and correspond to the table of contents.

Section I: Project Application and Narrative

Under this section, an application contained herein must be completed. In addition, the following narrative is to be included in this section:

Description of the project: Provide a summary description of project including:

- Type of project
- Acquisition cost (including required discounted purchase amount)
- Project location
- Number of units at acquisition
- Number of units after rehabilitation
- Type of units after rehabilitation
- Number and type serving 50% AMI (minimum 50% plus 1 units)
- Project rehabilitation costs (total development hard/soft cost)
- Project amenities, such as appliances, air conditioning, type of flooring
- Type of roof
- Number and type of parking spaces
- Laundry facilities
- Security systems
- Energy efficiency and green features
- Community rooms and recreational facilities

Persons who will benefit/target market: Identify the persons who will benefit from the project, outlining specifics such as income levels, age groups, etc.

Local community: Identify and describe the project's neighborhood, surrounding demographic characteristics, the surrounding community, etc. Furthermore, provide a description of the access to basic services for all housing developments such as distance to schools or school bus stops, public transit, childcare, social services/recreational facilities. Finally, describe in detail how the proposed project will meet the needs of the local community.

Section II: Organizational Experience

Under this section, the Applicant should include a thorough history of experience in developing and administering the type of project being proposed, including marketing and renting of units. Provide a summary description of the multi-family rehabilitation/construction projects you have completed in the last 6 years. Include type of construction, project costs, number of units, and any energy efficiency features or any other green components incorporated into the development. If you are familiar with U.S. HUD's Housing Quality Standards (HQS), please note that in this section. Also include any certifications or licenses, including Section 3 certification, LEEDS certification, or other Green Certifications.

The Applicant must attach a list of all key members of the development team. Submission of each team member's experience, individually, is also strongly advised, including their resumes.

Note: The Applicant shall be the same as the borrowing entity.

Section III: Organizational Structure

Under this section, the Applicant should provide an organizational chart and a list of the names, addresses and business affiliation for all general and limited partners, officers, directors, and shareholders. Disclosure of shareholders is only required for those shareholders owning more than

a 10% interest in the company. A narrative outlining the history/background of each principal should also be included. If the project is a joint venture/partnership, a written agreement or description specifying the role of each organization in the collaboration must be included. Specifically note if an organization is a non-profit.

Section IV: Proposed Approach to Providing the Services/ Marketing Plan

Under this section, present how you will market the rental units to your customers. Describe any partners you will be using in outreach to the community. Additionally, Applicant should fill out the U.S. HUD Affirmative Fair Housing Marketing Plan form included in the Supplemental Forms section of this RFP.

Section V: Financial Capacity

The Applicant shall provide proof of financial capacity (cash/ lines of credit/proposed project financing) so that a determination can be made that the development entity is capable of undertaking the project. Loan commitments must be from a Federal Deposit Insurance Corporation (FDIC) insured lending institution or a lender acceptable to the City of Miami. Additionally, the Applicant shall provide documentation as to what resources will be used to provide equity to the project. The Applicant shall submit the last three (3) fiscal years audited financial statements, and documentation that supports future cash resources available or committed. Evidence of availability of project financing form must be completed.

Section VI: Management and Operations of the Proposed Project

Operating Plan: The proposal must include a narrative describing the management and operation of the proposed project. Respondents are reminded that the City intends that the property be maintained and operated in a manner consistent with the highest industry standards for facilities of this type. Proposals must include:

- An acquisition and rehabilitation budget, including sources and uses of funds;
- An operating pro-forma with analysis of projected revenues and operating expenses covering, at minimum, the first five years. The analysis shall specify the basis for these estimates and must include any source of non-rental revenue. A table including rent limits for this program is included under Section D, Regulatory Requirements, of this document.
- A relocation plan including a narrative describing how many bona fide tenants still reside in the property, how many need to be relocated, period and time line of relocation, and relocation cost involved. This cost must also be included in the project budget.

Financial Plan: The proposal must include an operating assumptions statement listing the projected rental price per unit, number of units, and square feet per unit. Proposals must also include a description of the financing plan for the project, including a description and estimation of all sources of construction and permanent debt and equity funds to be used in the project and development cost estimates, with acquisition (and noted discount), hard and soft costs (including development fees) and financing costs. Prior to disbursement of funds, the City shall require written evidence that the successful proposer received a firm and irrevocable commitment of all funds necessary to acquire and rehabilitate the property. The City reserves the right to further evaluate and/or reject financing commitments when the term, the identity of the financing source, or other aspect of such financing is deemed not in the best interest of the City or the project.

Development Entity: Respondents must have formed a development entity that assembles the requisite expertise, experience, financial, and management capability to acquire (at a 1% or greater discount from an “as is” appraised value), rehabilitate, own and manage a multi-family affordable rental project. “As is” Appraisal must be dated within 60 days of final purchase price offer. For the purpose of this RFP, development entities are defined as the legal entity submitting the proposal and with whom the City would enter into a contractual agreement, if funding is awarded. The City reserves the right to conduct a complete background investigation of the development entity and all involved principals, consultants, and sub-consultants, contractors and subcontractors prior to the final selection or execution of the agreement. Development entities and all involved principals, consultants, and sub-consultants, contractors and subcontractors that contain a member who previously defaulted, or is currently in default, on a City contract or are in litigation with the City, within the last 5 years, are not eligible to participate in this RFP process.

Other Documentation as to Experience and Capability: Proposals shall include a narrative or outline that provides sufficient detail to describe the development team’s and consultants’ considerable past experience in the development and management of projects of similar scope and complexity within the same or clearly similar sphere of development. Applicants must provide a detailed list of completed projects, indicating the starting date, time required for completion, the completion date, the amount invested and financed for the project, a description of the project’s elements and the role(s) played by each development team member that was involved. For verification purposes, respondents must provide the addresses of the properties and the name of the general contractor of record.

Section VII: Green Components

The City of Miami is committed to making the City’s housing stock more energy efficient. On Exhibit B, check the items which you will be providing in the rehab, if applicable. The first category is considered threshold. All threshold items must be provided in all projects. The second category consists of items which are optional, but will increase the commitment to our affordable housing families that they will benefit in the future from living in a “green building.” Fill out the checklist for items you are willing to provide to make the project a “green building”. Detailed information on The Green Communities Criteria can be found at:

<http://www.greencommunitiesonline.org/tools/criteria/index.asp>

Section VIII: Technical Information

- Legal description of the property
- Phase I Environmental Report (optional at time of application, required before funding)
- Phase II Environmental Report (if needed)
- Insurance requirements
- Section 3 of the Housing and Urban Development Act of 1968 (Section 3 Clause included for informational purposes under Exhibit C). A Section 3 Plan will be required from Applicant if a contract is awarded. Also, a First Source Hiring Agreement – Statement of Compliance with Ordinance No.10032 form is included and should be submitted as part of this application.

Section IX: Supplemental Forms

All of the forms listed below must be filled out and submitted in this section of the application.

- Public Entity Crime Affidavit
- Authorized Representative Statement
- Debarment Certification
- Sound Fiscal Management Certification
- Declaration of Financial Interests
- Cost Allocation Report (City form)
- HUD Affirmative Fair Housing Market Plan
- Sources and Uses Budget (Applicant's own form)
- First Source Hiring
- Development Schedule (not limited to listed items but must be included)
- Conflict of Interest Disclosure Forms (forms included in Exhibit "H")
- Section 3 Business Certification Letter (provided by Applicant) and Section 3 Business Preference Claim form (if applicable)
- Assurance of Compliance (Section 3, HUD ACT of 1968) form, included under Exhibit "C", Section 3, should be completed and signed by Applicant, and submitted in this Supplemental Forms section of the application.

C. GENERAL CONDITIONS

- The City of Miami, through the Neighborhood Stabilization Program (NSP), will provide funding to winning Applicants for the purchase and rehabilitation of affordable rental units. The NSP proceeds will be used to cover expenses related to the acquisition and rehabilitation (hard and soft costs) of the multi-family property. The following criteria apply:
 1. At least 50% plus 1 of the property units must be occupied by tenants making at or below 50% of Area Median Income (AMI) as published annually by HUD. Non-subsidized units shall be charged rents at or below Fair Market Rent (FMR), as published annually by U.S. HUD and applicable to Miami-Dade County. Financing will only be provided to those units which will serve tenants at 50% or less of AMI.
 2. Developers to be selected only from the RFP process. Projects will be selected based on rankings and merits of the application.
 3. Annual compliance monitoring of income-eligible tenants will be enforced for the duration of the affordability period.
 4. A restrictive covenant will be placed on the land, insuring 30 year affordability for units financed with NSP funding.

- Funding will be provided in the form of loan with the following terms:
 1. A purchase and rehabilitation loan with zero (0) percent interest will be provided to all developers during the project completion period. Once the project is completed and C.O. is obtained, the loan will convert to a 30-year, 3% interest permanent mortgage on the property.
 2. If the developer is a non-profit entity, the loan will be forgivable at the end of the 30 year affordability period, if owned for the full 30 year term. No payment of principal and interest will be required during the affordability period.
 3. If the developer is a for-profit entity, accrued interest and principal will be deferred to the end of the 30-year affordability period, at which time the accrued interest and principal are due and payable. At the sole discretion of the City, the City can waive interest or principal payment, or both payments.
 4. The loan amount will be determined by the number of units that are allocated to tenants with incomes at or below 50% of AMI. Minimum amount of assistance is \$1000 per unit and maximum is \$40,000 per unit of which, 75% of the amount awarded per unit, up to \$30,000 will be applied to the acquisition cost and 25% of the amount awarded per unit, up to \$10,000 will be applied to rehabilitation cost.
 5. The affordability period is 30-year.
 6. The loan will be secured by a recorded second mortgage on the property; however, the City will subordinate to all acceptable lending sources. If no other mortgage on the property is obtained, the City will file a first mortgage on the property as security. In addition, the affordability period shall be enforced by a restrictive covenant that will run with the land. In the case of a developer's default, the restrictive covenant will continue throughout the affordability period.
 7. The minimum leverage ratio will be determined on a project by project basis. The leverage ratio is defined as total development cost (acquisition + development cost) divided by the City's total subsidy.
 8. The minimum total Debt Service Coverage Ratio is 1.10x.

- The Applicant’s development fee will be based on a percentage of the total rehabilitation (soft and hard) cost plus a percentage of the acquisition cost. The Applicant’s development fee will fluctuate depending upon the purchase discount obtained, based on the following schedule:

<u>Acquisition Discount</u>	<u>Rehab Fee *</u>	<u>Acquisition Fee **</u>
1%	10%	0%
2%	11%	1%
3%	12%	2%
4%	13%	3%
5%	14%	4%
6-10%	15%	5%
11-15% +	20%	6%

* % of total rehab costs

** % of total acquisition cost

Development Fee Cap: At no time will the total development fee (rehab fee + acquisition fee) exceed 10% of Total Project Cost (Acquisition cost+ Rehabilitation hard and soft costs).

See EXHIBIT F for examples of development fee calculations.

- The developer must present an option to buy contract, with contingencies, or a contingent contract with the application. The contingencies must include a discount purchase price of at least 1% below an appraised “as is” purchase price (appraisal to be completed according to HUD appraisal requirements), completed within 60 days of the offer. The option to buy or contract must also be contingent on environmental clearance and URS compliance. See EXHIBIT “G” for NSP contract rider.
- All costs of proposal preparation shall be borne by the applicant. The City shall not, in any event, be liable for any pre-contractual expenses incurred by the applicant in the preparation and/or submission of the proposal. The applicant shall not include any such expense as part of the budget in the proposal.
- The proposed project should represent the applicant’s most reasonable proposal, offering the greatest possible benefit to the City’s very-low income residents (at or below 50% of AMI).
- The proposal must set forth full, accurate, and complete information as required by the RFP. No contextual changes, additions or amendments to the proposal will be accepted after submission. Proposals that are incomplete, out of order, have an inadequate number of copies, lack required attachments, or have other content errors or deficiencies will be disqualified.
- The proposal must be submitted in the legal name of the entity applying for the allocation of funds. A representative of the applicant with legal authority to bind the organization in contract with the City of Miami must sign the documents and attachments required herein.
- Applicants will be subject to a credit report review as per City of Miami Resolution No. 98-581. Such a review may include credit reports on individual partners /owners and/or principals.

- If the project costs increases ten percent (10%) or more of the original budget and the developer is not able to secure additional funding within 60 days before the project commences, the project will be subject to recommendation to the NSP Task Force, and the Housing and Commercial Loan Committee for de-obligation of the project funding. In that case, the next highest bidder receives this developer's funding. Applicant must be able to close on all project funding prior to the city disbursing funds.
- A commitment fee of one percent (1%) of the total funds awarded will be payable to the City within thirty (30) days from the Housing and Commercial Loan Committee approval. This fee will be applicable to for profit developers and will be refunded once a Certificate of Completion is provided.
- All project budgets must include \$15,000 to cover costs incurred by the City of Miami on behalf of the project, such as recording fees and advertising costs associated with environmental clearance.
- For rehabilitation funding, a ten percent (10%) retainage on monies drawn will be held, as per the AIA, will be applied to each reimbursement request if funds will are used for hard costs until a Certificate of Occupancy is submitted.
- A five percent (5%) retainage or less will be retained and subject to a satisfactory Cost Certification Report to be submitted as part of the Close-Out process.
- Submission of a proposal shall constitute acknowledgement and acceptance of all terms and conditions contained in this RFP.

D. REGULATORY REQUIREMENTS (FEDERAL AND LOCAL)

Rent Limits: Maximum rent for NSP units shall be no greater than the rent of comparable units in the same neighborhood and shall be no greater than the rent limits established by HUD for the HOME program as adjusted annually. For 2009, the rent limits are as follows:

	Efficiency	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
2009 HOME RENTS							
50% AMI	\$ 670	\$ 717	\$ 861	\$ 994	\$ 1,167	\$ 1,342	\$ 1,517

For non-NSP units rents shall not exceed the Fair Market Rent limits established by U.S. HUD, included in the table below:

Final FY 2009 FMRs By Unit Bedrooms					
	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
Final FY 2009 FMR	\$842	\$953	\$1,156	\$1,479	\$1,728

Period of Affordability: The required period of affordability compliance is thirty (30) years.

Code Compliance: All projects must comply with the Florida Building Code, the Section 8 Housing Quality Standards, and the Model Energy Building Code or HUD-accepted equivalent.

Davis-Bacon Requirements: The Davis-Bacon Act requires prevailing wage rates be paid for any projects in which CDBG funds are used for construction costs in projects consisting of eight (8) or more units. If applicable, all related agreements must be subject to Davis-Bacon labor standards requirements and must contain labor standards clauses and a Davis-Bacon wage decision.

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

First Source Hiring Agreement Statement: As per Ordinance No. 12271, all contractors with the City of Miami for goods, services, loans or grants must meet the requirements of the City's First Source Hiring Agreement which fosters participation in the construction and operation of the Project by unemployed, underemployed and other residents of the City of Miami.

Environmental Clearance: Acquisition must not occur and funds will not be disbursed for a project until the US HUD Release of Grant conditions or a confirmation of exempt status (environmental review) has been completed by the City of Miami.

Funds expended by the Applicant to physical or choice-limiting actions including property acquisition, demolition, rehabilitation, repair or construction, may not be reimbursed with City

funds if they were expended before environmental clearance. It is permissible to purchase a real estate option on a property designated for rehab, if the option agreement stipulates that the purchase of the property is contingent upon a determination of desirability of the property as a result of the successful completion of the environmental review (conducted by City and U.S. HUD). The cost of the option must be a nominal portion of the purchase price.

HUD Uniform Relocation Act (URA): Eligible properties must have a lender letter stating that the property had been vacant for at least 90 days before foreclosure, or if occupied by a bona fide tenant at time of foreclosure, and leases had been cancelled. If the unit is occupied by a bona fide tenant, that a relocation plan is included as part of this application.

Lead-Safe Housing Requirements:

All Applicants must comply with HUD’s Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations at part 35, subparts A, B, J, K, and R of this title. This Act governs paint repair and rehab work in virtually all pre-1978 residential properties that receive federal CDBG funds. On September 15, 2000, HUD adopted 24 CFR Part 35, which reflects applicable requirements to the NSP program. This regulation can be accessed at:

<http://www.hud.gov/offices/lead/library/enforcement/LSHRFinal21June04.pdf>

Insurance Requirements:

If Applicant is a Developer and General Contractor, the insurance required will be detailed in Exhibit “D”.

If Applicant is a Developer and not the General Contractor, the insurance required will be Exhibit “D” for the Developer, and Exhibit “E” for the General Contractor.

E. GENERAL CITY OF MIAMI RESERVATIONS

The City of Miami reserves the right to:

- Extend the RFP submission deadline if such action will be in the best interest of the City.
- **The City may make changes or amendments to this RFP after it has been made available to the public. The Applicant is responsible for checking the City's website for updates during the application period.**
- Withdraw this RFP at any time without prior notice. Furthermore, the City makes no representation that funding will be awarded to any applicant responding to this RFP.
- Retain all proposals submitted. The proposals shall become the property of the City of Miami. Any department or agency of the City shall have the right to use any or all ideas presented in proposals submitted in response to this RFP without any change or limitation. Selection or rejection of a proposal does not affect these rights.
- Require any or all organizations or agencies receiving grants funded through this RFP to use a Centralized Accounting system selected by the City, if it be determined that this would be in the best interest of the City.
- Withdraw funding upon the City's determination that reasonable attempts to negotiate a Loan Agreement have failed. Prior to accepting the award, the applicant must meet applicable administrative and regulatory rules to meet Federal and local requirements codes or other conditions as determined by the Housing and Commercial Loan Committee and/or the City Attorney, or US HUD. It is the applicant's responsibility to be familiar with these requirements prior to accepting the award and commencing Loan Agreement negotiations.
- Deny a funding recommendation to an applicant with outstanding disallowed costs, defaulted loans, debarment actions or any other legal encumbrance, regardless of the merits of the proposal submitted.
- Reject any proposal from any developer, principal or relative entity that has defaulted on past loans or has unmet debt obligations with the City contrary to the terms set forth in the original lending agreement in any of the housing-related categories addressed in this RFP.

Conflict of Interest

If the Applicant or any individual member of a proposing team, or an employee of a proposing team/firm, or an immediate family member of the same is also a member of any board, commission, or agency of the City, that individual is subject to the conflict of interest provisions of the City code, Section 2-611 as well as HUD's conflict of interest regulation at 24 CFR 570. The City code states that no City officer, official, employee or board, commission or agency member, or a spouse, son, daughter, parent, brother or sister of such person, shall enter into any contract, transact any business with the City, or appear in representation of a third party before the City Commission. This prohibition may be waived in certain instances by the affirmative vote of 4/5 of the City Commission, after a public hearing, but is otherwise strictly enforced and remains effective for two

years subsequent to a person's departure from City employment or board, commission or agency membership.

This prohibition does not preclude any person to whom it applies from submitting a proposal. However, there is no guarantee or assurance that such person will be able to obtain the necessary waiver from the City, even if such person were the successful proposer. The City is committed to seeking conflict of interest waiver from US HUD after the successful waiver of any City conflicts. However, applicants should note that the granting of such waiver is at the discretion of HUD; as such the City cannot guarantee that such a waiver will be granted. The Applicant must complete and sign the conflict of interest disclosure forms included under Exhibit "H" of this RFP.

Community Development Director's Designee for Written Communications

Ann Kashmer, NSP Project Manager
Department of Community Development
City of Miami
444 S.W. 2nd Avenue, 2nd floor
Miami, Fl 33130
E-mail: akashmer@miamigov.com
Telephone: 305-416-2097
Fax: 305-416-2090

F. EVALUATION AND APPROVAL PROCESS

Each proposal will be evaluated by the Department of Community Development. An initial review will be performed to determine whether the project is eligible and that the application is complete. The applicant will be notified in writing if the initial review determines the proposal is either ineligible or incomplete. Incomplete applications will not be allowed a cure period.

Projects must score a minimum of 70 points to be qualified for recommendation to the Housing and Commercial Loan Committee (Attached is the scoring matrix). This is a competitive funding process due to limited funds. However, obtaining a score of 70 or above is not a guarantee that the project will be recommended to the Housing and Commercial Loan Committee. The number of projects to be recommended for funding will be determined by the number of qualifying applicants and the amounts requested for each. Recommendations may not reflect the full amount requested in the application.

Staff will notify qualifying applicants in writing whether or not their proposals are being recommended and for what amount. The City of Miami Housing and Commercial Loan Committee will determine which of the proposals are to be approved and the level of funding to be awarded.

An appeal process will be made available to applicants that are not recommended for funding. The appeal must be based on an error in fact or law. To have an appeal hearing scheduled, the applicant must request this appeal by notifying the Department of Community Development in writing within five (5) days from the date of the notice of non-funding recommendation. A panel of three (3) reviewers will hear any appeals granted by the Department.

AFFORDABLE HOUSING-RELATED PROJECTS EVALUATION /CRITERIA MATRIX

CATEGORY	POTENTIAL POINTS	ACTUAL POINTS
THRESHOLD ITEMS	50	
1. PROPOSER MUST HAVE 3 YEARS OUT OF LAST 6 YEARS OF EXPERIENCE IN CONSTRUCTING/REHABILITATING, OWNING AND MANAGING MULTI-FAMILY PROPERTIES OR <ul style="list-style-type: none"> ▪ 6 YRS OR MORE = 25 POINTS ▪ 4-6 YRS = 20 POINTS ▪ 3-4 YRS = 15 POINTS ▪ UNDER 3 YEARS = FAILED THRESHOLD 	25	
FOR NEW DEVELOPMENT ENTITIES, THE PRINCIPALS MUST HAVE 3 YEARS OF EXPERIENCE OUT OF THE LAST 6 YEARS, WHICH BE COUNTED AS EXPERIENCE OF THE NEW ENTITY OR <ul style="list-style-type: none"> ▪ 6 OR MORE YRS = 25 POINTS ▪ 4-6 YRS = 20 POINTS ▪ 3-4 YRS = 15 POINTS ▪ UNDER 3 = FAILED THRESHOLD 		
EXPERIENCE OF PARTNERS OR JOINT VENTURES MAY ONLY BE COUNTED WITH A SIGNED PARTNERSHIP OR JOINT VENTURE AGREEMENT. PARTNERS OF THE JOINT VENTURE MUST HAVE 3 YEARS OUT OF THE LAST 6 YEARS OF EXPERIENCE <ul style="list-style-type: none"> ▪ 6 OR MORE YRS = 25 POINTS ▪ 4-6 YRS = 20 POINTS ▪ 3-4 YRS = 15 POINTS ▪ UNDER 3 = FAILED THRESHOLD 		
2. GREEN COMPONENTS: REQUIRED	10	
3. FINANCIAL RESOURCES <ul style="list-style-type: none"> ▪ SUFFICIENT EQUITY TO SUPPORT THE PROJECT = 15 POINTS OR ▪ COMMITMENT LETTER OF PROJECT FINANCING FROM NON-CITY SOURCE OR LINE OF CREDIT = 15 POINTS ▪ LETTER OF INTENT = 5 POINTS 	15	
SITE CONTROL AND ABILITY TO PROCEED	10	
1. OPTION CONTRACT WITH DISCOUNT OR	10	
2. SALES/PURCHASE CONTRACT WITH DISCOUNT (WITH ENVIRONMENTAL CLEARANCE CONDITION) OR		
ORGANIZATIONAL CAPACITY/DEMONSTRATED EFFECTIVENESS	20	
<i>CITY FUNDED PROJECT EXPERIENCE</i>	20	
1. IN PROGRESS AND IN COMPLIANCE WITH LOAN AGREEMENT TERMS/ OR		
2. PREVIOUS CITY-FUNDED PROJECT COMPLETED WITHIN TWO YEARS FROM NOTICE OF COMMENCEMENT (COPY OF NOTICE TO PROCEED AND CERTIFICATE OF OCCUPANCY) - OR		
<i>NON-CITY PROJECT EXPERIENCE</i>	20	
1. IN PROGRESS AND SATISFACTORY PERFORMANCE (LETTER FROM PROJECT FUNDING ENTITY)/ OR		
2. A PROJECT COMPLETED WITHIN TWO YEARS (COPY OF NOTICE TO PROCEED AND CERTIFICATE OF OCCUPANCY)		
PROPOSED APPROACH TO PROVIDING THE SERVICES /MARKETING PLAN <ul style="list-style-type: none"> • HAVE MARKETING PLAN IN PLACE SHOWING THAT THE UNITS CAN BE ABSORBED IN THE COMMUNITY 	10	
NON-PROFIT PARTICIPATION	5	
1. SERVES AREA OF GREATEST NEED	3	
2. DEVELOPMENT EXPERIENCE / PROPERTY MANAGEMENT EXPERIENCE	2	
GREEN COMPONENTS-BONUS POINTS	4	
SECTION 3 BUSINESS CERTIFICATION	1	
TOTAL POINTS AVAILABLE	100	

A MINIMUM OF 70 POINTS IS REQUIRED FOR A PROJECT TO BE CONSIDERED FOR FUNDING RECOMMENDATION



RFP FUNDING APPLICATION –ALL AFFORDABLE HOUSING-RELATED PROJECTS

APPLICATION

APPLICANT INFORMATION:

NAME:

STREET ADDRESS:

CITY, STATE, ZIP CODE:

PHONE:

FAX:

CONTACT PERSON:

EMAIL:

LEGAL ENTITY TYPE:

TAX ID #:

TYPE OF PROJECT (CHECK ALL THAT APPLY):

RENTAL

REHAB

CITY OF MIAMI FUNDING:

AMOUNT OF CITY FUNDS REQUESTED: \$ _____

DID THIS PROJECT PREVIOUSLY RECEIVE CITY FUNDING?

IF YES, LIST AMOUNT AND FUNDING YEAR:

COMMISSION DISTRICT:

1 (ANGEL GONZALEZ)

2 (MARC SARNOFF)

3 (JOE SANCHEZ)

4 (TOMAS REGALADO)

5 (MICHELLE SPENCE-JONES)

PROJECT DESCRIPTION:

PROJECT NAME:

PROJECT’S ADDRESS:

NUMBER OF BUILDINGS TO BE REHABILITATED:

NUMBER OF FLOORS PER BUILDING:

NUMBER OF TOTAL HOUSING UNITS ACQUIRED:

NUMBER OF CITY ASSISTED UNITS:

NUMBER OF TOTAL HOUSING UNITS AFTER RENOVATION:

HOUSING TYPE (HIGH RISE, TOWN HOMES ETC.):

LOT DIMENSIONS / TOTAL SQUARE FOOTAGE:

IF MIXED USE, PROVIDE DESCRIPTION OF COMMERCIAL PORTION:

DISTANCE TO SURROUNDING STRUCTURE(S):

DESCRIPTION OF ANY EXISTING STRUCTURES:

- *ATTACH A MAP PLOTTING SITE AND SURROUNDING AMENITIES*
- *ATTACH A LEGAL DESCRIPTION OF PROJECT SITE*

RENTAL UNIT TYPES (IF APPLICABLE)

(INDICATE WHICH UNITS ARE CITY AND NON-CITY ASSISTED UNITS)

CITY OR NON-CITY	# OF UNITS	# OF BEDROOMS	# OF BATHS	CONSTRUCTION COST/UNIT	SQ. FT. OF UNIT	COST PER SQ. FT.	UNIT RENTAL COST	AVG. CITY SUBSIDY PER UNIT

TOTAL CITY ASSISTED UNITS _____

PROJECT FEASIBILITY & ABILITY TO PROCEED

SITE CONTROL:

INDICATE CURRENT SITE CONTROL AND COMMENT ON STATUS:

- *ATTACH EVIDENCE OF SITE CONTROL (DEED, OPTION, P&S)*

BUILDING AND ZONING:

CURRENT ZONING ALLOWS _____ UNITS PER ACRE.

IS APPLICANT CONSIDERING A REDESIGN OF THE BUILDING(S) THAT MIGHT AFFECT THE ZONING?

IF APPLICABLE, PROVIDE DETAILS REGARDING ALL PERMITS OR VARIANCES THAT MIGHT BE REQUIRED

- *IF APPLICABLE, ATTACH PERMIT OR DETERMINATION OF A BUILDING DEPARTMENT OFFICIAL AS TO WHAT PERMITS MIGHT BE REQUIRED*

ARCHITECTURAL PLANS:

IF APPLICABLE, PROVIDE DETAILS REGARDING ARCHITECT QUALIFICATIONS AND SELECTION

SITE ACCESSIBILITY:

LIST ANY EASEMENTS ON THE PROPERTY:

IF APPLICABLE, DESCRIBE POTENTIAL EFFECT OF EASEMENTS WITH THE PROPOSED PROJECT?

DESCRIBE THE ACCESS TO THE PROJECT (I.E. PAVED ROAD, ACCESS EASEMENT, ETC.):

ENVIRONMENTAL SAFETY:

DESCRIBE THE PREVIOUS USE OF THE PROPOSED SITE FROM 1940 TO PRESENT:

HAS THE PROPERTY EVER BEEN USED FOR STORAGE OF HAZARDOUS OR TOXIC MATERIALS?

___ YES ___ NO

ARE THESE ANY POTENTIAL ENVIRONMENTAL HAZARDS?

- *ATTACH PHASE I ENVIRONMENTAL REPORT*

USE OF EXISTING INFRASTRUCTURE

DESCRIBE AVAILABLE UTILITIES AND INFRASTRUCTURE AT THE PROJECT SITE.

ELECTRICITY:

WATER /SEWER:

ROADS:

- *ATTACH LETTERS FROM THE LOCAL GOVERNMENT VERIFYING AVAILABLE INFRASTRUCTURE.*

MARKETING PLAN:

IS THERE A MARKETING PLAN? ___ YES ___ NO WHO WILL MANAGE MARKETING?

- *ATTACH A COPY OF THE MANAGEMENT PLAN (THE PLAN SHOULD INCLUDE: FAIR HOUSING COMPLIANCE PROCEDURES, OWNER QUALIFICATION PROCEDURES, AND RECORD KEEPING)*

EMPLOYMENT – JOB CREATION

HOW MANY JOBS ARE PROJECTED TO BE RETAINED BY THIS PROJECT: _____

HOW MANY JOBS ARE PROJECTED TO BE CREATED BY THIS PROJECT: _____

HOW MANY OF THESE NEW JOBS ARE PROJECTED TO BE FILLED BY SECTION 3 RESIDENTS: _____

GENERAL CONTRACTOR INFORMATION:

PLEASE DESCRIBE PROCESS TO SELECT GENERAL CONTRACTOR:

ALSO, IF SELECTION OF GENERAL CONTRACTOR (GC) HAS OCCURRED, PROVIDE THE FOLLOWING:

GENERAL CONTRACTOR NAME:

ADDRESS:

TELEPHONE:

FLORIDA CONTRACTOR’S LICENSE NO.: _____ AND COPY

YEAR OF ISSUANCE:

- *COPY OF ADVERTISED BID FOR GENERAL CONTRACTOR SERVICES*
- *REFERENCE(S); ATTACH ADDITIONAL PAGES IF NECESSARY*
- *ATTACH A LIST OF AFFORDABLE HOUSING PROJECTS CONSTRUCTED BY THE GC. INCLUDE THE NAME, ADDRESS, PROJECT DESCRIPTION, COST, DATE OF COMPLETION, OR CURRENT STATUS.*
- *COPY OF SCOPE OF SERVICES, SCHEDULE OF VALUES, AND SIGNATURE PAGE*

EVIDENCE OF AVAILABILITY OF PROJECT FINANCING
(THIS INFORMATION MUST MATCH SOURCES LISTED IN SOURCES AND USES)

FOR EACH SOURCE OF FINANCING, SPECIFY AS FOLLOWS: (ATTACH ADDITIONAL PAGES IF NECESSARY)

NAME OF INSTITUTION OR ENTITY:	CONTACT PERSON:	
TELEPHONE NUMBER:		
AMOUNT OF LOAN/GRANT:		
INTEREST RATE:	TERMS:	AMORTIZATION:
TYPE OF COMMITMENT:		

ACKNOWLEDGEMENT

ON _____ I, _____, AS AUTHORIZED REPRESENTATIVE OF THE APPLICANT, STATE THAT APPLICANT UNDERSTANDS THAT IF AN AWARD IS MADE BY THE CITY OF MIAMI TO THE APPLICANT IN CONNECTION WITH THIS RFP, APPLICANT MUST MEET APPLICABLE ADMINISTRATIVE AND REGULATORY RULES TO MEET FEDERAL, STATE AND LOCAL CODES OR OTHER CONDITIONS AS DETERMINED BY THE CITY ATTORNEY. I ACKNOWLEDGE THAT IT IS THE APPLICANT'S RESPONSIBILITY TO BE FAMILIAR WITH THESE REQUIREMENTS PRIOR TO ACCEPTING THE AWARD AND COMMENCING CONTRACTS NEGOTIATIONS WITH THE CITY OF MIAMI.

_____ AUTHORIZED REPRESENTATIVE SIGNATURE	_____ PRINT NAME OF AUTHORIZED REPRESENTATIVE
_____ (Title of authorized representative)	

SUPPLEMENTAL FORMS

SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A).
FLORIDA STATUTES ON PUBLIC ENTITY CRIME

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
By _____

(print this individual's name and title)

For _____

(print name of entity submitting statements)

Whose business address is _____

and if applicable is Federal Employer Identification Number (FEIN) is _____

If the entity has no FEIN, include the Social Security Number of the individual signing this sworn Statement:

2. I understand that a "public entity crime" as defined in paragraph 287.133(1)(a), Florida Statutes, mean a violation of any state or federal law by a person with respect to and directly related to the transactions of business with any public entity or with an agency or political subdivision of any other state or with the United States including, but not limited to any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a Jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in paragraph 287.133(1)(a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes

those officers, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

- 6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which statement applies).

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. AND (Please indicate which additional statement applies).

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO, WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

Sworn to me and subscribed before me this _____ day of _____, 19_____.

Personally known _____

Or produced identification _____ Notary Public—State of _____

_____ My commission expires _____
(Type of Identification)

(Printed, typed or stamped commissioned name of notary public)

APPLICANT:

AUTHORIZED REPRESENTATIVE STATEMENT

Provide the name(s) and telephone number of the person(s) who has been designated the responsibility within the following areas:

<u>POSITION</u>	<u>NAME</u>	<u>TELEPHONE NUMBER</u>
Chairman of the Board	_____	_____
Exec. Director of the Project	_____	_____
Project Director	_____	_____
Affirmative Action Officer	_____	_____
Personnel Officer	_____	_____
Fiscal Management Officer	_____	_____

1. PERSON(S) AUTHORIZED TO SIGN CHECKS

NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
TELEPHONE: _____	TELEPHONE: _____
SIGNATURE: _____	SIGNATURE: _____

2. PERSON(S) AUTHORIZED TO SIGN REIMBURSEMENT PACKAGES

NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
TELEPHONE: _____	TELEPHONE: _____
SIGNATURE: _____	SIGNATURE: _____

3. PERSON(S) AUTHORIZED TO SIGN CONTRACTS

NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
TELEPHONE: _____	TELEPHONE: _____
SIGNATURE: _____	SIGNATURE: _____

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

1. The Applicant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 1.b of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an explanation to the City of Miami.

APPLICANT /DEVELOPER

PRINT NAME OF CERTIFYING OFFICIAL

SIGNATURE OF CERTIFYING OFFICIAL

DATE

**CITY OF MIAMI
DEPARTMENT OF COMMUNITY DEVELOPMENT
CERTIFICATION OF SOUND FISCAL MANAGEMENT**

We, _____ as the Executive Director, and _____
 (Full Name) (Full Name)
 as the Chief Fiscal Officer of _____, acknowledge that as a condition of
 (Organization)

receiving funds from the City of Miami, have the need to establish and maintain sound financial and fiscal controls and management systems. We hereby certify that _____

(Organization)
 has established internal controls which are adequate to safeguard the assets of the agency, monitor the accuracy and reliability of accounting data, promote operating efficiency and insure compliance with prescribed policies and procedures.

 Signature (Executive Director)

 Date

 Signature (Chief Fiscal Officer)

 Date

I am a duly licensed certified public accountant and have been engaged to review the accounting systems of _____ which is private (___ profit/___ non-profit) organization

(Organization)

that will operate programs for the City of Miami. I have reviewed the financial systems that this Agency has established. This review was completed on _____. At the time of review, the Agency had established internal controls which were adequate to safeguard the assets of the Agency, monitor the accuracy and reliability of accounting data, promote operating efficiency, and insure compliance with prescribed management policies.

C.P.A.

 (Name of Firm)

 (Typed Name of Accountant)

C.P.A.

 (Date)

 (Signature of Accountant)

If any modifications are required to this certificate due to the nature of the engagement between the Agency and the C.P.A., attach a substitute report as explanation.

DECLARATION OF FINANCIAL INTERESTS

1. Do you have any past due financial obligations with the City of Miami?

	YES	NO
Single Family Housing Loans	<input type="checkbox"/>	<input type="checkbox"/>
Multi-Family Housing Rehab	<input type="checkbox"/>	<input type="checkbox"/>
CDBG Commercial Loan Project	<input type="checkbox"/>	<input type="checkbox"/>
U.S. HUD Section 108 Loan	<input type="checkbox"/>	<input type="checkbox"/>
Other HUD Funded Programs	<input type="checkbox"/>	<input type="checkbox"/>
Others (liens, fines, loans, Occupational licenses, etc.)	<input type="checkbox"/>	<input type="checkbox"/>

If YES, please explain:

2. Do you have any past due financial obligations with Miami Capital Development, Inc. (MCDI)?
 YES NO

If YES, please explain:

3. Are you a relative of or do you have any business or financial interests with any elected City of Miami Official, City of Miami Employee, or Member of the City's Advisory Boards?
 YES NO

If YES, please explain:

Any false information provided on this application will be reason for rejection and disqualification of your project-funding request to the City of Miami.

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

 Name and Title of Authorized Representative

DATE: _____

 Signature of Authorized Representative

DATE: _____

DEPARTMENT OF COMMUNITY DEVELOPMENT
ESTIMATE OF CITY AND COUNTY IMPACT FEES

APPLICANT: _____

CITY OF MIAMI

ITEM	RATE	SQ. FOOTAGE FAR	TOTAL

Please contact the City of Miami Planning and Zoning Department for City Impact Fee estimates

MIAMI-DADE COUNTY

ITEM	RATE	SQ. FOOTAGE FAR	TOTAL

**CITY OF MIAMI
DEPARTMENT OF COMMUNITY DEVELOPMENT
COST ALLOCATION REPORT**

APPLICANT: _____

PROJECT NAME: _____

	Financing Sources: Specify Name						
	Total Project	NSP Funds	Housing Credit Financing	Other: _____ _____	Other: _____ _____	Other: _____ _____	Equity Investment
Land Acquisition							
Hard Costs							
Construction (incl. Site work)							
Construction contingency							
Construction: Concrete/Soil Test							
Appliances							
Construction Supervision							
Total Hard Costs							
Soft Costs							
Arch Design, Civil Engineering							
Impact & School Fees							
Permits / Fees							
Legal							
Licenses / Environmental / Utility Fees							
Appraisal / Surveys							
Insurance: Construction Period							
Marketing / Advertising							
Loan Closing / Financing Fees							
Interest / Carrying Costs							
Title Insurance & Recording							
Taxes							
For Use by City: City incurred costs	15,000						
Developer's Fees & Overhead							
Soft Cost Contingency							
Total Soft Costs							
Total Project Cost							

Affirmative Fair Housing Marketing Plan

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0013 (exp. 09/30/2003)

1a. Applicants Name, Address (including city, state & zip code) & Phone Number	1c. Project/ Application Number	1d. Number of Units	1e. Price or Rental Range From \$ To \$
	1f. For Multifamily Housing Only <input type="checkbox"/> Elderly <input type="checkbox"/> Non-Elderly	1g. Approximate Starting Dates (mm/dd/yy) Advertising ----- Occupancy	
1b. Projects Name, Location (including City, State and Zip Code)	1h. Housing Market Area	1i. Census Tract	
	1j. Managing/ Sales Agent's Name & Address (Including City, State, and Zip Code)		

2. Type of Affirmative Marketing Plan (Mark only one) <input type="checkbox"/> Project Plan <input type="checkbox"/> Minority Area <input type="checkbox"/> White (Non-minority) Area <input type="checkbox"/> Mixed Area (with % minority residents)	3. Direction of Marketing Activity (Indicate which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts) <input type="checkbox"/> White (non-Hispanic) <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Black (non-Hispanic) <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Persons with Disabilities
---	--

4a. Marketing Program: Commercial Media (Check the type of media to be used to advertise the availability of this housing)

Newspapers / Publications Radio TV Billboards Other (Specify)

Name of Newspaper, Radio or TV Station	Racial / Ethnic Identification of Readers / Audience	Size / Duration of Advertising

4b. Marketing Program: Brochures, Signs and HUD's Fair Housing Poster

(1) Will brochures, letter, or handouts be used to advertise? Yes No If "Yes" attach a copy or submit when available.

(2) For project site sign, indicate sign size x ; Logotype size x . Attach a photograph of project sign or submit when available.

(3) HUD's Fair Housing poster must be conspicuously displayed wherever sales / rentals and showings take place. Fair Housing Posters will be displayed in the Sales/Rental Office Real Estate Office Model Unit Other (specify)

4c. Community Contacts. To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contacts with the groups/organizations listed below that are located in the housing market area or SMSA. If more space is needed, attach an additional sheet. Notify HUD-FH EO of any changes in this list. Attach a copy of correspondence to be mailed to these groups/organizations. (Provide all requested information.)

Name of Group/Organization	Racial/Ethnic Identification	Approximate Date (mm/dd/yyyy)	Person Contacted or to be Contacted

Address & Phone Number	Method of Contact	Indicate the specific function the Group/Organization will undertake in implementing the market program

5. Future Marketing Activities (Rental Units only) Mark the box(s) that best describe marketing activities to fill vacancies as they occur after the project has been initially occupied. <input type="checkbox"/> Newspapers/Publications <input type="checkbox"/> Radio <input type="checkbox"/> TV <input type="checkbox"/> Brochures/Leaflets/Handouts <input type="checkbox"/> Site Signs <input type="checkbox"/> Community Contacts <input type="checkbox"/> Other (specify)	6. Experience and Staff Instructions (See instructions) 6a. Staff has experience <input type="checkbox"/> Yes <input type="checkbox"/> No 6b. On separate sheets, indicate training to be provided to staff on Federal , State and local fair housing laws and regulations, as well as the AFHM Plan. Attach a copy of the instructions to staff regarding fair housing
--	--

7. Additional Considerations. Attach additional sheets as needed.

8. Changes and Revisions By signing this form, the applicant agrees, after appropriate consultation with HUD, to change any part of the plan covering a multifamily project to ensure continued compliance with Section 200.620 of HUD's Affirmative Fair Housing Marketing Regulations. Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)	For HUD Office of Housing Use Only	
	Approval By	Disapproval By
	Signature & Date (mm/dd/yyyy)	Signature & Date (mm/dd/yyyy)
Name (Type or Print)	Name (Type or Print)	Name (Type or Print)
Title & Name of Company	Title	Title

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

The Affirmative Fair Housing Marketing Plan (AFHM) is needed to ensure that Federal agencies are taking necessary steps to eliminate discriminatory practices involving Federally insured and assisted housing. No application for any housing project or subdivision insured or subsidized under the Department's housing programs can be funded without an approved AFHM Plan. The responses are required to obtain or retain a benefit under the Fair Housing Act, Section 808(e)(5) & (6) and 24 CFR Part 200, Subpart M. The form contains no questions of a confidential nature.

f

Instructions Send the Completed form to: Your Local HUD Office, Attention: Director, Office of Housing

The Affirmative Fair Housing Marketing Regulations require that each applicant subject to these regulations carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups in the housing market area regardless of race, color, religion, sex, national origin, disability, or familial status. These groups include Whites (Non-Hispanic), members of minority groups, i.e., Blacks (Non-Hispanic), American Indians/Alaskan Natives, Hispanics, Asian/Pacific Islanders, persons with disabilities, or families with children in the Standard Metropolitan Statistical Areas (SMSA) or housing market area who may be subject to housing discrimination on the basis of race, color, religion, sex, national origin, disability, or familial status. The applicant shall describe on this form the activities it proposes to carry out during advance marketing, where applicable, and the initial sales rent-up period. The affirmative program also should ensure that any group(s) of persons normally **not** likely to apply for the housing without special outreach efforts (because of existing neighborhood racial or ethnic patterns, location of housing in the SMSA price or other factors), know about the housing, feel welcome to apply and have the opportunity to buy or rent.

Part 1 - Applicant and Project Identification. The applicant may obtain Census Tract location information, item ii, from local planning agencies, public libraries and other sources of Census Data. For item 1g. specify approximate starting date of marketing activities to the groups targeted for special outreach and the anticipated date of initial occupancy. Item 1j is to be completed only if the applicant is not to implement the plan on its own.

Part 2 - Type of Affirmative Marketing Plan. Applicants for multifamily projects are to submit a Project Plan which describes the marketing program for the particular project or subdivision. Scattered site builders are to submit individual annual plans based on the racial composition of each type of census tract. For example, if a builder plans to construct units in both minority and non-minority census tracts, separate plans shall be submitted for all of the housing proposed for both types.

Part 3 - Direction of Marketing Activity. Considering factors such as price or rental of housing, the racial/ethnic characteristics of the neighborhood in which housing is (or is to be) located, the population within the housing market area, or the disability or familial status of the eligible population, public transportation routes, etc., indicate which group(s) you believe are least likely to apply without special outreach.

Part 4 - Marketing Program. The applicant shall describe the marketing program to be used to attract all segments of the eligible population, especially those groups designated in the Plan as least likely to apply. The applicant shall state: the type of media to be used, the names of newspapers/call letters of radio or TV stations; the identity of the circulation or audience of the media identified in the Plan, e.g., White (Non-Hispanic), Black (Non-Hispanic), Hispanic, Asian-American/Pacific Islander, American Indian! Alaskan Native; and the size or duration of newspaper advertising or length and frequency of broadcast advertising. Community contacts include individuals or organizations that are well known in the project area or the locality and that can influence persons within groups considered least likely to apply. Such contacts may include, but need not be limited to: neighborhood, minority and women's organizations, churches, labor unions, employers, public and private agencies, disability advocates, and individuals who are connected with these organizations and/or are well-known in the community.

Part 5 - Future Marketing Activities. Self-Explanatory.

Part 6 - Experience and Staff Instructions.

- a. Indicate whether the applicant has previous experience in marketing housing to group(s) identified as least likely to apply for the housing.
- b. Describe the instructions and training given to sales/rental staff. This guidance to staff must include information regarding Federal, State and local fair housing laws and this AFHM Plan. Copies of any written materials should be submitted with the Plan, if such materials are available.

Part 7 - Additional Considerations. In this section describe other efforts not mentioned previously which are planned to attract persons in either those groups already identified in the Plan as least likely to apply for the housing or in groups not previously identified in the Plan. Such efforts may include outreach activities to female-headed households and persons with disabilities.

Part 8 - The applicant's authorized agent signs and dates the AFHM Plan. By signing the Plan, the applicant assumes full responsibility for its implementation. The Department may at any time monitor the implementation of the Plan and request modification in its format or content, where the Department deems necessary.

Notice of Intent to Begin Marketing. No later than 90 days prior to the initiation of sales or rental marketing activities, the applicant with an approved Affirmative Fair Housing Marketing Plan shall submit notice of intent to begin marketing. The notification is required by the Affirmative Fair Housing Marketing Plan Compliance Regulations (24 CFR Part 108.15). It is submitted either orally or in writing to the FHEO Division of the appropriate HUD Office serving the locality in which the proposed housing is located. OMB approval of the Affirmative Fair Housing Plan includes approval of this notification procedure as part of the Plan. The burden hours for such notification are included in the total designated for this Affirmative Fair Housing Marketing Plan form.

***DEVELOPMENT SCHEDULE**

<u>Scope of Work</u>	<u>Estimated Date</u>	<u>Actual Date</u>
Closing on Total Project Financing by Source	Month/Year	Month/Year
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
Finalize Partnership	_____	_____
Selection of Architect	_____	_____
Appraisal/Market Study	_____	_____
Engineering Report	_____	_____
Architectural Plans and Specifications	_____	_____
City or County Environmental Clearance	_____	_____
Site Plan Approval	_____	_____
Working Drawings Completed	_____	_____
Submit Drawings for Permit Approval	_____	_____
Construction Bids	_____	_____
Selection of General Contractor	_____	_____
Building Permits Issued	_____	_____
Start of Construction	_____	_____
Construction Completion @ 40%	_____	_____
Construction Completion @ 80%	_____	_____
Construction Completed - C.O.	_____	_____
Rentals – 90% Occupancy	_____	_____

***Not limited to format or detail but must include these items.**

DOCUMENT 00200-B

SECTION 3 BUSINESS PREFERENCE CLAIM FORM

OPTIONAL DOCUMENT: Only applicable to current MDPHA certified Section 3(S-3) businesses who wish to claim a bidder's preference. S-3 businesses must become certified at least two weeks prior to bid opening date to be eligible to claim S-3 bidder's preference. Business application requests may be faxed to MDHA at 305-643-1773.

*****Only initial those items applicable to your firm.**

1. _____ (Initial) _____ (Firm Name) was certified by MDPHA as an S-3 Business on _____ (Date). Said firm is claiming a preference for the bid, identified below.
2. _____ (Initial) Firm's original business certification was based on proof that firm owner was low or very low income. Firm owner's current family income meets the definition of a very-low or low-income household.
3. _____ (Initial) Said firm certifies, below, with the firm president's signature, that the full-time employee composition, and the ratio of S-3 full-time employees to non-S-3 employees continues to be at least 30% or higher.
4. _____ (Initial) Said firm has attached Document 00452, "Employee List". This list includes all current employees and is back-up for item no. 3 above.
5. _____ (Initial) Said firm has attached, for each new S-3 employee (hired since original business certification date shown under item one above, if this proof has not previously been provided to MDPHA Office of Compliance staff), Documents 00401, "Resident or Employee Preference Claim" and 00402, "Household Income Verification", or other applicable documentation, to demonstrate whether any new employees who have been hired after date of business certification meet the definition of a low or very-low income Miami-Dade family (based on household size and family income).

If items 4 and 5 above are initialed by bidder and/or applicable to bidder, bidder must attach the listed S-3 documentation. FAILURE TO DO SO SHALL INVALIDATE BIDDER'S S-3 BUSINESS PREFERENCE CLAIM.

BID NUMBER _____ BID
NAME _____

FIRM NAME (Please print or type) _____

PRESIDENT'S NAME (Please print or type) _____

PRESIDENT'S SIGNATURE: _____

PHONE AND FAX NUMBERS: _____

DATE: _____

**FIRST SOURCE HIRING AGREEMENT - STATEMENT OF COMPLIANCE WITH
ORDINANCE NO. 10032**

Proposer certifies that (s)he has read and understood the provisions of City of Miami Ordinance No.10032 (Section 18-105 of the City Code) pertaining to the implementation of a “**First Source Hiring Agreement.**”

Proposer will complete and submit the following questions as part of the RFQ Proposal.

Violations of this Ordinance may be considered cause for annulment of a Contract between the Successful Proposer(s) and the City of Miami.

A. Do you expect to create new positions in your company in the event your company was awarded a Contract by the City?
 _____ Yes _____ No

B. In the event your answer to Question A is “yes,” how many new positions would you create to perform this work? _____

C. Please list below the title, rate of pay, summary of duties, number of positions, and expected length or duration of all new positions which might be created as a result of this award of a contract.

Position/Title	Rate of Pay Hourly/Weekly	Duties	Number of Positions	Expected Length or Duration

(Use additional sheets if necessary)

PROPOSER NAME: _____ DATE _____

SIGNATURE/TITLE: _____

FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM MAY DISQUALIFY PROPOSAL

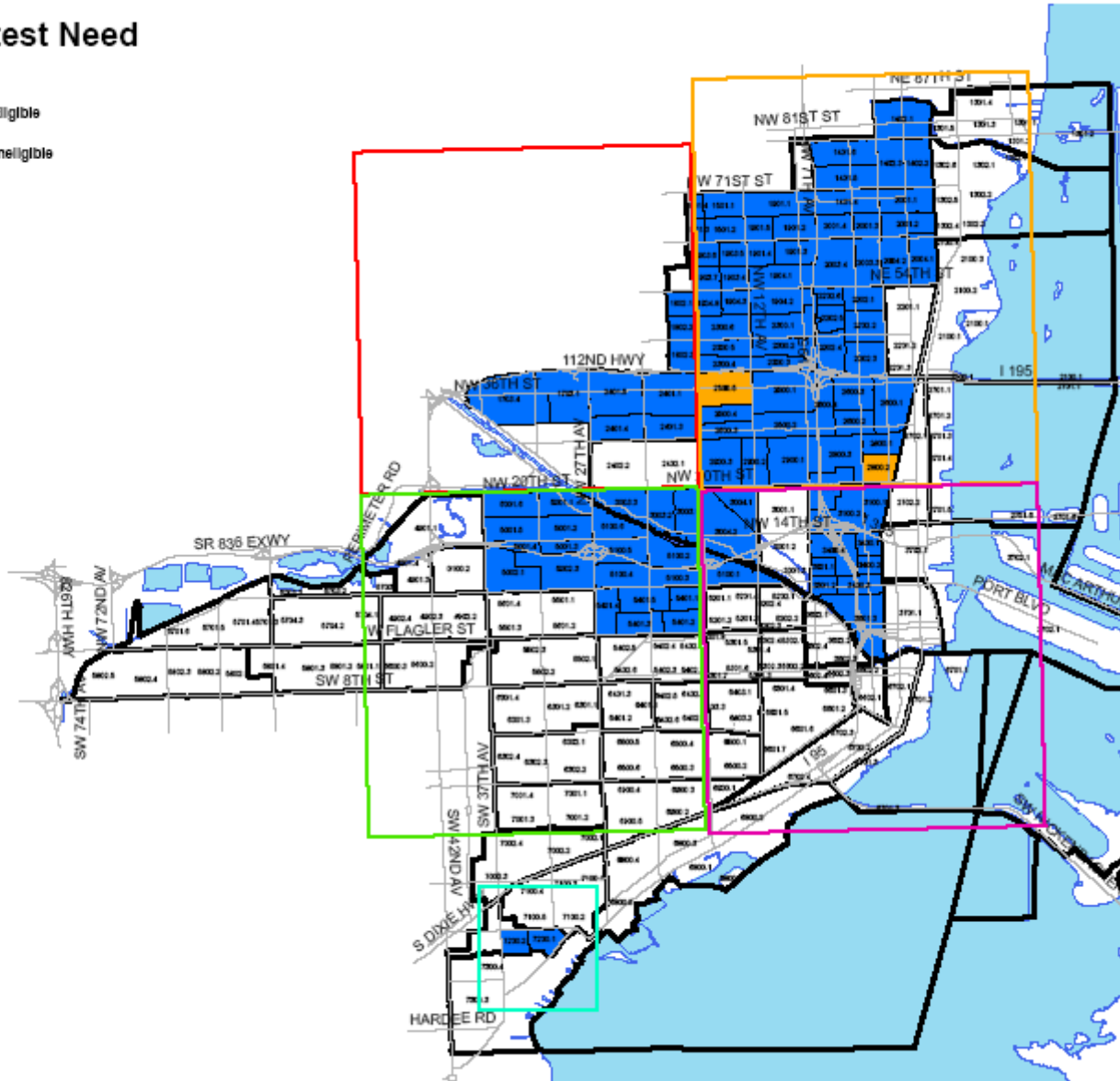
EXHIBIT “A”
AREAS OF GREATEST NEED MAPS

Areas of Greatest Need

Legend

- Eligible Low, Mod, or Middle Eligible
- Ineligible Low, Mod, or Middle Ineligible

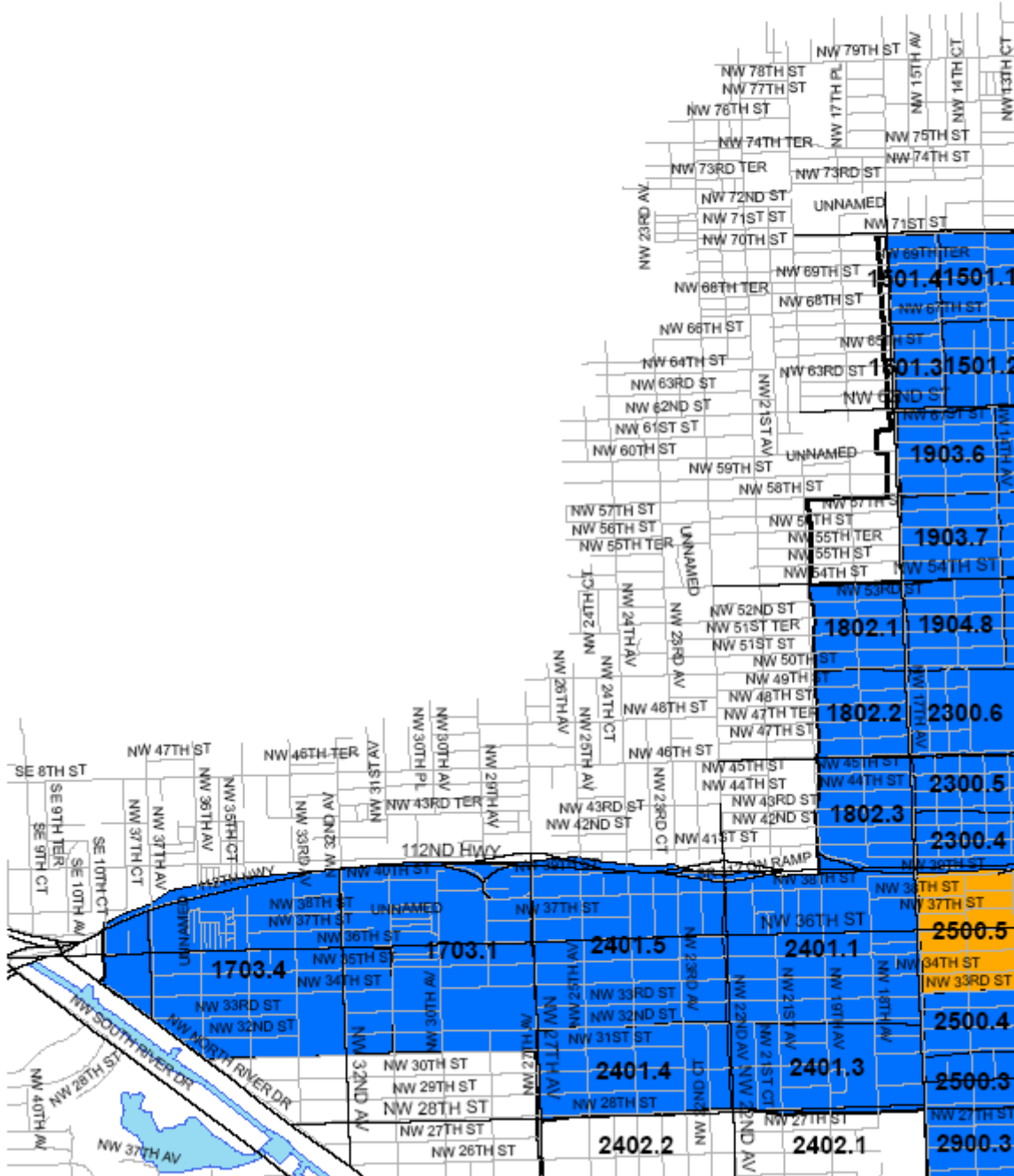
- Northwest
- Northeast
- Southwest
- Southeast
- Coconut Grove



Legend

- Eligible Low, Mod, or Middle Eligible
- Ineligible Low, Mod, or Middle Ineligible

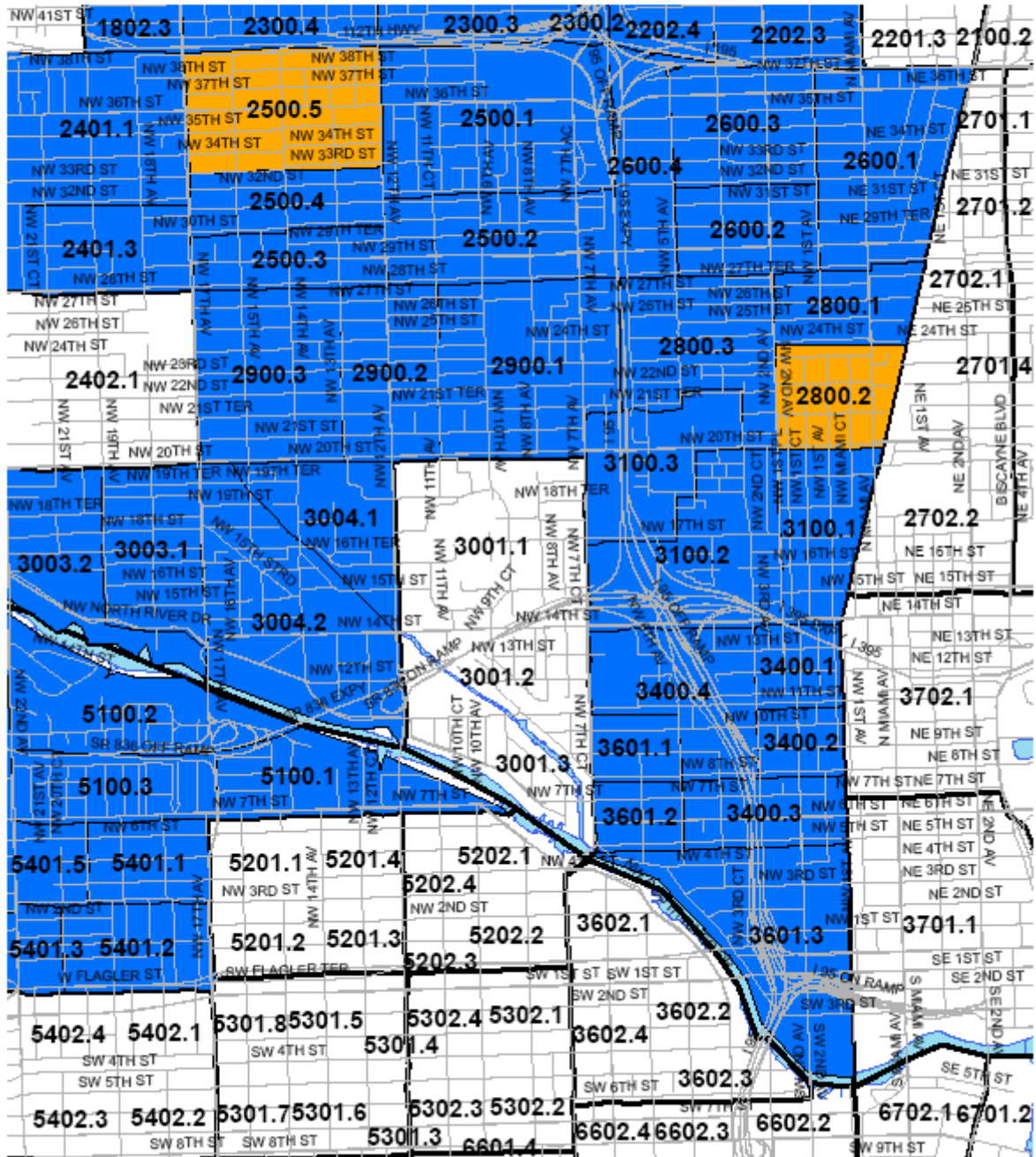
Areas of Greatest Need Northwest Area



Legend

- Eligible Low, Mod, or Middle Eligible
- Ineligible Low, Mod, or Middle Ineligible

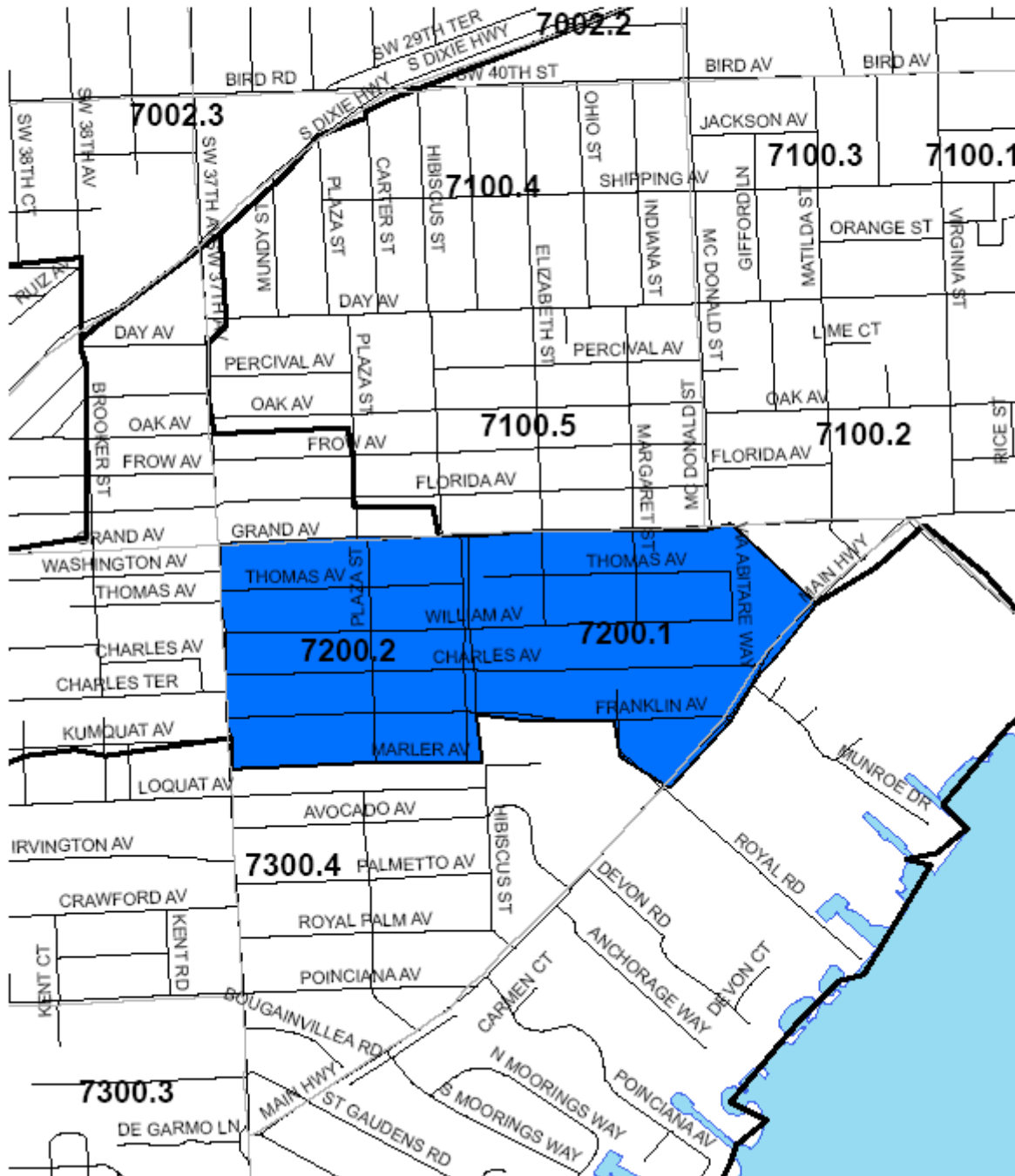
Areas of Greatest Need Southeast Area



Legend

- Eligible Low, Mod, or Middle Eligible
- Ineligible Low, Mod, or Middle Ineligible

Areas of Greatest Need Coconut Grove Area



**EXHIBIT “B”
GREEN CHECKLIST**

EXHIBIT “B”

**CITY OF MIAMI
DEPARTMENT OF COMMUNITY DEVELOPMENT**

MULTI-FAMILY REHAB GREEN CHECKLIST

The following list of green criteria items is included as part of the NSP Program Request for Proposal. Please indicate which will be incorporated into the rehabilitation work of the multi-family properties.

Threshold Items: (All)

- Water-Conserving Appliances and Fixtures (toilets, shower heads, faucets)
- Energy Star Appliances (refrigerator and stove)
- Efficient Lighting Interior/ Exterior
- Construction Waste Management
- Low/ no Volatile Organic Compounds (VOC) Paints and Primers
- Exhaust Fans – Bathroom/Kitchen
- Storm Drain Labels
- Building Maintenance Manual
- Tenant’s Manual
- New Tenant Orientation

Bonus Items: (One point per item, maximum 4 points)

- Landscaping
- Recycled Content Material
- Reduce Heat-Island Effect: Roofing
- Reducing Heat-island Effect: Planting
- Urea Formaldehyde-free Composite Wood
- Green label Certified Floor Coverings
- Ventilation
- Water Heaters: Mold Prevention
- Materials in Wet Areas: Surfaces/ Tub and Shower Enclosures
- Water Drainage
- Clothes Dryer Exhaust
- Integrated Pest Management
- Lead-Safe Work Practices
- Healthy Flooring Materials: alternative sources
- Water-Permeable Walkways
- Water-Permeable Parking Areas
- Smoke-free Building
- Combustion Equipment (includes space & water-heating equipment)

Applicant may select up to 4 items of the bonus list.

EXHIBIT “C”
SECTION 3

SECTION 3 COMPLIANCE

The following paragraphs will be included in the winning Applicant's contract with the City of Miami:

- A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S. C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance of HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

SECTION 3 REQUIREMENTS

I. ASSURANCE STATEMENT

Each applicant, recipient, contractor, and subcontractor on a Section 3 covered project shall sign the attached Section 3 Assurance of Compliance.

II. AFFIRMATIVE ACTION PLAN FOR UTILIZATION OF PROJECT AREA BUSINESSES

Each applicant, recipient, contractor, and subcontractor preparing to undertake work pursuant to a Section 3 covered contract shall develop and implement an affirmative action plan, which shall:

- (a) Set forth the approximated number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the Section 3 covered project.
- (b) Analyze the information set forth in paragraph (a) and the availability of eligible business concerns within the project area doing business in professions or occupations identified as needed in paragraph (a) and set forth a goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the Section 3 covered project.
- (c) Outline the anticipated program to be used to achieve the goals for each business and/or professional category identified. This program should include but not be limited to the following actions:
 - (1) Insertion in the bid documents, if any, of the affirmative action plan of the applicant, recipient, contractor, or subcontractor letting the contract; and
 - (2) Identification within the bid documents, if any, of the applicable Section 3 project area.
 - (3) Ensuring that the appropriate business concerns are notified of pending contractual opportunities either personally or through locally utilized media.

III. BIDDING AND NEGOTIATION REQUIREMENTS

Every applicant and recipient shall require prospective contractors for work in connection with Section 3 covered projects to provide, prior to the signing of the contract, a preliminary statement of work force needs (skilled, semi-skilled, unskilled labor and trainees by category) where known; where not known, such information shall be supplied prior to the signed of any contract between contractors and their subcontractors. Consideration should be given to those contractors who will have training and employment opportunities for project area residents.

When a bidding procedure is used to let the contract, the invitation or solicitation for bids shall advise prospective contractors of the requirements of these regulations.

Applicant, recipient and contractors should insert plan for utilization of project area business in the bid documents. The recipient must have indicated therein that Section 3 applies to the project and what is expected of them. All contractors who bid a job just show in their bid what they will do to implement Section 3. They must in this bid commit themselves to a goal and show what they intend to do to reach that goal. When the bids are opened, they must be evaluated in terms of the bidder's responsiveness to Section 3. A bid which lacks a commitment to Section 3 or which lacks a goal or plan to reach a goal may be judged nonresponsive.

Applicants, recipients and contractors will ensure that the attached Section 3 Clause and Assurance of Compliance are made a part of all contracts.

In implementing its affirmative action plan, each applicant, recipient, contractor, or subcontractor shall make a good faith effort to achieve its goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the Section 3 covered project.

IV. UTILIZATION OF LOWER INCOME RESIDENTS AS TRAINEES AND EMPLOYEES

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a Section 3 covered project shall make a good faith effort to fill all vacant training and occupational category positions with lower income project area residents

ASSURANCE OF COMPLIANCE (Section 3, HUD ACT of 1968)

TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESS AND LOWER INCOME PERSONS

- A. The project assisted under this (contract) (agreement) is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S. C. 170U. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

- B. Notwithstanding any other provision of this (contract) (agreement), the (applicant) (recipient) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this (contract) (agreement). The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 135.20 (b) of the regulations in all contracts for work in connection with the project. The (applicant) (recipient) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

- C. Compliance with the provision of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (contract) (agreement), shall be a condition of the Federal financial assistance provided to the project, binding upon the (applicant) (recipient), its successors and assigns. Failure to fulfill these requirements shall subject the (applicant) (recipient), its contractors and subcontractors, its successors, and assigns to the sanctions specified by the (contract) (agreement), and to such sanctions as are specified by 24 CFR Section 135

APPLICANT: _____

SIGNATURE: _____

ADDRESS: _____

DATE: _____

City of Miami
SECTION 3 ECONOMIC OPPORTUNITY PLAN QUESTIONS

The Section 3 Economic Opportunity Plan must describe the proposed strategies for achieving the Section 3 training and employment numerical goals, and subcontracting numerical goals (where subcontracting is allowable in the Bid.)

Please review the information below, and **provide your responses on separate paper**. (A Section 3 Economic Opportunity Plan Instruction Sheet is attached to further assist you in developing your responses to the information requested below.)

1. Identify individual(s) responsible for planning, implementing and tracking the projects' Section 3 training and employment goals. Describe their prior experience in this area.
2. Describe efforts (contractor and subcontractor) to be taken to recruit, solicit, encourage, facilitate, and hire public housing and other low-income persons. Identify any private or public resources that will be used.
3. Describe contractor's activities to be taken for recruiting, soliciting, encouraging, facilitating and selecting Section 3 subcontractors, where applicable.
4. Describe plans to structure project activities in ways that create opportunities for Section 3 firms' participation, where applicable.

YOUR RESPONSES TO QUESTIONS 1-4, WILL CONSTITUTE YOUR PLAN; PLEASE ATTACH YOUR PLAN DOCUMENT AND ALSO INCLUDE THE FOLLOWING INFORMATION ON YOUR PLAN:

- (1) COMPANY NAME**
- (2) YOUR NAME AND PHONE NUMBER**
- (3) BID NUMBER AND NAME.**

SAMPLE PLAN QUESTIONS

PLEASE RE-TYPE YOUR OWN FIRM'S PLAN ON YOUR FIRM STATIONERY

FIRM NAME, ADDRESS, TELEPHONE AND FAX NUMBER

Question #1

Identify individuals responsible for planning, implementing, and tracking the project's Section 3 training and employment goals. Describe their prior experience in this area. The individual responsible for planning, implementing and tracking the project's Section 3 training and employment goals is John Doe, President (or the appropriate title of this individual), of name of firm (hereafter referred to as "Contractor"). He (or she) will obtain all pertinent information to become thoroughly familiar and ensure contract compliance with the HUD Section 3 Regulation. John Doe has worked on construction (or service, whichever is applicable) projects, and is qualified to administer contractor's Section 3 Economic Opportunity Plan (Plan.)

Question #2

Describe efforts (contractor and subcontractor) to be taken to recruit, solicit, encourage, facilitate and hire public housing and other low-income persons. Identify any private or public resources that will be used.

Contractor will take the following steps to recruit, solicit, encourage, facilitate and hire public housing and other low-income persons, in the event any vacancies occur throughout the duration of the project:

1. Meet with resident associations and managers at the public housing site where work is to take place, first, and second, at other public housing sites.
2. Schedule a time and place for public housing residents to complete job applications.
3. Develop a list of "pre-qualified" Section 3 public housing and other low-income residents who could fill job vacancies that may later become available.
4. Send notices about Section 3 training and employment obligations and opportunities required for this project to labor organizations.
5. Establish a training program to provide public residents and other low income residents with the opportunity to learn basic skills and job requirements.
6. Advertise in major and community newspapers and on job sites for workers who meet the definition of a Section 3 resident.

Contractor will establish files to record and retain written documentation of all training and employment outreach efforts and resources from agency representatives and job applicants.

Question #3

(ONLY APPLICABLE TO FIRMS THAT SUBCONTRACT)

Describe the contractor's activities to be taken for recruiting, soliciting, encouraging, facilitating and selecting Section 3 subcontractors, where applicable.

Contractor will take all feasible measures to recruit, solicit, encourage, facilitate, and select qualified Section 3 business subcontracting firms to perform at least 10% of the project award amount (contract sum) for each CITY OF MIAMI project for which Contractor is the successful bidder.

Contractor will request the organizations, listed below, to provide lists of firms, organized by trade category, which can perform required project work (in addition to these organizations, Contractor may also contact other organizations that provide such listings):

1. Contractor's Resource Center
2. Small Business Administration
3. Minority Business Development Center

Contractor understands that, in addition to awarding work to qualified Section 3 businesses, it is our responsibility to:

1. Use the contractor's or firms solicitation letter to advertise to the "greatest extent feasible" to all firms on lists provided to us by the CITY OF MIAMI and other organizations about the type of work needed to complete each CITY OF MIAMI project,
2. Advise firms of Contractor's obligation to seek and award work to qualified Section 3 businesses, where feasible,
3. Clarify the definition of a Section 3 resident and business,
4. Explain how to qualify as a Section 3 business in order to be eligible to receive a preference from Contractor when subcontractor work is to be awarded, and
5. Provide Section 3 certified firms that are qualified to perform work with an opportunity to submit price quotations for CITY OF MIAMI project work, and where financially feasible, hire such firms as subcontractors.

Documentation of Outreach to find Eligible Section 3 Subcontracting Firms

1. Contractor will establish files to record and retain written documentation of all outreach efforts and responses received from organizations and subcontractors who are contacted.
2. Contractor will fax the CITY OF MIAMI Solicitation Letter to all firms that these organizations identify, based on each category of work required for each project.
3. Contractor will provide CITY OF MIAMI with copies of its facsimile receipts to each of the organizations listed in its Plan and their responses.
4. Contractor will provide CITY OF MIAMI with copies of its facsimile receipts and responses received from every firm that is faxed for each CITY OF MIAMI project.
5. Contractor will provide CITY OF MIAMI with an outreach close-out letter for each project awarded that refers to an attached outreach summary report. If Contractor is unable to meet CITY OF MIAMI's requirement to contract at least 10% of the award amount to Section 3 businesses, Contractor will include in its close-out letter an explanation as to why this requirement was not met.
6. The outreach summary report, referred to in No. 5, above, will list all contacts made to each organization or association, the individual firms subsequently contacted, categorized by trade, and the bid amount or other type of responses received from each firm (similar to the sample outreach summary report attached to Contractor's Plan.)

7. If a firm is non-responsive, Contractor agrees to make a second attempt at getting them to respond, failing which, Contractor will move on to another company, all of which will be submitted to the CITY OF MIAMI, and referred to in the outreach close-out letter and summary report.

Question #4

(ONLY APPLICABLE TO FIRMS THAT SUBCONTRACT)

Describe plans to structure project activities in ways to create opportunities for Section 3 firms to participate, where applicable.

Contractor will make every effort to structure project activities to increase opportunities for Section 3 businesses. This will be accomplished by sub-dividing the work into smaller amounts, or by using multiple firms to complete similar types of work.

Submitted by: _____ Submission Date: _____

President Name, President

**CITY OF MIAMI
SECTION 3**

NEW HIRES SECTION 3 MONTHLY COMPLIANCE FORM

This form is distributed to the General Contractor (GC) at the Pre-Construction Meeting. GC is also required to provide this form to any subcontractor firms they hire for this project.

Review the information below, check all that apply to:

Project Name _____

Project Address _____

Additionally, please review and comply with Steps 1 and 2 below:

1. You must sign and date this form for every pay period in connection with this project and **hand deliver or mail:**

City of Miami
Department of Community Development
444 SW 2 Avenue, 2nd Floor
Miami, Florida 33130 or
Diane Kraska, AICP
(305) 416-2029

2. When you hire a Section 3 resident in connection with this project, you must also complete and submit a MONTHLY report (attached) for every pay period worked, to the designated Community Development Project Manager.

Pay Period/**MONTH:** _____ from: _____ to: _____

___ I have **not** hired any new employees during the pay period/MONTH specified.

___ I have hired ___ Section 3 employees and/or ___ non-Section 3 employees during the pay period shown here.

___ I have taken one or more of the following recruitment steps to hire a Section 3 resident with the highest training and employment priority ranking: (check all that apply)

___ I have advertised to fill vacancy(ies) at the site(s), where work is taking place, in connection with this project. Below, I have checked the steps I have taken to find Section 3 low-income residents, from the targeted groups and neighborhoods, to fill any vacancies.

___ Placed signs or posters in prominent places at each of the above listed developments.

___ Taken photographs of the above item to document that the above step was carried out

___ Distributed employment flyers to each of the residents at these developments

Posted employment flyers to each of the residents at these developments

___ Contacted City Environmental Specialist or City of Miami employment referrals and HUT) Youthbuild Program referrals (if applicable)

____ Contacted U.S. HUD State Officer at (305) 536-4421 to identify any HUD Youthbuild programs currently operating in Miami-Dade County; then contacted these programs for Youthbuild referrals

____ Kept a log of all applicants and indicated the reasons why Section 3 residents who applied were not hired

____ Retained copies of any employment applications completed by public housing Section 8 certificate or voucher holders or other Section 3 residents

____ Sent a notice about Section 3 training and employment requirements and opportunities to labor organizations or to worker representatives with whom our firm has a collective bargaining or other agreement

____ Sent proof of all checked items to City of Miami Section 3 representative above via fax at (305) 416-2090 and deliver to:

City of Miami
Department of Community Development
Attn: Section 3
SW 2nd Avenue, 2nd Floor
Miami, Florida 33130

Authorized Name:
Title:

Firm Name:

Date _____

EXHIBIT “D”
INSURANCE REQUIREMENTS
DEVELOPER

**INSURANCE REQUIREMENTS FOR A CERTIFICATE OF INSURANCE-
CD CONSTRUCTION PROJECTS
CONSTRUCTION REQUIREMENTS- DEVELOPER**

I. Commercial General Liability (Primary and Non Contributory)

Limits of Liability

Bodily Injury and Property Damage Liability	
Each Occurrence	\$1,000,000
General Aggregate Limit	\$ 2,000,000
Products/Completed Operations	\$ 1,000,000
Personal and Advertising Injury	\$1,000,000

Endorsements Required

City of Miami included as an Additional Insured
Premises and Operations Liability
Contingent Liability
Contractual Liability
Explosion, Collapse and Underground Hazard

II. Business Automobile Liability

Limits of Liability

Bodily Injury and Property Damage Liability	
Combined Single Limit	
Any Auto	
Including Hired, Borrowed or Non-Owned Autos	
Any One Accident	\$ 1,000,000

Endorsements Required

City of Miami included as an Additional Insured

III. Worker's Compensation

Limits of Liability

Statutory-State of Florida
Waiver of subrogation

IV. Employer's Liability

A. Limits of Liability

\$100,000 for bodily injury caused by an accident, each accident
\$100,000 for bodily injury caused by disease, each employee
\$500,000 for bodily injury caused by disease, policy limit

The above policies shall provide the City of Miami with written notice of cancellation or material change from the insurer not less than (30) days prior to any such cancellation or material change.

Companies authorized to do business in the State of Florida, with the following qualifications, shall issue all insurance policies required above:

The company must be rated no less than "A-" as to management, and no less than "Class V" as to Financial Strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent. All policies and /or certificates of insurance are subject to review and verification by Risk Management prior to insurance approval.

EXHIBIT "E"
INSURANCE REQUIREMENTS
GENERAL CONTRACTOR

**INSURANCE REQUIREMENTS FOR A CERTIFICATE OF INSURANCE-
CD CONSTRUCTION PROJECTS
CONSTRUCTION REQUIREMENTS- GENERAL CONTRACTOR**

I. Commercial General Liability (Primary and Non Contributory)

Limits of Liability

Bodily Injury and Property Damage Liability	
Each Occurrence	\$1,000,000
General Aggregate Limit	\$ 2,000,000
Products/Completed Operations	\$ 1,000,000
Personal and Advertising Injury	\$1,000,000

Endorsements Required

City of Miami included as an Additional Insured
Premises and Operations Liability
Contingent Liability
Contractual Liability
Explosion, Collapse and Underground Hazard

II. Business Automobile Liability

Limits of Liability

Bodily Injury and Property Damage Liability	
Combined Single Limit	
Any Auto	
Including Hired, Borrowed or Non-Owned Autos	
Any One Accident	\$ 1,000,000

Endorsements Required

City of Miami included as an Additional Insured

III. Worker's Compensation

Limits of Liability

Statutory-State of Florida
Waiver of subrogation

IV. Employer's Liability

B. Limits of Liability

\$500,000 for bodily injury caused by an accident, each accident
\$500,000 for bodily injury caused by disease, each employee
\$500,000 for bodily injury caused by disease, policy limit

V. Umbrella Policy

A. Limits of Liability

Bodily Injury and Property Damage Liability	
Each Occurrence	\$ 1,000,000
Aggregate	\$ 1,000,000

VII. Owners & Contractor's Protective

Each Occurrence	\$1,000,000
General Aggregate	\$1,000,000

VI. Payment and Performance Bond (Full Amount of the Project)

VIII. Builders' Risk

Causes of Loss: All Risk-Specific Coverage Project Location

Valuation: Replacement Cost

Deductible: \$2,500 All other Perils

5% maximum on Wind

City of Miami listed as co-insured

A. Limit/Value at Location or Site \$_____

B. Coverage Extensions:

- Materials, supplies and similar property owned by others for which you are responsible.
- Full coverage up to policy limits for equipment breakdown.
- Temporary storage/transit coverage.
- Full coverage up to policy limits for site preparation, re- excavation, re-preparation and re-grade in the event of a loss.
- Fences, scaffolding, construction forms coverage and signs
- Valuable papers coverage for blueprints, site plans and similar documents.
- Trees, shrubs, sod, plants while at premises.
- Flood, including inundation, rain, seepage and water damage.
- Earthquake
- New ordinance or law; reimbursement for any resulting loss of value to the undamaged portion, and required demolition expenses, including construction necessary to repair, rebuild or re-construct damaged parts.
- Temporary structures, cribbing and false work built or erected at construction site.
- Debris Removal.

The above policies shall provide the City of Miami with written notice of cancellation or material change from the insurer not less than (30) days prior to any such cancellation or material change.

Companies authorized to do business in the State of Florida, with the following qualifications, shall issue all insurance policies required above:

The company must be rated no less than “A-” as to management, and no less than “Class V” as to Financial Strength, by the latest edition of Best’s Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent. All policies and /or certificates of insurance are subject to review and verification by Risk Management prior to insurance approval.

EXHIBIT “F”
DEVELOPMENT FEE EXAMPLES

Development Fee Tables

Disct.	Sales Amt	rehab costs	Dev. Fee	DF %	Acq. Fee	Acq%	T. Fees	Total Cost	Developer
	\$1,500,000								Fee
1%	\$1,485,000	\$400,000	\$40,000	10%	\$0	0%	\$40,000	\$1,925,000	
2%	\$1,470,000	\$400,000	\$44,000	11%	\$14,700	1%	\$58,700	\$1,928,700	
3%	\$1,455,000	\$400,000	\$48,000	12%	\$29,100	2%	\$77,100	\$1,932,100	
4%	\$1,440,000	\$400,000	\$52,000	13%	\$43,200	3%	\$95,200	\$1,935,200	
5%	\$1,425,000	\$400,000	\$56,000	14%	\$57,000	4%	\$113,000	\$1,938,000	
10%	\$1,350,000	\$400,000	\$60,000	15%	\$67,500	5%	\$127,500	\$1,877,500	
15%	\$1,275,000	\$400,000	\$80,000	20%	\$76,500	6%	\$156,500	\$1,831,500	
Disct.	Sales Amt.	rehab costs	Dev. Fee	DF%	Acq. Fee	Acq%	T. Fees	Total Cost	
	\$1,000,000								
1%	\$990,000	\$400,000	\$40,000	10%	\$0	0%	\$40,000	\$1,430,000	
2%	\$980,000	\$400,000	\$44,000	11%	\$9,800	1%	\$53,800	\$1,433,800	
3%	\$970,000	\$400,000	\$48,000	12%	\$19,400	2%	\$67,400	\$1,437,400	
4%	\$960,000	\$400,000	\$52,000	13%	\$28,800	3%	\$80,800	\$1,440,800	
5%	\$950,000	\$400,000	\$56,000	14%	\$38,000	4%	\$94,000	\$1,444,000	
10%	\$900,000	\$400,000	\$60,000	15%	\$45,000	5%	\$105,000	\$1,405,000	
15%	\$850,000	\$400,000	\$80,000	20%	\$51,000	6%	\$125,000	\$1,375,000	Capped*
Disct.	Sales Amt.	rehab costs	Dev. Fee	DF%	Acq. Fee	Acq%	T. Fees	Total Cost	
	\$800,000								
1%	\$792,000	\$400,000	\$40,000	10%	\$0	0%	\$40,000	\$1,232,000	
2%	\$784,000	\$400,000	\$44,000	11%	\$7,840	1%	\$51,840	\$1,235,840	
3%	\$776,000	\$400,000	\$48,000	12%	\$15,520	2%	\$63,520	\$1,239,520	
4%	\$768,000	\$400,000	\$52,000	13%	\$23,040	3%	\$75,040	\$1,243,040	
5%	\$760,000	\$400,000	\$56,000	14%	\$30,400	4%	\$86,400	\$1,246,400	
10%	\$720,000	\$400,000	\$60,000	15%	\$36,000	5%	\$96,000	\$1,216,000	
15%	\$680,000	\$400,000	\$80,000	20%	\$40,800	6%	\$108,000	\$1,188,000	Capped*
	*Developer	Fee	Capped	at	10% of	Total	Acquisition	+ Rehab	Costs

Disct.	Sales Amt	rehab costs	Dev. Fee	DF %	Acq. Fee	Acq%	T. Fees	Total Cost	Developer
	\$1,500,000								Fee
1%	\$1,485,000	\$800,000	\$80,000	10%	\$0	0%	\$80,000	\$2,365,000	
2%	\$1,470,000	\$800,000	\$88,000	11%	\$14,700	1%	\$102,700	\$2,372,700	
3%	\$1,455,000	\$800,000	\$96,000	12%	\$29,100	2%	\$125,100	\$2,380,100	
4%	\$1,440,000	\$800,000	\$104,000	13%	\$43,200	3%	\$147,200	\$2,387,200	
5%	\$1,425,000	\$800,000	\$112,000	14%	\$57,000	4%	\$169,000	\$2,394,000	
10%	\$1,350,000	\$800,000	\$120,000	15%	\$67,500	5%	\$187,500	\$2,337,500	
15%	\$1,275,000	\$800,000	\$160,000	20%	\$76,500	6%	\$207,500	\$2,282,500	*Capped
Disct.	Sales Amt.	rehab costs	Dev. Fee	DF%	Acq. Fee	Acq%	T. Fees	Total Cost	
	\$1,000,000								
1%	\$990,000	\$800,000	\$80,000	10%	\$0	0%	\$80,000	\$1,870,000	
2%	\$980,000	\$800,000	\$88,000	11%	\$9,800	1%	\$97,800	\$1,877,800	
3%	\$970,000	\$800,000	\$96,000	12%	\$19,400	2%	\$115,400	\$1,885,400	
4%	\$960,000	\$800,000	\$104,000	13%	\$28,800	3%	\$132,800	\$1,892,800	
5%	\$950,000	\$800,000	\$112,000	14%	\$38,000	4%	\$150,000	\$1,900,000	
10%	\$900,000	\$800,000	\$120,000	15%	\$45,000	5%	\$165,000	\$1,865,000	
15%	\$850,000	\$800,000	\$160,000	20%	\$51,000	6%	\$165,000	\$1,815,000	*Capped
Disct.	Sales Amt.	rehab costs	Dev. Fee	DF%	Acq. Fee	Acq%	T. Fees	Total Cost	
	\$800,000								
1%	\$792,000	\$800,000	\$80,000	10%	\$0	0%	\$80,000	\$1,672,000	
2%	\$784,000	\$800,000	\$88,000	11%	\$7,840	1%	\$95,840	\$1,679,840	
3%	\$776,000	\$800,000	\$96,000	12%	\$15,520	2%	\$111,520	\$1,687,520	
4%	\$768,000	\$800,000	\$104,000	13%	\$23,040	3%	\$127,040	\$1,695,040	
5%	\$760,000	\$800,000	\$112,000	14%	\$30,400	4%	\$142,400	\$1,702,400	
10%	\$720,000	\$800,000	\$120,000	15%	\$36,000	5%	\$152,000	\$1,672,000	
15%	\$680,000	\$800,000	\$160,000	20%	\$40,800	6%	\$148,000	\$1,628,000	*Capped

*Developer Fee Capped at 10% of Total Acquisition + Rehabilitation Costs

EXHIBIT "G"
CONTRACT RIDER

Required Purchase Contract Language Riders Under NSP1

The following describes language which should be added to Applicant's multi-family purchase contract to insure that the property being purchased would qualify for US HUD Neighborhood Stabilization Program 1(NSP1) funding. Riders in **bold**.

ISSUE: The purchase price must be at least a 1% discount from an "as is" appraisal value, which must be performed within 60 days of the final offer. Discounts can be greater than the minimum 1%. Therefore, the Purchase price section of the contract should read:

Purchase Price: The lessor of \$(absolute dollar amount that you believe is a fair price) or a 1%* discount from an "as is" appraised value of the property. An appraisal shall be completed according to US HUD standards, and shall be dated within 60 days of the final offer.

*As an FYI, the discount percentage can be greater than 1%.

ISSUE: No NSP monies can be committed or expended before a US HUD Release of Grant Conditions or a confirmation of exempt status has been issued for the Project. This covers the environmental review which must be completed by the City before NSP funding can be used to acquire the project.

Also, since the developer is dependent upon the successful award of the City of Miami's NSP funding, it is prudent to make this a contingency in the purchase contract.

Therefore, the contract should have an addendum which reads:

This contract is contingent upon the purchaser obtaining City of Miami's Neighborhood Stabilization Program 1 financing and the purchaser obtaining a US HUD Release of Grant Conditions or the issuance of a confirmation of exempt status from the City of Miami and US HUD.

EXHIBIT “H”
CONFLICT OF INTEREST FORMS

City of Miami Department of Community Development

CONFLICT OF INTEREST DISCLOSURE FORM

Conflict of Interest Regulation U.S. HUD's Conflict of Interest provisions are set forth at 24 CFR 570.611(b) which provide in relevant part that "...no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.."

24 CFR 570.611 (c) describes the persons covered by the above rule as being applicable to "Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer or elected official or appointed official of the recipient, or any designated public agencies, or of subrecipients that are receiving funds under this part."

The purpose of this document is to assist in the determination of whether additional restrictions, oversight, or other conditions might be advisable prior to execution of any contract, finding or providing assistance. The term "Conflict of Interest" refers to situations in which financial or other personal considerations may compromise or have the appearance of compromising professional judgment in following the rules and regulation of the program. Please mark the appropriate box for each question and complete the attachment if indicated. This form (with Attachment, if required) must be completed and returned to your Contract Compliance Analyst.

Agency Name: _____ Funding Source: _____

Address: _____ Contract Amount: _____

City, State, Zip: _____ Project #: _____

A. Family Relationships:

Does any employee, board member or person (as described above) in your agency have a family member directly or indirectly involved or employed with the Department of Community Development and/or City of Miami that creates a conflict of interest or the appearance of a conflict under the Conflict of Interest Regulation?

YES NO (if YES, please complete Part A of the Attachment)

B. Program Relationships:

Do any employee, board member and/or person (as described above) in your agency serve or is appointed in a Department of Community Development and/or City of Miami Board/Committee that may create a conflict of interest or the appearance of a conflict under the Conflict of Interest Regulation?

YES NO (if YES, please complete Part B of the Attachment)

Does an employee of the Department Community Development and/or City of Miami serve in the agency's Board of Directors, which may create a conflict of interest or the appearance of a conflict under the Conflict of Interest Regulation?

YES NO (if YES, please complete Part B of the Attachment)

Does any elected official of the City of Miami serve on your agency's Board of Directors, which may create a conflict of interest or the appearance of a conflict under the Conflict of Interest Regulation?

YES NO (if YES, please complete Part B of the Attachment)

Are any employee, board member and/or person (as described above) in your agency involved in any other activity, directly or indirectly, with the Department of Community Development and/or City of Miami that may create a conflict of interest or the appearance of a conflict under the Conflict of Interest Regulation?

YES NO (if YES, please complete Part B of the Attachment)

C. Business Relationships:

Is any employee, board member or person in your agency or a family member (spouse, child, stepchild, parent, sibling, or domestic partner) involved as an investor, owner, employee, consultant, contractor, or board member with an entity that has a contractual relationship with the Department of Community Development and/or City of Miami to provide goods or services, sponsor development activities and/or receive referrals from the Department of Community Development and/or City Of Miami?

YES NO (if YES, please complete Part C of the Attachment)

I have read and understand the Conflict of Interest Disclosure Form. I have disclosed all information required by this disclosure, if any, in an attached statement. I agree to comply with any conditions or restrictions imposed by the Department of Community Development and/or City Of Miami to reduce or eliminate actual and/or potential conflicts of interest. I will update this disclosure form promptly if relevant circumstances change. I understand that this Disclosure is not a confidential document.

If U.S. HUD determines that a conflict of interest exists, this contract may be terminated and you may be required to return any and all funding allocated, whether used or not used.

Print Name: _____

Date: _____

Signature: _____

Date: _____

CONFLICT OF INTEREST DISCLOSURE FORM ATTACHMENT

Agency Name: _____ Funding Source: _____

Address: _____ Contract Amount: _____

City, State, Zip: _____ Project #: _____

If you answered YES to any question on the previous page, please complete the relevant section(s) below. If you answered No to All questions, you may discard this attachment. Give your complete form to your Program Representative.

PART A: FAMILY RELATIONSHIPS

1. Name of the family member (s) directly or indirectly involved or employed at Department of Community Development and/or City of Miami:

2. Do any of the family members work in the program area? _____

3. Are any of the family members elected officials of the City of Miami?

4. Relationship: _____ Position: _____

Department: _____ Supervisor: _____

PART B: PROGRAM RELATIONSHIPS

1. Other Activities: Name and describe the activity and/or program that you are directly or indirectly involve with:

2. Have you used the agencies' name, resources (facilities, personnel, or equipment), or confidential information in connection with the activity and/or program described in #1?

YES NO if YES, describe the resource used:

3. Name of the employee, board member or person (as described above) serving or appointed to serve in a Department of Community Development and/or City of Miami Committee or Board:

4. Name of Board: _____

5. Name of the Department of Community Development and/or City of Miami Committee employee or City official who serves on your agency's Board of Directors.

Name: _____

Position: _____

Department: _____

Supervisor: _____

PART C: BUSINESS RELATIONSHIPS

Please complete this section for each business relationship, or attach a separate explanation of business and research activities.

1. Name of business: _____

2. Categorize the business' relationship with the Department of Community Development and/or City of Miami.

- Consultant or advisor
- Research activities
- Business or referrals
- Other contractual or business relationship

Briefly, describe the business, or licensing activity: _____

3. Who is involved with the business? Check all that apply:

- Employee (Name) _____
- Family member (name and relationship) _____

Describe the position or involvement (check all that apply):

- Owner/Investor
- Board Member
- Employee/Manager
- Other

4. Are you receiving any type of compensation? No Yes: If yes, describe _____

5. Who at Department of Community Development and/or City of Miami oversees the relationship with this business?

Name: _____

Title: _____

Department: _____

Phone: _____

Print Name: _____

Date: _____

Executive Director

Signature: _____

Date: _____

**CITY OF MIAMI
CONFLICT OF INTEREST**

Section 2-612 Transacting business with the city; appearances before city boards; post-employment restrictions; participation in the award of certain contracts under the procurement ordinance; penalties, etc.

d) The director of the department and/or his designee and/or members of the selection committee who are city employees recommending a contract award of not less than \$500,000.00, shall be restricted for a two-year period, after the director and/or his designee and/or the member has left city service or terminated city employment, from receiving compensation or employment from any contractual party when the director/or his designee and/or the member participated in the award of the contract subject to the procurement ordinance of the city, including without limitation waivers, with the following conditions and definitions:

1. The word “member” as used in this section shall include all city employees who are members of the selection committee which has recommended a contract award;
2. The word “director” shall mean the director, or his/her designee, of any city department, division, authority, board, of office recommending a contract award, and with respect to the boards referenced in section 18-72, the executive director of such board, or his/her designee, providing, however, that his section shall not apply to the community redevelopment agency;
3. The word “director” shall exclude the city manager and the chief procurement officer as defined in section 18-73;
4. This section shall not preclude the member or director, or his/her designee, from working for the contractual party on an entirely unrelated contract. The phrase “contractual party” is defined in section 18-73. The employment or contractual relationship cannot relate directly to the contract that was recommended by the selection committee in which the member participated and/or that was recommended by the director or his/her designee.

e) Penalties. A violation of this ordinance may be punished by imposition of the maximum fine and/or penalties allowed by law. Additionally, violations may be considered by and subject to action by the Miami-Dade County Commission on Ethics.

I have read and understand the conflict of interest section above, and it does not apply to the Applicant’s principals and/or consultants, subconsultants, contractors or subcontractors :

Print name: _____

Date: _____

Signature: _____
