

## AGENDA ITEM SUMMARY

**Department:** Department of Housing and Economic Sustainability

**Motion and Title: Staff recommends motion to: A) Reject** Selection Committee funding recommendation under Request for Proposals (RFP) HES.2017.2 Local Government Areas of Opportunity Funding for the 9% Housing Credits 2017 Request for Applications (“RFP-HES.2017.2”), and **B) Cancel** RFP-HES.2017.2 and reject all proposals received thereunder.

**Summary:** On October 5, 2017, the Department of Housing and Economic Sustainability (HES) issued RFP HES.2017.2 making \$700,000 in State Housing Initiatives Partnership (SHIP) funds available for a Local Government Areas of Opportunity Funding (LGAOF) grant contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. The LGAOF through FHFC's Large County RFA 2017-113 is specifically for projects located in Broward, Duval, Hillsborough, Orange, Pinellas and Palm Beach Counties. FHFC awards 9% Housing Credits to at least one (1) project from each county. By the submittal deadline of November 13, 2017, four (4) developers submitted proposals in response to the RFP. The four (4) developers include: (1) Banyan Development Group, LLC., (2) Berkeley Landing, Ltd., (3) Housing Trust Group, and (4) Richmond Group of Florida Inc. A selection committee consisting of four (4) voting members met at a public meeting held on December 6, 2017 and recommended that Berkeley Landing, Ltd., be awarded \$567,500. Protests to the funding recommendation were submitted by The Richman Group of Florida, Inc., and by Banyan Development Group, LLC. The protests prompted staff and County Attorney review of the procedures employed in the RFP evaluation and selection. As a result, staff identified procedural flaws in the RFP response and review process and recommends rejection of the selection committee funding recommendation and cancellation of the RFP and rejection of all proposals received thereunder as being in the best interest of the County. The Board of County Commissioners (Board) has the sole and absolute authority to reject the Selection Committee's funding recommendation and cancel the RFP. **These are State SHIP Program grant funds which do not require a local match.** Countywide (JB)

**Background and Justification:** FHFC's 9% Housing Credits program offers Low Income Housing Tax Credits to generate equity for the development of affordable multi-family rental housing serving households with incomes no greater than 60% of Area Median Income. On October 3, 2017, (Agenda Item 5B-3) the Board approved the SHIP Fiscal Year 2017-2018 budget allocations including funding for a Developer Rental Assistance strategy.

Projects located within Palm Beach County apply for 9% Housing Credits through FHFC's Large County RFA 2017-113 that also includes projects from Broward, Duval, Hillsborough, Orange, and Pinellas Counties. FHFC awards 9% Housing Credits to at least one (1) project from each county, regardless of LGAOF contribution. Per FHFC's RFA (Section Four, Item A.10.b), a local government entity may only make the LGAOF to one (1) project, and although it yields a competitive advantage over other applicants from within the same county, it is not a prerequisite to apply. Staff has identified three (3) other local government entities (Boynton Beach CRA, Riviera Beach CRA, and City of West Palm Beach) that are providing a LGAOF contribution to projects seeking 9% Housing Credits through the current RFA. SHIP funding in the amount of \$700,000 made available by the RFP will remain in the Developer Rental Assistance strategy for the development of multi-family housing.

1. Request for Proposal and Addenda - RFP HES.2017.2

Recommended By: Jonathan Brown 12/15/17  
Department Director Date

Approved By: Core Johnson 12/18/17  
Assistant County Administrator Date

## **II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	*				

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

**Budget Account No.:**

Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program Code/Period \_\_\_\_\_

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

**\* No fiscal impact. Funds will be reprogrammed for other SHIP eligible uses.**

### C. Departmental Fiscal Review:

Thomas for  
Shairrette Major, Fiscal Manager II

### III. REVIEW COMMENTS

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

12/18/17

OFMB 12/18

*[Signature]*  
Contract Development and Control  
12/18/17 *[Signature]*

### B. Legal Sufficiency:

James Brubaker 12/18/17  
Assistant County Attorney

**C. Other Department Review:**

Department Director

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

# **Request for Proposals**

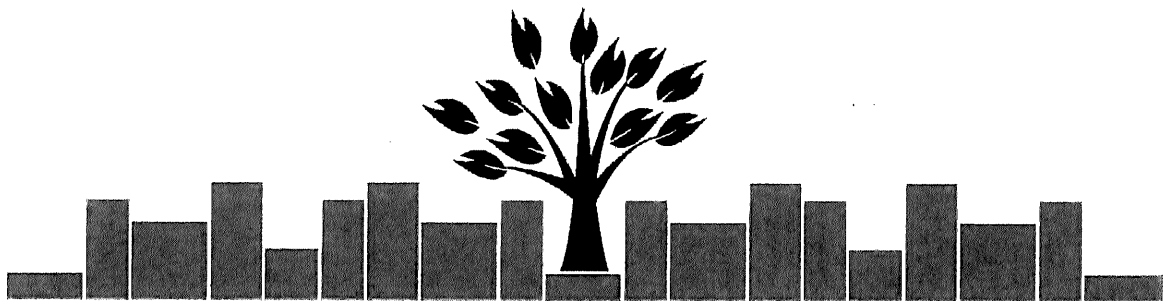


**State Housing Initiatives Partnership (SHIP) Program**

**Local Government Areas of Opportunity Funding  
for the 9% Housing Credits 2017 RFA**

**RFP HES.2017.2**

**October 2017**



**Department of Housing & Economic Sustainability**

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**SECTION I**

**A. Statement of Purpose**

Through this RFP, the Palm Beach County Board of County Commissioners (County) intends to select one (1) affordable housing project to which it will commit Local Government Areas of Opportunity Funding (LGAOF) for that project’s application to the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program 2017 Request for Applications (RFA 2017-113).

**B. Background**

The 9% Housing Credits Program is administered by FHFC and offers low-income housing tax credits to developers of affordable housing. FHFC makes these credits available through an annual competitive RFA process. The 2017 RFA scoring criteria includes additional points for applications that demonstrate the commitment of a LGAOF contribution from a local government entity. The LGAOF contribution must be in the form of a cash loan or cash grant, and in the minimum amount specified in RFA-2017-113 for the particular project type. Any single local government entity may only provide a LGAOF contribution to one (1) project.

The State Housing Initiatives Partnership (SHIP) Program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable multifamily housing. The SHIP Program is administered by the FHFC and is governed by Florida Statutes, Chapter 420 Part VII, and Florida Administrative Code Rule Chapter 67-37. Palm Beach County’s SHIP Program is administered on behalf of the Board of County Commissioners by the Department of Housing and Economic Sustainability (HES).

The County is making available SHIP funding to provide the LGAOF contribution to one (1) project, to be selected through this RFP, which will seek 9% Housing Credits through FHFC’s RFA 2017-113.

**C. Available Funding**

RFP HES.2017.2 will make available up to \$700,000 in SHIP funding solely for the purpose of LGAOF contribution for 9% Housing Credits RFA 2017-113. The amount of the funding awarded will be the minimum amount required by RFA 2017-113 for the selected development and building type (see Exhibit A). The funding award will be provided to the selected project Sponsor in the form of a grant.

SHIP Program Deadlines

June 30, 2019.....Encumber 100% of SHIP Funding  
June 30, 2020.....Completion/Occupancy of SHIP Units

**D. Defined Terms**

**Administrative Fee** is defined as the fee associated with grants to rental projects, and which is paid annually during the Period of Affordability by the grantee to cover County costs of project monitoring and other administrative requirements.

**Affordable** is defined as a monthly rent that does not exceed thirty percent (30%) of the amount which represents the median annual gross income for a Very Low Income or Low Income household.

**Area Median Income (AMI)** is defined as the most current income limits by family size published by FHFC for Palm Beach County.

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

**Glades Region** is defined as the geographic area of Palm Beach County located west of Twenty-Mile Bend.

**SHIP-Assisted Housing Unit** is defined as a housing unit assisted with SHIP funding provided through RFP HES.2017.2 and bearing all requirements related thereto.

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

**Multi-Family Housing** is defined as housing with two (2) or more units per residential structure under common ownership.

**Period of Affordability** is defined as the time period for which SHIP-Assisted Housing Units shall remain Affordable and bear the applicable requirements of the SHIP Program and RFP HES.2017.2.

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

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

**Special Needs Populations** are defined to include: abused/neglected children; elderly and frail elderly persons; ex-offenders; farmworkers; homeless persons; persons with alcohol and/or drug addictions; persons with HIV/AIDS; persons with physical, mental, or development disabilities; veterans; victims of domestic violence; and youth aging out of foster care.

**Sponsor** is defined as the entity that will be awarded funding made available through this RFP and which will enter into funding agreement with the County to undertake the development of SHIP-Assisted Housing Units. This entity will

assume responsibility for compliance with all applicable SHIP regulations. Such entities shall be limited to private for-profit entities, private non-profit entities, public agencies, or ventures between the same.

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

**E. Geographic Requirements**

All projects must be located exclusively within the geographic and corporate bounds of Palm Beach County. The municipalities of Boca Raton, Boynton Beach, Delray Beach, and West Palm Beach receive SHIP funds directly from the FHFC. Projects located within the municipal boundaries of these municipalities are not eligible to receive funding through this RFP.

**F. Eligible Projects**

Eligible projects are limited to Multi-Family Housing for rental tenancy. Transitional housing, emergency shelters, group homes, and other specialized licensed residential facilities, and units within a condominium complex are not eligible for funding under this RFP.

Eligible development types are limited to those permitted by 9% Housing Credits RFA 2017-113:

- Garden apartments (building[s] of 1 - 3 stories with or without elevator);
- Townhouses;
- Duplexes;
- Quadraplexes;
- Mid-Rise (building[s] of 4 - 6 stories with elevator)

**Projects may contain both SHIP-Assisted Housing Units and non SHIP-Assisted Housing Units, but SHIP funding shall not exceed \$43,000 per SHIP-Assisted Housing Unit.**

All SHIP-Assisted Housing Units must be completed, put into service, and leased to Eligible Beneficiaries no later than June 30, 2020.

**G. Eligible Beneficiaries**

All SHIP-Assisted Housing Units must be leased to Eligible Beneficiaries, defined and limited to Very Low Income and Low Income households. The income limits utilized by the SHIP Program are provided annually by FHFC. **The 2017 SHIP Income Limits for Palm Beach County are provided at Exhibit B.**

**H. Period of Affordability**



All SHIP-Assisted Housing Units shall remain Affordable and bear the applicable requirements of the SHIP Program and RFP HES.2017.2 for a Period of Affordability of no less than thirty (30) years. During the Period of Affordability, all SHIP-Assisted Housing Units shall be occupied by Eligible Beneficiaries as tenants.

The Period of Affordability will be enforced through an encumbrance recorded against title to the SHIP-Assisted Housing Units.

**I. Affordable Rental Rates**

During the Period of Affordability, all SHIP-Assisted Housing Units must be leased to Eligible Beneficiaries at rents which do not exceed thirty percent (30%) of the amount that represents the median annual gross income for a Very Low Income or Low Income household, as applicable. The rent limits utilized in the SHIP Program are provided annually by FHFC. **The 2017 SHIP Rent Limits for Palm Beach County are provided at Exhibit A.**

**J. Rehabilitation Standards**

All rehabilitation work funded through this RFP shall seek to upgrade the property to the extent practicable and feasible to applicable housing and building code standards, including Florida Statutes Chapter 553, Building Construction Standards. Further, rehabilitation work may seek to upgrade the property to include features and amenities generally found in comparable housing in the local market. The rehabilitation may include the removal of architectural barriers to use by persons with disabilities. The rehabilitation may include the remediation of lead-based paint hazards. The rehabilitation shall include testing for the presence of asbestos hazards in materials to be disturbed during rehabilitation and the abatement of identified asbestos hazards.

**K. Eligible Costs**

Eligible uses of the SHIP funds are limited to project development costs, including but not limited to costs of: architectural and engineering services; construction; building permits; and other construction-related fees. **Determination of cost eligibility and reasonableness shall be at the County's sole discretion.** Costs of off-site improvements, payment of delinquent taxes and other fees, and costs related to other project financing are ineligible for payment with SHIP funds.

**L. Funding Terms**

The County will provide to the selected project Sponsor a commitment to fund the LGAOF match contingent on the project Sponsor being awarded 9% Housing Credits by FHFC through RFA 2017-113. Only after the FHFC Board of Directors approves of the Sponsor's 9% Housing Credits application will the County enter into a funding agreement with the Sponsor. Should the selected Sponsor and

project not be awarded 9% Housing Credits by FHFC through RFA 2017-113, the County commitment to fund shall become null and void, and the County shall bear no further obligations to the Sponsor.

The LGAOF will be provided in the form of a grant secured by an encumbrance on title to the property. The encumbrance shall ensure compliance with applicable requirements of the SHIP Program and RFP HES.2017.2 during the Period of Affordability.

Annual payment of a \$1,500 Administrative Fee shall be paid by the grantee each year during the Period of Affordability.

## **SECTION II**

### **A. Proposal Requirements**

**A completed registration form for RFP HES.2017.2 shall be submitted to HES in order to be eligible to submit a proposal. The registration form is located at <http://www.discover.pbcgov.org/des> or may be obtained by visiting DES offices at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.**

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

1. The proposal shall include a completed and executed copy of the Respondent Certification Form, attached hereto as Exhibit C. *Submit as Attachment 1.*
2. The proposal shall include a detailed project description including, but not limited to:
  - project site address/PCN(s) and location map;
  - target tenant population (family, elderly non-ALF, elderly ALF);
  - project type (new construction, rehabilitation, acquisition and rehabilitation, redevelopment, or acquisition and redevelopment)
  - development type (per list at Section I.F.)
  - type of construction (concrete or wood frame);
  - copies of preliminary site plan and architectural renderings;
  - total numbers of housing units by type/size/income set aside;
  - numbers of SHIP-Assisted Housing Units by type/size/income set aside
  - description of unit and site features and amenities; and
  - description of resident programs and services.

*Submit as Attachment 2.*

3. The proposal shall include an analysis of local housing market supply, demand, and pricing; an assessment of project marketability; and identification of any publically financed affordable housing developments located within a one (1) mile radius of the proposed project. *Submit as Attachment 3.*
4. The proposal shall identify and provide information for all of the project team members. Information should include the name, business affiliation, address, phone number and contact person for each team member. The proposal should identify at a minimum the Respondent, Sponsor, construction contractor, architect, engineer, and attorney. *Submit as Attachment 4.*
5. The proposal shall include an organization chart which identifies the Respondent and the roles of all team members on the project. *Submit as Attachment 5.*
6. The proposal shall describe the past experience of the Respondent in undertaking similar activities, including details of the last three (3) projects of similar scope and magnitude to the project being proposed by the Respondent. In addition, the proposal shall include individual résumés which identify each of the proposed team members' experience in similar roles. *Submit as Attachment 6.*
7. The proposal shall include evidence of site control. Evidence means a fully executed contract or option for purchase of the property which expires no earlier than June 30, 2018; a recorded deed, a recorded certificate of title, or a long-term lease or (for a term of no less than 50 years following December 13, 2017). *Submit as Attachment 7.*
8. The proposal shall include an appraisal of the project site (land and improvements) performed by a third-party independent licensed property appraiser. *Submit as Attachment 8.*
9. The proposal shall include a detailed development pro forma which includes all project sources and uses of funding and which explicitly states all assumptions and includes all formulas. The proposal shall include documentation supporting all proposed construction costs in the form of either an estimate of probable cost prepared by a licensed architect or by a written price estimates from at least two (2) licensed contractors. *Submit as Attachment 9.*
10. The proposal shall include a detailed 15-year operating pro forma which includes all project revenues and expenses and which explicitly states all assumptions and includes all formulas. *Submit as Attachment 10.*
11. The proposal shall include documentation of all sources of project funding, including proposals from both the construction and the permanent lender(s), equity proposals from the syndicator, and other sources of funding, including

sources of operating subsidy, rental assistance, and/or project-based vouchers (if any). Acceptable documentation includes documentation from the sources providing a commitment or proposal for funding that identifies all terms and conditions. *Submit as Attachment 11.*

12. The proposal shall identify the current zoning and land use for the project site, the status of development approvals, the availability of required infrastructure, and shall describe the proximity to and availability of schools, commercial facilities, health care services, public transit, and employment centers. *Submit as Attachment 12.*
13. The proposal shall include a detailed project schedule including all activities from conceptualization, due diligence, land acquisition, design, development approvals, permitting, construction, marketing, and lease-up to full occupancy. *Submit as Attachment 13.*
14. The proposal shall include an executed public disclosure, in writing, under oath and subject to the penalties prescribed for perjury, on the form attached hereto as Exhibit D, disclosing the name and address of every person having a beneficial interest in the proposed transaction. The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public, is exempt and need not be disclosed. All proposals shall specifically identify, in said disclosure, the name of any officer, director, or agent which is also an employee of Palm Beach County. Further, all proposals must specifically identify any County official employee who owns, directly or indirectly, an interest of Respondent's firm or any of its affiliates. *Submit as Attachment 14.*
15. The proposal shall include a detailed litigation history of the Respondent which shall identify any litigation matter in the past five (5) years involving any projects or key personnel employed with Respondent. *Submit as Attachment 15.*
16. The proposal shall include an executed Drug Free Workplace Certification indicating that the Respondent has implemented a Drug Free Workplace Program which meets requirements of Section 287.087, Florida Statutes. A Drug Free Workplace Certification is provided as Exhibit E to this RFP. If Respondent has not implemented a Drug Free Workplace program, simply complete the form using "not applicable". *Submit as Attachment 16.*
17. If the proposal is seeking Special Needs Preference, the proposal shall include documentation demonstrating that the project includes design and/or service features specifically for the identified Special Needs Population(s), and that project marketing plans include targeting of the identified Special Needs Population(s). *Submit as Attachment 17.*

Proposals which fail to provide ALL proposal requirements listed in Section II.A above will be deemed non-responsive, and will receive no consideration for funding by the Selection Committee.

**B. Timetable**

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

<u>Activity</u>	<u>Date, Time, and Location</u>
Issue RFP	Advertised <b>Thursday, October 5, 2017 and Sunday, October 8, 2017.</b>
Pre-Submittal Conference	<b>Tuesday, October 17, 2017, 3:00p.m.</b> , at the McEaddy Conference Room, 12 <sup>th</sup> Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401.
Submittal Deadline	<b>Monday, November 6, 2017, 4:00p.m.</b> , at the Department of Housing and Economic Sustainability, 100 Australian Avenue, Suite 500, West Palm Beach, Florida 33406.

**Proposals received after the deadline will be returned without consideration for funding. Modifications to proposals will not be permitted after the deadline.**

Selection Committee Meeting	<b>Wednesday, November 15, 2017, 9:00a.m.</b> , at the McEaddy Conference Room, 12 <sup>th</sup> Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401.
BCC Consideration	<b>Tuesday, December 5, 2017</b> , at the Commission Chambers, 6 <sup>th</sup> Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401

**C. Pre-Submittal Conference**

A non-mandatory pre-submittal conference will be held on Tuesday, October 17, 2017, at 3:00pm, and will be located at the PBC Robert Weisman Governmental Center, 301 North Olive Avenue (12<sup>th</sup> Floor McEaddy Conference Room), West Palm Beach, FL 33401. County representatives will verbally present, highlight and reinforce the requirements of the RFP.

**D. Addenda**

If necessary, addenda will be mailed or delivered electronically to all known to have received a complete set of the RFP documents. Copies of the addenda will be made available at the Department of Housing and Economic Sustainability, 100 Australian Avenue, Suite 500, West Palm Beach, Florida 33406 where the RFP documents are on file for that purpose. No addenda will be issued later than three (3) calendar days prior to the date for receipt of submittal deadline, except an addendum withdrawing the RFP or one which includes postponement of the submittal deadline.

**E. Submittal Format**

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

The Respondent must submit ten (10) copies of the complete proposal. One (1) original copy must be in loose leaf form, on paper no larger than 8.5" x 11" and reproducible without color copying. The remaining nine (9) copies shall be bound with tabbed/identified sections for each required Attachment.

**F. Submittal Deadline**

**Complete proposal submittals must be received by HES no later than 4:00p.m. Monday, November 6, 2017, at HES offices located at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.**

The Respondent is solely responsible for ensuring that its proposal arrives prior to the closing date and time. Delivery problems by third parties are not a valid excuse for missing the closing date or time. The words **RFP HES.2017.2** must be boldly printed on the proposal.

**G. Responsiveness Review and Underwriting**

Each proposal shall be reviewed by the County to determine, in its sole discretion, if the proposal is responsive to the RFP. **A responsive proposal is one which 1) has been submitted by the specified submittal deadline; and 2) has provided all information and documentation required by Section II.A—Proposal Requirements.**

**Proposals deemed to be non-responsive shall be rejected without being evaluated by the Selection Committee.**

While poor formatting, poor documentation, and/or incomplete or unclear information may not be cause to classify a proposal as non-responsive, such

substandard submissions may adversely impact the evaluation of a proposal. Respondents who fail to comply with the required and/or desired elements of this RFP do so at their own risk.

**H. Contact Person**

The contact person for this RFP is Carlos Serrano, Director of Strategic Planning and Operations, in the Department of Housing and Economic Sustainability. The mailing address, phone number, and e-mail address are:

Carlos Serrano  
Department of Housing and Economic Sustainability  
100 Australian Avenue, Suite 500  
West Palm Beach, FL 33406  
Phone: (561) 233-3608  
[cserrano@pbcgov.org](mailto:cserrano@pbcgov.org)

**I. Lobbying - "Cone of Silence"**

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

**J. Postponement/Cancellation**

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

**K. Costs Incurred by Respondents**

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

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

**L. Right of Clarification**

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

**M. Delineation of RFP**

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

**N. Proprietary/Confidential Information**

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

**O. Non-Discrimination**

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

**P. Rules, Regulations, Licensing Requirements**

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

**Q. Disclaimer**

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



documents and information, but shall have a duty to independently verify the accuracy of the information contained therein.

**R. Public Entity Crime**

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

**S. Insurance**

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

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

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

**SECTION III**

**A. Proposal Evaluation**

A Selection Committee will be designated for evaluation of all responsive proposals. Non-responsive proposals will not be evaluated by the Selection Committee. The Selection Committee shall conduct its evaluation in adherence with the program requirements and evaluation criteria outlined in this RFP. The County reserves the right to appoint non County employee(s) to the Selection Committee.

The following criteria will be used by the Selection Committee as a guideline in evaluating proposals, and is not intended to identify all items

within each category to be considered. The Selection Committee will award scores up to the maximum amounts identified for each criterion to result in a combined total of up to 100 points.

30 Points - Sponsor and development team member qualifications and experience with similar projects

20 Points - Quality of proposed housing product (development and unit design/features/amenities, resident services, proximity to public/commercial/transportation services, proximity to other existing affordable housing developments)

15 Points - Ability to meet SHIP encumbrance deadline of June 30, 2019 and expenditure/completion/occupancy deadline of June 30, 2020.

15 Points - Financial viability of the project and leveraging of other funding sources

10 Points - Glades Region Preference

10 Points - Special Needs Preference

**The Selection Committee meeting will be held Wednesday, November 15, 2017, 9:00a.m. and located at the PBC Robert Weisman Governmental Center, 301 North Olive Avenue (12<sup>th</sup> Floor McEaddy Conference Room), West Palm Beach, FL 33401.**

**B. Award Recommendation**

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

**C. Funding Award**

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

**D. Agreement Negotiations**

After final approval of the Sponsor's 9% Housing Credits funding application by the FHFC Board of Directors, the County will enter into negotiations with the Sponsor. If the County and the Sponsor cannot successfully negotiate an

agreement, the County may terminate said negotiations and cancel the LGAOF commitment. No Respondent/Sponsor shall have any right against the County arising from such negotiations or termination.

**E. Right of Appeal**

Respondents may appeal any recommendation for award to the BCC. There is no administrative appeal procedure.

**EXHIBIT A: FHFC REQUIRED LGAOF CONTRIBUTION**

<b>Building Type</b>	<b>LGOAF Amount</b>
Garden-Wood (NC)	\$484,500
Garden-Concrete (NC)	\$580,000
Mid-Rise-Wood (NC)	\$580,000
Mid-Rise-Concrete (NC)	\$638,250
High-Rise (NC)	\$759,500
Garden (Rehab)	\$409,250

NC – new construction

**EXHIBIT B: 2017 TENANT INCOME LIMITS AND AFFORDABLE RENTS**

**2017 SHIP Program Income Limits and Rent Limits  
Florida Housing Finance Corporation**

Income Percentage Category	Income Limit by Number of Persons in Household									
	1	2	3	4	5	6	7	8	9	10
30%	\$15,100	\$17,250	\$20,420	\$24,600	\$28,780	\$32,960	\$37,140	\$41,320	*	*
<b>50% (Very Low)</b>	<b>\$25,200</b>	<b>\$28,800</b>	<b>\$32,400</b>	<b>\$35,950</b>	<b>\$38,850</b>	<b>\$41,750</b>	<b>\$44,600</b>	<b>\$47,500</b>	<b>\$50,330</b>	<b>\$53,206</b>
<b>80% (Low)</b>	<b>\$40,250</b>	<b>\$46,000</b>	<b>\$51,750</b>	<b>\$57,500</b>	<b>\$62,100</b>	<b>\$66,700</b>	<b>\$71,300</b>	<b>\$75,900</b>	<b>\$80,528</b>	<b>\$85,130</b>
120%	\$60,480	\$69,120	\$77,760	\$86,280	\$93,240	\$100,200	\$107,040	\$114,000	\$120,792	\$127,694
140%	\$70,560	\$80,640	\$90,720	\$100,660	\$108,780	\$116,900	\$124,880	\$133,000	\$140,924	\$148,977

\*No figure provided by FHFC.

	Rent Limit by Number of Bedrooms in Unit					
	0	1	2	3	4	5
30%	\$ 377	\$ 404	\$ 510	\$ 667	\$ 824	\$ 980
<b>50% (Very Low)</b>	<b>\$ 630</b>	<b>\$ 675</b>	<b>\$ 810</b>	<b>\$ 935</b>	<b>\$ 1,043</b>	<b>\$ 1,151</b>
<b>80% (Low)</b>	<b>\$ 1,006</b>	<b>\$ 1,078</b>	<b>\$ 1,293</b>	<b>\$ 1,495</b>	<b>\$ 1,667</b>	<b>\$ 1,840</b>
120%	\$ 1,512	\$1,620	\$ 1,944	\$ 2,244	\$ 2,505	\$ 2,763
140%	\$ 1,764	\$1,890	\$ 2,268	\$ 2,618	\$ 2,922	\$ 3,223

Source: Florida Housing Finance Corporation

**EXHIBIT C: RESPONDENT CERTIFICATION FORM**

By signing below, the undersigned \_\_\_\_\_, as  
\_\_\_\_\_ of \_\_\_\_\_  
(the Respondent), a \_\_\_\_\_ i.e. Florida corporation  
hereby certifies that the undersigned is duly authorized to sign this Respondent Certification Form  
on behalf of the Respondent and that this Respondent Certification Form shall be fully binding  
upon Respondent. Respondent hereby covenants and agrees to comply with the terms upon  
RFP HES.2017.2, all related Federal Regulations, and related Addenda and to attempt to  
negotiate in good faith with the County the terms of an agreement and will implement the  
response submitted by Respondent of the RFP. The Respondent further covenants and agrees  
that it has received all of the information referenced in the RFP, that Respondent fully  
understands the same, that Respondent completely and accurately completed the response  
submitted by Respondent pursuant to the RFP, that the information contained in such response  
submitted by Respondent is true and correct and that Respondent shall be bound by the terms  
and conditions of the RFP and the covenants, agreements and representations made by  
Respondent herein and in the response submitted by Respondent to the RFP.

Date of Execution by Respondent: \_\_\_\_\_, 2017.

\_\_\_\_\_  
RESPONDENT By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_  
SEAL \_\_\_\_\_  
Print Signatory's Name

The foregoing Respondent Certification Form was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017, \_\_\_\_\_ the  
\_\_\_\_\_ of \_\_\_\_\_, a  
\_\_\_\_\_ (state and type of entity), who is personally known to  
me OR who produced \_\_\_\_\_ as identification and who did  
take an oath.

(NOTARY SEAL BELOW) Notary Signature: \_\_\_\_\_  
Notary Name: \_\_\_\_\_  
Notary Public State of Florida

EXHIBIT D: DISCLOSURE OF BENEFICIAL INTERESTS

DISCLOSURE OF BENEFICIAL INTERESTS  
(REQUIRED BY FLORIDA STATUTES 286.23)

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the \_\_\_\_\_ of \_\_\_\_\_, which entity is the Sponsor  
of the project seeking funding award from Palm Beach County through Request for Proposals  
HES.2017.2.
2. Affiant's address is: \_\_\_\_\_
3. **Attached hereto, and made a part hereof, as Attachment 1** is a complete listing of  
the names and addresses of every person or entity having a five percent (5%) or greater beneficial  
interest in the proposed SHIP project and the percentage interest of each such person or entity.
4. Affiant acknowledges that this Affidavit is given to comply with Florida Statutes 286.23,  
and will be relied upon by Palm Beach County.
5. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to statements under  
oath.
6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to  
the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

By \_\_\_\_\_

\_\_\_\_\_, Affiant

The foregoing instrument was sworn to, subscribed and acknowledged before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, who is  
personally known to me OR who produced \_\_\_\_\_ as identification and  
who did take an oath.

(NOTARY SEAL BELOW)

Notary Signature: \_\_\_\_\_

Notary Name: \_\_\_\_\_  
Notary Public State of Florida

**ATTACHMENT 1 TO DISCLOSURE OF BENEFICIAL INTERESTS**

**SCHEDULE TO BENEFICIAL INTERESTS IN PROJECT PROPOSAL**

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

NAME	ADDRESS	PERCENTAGE OF INTEREST



**EXHIBIT E: DRUG FREE WORKPLACE CERTIFICATION**

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

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

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

\_\_\_\_\_  
BUSINESS NAME

\_\_\_\_\_  
PROVIDER'S SIGNATURE

## EXHIBIT F: PALM BEACH COUNTY LOBBYIST REGISTRATION ORDINANCE

Sec. 2-351. - Title and purpose.

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

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

Sec. 2-352. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2-353. - Registration and expenditures.

- (a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "central lobbyist registration site." The registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. Each lobbyist is required to submit a separate registration for each principal represented. A registration fee of twenty-five dollars (\$25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.
- (b) *Registration form.* The registration form shall be prepared by county administration and shall require the following information:
  - (1) The name, phone number and address of the lobbyist;
  - (2) The name, phone number and address of the principal represented;
  - (3) The date the lobbyist was initially retained by the principal;
  - (4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive office that is not a member of a local municipal governing body, advisory board member, or employee;
  - (5) The area of legislative interest;
  - (6) A statement confirming that the registrant is authorized to represent the principal;
  - (7) Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and
  - (8) The county or municipalities to be lobbied.
- (c) *Registration exceptions.* Registration shall not be required for the following:
  - (1) Persons under contract with the county or municipalities as applicable who communicate with county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of a local municipal governing body, advisory board members or employees regarding issues related only to the performance of their services under their contract;

- (2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the division of administrative hearings, in which the county or municipality as applicable is a party, who communicates with county or municipal attorneys on issues related only to the subject matter of the judicial proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the county or municipal attorneys are present for those communications.
- (d) *Reporting of expenditures.* Commencing November 1, 2011, and by November 1 of each year thereafter, all lobbyists shall submit to the central lobbyist registration site a signed statement under oath listing all expenditures made by the lobbyist in lobbying county or municipal officials and employees in excess of twenty-five dollars (\$25.00) for the preceding fiscal year commencing on October 1 and ending on September 30. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.
- (1) The county administrator of the central lobbyist registration site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.
- (e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, advisory board members, or employees.
- (f) *Existing county registrations.* All registrations on file and in effect with the county before the effective date of this ordinance shall remain in full force and effect.

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

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

- (a) *Contact log.* Except when appearing before the board, local municipal governing body, or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government

as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the county or municipality as applicable for a period of five (5) fiscal years.

- (b) *Lobbying outside of county or municipal offices.* In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing the commissioner's office, the member of a local municipal governing board's office, the mayor or chief executive officer's office, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

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

Sec. 2-355. - Cone of silence.

- (a) "Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:
  - (1) Any person or person's representative seeking an award from such competitive solicitation; and
  - (2) Any county commissioner or commissioner's staff, any member of a local governing body or the member's staff, a mayor or chief executive officer that is not a member of a local governing body or the mayor or chief executive officer's staff, or any employee authorized to act on behalf of the commission or local governing body to award a particular contract.
- (b) For the purposes of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
- (c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence applies to any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and shall remain in effect until such response is either rejected by the county or municipality as applicable or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this article.
- (d) The provisions of this article shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the board or local municipal governing body as applicable, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, county commissioner, member of a local municipal governing body, mayor or chief executive officer that is not a member of the local municipal governing body, or advisory board member or selection

committee member, unless specifically prohibited by the applicable competitive solicitation process.

- (e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the county purchasing ordinance (County Code, chapter 2, article III, division 2, part A, section 2-51 et seq.) or municipal ordinance as applicable.
- (f) The cone of silence shall terminate at the time the board, local municipal governing body, or a county or municipal department authorized to act on behalf of the board or local municipal governing body as applicable, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.
- (g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

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

#### Sec. 2-356. - Enforcement.

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

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

#### Sec. 2-357. - Penalties.

Violations of this article shall be punishable as follows:

- (1) Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars (\$2,500.00).
- (2) Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.

- (4) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation.
- (5) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.
- (6) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and code of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.

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

Secs. 2-358—2-370. - Reserved





**ADDENDUM No. "1" TO RFP No. HES.2017.2**

**STATE HOUSING INITIATIVES (SHIP) PROGRAM  
LOCAL GOVERNMENT AREAS OF OPPORTUNITY FUNDING  
FOR THE 9% HOUSING CREDITS 2017 RFA**

Date of Addendum No. "1" Issued:

October 24, 2017

Addendum Coordinator:

Carlos Serrano  
Housing & Economic Sustainability  
100 Australian Avenue, Suite 500  
West Palm Beach, FL 33406  
Phone: 561-233-3608  
E-mail: [cserrano@pbcgov.org](mailto:cserrano@pbcgov.org)

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**PURPOSE OF THIS ADDENDUM:**

The purpose of this Addendum is to provide revisions to the RFP scoring criteria.

**GENERAL INSTRUCTIONS:**

- This Addendum No. "1" constitutes an integral part of the RFP and shall be read in conjunction with the RFP.
- Where inconsistent with the original RFP, this Addendum shall govern.
- It is the responsibility of all respondents to the RFP to conform to this Addendum.
- Unless specifically changed herein, all other requirements, terms and conditions of the RFP remain unchanged and can only be modified if in writing.
- Respondents shall acknowledge receipt of this Addendum on the form

included with this Addendum as Exhibit "A". Respondents shall include Exhibit "A" in their submittal in response to the RFP as **Attachment 18**.

### **REVISIONS TO THE RFP**

1. Respondents are directed to Section III.A—Proposal Evaluation. The following underlined text is hereby added to the RFP:

10 Points – Special Needs Preference will be awarded based on the percentage of housing units set aside for occupancy by special needs populations out of the total number of housing units in the project, as follows:

- Less than 10% = 0 Points
- At least 10% but less than 15% = 3 Points
- At least 15% but less than 20% = 5 Points
- At least 20% but less than 25% = 7 Points
- 25% or more = 10 Points

**EXHIBIT A**

**to**

**ADDENDUM No. “1”**

**to**

**RFP No. HES.2017.2**

**ADDENDUM ACKNOWLEDGEMENT FORM**

**to**

**Addendum No. "1"**

**to**

**RFP No. HES.2017.2**

**By signing this Form, Respondent acknowledges receipt of this Addendum No. "1" to RFP No. HES.2017.2**

**Respondents shall include this Acknowledgement Form as Attachment 18 to their proposal.**

**This Addendum consists of four (4) pages.**

**Respondent:** \_\_\_\_\_

**Name & Title:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**ADDENDUM No. "2" TO RFP No. HES.2017.2**

**STATE HOUSING INITIATIVES (SHIP) PROGRAM  
LOCAL GOVERNMENT AREAS OF OPPORTUNITY FUNDING  
FOR THE 9% HOUSING CREDITS 2017 RFA**

Date of Addendum No. "2" Issued:

November 3, 2017

Addendum Coordinator:

Carlos Serrano  
Housing & Economic Sustainability  
100 Australian Avenue, Suite 500  
West Palm Beach, FL 33406  
Phone: 561-233-3608  
E-mail: [cserrano@pbcgov.org](mailto:cserrano@pbcgov.org)

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**PURPOSE OF THIS ADDENDUM:**

The purpose of this Addendum is to extend the submittal deadline and to revise subsequent meeting dates.

**GENERAL INSTRUCTIONS:**

- This Addendum No. "2" constitutes an integral part of the RFP and shall be read in conjunction with the RFP.
- Where inconsistent with the original RFP, this Addendum shall govern.
- It is the responsibility of all respondents to the RFP to conform to this Addendum.
- Unless specifically changed herein, all other requirements, terms and conditions of the RFP remain unchanged and can only be modified if in writing.
- Respondents shall acknowledge receipt of this Addendum on the form included with this Addendum as Exhibit "A". Respondents shall include Exhibit "A" in their submittal in response to the RFP as **Attachment 19**.

**EXTENSION TO RFP SUBMITTAL DEADLINE:**

The deadline for submittal of proposals in response to RFP HES.2017.2 is hereby extended to **Monday, November 13, 2017, 4:00pm**, at the Department of Housing and Economic Sustainability, 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.

**REVISION TO SELECTION COMMITTEE MEETING DATE:**

The Selection Committee meeting date for formulation of funding recommendations for RFP HES.2017.2 is hereby revised to **Wednesday, December 6, 2017, 9:00am**, at the PBC Vista Center (Room VC-58/59), 2300 North Jog Road, West Palm Beach, FL 33411.

**REVISION TO BCC MEETING DATE:**

The Board of County Commissioners meeting date for consideration of RFP funding recommendations is hereby revised to **Tuesday, December 19, 2017, 9:30am**, at Commission Chambers (6<sup>th</sup> Floor), PBC Robert Weisman Government Center, 301 North Olive Avenue, West Palm Beach, FL 33401.

**EXHIBIT A**

**to**

**ADDENDUM No. “2”**

**to**

**RFP No. HES.2017.2**

**ADDENDUM ACKNOWLEDGEMENT FORM**

**to**

**Addendum No. “2”**

**to**

**RFP No. HES.2017.2**

**By signing this Form, Respondent acknowledges receipt of this Addendum No. “2” to RFP No. HES.2017.2**

**Respondents shall include this Acknowledgement Form as Attachment 19 to their proposal.**

**This Addendum consists of four (4) pages.**

**Respondent:** \_\_\_\_\_

**Name & Title:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_