

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date:	September 13, 2022	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Department:	Housing and Economic Development		

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to:

- A) **approve** a State Housing Investment Partnership (SHIP) Program award of \$2,000,000 to Davis Commons, LLC in Partnership with the Community Land Trust of Palm Beach County and the Treasure Coast (CLT of PBCTC); and
- B) **direct** staff to negotiate the loan agreements; and
- C) **authorize** the County Administrator, or designee, to execute the loan agreement(s), amendments thereto, and all other documents necessary for project implementation.

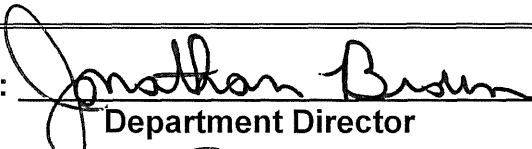

**Summary:** On May 24, 2022, the Department of Housing and Economic Development issued Request for Proposals HED.2022.3 (RFP) making \$2,000,000 in SHIP funding available to developers for new construction of affordable housing. A selection committee met at a public meeting on July 7, 2022, and recommended funding the Davis Commons, LLC in partnership with CLT of PBCTC who was the sole applicant.

Davis Commons, LLC will develop Davis Commons, a 20-unit affordable townhome community on a two (2) acre site in unincorporated Palm Beach County near Lake Worth. Palm Beach County donated one (1) acre of the two (2) acre parcel to the Community Land Trust. Eleven units will be developed on the County donated land. All twenty units will be SHIP assisted and will be affordable to homeowners with incomes no greater than 120% of Area Median Income. All SHIP assisted units will remain affordable in perpetuity in accordance with the Community Land Trust model. The total cost of the project is \$ 7,547,235. The funding agreements and related documents pursuant to these SHIP funds will be between the County and the Community Land Trust or their respective successors and/or assigns. To facilitate project implementation, staff requests authorization for the County Administrator, or designee, to execute the loan agreements and related documents. These are State SHIP Program grant funds that do not require a local match. District 3 (HJF)

**Background and Policy Issues:** The Florida Housing Finance Corporation provides an annual allocation of SHIP grant funding to Palm Beach County. SHIP provides affordable housing and homeownership opportunities for persons with incomes no greater than 120% of Area Median Income. One proposal was received in response to the RFP. The proposal was determined to be responsive to the eligibility and submittal requirements of the RFP. The RFP selection committee reviewed and scored the responsive proposal during a public meeting on Thursday, July 7, 2022. In accordance with Board direction, the RFP scoring criteria favored selection of shovel-ready projects that could most quickly deliver new housing units to increase local supply of affordable housing.

- Attachments:**
- 1 Selection Committee Scoring Sheets
  - 2 Request for Proposals HED.2022.3
  - 3 Project(s) Description

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Recommended By:		7/28/2022
	Department Director	Date
Approved By:		8/16/22
	Assistant County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs	\$2,000,000				
External Revenues	(\$2,000,000)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				

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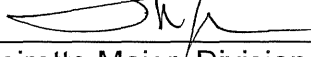
Is Item Included In Current Budget? Yes X No         
Does this Item include the use of Federal funds? Yes        No X

Budget Account No.:

Fund 1100 Dept. 143 Unit 7176 Object 8201 Program Code/Period RFS104A/GY21

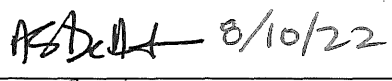
Fund 1100 Dept. 143 Unit 7176 Object 8201 Program Code/Period SH104A/GY21

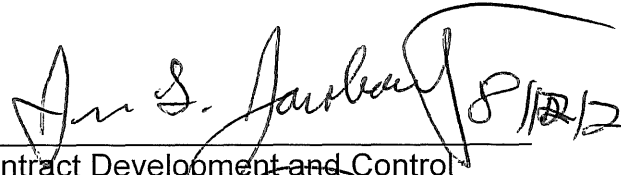
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:   
Shairette Major / Division Director II

## III. REVIEW COMMENTS

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

  
OFMB 8/10/22  
8/21/22 LM  
8/11/22

  
Contract Development and Control  
8-11-22 Tu

### B. Legal Sufficiency:

  
Assistant County Attorney 8/14/22

### C. Other Department Review:

\_\_\_\_\_  
Department Director

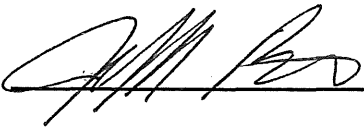
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

# RFP HED.2022.3

## Selection Committee Member Score Sheet

Scoring Criterion	Maximum Points	Davis Commons
Assessment of project development plan, design features, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	20
Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	24
Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, and likelihood of sustainable homeownership over time.	20	17
The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of SHIP funds. There are no apparent obstacles that will jeopardize the project schedule. The Project will deliver SHIP-assisted units/beneficiaries by June 30, 2024.	25	23
Projects located within a Census Tract with a poverty rate of no less than 20% (as determined by 2019 American Community Survey 5-Year Data Table S1701) will receive five (5) points.	5	5
TOTAL SCORE		89

Name: JEFF BOLTON

Signature:  Date: 7/7/2022



# RFP HED.2022.3

## Selection Committee Member Score Sheet

Scoring Criterion	Maximum Points	Davis Commons
Assessment of project development plan, design features, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	25
Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	25
Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, and likelihood of sustainable homeownership over time.	20	20
The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of SHIP funds. There are no apparent obstacles that will jeopardize the project schedule. The Project will deliver SHIP-assisted units/beneficiaries by June 30, 2024.	25	25
Projects located within a Census Tract with a poverty rate of no less than 20% (as determined by 2019 American Community Survey 5-Year Data Table S1701) will receive five (5) points.	5	5
TOTAL SCORE		100

Name: Bud Cheney

Signature: Bud Cheney Date: 7/7/2022



# RFP HED.2022.3

## Selection Committee Member Score Sheet

Scoring Criterion	Maximum Points	Davis Commons
Assessment of project development plan, design features, number of affordable units/income targeting, proximity to services and facilities, and green building/resiliency features.	25	24
Assessment of the Respondent and development team's qualifications and experience, particularly with residential projects of a similar nature as that proposed.	25	24
Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, and likelihood of sustainable homeownership over time.	20	19
The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of SHIP funds. There are no apparent obstacles that will jeopardize the project schedule. The Project will deliver SHIP-assisted units/beneficiaries by June 30, 2024.	25	24
Projects located within a Census Tract with a poverty rate of no less than 20% (as determined by 2019 American Community Survey 5-Year Data Table S1701) will receive five (5) points.	5	5
TOTAL SCORE		96

Name: Sheila Brown

Signature: Sheila Brown Date: 7.7.22



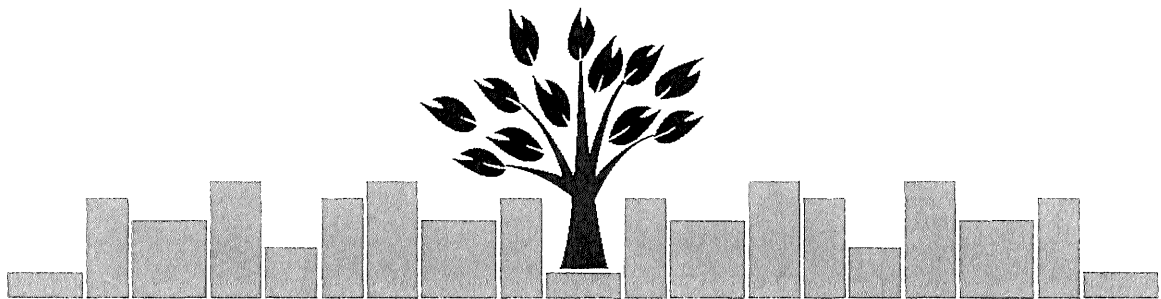
# Request for Proposals

RFP HED.2022.3



## Single Family New Construction State Housing Investments Partnership Program (SHIP)

May 2022



Department of Housing & Economic Development

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## **SECTION I**

### **A. Statement of Purpose**

Through this RFP, the Palm Beach County Board of County Commissioners (County) is offering State Housing Initiatives Partnership (SHIP) Program funds to Developers to expand the local inventory of affordable Single family Housing for homeownership.

### **B. Background**

The State Housing Initiatives Partnership (SHIP) Program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable single family housing. The SHIP Program is administered by the Florida Housing Finance Corporation (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 Development (DHED).

### **C. Funding Available**

RFP HED.2022.3 makes available **\$2,000,000** in SHIP funding from Fiscal Year (FY) 2021-2022. Funding will be awarded to contractors, Non-profits and For-profit housing developers to construct affordable Single family units for eligible homebuyers. Funds can be used for site acquisition, soft costs, site development, Infrastructure improvements, demolition, construction and other eligible construction related costs. All SHIP funds must be expended and SHIP- Single Family Housing Units constructed no later than **June 30, 2024**.

### **D. Defined Terms**

**Affordability Requirements** are defined as the requirements imposed upon SHIP-Assisted Housing Units to serve lower income households at affordable as established in this RFP HED.2022.3.

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

**Special Needs** is defined as a person with a Special Needs is defined as persons with developmental disabilities that manifested before the age of 18; A person receiving benefits under the Social Security Disability Insurance (**SSDI**) program or the Supplemental Security Income (SSI) program; A young adult formerly in foster care who is eligible for services (Aging out of Foster Care); A survivor of domestic **violence**; A person receiving benefits from veterans' disability benefits.

**Elderly Person** is defined as a person 62 years of age or older.

**Eligible Beneficiaries** are defined as Very Low, Low and Moderate income households.

**SHIP-Assisted Housing Unit** is defined as a housing unit assisted with SHIP funding provided through RFP HED.2022.3 and bearing all requirements related thereto. The maximum per unit SHIP subsidy is \$100,000 for all unit sizes.

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

**Moderate Income** is defined as an annual household income that does not exceed one hundred forty (140%) of AMI as determined by FHFC.

**Single Family Housing** is defined as the housing type characterized by an individual housing unit within a single detached residential structure or a residential structure offered for sale individually.

**Period of Affordability** is defined as the time period for which SHIP-Assisted Housing Units shall bear Affordability Requirements of the SHIP Program and RFP HED.2022.3.

**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.

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

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

**Veteran** is defined as a person who served in active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

**E. Location Requirements**

Properties must be located exclusively within Palm Beach County. The Palm Beach County SHIP program jurisdiction includes the geographic area within the corporate bounds of Palm Beach County, but excludes the following municipalities which receive SHIP funding directly from FHFC:

- Boca Raton, City of
- Boynton Beach, City of
- Delray Beach, City of
- West Palm Beach, City of

If a project is located within the municipal bounds of any of the above-listed municipalities, the municipality must make a financial contribution to the project in an amount no less than the SHIP funding request (dollar-for-dollar 100% match). The municipal financial contribution to the project may be in the

form of a grant, a loan, the market value of donated real property, or other quantifiable means, such as waiver of permit fees, impact fees, or other development fees. The County has the sole authority to determine the value of the financial contribution. The Respondent is solely responsible for obtaining the municipal financial contribution, and for providing documentation evidencing the financial contribution at time of proposal submittal.

**F. Eligible Projects**

Eligible projects shall be limited to new construction of Single Family Housing for sale to income eligible homebuyers of the Ship assisted units. A minimum of 50% of the units must be created for households whose income is at 120% or below of AMI.

**G. Ineligible Projects**

Projects involving acquisition and/or rehabilitation of housing units that currently bear existing restrictions associated with prior Federal, State, or local housing programs are not eligible for funding

Projects which have already received a prior award of SHIP or HOME Investments Partnership Program funds from Palm Beach County are not eligible for funding.

Multi-family housing, transitional housing, emergency shelters, group homes, single room occupancy housing, and units within a condominium complex are not eligible for funding.

**H. Eligible Beneficiaries**

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

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

**I. Period of Affordability**

The County will require the developer to execute a restrictive covenant with a two (2) year period, mortgage and promissory note. Upon sale of the unit, the subsidy will be transferred to the homebuyer for a thirty years (30) loan.

The Period of Affordability will be secured and enforced through a lien on title to the property.

**J. Eligible Costs**

Eligible uses of the SHIP funds are limited to project development costs attributable to the SHIP-Assisted Housing Units; including: architectural and engineering services; demolition; site improvements, construction; building permits; utility connection fees; impact fees; and developer fee. Determination of cost eligibility and reasonableness shall be at the County's sole and absolute discretion. Costs of off-site improvements, payment of delinquent taxes and other fees, and costs related to other project financing are ineligible for payment with SHIP funds.

**K. SHIP Funding Terms**

The maximum allowable SHIP subsidy is \$100,000 per housing unit, for all unit sizes. The SHIP funding will be provided to the Developer in the form of a loan for construction financing interest-free for up to 24 months. Upon sale of the SHIP assisted Housing Unit to an eligible homebuyer, the SHIP subsidy in that unit will be transferred to the homebuyer. The county will satisfy a portion of the construction loan equal to the SHIP subsidy in the housing unit, and will accept a second mortgage from the homebuyer for the amount of the SHIP subsidy necessary to close the homebuyer’s financing gap up to the up to the full amount of the SHIP subsidy in the housing unit. Any amount of SHIP subsidy not required to close the homebuyer’s financing gap shall be repaid to the County from the proceeds of the sale at closing. In the case of properties developed and owned by a land trust, the SHIP subsidy will not be passed through to the homebuyer but will remain with the land and be secured by a Declaration of Restrictions on title to the property.

**L. Relocation**

The County seeks to avoid displacement of residential households. If a project will result in the displacement of residential tenants from the project site, the Respondent will be required to submit a plan to provide relocation assistance to such displaced persons. The Developer is solely responsible for all requirements and costs related to implementation of the relocation plan.

**M. Schedule**

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

November 1, 2022 .....	Execution of SHIP Funding Agreement
June 30, 2024.....	100% expenditure / SHIP Beneficiaries Realized

**SECTION II**

**A. Proposal Requirements**

A completed registration form for RFP HED.2022.3 shall be submitted to HED in order to be eligible to submit a proposal. The registration form is located at <http://www.pbcgov.com/hed> or may be obtained by visiting HED at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.

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

- 1. 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: development category; development type; site plan; architectural renderings; numbers and types of buildings; total numbers of housing units by unit size and designated income set aside; numbers of SHIP-Assisted Housing Units by unit size and designated income set aside; site amenities; and targeted resident populations. The description shall include a narrative description of the green building design features and/or construction methods, materials, equipment, and appliances that provide for energy efficiency and resiliency of the project. The description shall include project location information including the development site(s) PCN(s), address (if any), Census Tract, and a detailed site location map. Submit as Attachment 2.
3. The proposal shall include a project market analysis, including: an analysis of local housing market supply, demand, and pricing; an assessment of project marketability; and identification of any publicly financed or subsidized affordable housing developments located within a one (1) mile radius of the proposed project. Submit as Attachment 3.
4. The proposal shall identify the contact information for all of the project team members. Information should include the name, business affiliation, address, phone number and contact person for each team member. The proposal must identify at a minimum the Respondent, Developer, construction contractor, consultant(s), and attorney. Submit as Attachment 4.
5. The proposal shall include an organization chart that details the ownership structure of the project, including the membership of the Respondent and Developer. Submit as Attachment 5.
6. The proposal shall describe the experience of the Respondent in undertaking similar activities, including details of the last three (3) projects of similar scope and magnitude to the project proposed by the Respondent. In addition, the proposal shall include individual résumés that identify each of the proposed team members' experience in similar roles. Submit as Attachment 6.
7. The proposal shall include evidence of site control for the entire project site(s). Evidence means a fully executed contract for purchase of the property, an option to purchase, a long-term lease, a lease option, a recorded deed, or a recorded certificate of title. Submit as Attachment 7.
8. For projects involving acquisition shall include an appraisal of the property (s) to be acquired performed by a third-party independent licensed proper 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. The proposal shall include documentation supporting all proposed construction costs in the form of either an estimate of probable cost prepared by a licensed architect or by written price estimates from at least two (2) licensed contractors. Submit as Attachment 9.
10. For projects located within the municipalities identified in Section I.E.—Location Requirements as being outside of the Palm Beach County SHIP program jurisdiction, the proposal shall include documentation evidencing availability of the required dollar-for-dollar (100%) municipal match. Acceptable documentation includes an executed funding agreement, a resolution or other official action of the City Commission that commits to provide the match, a letter from the City Administrator detailing a proposed match and the date upon which it will be presented to the City

Commission for approval (such approval must occur prior to the Selection Committee meeting and will be verified by the County), or official municipal documentation evidencing a non-monetary contribution to the project with a quantified monetary value (donated real property or waived municipal fees). This submittal requirement is only applicable to projects located in the city limits the municipalities identified in Section I.E. as being outside of the Palm Beach County SHIP program jurisdiction. Submit as Attachment 10.

11. The proposal shall include a detailed sales pro forma that includes all projected sales prices and revenues, carrying costs, disposition costs, financing, and subsidies, and which explicitly states all assumptions. Submit as Attachment 11.
12. The proposal shall include documentation evidencing availability of all sources of funding required for the non SHIP balance of the project development budget. Acceptable documentation includes documentation from the funding sources (s) providing a firm or a conditional commitment to fund and identifying all terms and conditions. Submit as Attachment 12.
13. 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 site's proximity to and availability of transportation services, employment centers, commercial centers, medical facilities, and educational services. Submit as Attachment 13.
14. The proposal shall include a detailed project schedule including all activities from pre-development, due diligence, land acquisition, engineering, development approvals, permitting, construction, and marketing, through completion and sales. Submit as Attachment 14
15. The proposal shall include two (2) years of Externally Audited Financial Statements, Externally Reviewed Financial Statements, Externally Compiled Financial Statements, Federal Income Tax Returns, or Internally Compiled Financial Statements for the Respondent. Respondent organizations established and operating less than two (2) years shall provide the required documents for the maximum period possible. Organizations established and operating less than one (1) year shall submit documentation supporting why the requirements cannot be met, and shall provide documentation evidencing the financial status of the organization. Submit as Attachment 15.
16. 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. Submit as Attachment 16.
17. 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 E, disclosing the name of any Respondent officer, director, or agent, who is also an employee of Palm Beach County, and disclosing the name of any County official or employee who owns, directly or indirectly, an interest in Respondent's firm or any of its affiliates. Submit as Attachment 17.

18. 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 by Respondent. Submit as Attachment 18.
19. 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 F to this RFP. If Respondent has not implemented a Drug Free Workplace program, simply complete the form using "not applicable". Submit as Attachment 19.
20. The proposal shall identify anticipated residential displacement to be caused by the project, including: the number of occupied housing units at time of proposal submittal, number of householder tenure; estimated number of persons to be displaced; and whether displacement is temporary or permanent. For projects that will result in the displacement of residential tenants from the project site, the proposal shall include a relocation plan to provide relocation assistance to such tenants. Submit as Attachment 20.

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

**B. Timetable**

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

<u>Activity</u>	<u>Date, Time, and Location</u>
Issue RFP	Advertised <b>Tuesday May 24, 2022</b>
Non-Mandatory Pre-Submittal Workshop	<b>Thursday, June 7, 2022, 10:00am</b> conducted remotely via Webex software platform (Meeting number 2306 499 2646/ Password rPmtuNHA34 ).
Submittal Deadline	<b>Thursday, June 23, 2022 4:00pm</b> , at the Department of Housing and Economic Development, 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.
	<b>Proposals received after the deadline will be not be considered, and will be returned without consideration for funding. Modifications to proposals will not be permitted after the deadline.</b>
Selection Committee Meeting	<b>Thursday, July 7, 2022 10:00am (TENTATIVE)</b> at the PBC Airport Center, 100 Australian Avenue, 1 <sup>st</sup> Floor Room 1-470, West Palm Beach, FL 33406. Respondent and members of the public may attend remotely via Webex (details to follow).

**BCC Consideration**

**Tuesday, August 14, 2022 (TENTATIVE)**, at the Commission Chambers, 6<sup>th</sup> Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401. BCC meetings begin at 9:30am.

**C. Pre-Submittal Conference**

A non-mandatory pre-submittal conference will be held on Thursday, June 7, 2022 at 10:00am remotely via Webex software Meeting number 2306 499 2646 / Password rPmtuNHA34. 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 Development, 100 Australian Avenue, Suite 500, West Palm Beach, Florida 33406 where the RFP documents are on file for that purpose. No addenda will be issued later than three (3) calendar days prior to the date for receipt of submittal deadline, except an addendum withdrawing the RFP or one, which includes postponement of the submittal deadline.

**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 an electronic copy of the complete proposal in pdf file format on a USB stick, and seven (7) hard copies of the complete proposal. One (1) original hard copy must be in loose-leaf form, single sided on paper no larger than 8.5" x 11". The remaining six (6) hard copies shall be bound on paper, double sided no larger than 8.5" x 11", with tabbed/identified sections for each required attachment.

**F. Submittal Deadline**

**Completed proposal submittal must be received by HED no later than 4:00p.m. Thursday, June 23, 2022 at HED offices located at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406.**

The Respondent is solely responsible for ensuring that its proposal arrives prior to the closing time and date. Delivery problems by third parties are not a valid excuse for missing the closing date or time. The words **RFP HED.2022.3** must be boldly printed on the proposal.

**G. Responsiveness Review**

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



**Proposal Requirements. Determination of responsiveness is at the sole discretion of the County. Proposals deemed to be non-responsive shall be rejected without being evaluated by the Selection Committee.**

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

**H. Contact Person**

Lesley George, Housing Liaison  
Department of Housing and Economic Development  
100 Australian Avenue, 5<sup>th</sup> Floor, West Palm Beach, FL 33406  
Phone: (561) 233-2065  
Email: [lgeorge@pbcgov.org](mailto:lgeorge@pbcgov.org)

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

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

**J. Postponement/Cancellation**

The County may, at its sole and absolute discretion, reject any and all, or parts of any and all proposals; re-advertise this RFP; postpone or cancel this RFP; 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 Board of County Commissioners determines to be in the best interest of the County.

**N. Oral Presentation(s)**

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

**O. Proprietary/Confidential Information**

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

**P. Non-Discrimination**

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

**Q. Rules, Regulations, Licensing Requirements**

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

**R. Disclaimer**

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

**S. Public Entity Crime**

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

**T. Insurance**

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

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

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

**SECTION III**

**A. Proposal Selection and Evaluation**

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

In order to be responsive to the RFP, the Developer must ensure that the project meets the following Unit Set Aside requirements:

- A minimum of 50% of the units must be created for households whose income is at 120% or below of AMI

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

**25 Points - Quality of Proposed Project**

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

**25 Points - Qualifications and Experience**

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

**20 Points - Financial Viability**

Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, product pricing, and likelihood of sustainable homeownership over time.

**25 Points - Project Schedule / Readiness to Proceed**

The project schedule and time frames are realistic and achievable. The project demonstrates the readiness to proceed in an expeditious manner following the award of SHIP funds. There are no apparent obstacles that will jeopardize the project schedule. The Project will deliver SHIP-assisted units/beneficiaries by June 30, 2024.

**5 Points - Geographic Preference**

Projects located within a Census Tract with a poverty rate of no less than 20% (as determined by 2019 American Community Survey 5-Year Data Table S1701) will receive five (5) points. A map of such these Census Tracts is located here: [https://data.census.gov/cedsci/map?text=s1701&g=0500000US12099.140000&tid=ACST5Y2019.S1701&layer=VT\\_2019\\_140\\_00\\_PY\\_D1&cid=S1701\\_C03\\_001E](https://data.census.gov/cedsci/map?text=s1701&g=0500000US12099.140000&tid=ACST5Y2019.S1701&layer=VT_2019_140_00_PY_D1&cid=S1701_C03_001E)

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

**B. Award Recommendation**

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

**C. Funding Award**

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

#### **D. Agreement Negotiations**

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

#### **E. Right to Protest**

Any proposer who is aggrieved in connection with the recommended award of an RFP may submit a written protest via hand delivery, mail or email within three (3) business days following notice of the recommendation to award. The protest must be submitted to the designated RFP contact person and must contain identification of the RFP and the protestor, as well as a factual summary of the basis of the protest. The written protest is considered filed when it is received and date/time stamped. Only the issues submitted in writing within the period specified for the protest will be considered.

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

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

The ruling of the Department Director or designee shall be final, unless the Respondent appeals it to a Special Master. If the protest is denied, the protestor may submit a written request of appeal, along with a \$1,500 non-refundable check, which shall be submitted in the form of a money order, cashier's check or a bank check payable to Palm Beach County, for costs associated with the engaging of a Special Master, to the designated RFP contact within three (3) business days of the issuance of the Department Director's written decision. If no appeal is submitted within the allotted time, the Department may proceed with the award process as provided in the RFP. Upon timely submittal of a written request of appeal, the designated RFP contact shall submit all documents relating to the protest, including the written decision, to the Director of Purchasing to be referred directly to a Special Master under contract with Palm Beach County in accordance with Section 2-55(c)(4) of the Palm Beach County Code. Notwithstanding the provisions of Section 2-55(c)(4) of the Palm Beach County Code, the request for a Special Master hearing shall be accompanied by a protest bond of \$1,500. Any costs associated with the engaging of a Special Master in excess of \$1,500, shall be the sole responsibility of the protestor. Special Master hearings shall be conducted in accordance with Countywide PPM CW-L-039, "Procurement Protest Hearings". The Special Master shall make a recommendation as to whether the protest should be upheld or denied. If the Special Master upholds the protest, the Special Master shall either make a recommendation to cancel the RFP, or to cancel the award recommendation and post a new award recommendation after re-evaluation based on the Special Master's determination of the facts in the case.

**Exhibit: A**

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

**2022 INCOME LIMITS CHART**

**2022 SHIP Income Limits for West Palm Beach – Boca Raton, FL MSA**  
Florida Housing Finance Corporation

Number of Persons in Household	Very Low Income 50% AMI	Low Income 80% AMI	Moderate Income (120%)	Moderate Income 140% AMI
1	\$32,200	\$51,500	\$77,280	\$90,160
2	\$36,800	\$58,900	\$88,320	\$103,040
3	\$41,400	\$66,250	\$99,360	\$115,920
4	\$46,000	\$73,600	\$110,400	\$128,800
5	\$49,700	\$79,500	\$119,280	\$139,160
6	\$53,400	\$85,400	\$128,160	\$149,520
7	\$57,050	\$91,300	\$136,920	\$159,740
8	\$60,750	\$97,200	\$145,800	\$170,100

**EXHIBIT B:**

**RESPONDENT CERTIFICATION FORM**

By signing below, the undersigned \_\_\_\_\_, as  
\_\_\_\_\_ of \_\_\_\_\_ (the  
Respondent), a \_\_\_\_\_ i.e. Florida corporation hereby  
certifies that the undersigned is duly authorized to sign this Respondent Certification Form on behalf  
of the Respondent and that this Respondent Certification Form shall be fully binding upon Respondent.  
Respondent hereby covenants and agrees to comply with the terms upon RFP HED.2022.3, all related  
Federal Regulations, and related Addenda and to attempt to negotiate in good faith with the County  
the terms of an agreement and will implement the response submitted by Respondent of the RFP. The  
Respondent further covenants and agrees that it has received all of the information referenced in the  
RFP, that Respondent fully understands the same, that Respondent completely and accurately  
completed the response submitted by Respondent pursuant to the RFP, that the information contained  
in such response submitted by Respondent is true and correct and that Respondent shall be bound by  
the terms and conditions of the RFP and the covenants, agreements and representations made by  
Respondent herein and in the response submitted by Respondent to the RFP.

Date of Execution by Respondent: \_\_\_\_\_, 2022.

\_\_\_\_\_  
RESPONDENT

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

Its: \_\_\_\_\_  
SEAL

\_\_\_\_\_  
Print Signatory's Name

**EXHIBIT C:**

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

- 1. Affiant is the \_\_\_\_\_ which entity is the Lead Entity for the Respondent to Palm Beach County Request for proposals Number \_\_\_\_\_.
- 2. Affiant’s address is: \_\_\_\_\_
- 3. Attached hereto, and made a part thereof, as an Attachment is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the proposed 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 acknowledged before me, **by means of ☐ physical presence or ☐ online notarization**, this \_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_, who is (are) personally known to me or who has (have) produced \_\_\_\_\_ as identification.

Notary Seal

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Name of Notary Typed, Printed or Stamped  
Commission No. \_\_\_\_\_



ATTACHMENT 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 SHIP 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 D:**

**DISCLOSURE OF RELATIONSHIPS WITH COUNTY**

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

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

FURTHER AFFIANT SAYETH NAUGHT.

By: \_\_\_\_\_, Affiant

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization**, this \_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_, who is (are) personally known to me or who has (have) produced \_\_\_\_\_ as identification.

*Notary Seal*

\_\_\_\_\_  
Signature of Notary Public  
\_\_\_\_\_  
Name of Notary Typed, Printed or Stamped  
Commission No. \_\_\_\_\_

**ATTACHMENT TO DISCLOSURE OF RELATIONSHIPS WITH COUNTY**

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

NAME	ADDRESS	RELATIONSHIP

**EXHIBIT 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 cone of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.

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

Secs. 2-358—2-370. — Reserved

Attachment 2 - Project Description

Davis Commons LLC, a wholly owned subsidiary of the Community Land Trust of Palm Beach County and the Treasure Coast (CLT of PBCTC) in partnership with the Community Partners of South Florida will be developing Davis Commons, a twenty unit affordable townhome community on a two acre site in unincorporated Lake Worth. One of the two acres had been previously donated to the CLT of PBCTC by Palm Beach County for the development of affordable housing. All twenty townhomes will be sold under the community land trust model of homeownership thereby ensuring they will remain affordable in perpetuity. We are requesting \$1,918,520 in SHIP funding to complete the needed financing to bring this project to fruition.

**Development Category**  
New Construction for Homeownership.

**Development Type**  
Single-family townhome in a traditional family neighborhood.

**Numbers and Type of Building**  
There will be a total of five buildings. One building has five townhomes, three buildings have four townhomes, and one building has three units.

**Total Number of Housing Units by Size and Designated Income Set-aside**

- All twenty units will be three bedroom, two and half baths. The units will be 1,685 square feet.
- Eleven of the units will be set aside for 120% AMI. These will be SHIP assisted units.
  - Four of the units will be set aside for 100% AMI. These units will be produced through Palm Beach County’s Workforce Housing Exchange Program.
  - Five of the units will be set aside for 80% AMI. These units will be produced through Palm Beach County’s Workforce Housing Exchange Program.

**Site Amenities**  
Spacious energy-efficient home  
Concrete patio, driveway, and entry walkway  
Fully landscape lot with irrigation system  
Alarm system on all exterior doors  
Tot lot

**Targeted Resident Populations**  
Families with incomes between 70%-120% AMI will be targeted for the project.



**Green Building Features**

- Energy Star Appliances
- Hurricane Impact Windows and Doors
- Energy efficient air conditioning units
- Porcelain tile
- High levels of insulation

**Project Locations**

Davis Commons is located in unincorporated Palm Beach County north of Melaleuca on the east side of Davis Road.

Addresses and PCN's for the site are as follows:

4462 Davis Rd, Lake Worth, FL 33461,  
004 344 30010570040

4481 Davis Rd, Lake Worth, FL 33461,  
004 344 30010570053

4489 Davis Rd, Lake Worth, FL 33461,  
004 344 30010570051

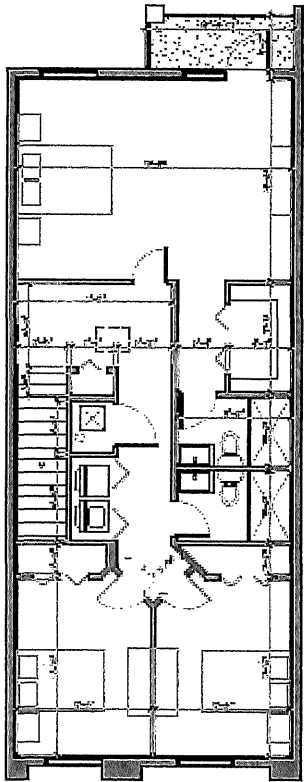
4493 Davis Rd, Lake Worth, FL 33461,  
004 344 30010570055

Davis Rd, Lake Worth, FL 33461,  
004 344 30010570054

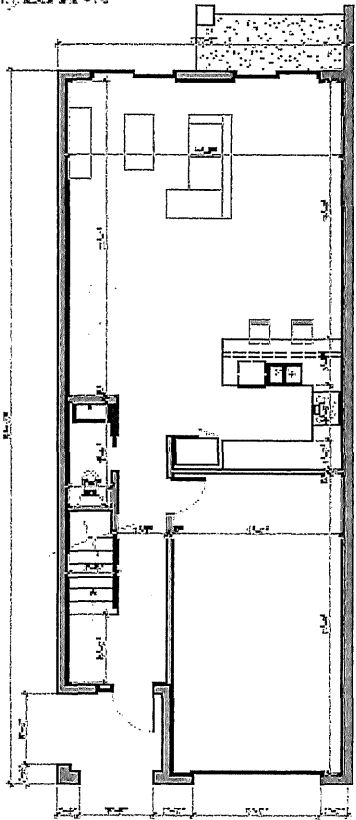
This project is located in Census Tract 49.04. This census tract has a poverty rate of 22.1%.

**Project Readiness**

The project is ready to go. We have site control, and the site plan is in review at the Palm Beach County for DRO approval. Preliminary design docs are also underway. All buildings on site have been demolished.



2ND FLOOR PLAN 3BD, 2 1/2 BATH



Detailed Located Map

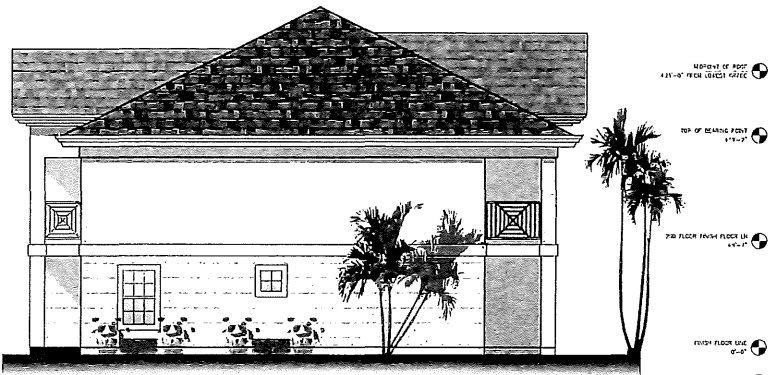


4462 Davis Rd, Lake Worth, FL 33461  
4481 Davis Rd, Lake Worth, FL 33461,  
4489 Davis Rd, Lake Worth, FL 33461,  
4493 Davis Rd, Lake Worth, FL 33461,

PCN: 004 344 30010570040  
004 344 30010570053  
004 344 30010570051  
004 344 30010570055



	COLOR NO. 1		COLOR NO. 2		COLOR NO. 3		COLOR NO. 4
	DIAMOND WEAVE SHERWIN WILLIAMS EXTERIOR SATIN		BLUE IRIS SHERWIN WILLIAMS EXTERIOR SATIN		EXTRA WHITE SHERWIN WILLIAMS EXTERIOR SATIN		TERRA-COTTA POT SHERWIN WILLIAMS EXTERIOR SATIN
	LOCATION: 1ST FLOOR WALLS		LOCATION: 2ND FLOOR WALLS		LOCATION: TRIM, COLUMNS AND GARAGE DOORS		LOCATION: ENTRY DOORS
	COLOR NO. 5		COLOR NO. 6		COLOR NO. 7		COLOR NO. 8
	SOFTWARE SHERWIN WILLIAMS EXTERIOR SATIN		QUARRY GRAY DURATION SHINGLES LOWE'S CORNING		WHITE ALUMINUM PQT INDUSTRIES IMPACT RESISTANCE		RUSTIC BLACK MANUFACTURES VARY
	LOCATION: RAILINGS		LOCATION: ALL ROOFS		LOCATION: ALL DOORS AND WINDOW FRAMES		LOCATION: ALL DOOR HARDWARE, EXTERIOR LIGHT FIXTURES



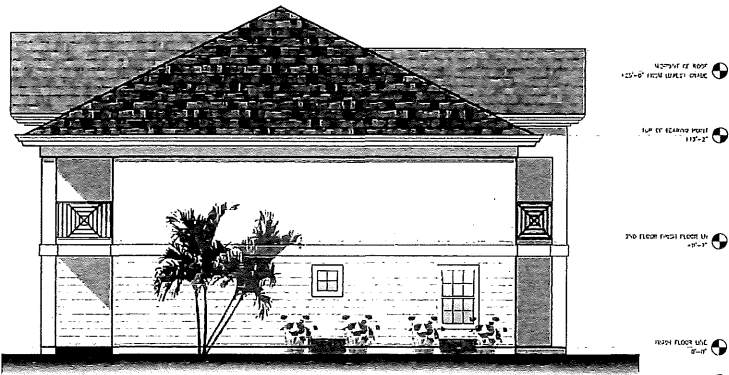
1  
A2.1 / SCALE: 3/16" = 1'-0"

BUILDING 1 ELEVATION | SIDE A



2  
A2.1 / SCALE: 3/16" = 1'-0"

BUILDING 1 ELEVATION | BACK



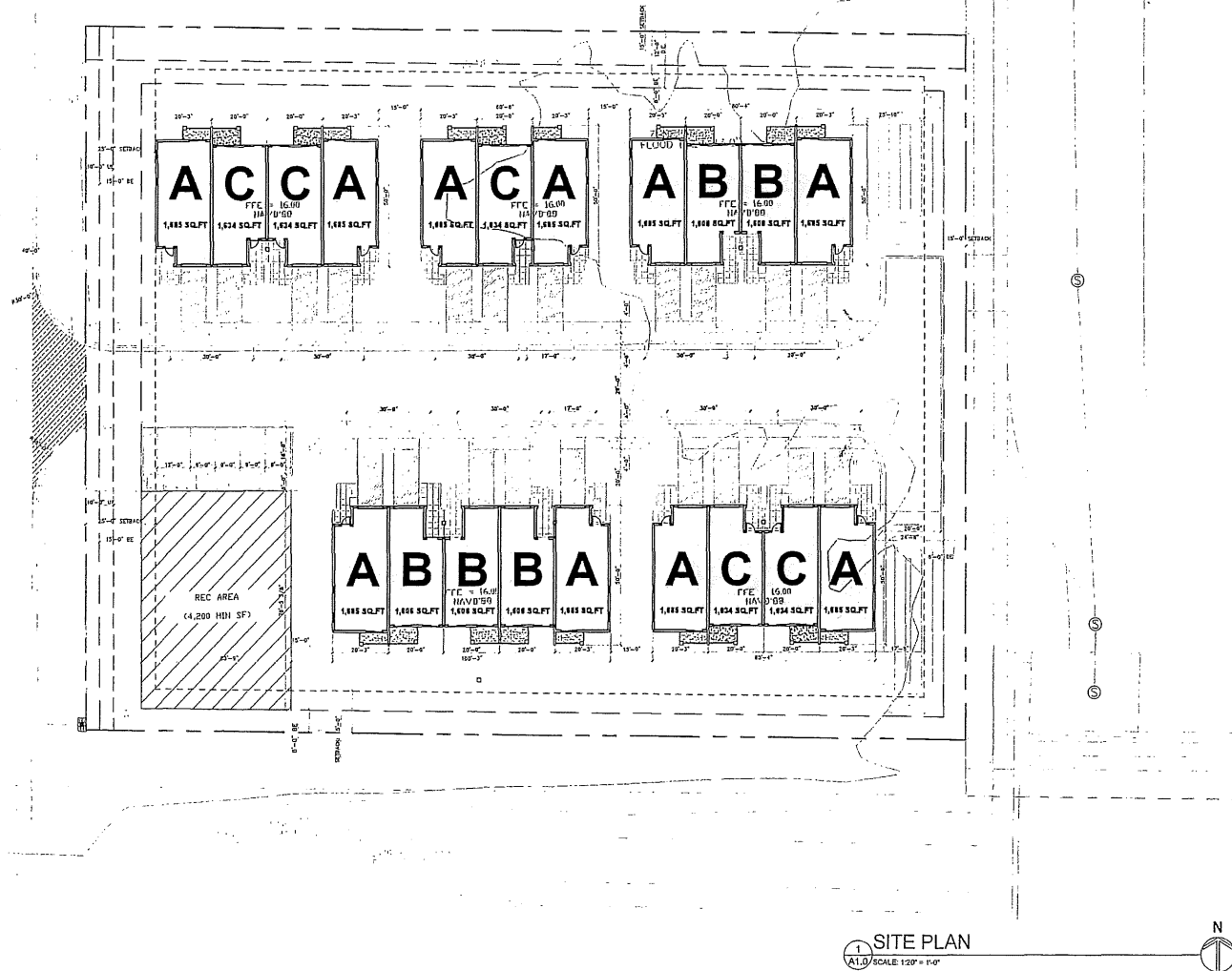
3  
A2.1 / SCALE: 3/16" = 1'-0"

BUILDING 1 ELEVATION | SIDE B



1  
A2.1 / SCALE: 3/16" = 1'-0"

BUILDING 1 ELEVATION | FRONT



**Community Land Trust of Palm Beach County and the Treasure Coast  
Affordable Housing Marketing and Outreach Plan**

The Community Land Trust of Palm Beach County and the Treasure Coast (CLT of PBCTC) will undertake fair and equitable practices for marketing available units and selecting applicants for homeownership and rental opportunities on a first qualified first served basis.

**I. POLICY ON NON-DISCRIMINATION**

With respect to the treatment of applicants, the CLT of PBCTC and/or managing agent will not discriminate against any individual or family because of race, color, age, national or ethnic origin or ancestry, religion, sex, sexual preference, age, disability, handicap, military status, source of income, marital status or familial status (having children under the age of 18).

**II. MARKETING**

A. The CLT of PBCTC will utilize the following formats to market new housing programs or projects:

- a) *Flyers* – Flyers will typically be one page notices announcing the availability of a new CLT of PBCTC opportunity and should briefly summarize key program/project information. Flyers will be distributed via e-mail to the CLT of PBCTC’s distribution group as well as constituencies such as other CDC’s, trade groups, churches, municipalities, employers (School Board), etc. Flyers will also be distributed at first time home buyer workshops and other housing relating events/meetings. Flyers will be made available for download on the CLT of PBCTC’s website.
- b) *Brochures* - Brochures will be prepared for on-going programs or large developments. Brochures will be displayed at CLT of PBCTC offices and distributed at events.
- c) *Press Releases* – Press releases will be prepared to announce the new housing resource for insertion in local or regional newspapers, newsletters, other publications, as well as local cable or radio stations. Press releases will present the most relevant information as succinctly as possible to lend themselves to inclusion in media publications or programming with limited space and time.
- d) *Advertisements* – For larger CLT of PBCTC projects, advertisements in a paper of general circulation will be utilized to inform as wide of an audience as possible. All advertisements published will provide information on where to obtain an application, information regarding the application process, and instructions on how to schedule an appointment for assistance in completing the application.
- e) *Inserts in Organizational Bulletins or Institutional Literature* – Inserts in organizational or institutional literature will be utilized to inform fairly large audiences on the new housing resource.





- f) *Community Presentations* – Presentations will be prepared to explain the new housing opportunity to be conducted through local organizational meetings, first-time homebuyer workshops, or specially arranged forums.
  - g) *Multiple Listing Services (MLS)* – The CLT of PBCTC will utilize real estate broker partners to post new for-sale housing opportunities on MLS. When units are sold through MLS listings, standard real estate commissions shall apply.
- B. The following affirmative fair marketing practices will be undertaken during the marketing of all housing resources:
- 1. The Fair Housing Logo will be displayed on all written material.
  - 2. Applications will be solicited from persons in the housing market who are not likely to apply for housing without special outreach. This includes posting a notice of vacancies or housing opportunities in locations, including, but not limited to the following:
    - a) Churches and other related organizations;
    - b) Community organizations;
    - c) Fair housing groups;
    - d) Housing counseling agencies,
    - e) Agencies for the disabled;
    - f) Employment centers; and
    - g) Local Public Housing Authorities (PHAs) or other similar agencies.
  - 3. Commercial media will be utilized to inform all potentially eligible homebuyers in the market. Advertisements will be placed in community, minority, and other special interest publications that are likely to be read by persons needing special outreach.
- C. Marketing materials should be clear, accurate, and to the point.

III. OUTREACH

- A. The three key strategies of CLT of PBCTC Outreach efforts are advertising, marketing of the new housing resource through linkages with other entities that have an interest in supporting the effort, and holding informational sessions. These strategies are detailed below.
- 1. Advertising - For larger CLT of PBCTC projects, or when required by a project funding source, advertisements will be placed in newspapers and other publications announcing the availability of the housing resource. Advertisements should include at a minimum:
    - a) Location of the units;
    - b) The unit size as measured by the number of bedrooms in the unit;
    - c) Sales prices or monthly mortgage payments and/or rent levels;
    - d) The location for obtaining an application;
    - e) Telephone number of the management or sales agent; and
    - f) Fair Housing Logo.



2. Linkages with other Organizations, Institutions, Agencies, and Employers - Alliances with other public and private partners will be utilized to spread the word on available housing opportunities to key constituencies. For most new housing opportunities the following entities should be contacted and drawn into the outreach process:

- a) CDC's, other CLT's, and CHDO's in Palm Beach County;
- b) Housing Authorities in Palm Beach County;
- c) Local Governments (to reach municipal employees);
- d) PBC School District;
- e) Colleges;
- f) Realtor's Association of the Palm Beaches;
- g) Business Associations;
- h) Large employers in the local area such as hospitals;
- i) Housing Leadership Council;
- j) United Way Prosperity Centers;
- k) Church related organizations;
- l) Fair Housing Center of the Palm Beaches;
- m) Chamber of Commerce; and
- n) Human and social service agencies in the County

Contacts with these organizations will be made initially by e-mail, phone, or in writing, at a minimum asking the entity to make referrals to the effort. In some cases a presentation might be arranged. Special effort will be made to involve organizations that have regular contact with minorities or whose mission is closely related to promoting diversity.

3. Information Sessions – Informational meetings will be held to educate the public about any particular development project and the application/selection process. These meetings should include local officials, the contractor, area partners, and local bank and finance officials. The times, dates, and locations of these meetings will be published in the newspaper and/or website or flyers that publicize the availability of the project.

B. An individualized outreach plan will be drafted for each CLT of PBCTC project and should include the following:

- 1. A basic description and purpose of the program/project;
- 2. A plan for the affirmative fair marketing of the units;
- 3. Outreach goals including potential numbers of applicants;
- 4. A list of media contacts for advertising including projected costs, schedule, and person responsible for coordinating;
- 5. Linkages with other local and regional organization, institutions, agencies, and employers including who will make these contacts, what requests will be made in support of the outreach process and the projected schedule including estimated costs;
- 6. What marketing materials will be used for what purposes;
- 7. A plan for answering inquiries; and
- 8. A plan for accepting applications.



II. APPLICATION PROCESS

Applications for homeownership opportunities will be accepted and processed in accordance with the CLT of PBCTC’s “Homebuyer Selection Criteria and Process” Policy (Exhibit A) on a first qualified first served bases. Applications for lease with an option to purchase opportunities will be accepted and processed in accordance with the CLT of PBCTC’s adopted “Lease with an Option to Purchase Selection Criteria and Process” Policy (Exhibit B) on a first qualified first served basis.

