

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	May 7, 2024	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: **Housing and Economic Development**

I. EXECUTIVE BRIEF

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

A) conceptually approve General Obligation Housing Bond Loan Program (HBLP) – Workforce Multifamily Development awards as follows:

- 1. Gallery at Sunset Park by Gallery at Sunset Park, LLC;
- 2. Residences of Lake Worth Beach by Richman Lake Worth Apartments, LLC;
- 3. Residences at Marina Village, by Residences at Marina Village, LLC;

B) deny HBLP funding for Judge Rodgers Court by the Rivera Beach Housing Authority without prejudice allowing the developer to apply for future bond funding once it is ready to move forward;

C) conceptually approve Housing Initiatives Program (HIP) funding for the following responsive proposals provided they meet all HIP requirements:

- 1. One North Lake by One North Lake, LLC
- 2. Westgate Terrace by Danza of Westgate, LLC; and

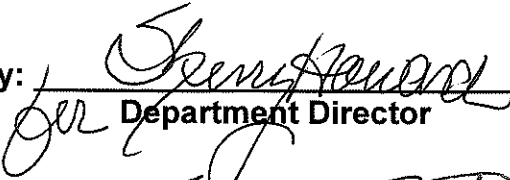
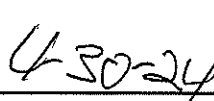
D) transmit the approved proposals to the County's third party underwriter and negotiate the loan agreements.

Summary: On March 19, 2024, the Department of Housing and Economic Development (DHED) issued a Request for Proposals (RFP) HED.HBLP.2024.4 making County funding available to developers to create additional housing units to expand the local inventory of multifamily rental housing units for workforce housing affordability, serving households with incomes between 60% and 140% of Area Median Income (AMI). All Housing Bond awards are contingent upon the issuance of general obligation bonds by the BCC, as well as projects meeting the requirements of the Bond Allocation Process Criteria and RFP requirements. **Continued on Page 3**

Background and Policy Issues: **On Page 3**

Attachments:

- 1. Proposal Summaries/Project Descriptions
- 2. Request for Proposals HED.HBLP.2024.4
- 3. Protest Determinations
- 4. Housing Bond Allocation Process

Recommended By:		
	Department Director	Date
Approved By:		
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

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

# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
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Is Item Included In Proposed Budget?	Yes	<u>X</u>	No	<u> </u>
Does this Item include the use of Federal funds?	Yes	<u> </u>	No	<u>X</u>
Does this Item include the use of State funds?	Yes	<u> </u>	No	<u>X</u>


Budget Account No.:

Fund _____ Dept. _____ Unit _____ Object _____ Program Code/Period _____

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

No fiscal impact at the time of this conceptual award. Fiscal impact will be determined upon final BCC approval of the project.

C. Departmental Fiscal Review:


Valerie Alleyne, Division Director II
Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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

AS/Dele 4/24/24
 OFMB 4/22 DA 4/22 Contract Development and Control
 ME 4/27 Trk 4/26/24

B. Legal Sufficiency:


Chief Assistant County Attorney 4/30/24

C. Other Department Review:

Department Director

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

County Bond funding will be provided to developers in the form of a loan for permanent financing, secured by a mortgage and note that requires repayment of principal and interest. The term of the loan will be 20-years consistent with the term of the Bond, at an interest rate between 1% and 3%.

County HIP funding will be provided to developers in the form of a repayable loan for permanent financing, secured by a mortgage and note that requires repayment of principal and interest. The term of the loan will be equal to or greater than the term of the Federal Housing Administration loan and have an interest rate between 1% and 3%. HIP awards are contingent upon projects meeting HIP requirements which include but are not limited to: site control, all other funding in place, project being 'shovel' ready 12 months after final BCC approval, project sets an affordability period of no less than 50 years on all County-assisted units.

A total of seven (7) proposals were received in response to the RFP. Six (6) proposals were determined to be responsive to the eligibility and submittal requirements of the RFP. A Selection Committee met at a publicly held meeting on April 9, 2024 and recommended funding approval for: 1) Gallery at Sunset Park; 2) Residences of Lake Worth Beach; and 3) Residences of Marina Village. Details and specifics of each project are included in the Proposal Summaries. All respondents to the RFP have been notified of the funding recommendations and of the RFP protest procedures. One protest was received by the protest period deadline by Riviera Beach Housing Authority. The protest was evaluated by the Director of DHED and denied.

Project Name	Total Project Cost	Requested HBLP Funding	Recommended HBLP and HIP Funding	Total Number of Units	Number of County-Assisted Units
Gallery at Sunset Park	\$56,406,473	\$17,000,000	\$17,000,000	145	145
Residences of Lake Worth Beach	\$49,816,825	\$17,160,000	\$17,160,000	195	156
Residences at Marina Village	\$54,509,822	\$4,716,882	\$4,716,882	148	118
HBLP SUBTOTAL:	\$160,733,120	\$38,876,882	\$38,876,882	488	419
One North Lake	\$16,536,000	\$4,650,000	\$4,650,000	54	54
Westgate Terrace	\$21,256,790	\$3,200,000	\$3,200,000	46	37
HIP SUBTOTAL:	\$37,792,790	\$7,850,000	\$7,850,000	100	91
GRAND TOTAL (HPLP & HIP):	\$198,525,910	\$46,726,882	\$46,726,882	588	510

Project Name	Total Project Cost	Requested HBLP Funding	Recommended Funding	Total Number of Units	Number of County-Assisted Units
Judge Rodgers Court	\$58,685,560	\$13,000,000	0	150	111
TOTAL:	\$58,685,560	\$13,000,000	0	150	111

Following conceptual approval, the projects will be sent for underwriting and a cost certification must be submitted by each developer and approved by DHED prior to the start of construction. Staff will bring back a comprehensive terms and conditions sheet for final BCC approval. The loan agreements and related documents pursuant to these Bond funds will be between the County and above respective party (and their respective successors and/or assigns). Districts 3, 6 and 7 (HJF)

Background and Policy Issues: (continued from Page 1)

The Department of Housing and Economic Development (DHED) is administering the voter approved HBLP. Bond funds may be issued all at once or in tranches, as determined by the Board of County Commissioners (BCC), for the purposes as stated in Palm Beach County's Resolution R2022-1405. The Process includes approved General Guidelines from the Resolution (R2022-0626) calling for the Bond approved by the voters and proposed funding criteria and processes including project requirements, loan terms deed restrictions, project selection, credit underwriting and compliance and monitoring requirements.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Proposal Summary Overview

Project name: Gallery at Sunset Park

Selection Committee Recommendation: Recommended for award

Respondent/Developer: The respondent/developer is Gallery at Sunset Park, LLC, a for-profit organization, and an affiliate of Related Urban Development Group.

Requested HBLP Funding: \$17,000,000

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project is located at 1111 36th Street, West Palm Beach, FL 33407. The PCN is 74-43-43-05-01-026-0010. Commission District – 7

Project Description: The project will consist of the development of 145 multifamily housing units. The proposed development of 145 units will include 87 units serving households with incomes at 120% AMI and 58 units available to households with incomes at 60% AMI.

Green Building and Sustainability: The proposal states that “development will be concrete construction, hurricane resistant and include many green building design features.

Period of Affordability: The proposal commits the development to 40 years of affordability, which exceeds the minimum requirement of 30 years.

County-Assisted Units: The Respondent states that all of the 145 units to be created will be set aside as County-Assisted Units for households with income at or below 120% AMI. This amount exceeds the minimum requirement that at least 50% of the County-Assisted Workforce Housing Multifamily Development units shall serve households with incomes not greater than 120% or below AMI.

Other local obligation Units: No other units from other local obligations were identified in the proposal.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Development Costs and Funding Sources:

Total Development Cost	56,406,473
Tax Credit Equity	7,044,802
Grandbridge Capital	24,600,000
Housing Bond Funds	17,000,000
Sponsor Equity / Loan	1,500,000
Deferred Developer Fee	6,261,671
Total:	56,406,473

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
 - Financing Loan letter from the Grandbridge Real Estate Capital dated March 29, 2024 for permanent financing (1st Mortgage) in the amount of \$24,600,000.
 - Letter dated March 29, 2024 from Truist Community Capital, LLC confirming the tax credit equity of \$7,044,802
 - Letter from RUDG, LLC dated April 1, 2024 confirming \$1,500,000 loan for the development and financing of the project
 - Correspondence from the City National bank Financial Group stating the average balance on deposit for RUDG, LLC are in the low eight figures.

Acquisition and Site Control: The Respondent documented site control with the following document:

- Executed long-term lease (99y year lease term) between Mount Calvary Missionary Baptist Church of Riviera Beach, Inc. and Gallery at Sunset Park, LLC.

Costs allocation:

Total Development Cost	\$56,406,473
Total Number of Units	145
Cost per unit	389,010
Number of County-Assisted Units	145
County Funding Amount	\$17,000,000
County Funding per unit	\$117,241

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
1 BR/ 1 BA (60% AMI)	35	\$1,021	\$1,096
1 BR 1BR (120% AMI)	52	\$2,193	\$2,193
2 BR / 2 BA (60% AMI)	23	\$1,205	\$1,315
2 BR / 2 BA (120% AMI)	35	\$2,631	\$2,631

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

Proposal Summary Overview

Project name: Residences of Lake Worth Beach

Selection Committee Recommendation: Recommended for award

Respondent/Developer: The respondent/developer is The Richman Group of Florida, Inc, a for-profit organization.

Requested HBLP Funding: \$17,160,000

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project sites are 2431, 2441, and 2559 2nd Avenue North in the City of Lake Worth Beach. The PCNs are 38-43-44-20-01-96-0020, 38-43-44-20-01-98-0010, and 38-43-44-20-01-97-0020. Commission District – 3

Project Description: The project will consist of the development of 195 multifamily housing units. The proposed development of 195 units will include 156 units serving households with incomes at or below 120% AMI and 39 units available to households with incomes at or below 60% AMI.

Green Building and Sustainability: The proposal provided a letter stating that the project is expected to achieve the NGBS Silver Certification.

Extended Affordability: The proposal commits the development to 50 years of affordability, which exceeds the minimum requirement of 30 years.

County-Assisted Units: The proposal states that a total of 156 units will be set aside as County-Assisted Units for households with income at or below 120% AMI. This amount exceeds the minimum requirement that at least 50% of the County-Assisted Workforce Housing Multifamily Development units shall serve households with incomes not greater than 120% or below AMI.

Other local obligation Units: No other units from other local obligations were identified in the proposal.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Development Costs and Funding Sources:

Total Development Cost	49,816,825
Merchant's Capital	31,477,206
Housing Bond Funds	17,160,000
Deferred Developer Fee	1,179,620
Total:	\$ 49,816,825

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
Financing Loan letter from the Merchants Capital dated February 28, 2024 for construction expenses funds in the amount of \$31,477,206.

Acquisition and Site Control: The Respondent documented site control with the following documents:

- Warranty Deed dated December 7th, 2021 between Village of Valor LTD and Richman Lake Worth Apartments LLC.
- Purchase and Sale Agreement between Richman Lake Worth Apartments, LLC and Richman Lake Worth LIHTC, LLC

Costs Allocation:

Total Development Cost	\$49,816,825
Total Number of Units	195
Cost per unit	255,471
Number of County-Assisted Units	156
County Funding Amount	\$17,160,000
County Funding per unit	\$110,000

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
1 BR/ 1 BA	84	\$1,827	\$2,193
2 BR / 2 BA	67	\$2,192	\$2,631
3 BR / 2 BA	5	\$2,532	\$3,039

According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Proposal Summary Overview

Project name: Residences at Marina Village

Selection Committee Recommendation: Recommended for award

Respondent/Developer: The respondent/developer is Residences at Marina Village, LLC, a for-profit organization, and an affiliate of Related Urban Development Group.

Requested HBLP Funding: \$4,719,882

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project sites are located at 1124 Broadway Avenue, 57 E. 12th Street, and 1195 Avenue C in the City of Riviera Beach. The PCN is 56-43-42-33-02-000-0010. Commission District – 7

Project Description: The project will consist of the development of 148 multifamily housing units. The proposed development of 148 units will include 118 units serving households with income between 60% AMI and 110% AMI, with 30 units to be designated as low-income for households with income at or below 50% AMI.

Green Building and Sustainability: Letter provided indicating the development is eligible for the National Green Building Standards (NGBS) and is in good standing to achieve a Gold level certification under the program. (5 points).

Extended Affordability: The proposal commits the development to 60 years of affordability, which exceeds the minimum requirement of 30 years.

County-Assisted Units: The proposal states that a total of 118 units will be set aside as County-Assisted Units for households with income between 60% AMI and 110% AMI. This is within the Workforce Housing AMI range as defined in the RFP and exceeds the minimum requirement that at least 50% of the County-Assisted Workforce Housing Multifamily Development units shall serve households with incomes not greater than 120% or below AMI.

Other local obligation Units: No other units from other local obligations were identified in the proposal.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Development Costs and Funding Sources:

Total Development Cost	\$53,509,822
Tax Credit Equity	4,475,334
Grandbridge Capital	20,230,000
Sponsor equity/Loan	2,350,000
SAIL & SAIL ELI	16,203,000
Riviera Beach CRA	1,500,000
Housing Bond Funds	4,719,882
Deferred Developer Fee	4,031,606
Total:	\$ 53,509,822

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
Financing Loan letter from the Grandbridge Real Estate Capital dated March 27, 2024 for permanent loan financing in the amount of \$20,230,000.
- Financing Loan letter from Chase Bank dated March 25, 2024 for construction loan financing in the amount of \$21,500,000.
- Financing Loan letter from PRH Investments, LLC dated December 13, 2023 for subordinate loan financing in the amount of \$2,350,000.
- City National Bank letter indicating that RUDG, LLC maintains banking relationship with the organization and averages deposit balances in the low eight figures.
- Local Government Verification of Contribution-Loan Form from the Riviera Beach CRA in the amount of \$1,500,000.

Acquisition and Site Control: The Respondent documented site control with the following documents:

- Ground Lease Agreement between the Riviera Beach CRA and Residences at Marina Village, LLC dated December 7th, 2023.

Costs allocation:

Total Development Cost	\$53,509,822
Total Number of Units	148
Cost per unit	361,553
Number of County-Assisted Units	118
County Funding Amount	\$4,719,882
County Funding per unit	\$39,999

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
Studio (90% AMI)	5	\$1,485	\$1,535
1 BR/ 1 BA (60% AMI)	4	\$1,021	1,096
1 BR / 1 BA (90% AMI)	18	\$1,569	\$1,645
1 BR / 1 BA (100% AMI)	18	\$1,751	\$1,828
1 BR / 1 BA (110% AMI)	32	\$1,935	\$2,010
2 BR / 2 BA (60% AMI)	3	\$1,205	\$1,315
2 BR / 2 BA (90% AMI)	11	\$1,863	\$1,973
3 BR / 2 BA (110% AMI)	27	\$2,302	\$2,786

According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Proposal Summary Overview

Project name: Judge Rodgers Court

Respondent/Developer: The respondent/developer is the Riviera Beach Housing Authority (RBHA).

Selection Committee Recommendation: Not recommended for award

Requested HBLP Funding: \$13,000,000

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project is located at 251 W. 11th Street, Riviera Beach, FL. The PCN is 56-43-42-33-06-030-0010. Commission District - 7

Project Description: Judge Rodgers Court is a proposed 150-unit workforce housing development in the heart of the City of Riviera Beach. The project will consist of two detached buildings just blocks away from Highway US-1 (Broadway), providing direct access to public transportation, including major bus routes. The development will be a best-in-class multifamily housing complex designed for surface parking with a host of state-of-the-art amenities. The proposed development will include all 150 units serving households with incomes at 140% AMI. Ninety-two (92) of the units will serve households with incomes at 120% AMI and 19 units will serve households with incomes at 80% AMI. The Boys and Girls Club of Riviera Beach is adjacent to the site and will serve as direct hub for youth services programs.

Green Building and Sustainability: The proposal states that “development will consist of a concrete super structure with impact windows, central A/C system, and designed with sustainable materials. Letter with evidence of green standard dated August 30, 2023 from Architects Design Collaborative is provided in the proposal.

Extended Affordability: The proposal commits the development to 50 years of affordability, which exceeds the minimum requirement of 30 years.

County-Assisted Units: The Respondent states that 111 units will be set aside as County-Assisted Units for households with income at or below 120% AMI. This amount exceeds the minimum requirement that at least 50% of the County-Assisted units shall serve households with incomes not greater than 120% or below AMI.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Other local obligation Units: No other units from other local obligations were identified in the proposal.

Additional Staff Comments: The funding commitment letter provided in the proposal is contingent upon successful FHA mortgage application, which has not been initiated with HUD. The resolution from the City of Riviera Beach providing for conveyance of the property identified issues that need to be resolved prior to conveyance, including, but not limited to, the Palm Beach County School District's reverter interest in the property, the existing lease with the Boys and Girls club, and a potential subdivision of the property. The proposal stated that the project is in the design development stage, but did not provide documentation. The proposer submitted a formal protest that was reviewed by staff and provided to the Department Director along with a written summary for review. The protest was denied based on the findings of the review in accordance with the Right to Protest provision in the RFP.

Development Costs and Funding Sources:

Total Development Cost	58,685,560
M&T Realty Capital	44,014,170
Equity	1,671,390
Housing Bond Funds	13,000,000
Total:	\$ 58,685,560

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
Financing Loan letter from the M&T Realty Capital Corporation dated March 30, 2024 for expenses funds in the amount of \$43,327,900.

Acquisition and Site Control: The Respondent documented site control with the following documents:

- Letter from the City of Riviera Beach regarding Conveyance of Land – 251 W. 11th Street, Riviera Beach, FL, dated March 7th 2024.
- Resolution No. 47-24 dated March 6, 2024

Costs allocation:

Total Development Cost	\$58,685,560
Total Number of Units	150
Cost per unit	391,237
Number of County-Assisted Units	150
County Funding Amount	\$13,000,000
County Funding per unit	\$86,667

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
140 % AMI - 1 BR / 1 BA	10	\$2,558	\$2,558
140 % AMI – 2 BR / 2 BA	13	\$3,005	\$3,039
140 % AMI – 3 BR / 2 BA	16	\$3,530	\$3,545
120 % AMI - 1 BR / 1 BA	15	\$2,193	\$2,193
120 % AMI - 2 BR / 2 BA	55	\$2,595	\$2,631
120 % AMI - 3 BR / 2 BA	22	\$3,030	\$3,039
80 % AMI – 1 BR / 1 BA	5	\$1,462	\$1,462
80 % AMI – 2 BR / 2 BA	12	\$1,754	\$1,754
80 % AMI - 3 BR / 2 BA	2	\$2,015	\$2,026

According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Proposal Summary Overview

Project name: One North Lake Multi-Family

Respondent/Developer: The respondent/developer is One North Lake, LLC, which is a for-profit organization.

Selection Committee Recommendation: Not recommended for award

Requested HBLP Funding: \$4,650,000

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project site is located at 100 N. Lake Avenue, Pahokee, FL 33476. Located at the southeast corner of the intersection of Main Street and One North Lake Avenue. The PCN is 48-37-42-18-18-000-0182. Commission District – 6

Project Description: The project will consist of the development of a 54-unit residential multi-family development, 4-story building with 1, 2, and 3-bedroom apartments. The project is new construction and will increase the County's Workforce Housing inventory, particularly in the Glades Region. All 54 proposed units will be funded through this RFP. All 54 units will be serving households with income at or below 120% AMI.

Green Building and Sustainability: The proposal states that "facility will be in compliance with National Green Building Standard" per letter from ZYSCOVICH Architects dated March 30th, 2023.

Extended Affordability: The proposal did not provide any commitment beyond the minimum of 30 years affordability.

County-Assisted Units: The Respondent states that all 54 units will be set aside as County-Assisted Units for households with incomes at or below 120% AMI. This amount exceeds the minimum requirement that at least 50% of the County-Assisted Workforce Housing Multifamily Development units shall serve households with incomes not greater than 120% or below AMI.

Other local obligation Units: No other units from other local obligations were identified in the proposal.

Additional Staff Comments: Because the primary loan is an FHA insured loan with a term of 40 years and prohibits subordinate loans from having shorter loan terms, it will not work with the HBLP, which has a maximum loan term of 20 years.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Development Costs and Funding Sources:

Total Development Cost	16,536,000
Newmark Capital – FHA	8,737,134
Cash	2,394,866
Grant	100,000
Land Value	654,000
Housing Bond Loan	4,650,000
Total:	\$ 16,536,000

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
Bank statement from Fidelity Investment, period March 1, 2024 – March 31, 2024 with an ending balance of \$3,805,314.02
- Financial Loan Letter dated March 4, 2024 from Newmark for construction expenses in the estimated amount of \$8.8 million.

Acquisition and Site Control: The Respondent documented site control with the following documents:

- Quit Claim Deed dated September 23, 2001, between Southern Angel Investors, LLC and Grantor, One North Lake, LLC, Grantee.

Costs allocation:

Total Development Cost	\$16,536,000
Total Number of Units	54
Cost per unit	\$306,222
Number of County-Assisted Units	54
County Funding Amount	\$4,650,000
County Funding per unit	\$86,111

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
1 Bedroom @ 70% AMI	7	\$1,275	\$1,279
2 Bedroom @ 75% AMI	38	\$1,650	*
2 Bedroom @ 78% AMI	3	\$1,700	*
3 Bedroom @ 72% AMI	6	\$1,825	*

* Rent limits are not available for 72%, 75% and 78% AMI in the RFP. The 80% AMI rental rate for a 2 bedroom unit is \$1,754, and \$2,026 for a 3 bedroom. According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Proposal Summary Overview

Project name: Westgate Terrace

Respondent/Developer: The respondent/developer is the Danza of Westgate, LLC. Danza of Westgate, LLC is a for-profit organization located in Wellington, FL.

Selection Committee Recommendation: Not recommended for award

Requested HBLP Funding: \$3,200,000

Basic Funding Terms: HBLP funds are to be repaid at an interest rate between 1% and 3% for a period not to exceed 20 years. A comprehensive Loan Term Sheet will be presented to the BOCC for final project approval based on receipt of a 3rd party underwriting report and staff review.

Project Location: The project site is 2636 Westgate Avenue, West Palm Beach, FL 3349. Southeast corner of the intersection of Westgate Avenue and Seminole Blvd. The PCNs are 00-43-43-30-03-034-0010, 00-43-43-30-03-034-0070, 00-43-43-30-03-034-0110, 00-43-43-30-03-034-0310, 00-43-43-30-03-034-0350, 00-43-43-30-03-034-0400, and 00-43-43-30-03-034-0420. Commission District – 7

Project Description: The project will consist of the development of 46-unit residential multi-family development, 3-story mixed-used building with apartments, a Westgate CRA office and a medical office. The project is new construction and will increase County's Workforce Housing inventory. The proposed development of 46 units will include 37 units to be funded through this RFP. This proposal has 9 WFH unit obligation through Planning and Zoning. All the rental units and rental rates are targeted toward a workforce economic population such as teachers, first responders, government employees, hospitality staff, and others. All 37 units will be serving households with income at or below 120% AMI.

Green Building and Sustainability: The proposal states that "facility will be in compliance with National Green Building Standard" per letter from ZYSCOVICH Architects dated March 30th, 2023.

Extended Affordability: The proposal did not provide any commitment beyond the minimum of 30 years affordability.

County-Assisted Units: The Respondent states that a total of 37 units will be set aside as County-Assisted Units for households with incomes at or below 120% AMI. This amount exceeds the minimum requirement that at least 50% of the County-Assisted Workforce Housing Multifamily Development units shall serve households with incomes not greater than 120% or below AMI.

Other local obligation Units: 9 are identified as an obligation requirement for the Workforce Housing Program and are not eligible for County Funding.

RFP HED.HBLP.2024.4 – Workforce Multifamily Housing Development

Additional Staff Comments: Because the primary loan is an FHA insured loan with a term of 40 years and prohibits subordinate loans from having shorter loan terms, it will not work with the HBLP, which has a maximum loan term of 20 years.

Development Costs and Funding Sources:

Total Development Cost	21,256,790
Newmark Capital – FHA	14,046,033
Cash	3,063,018
Land Value	1,000,000
Housing Bond Loan	3,200,000
Total:	\$ 21,309,051* *includes a contingency of \$52,261

Funding Commitments:

- Respondent documented availability of non-County Project funding as follows:
Bank statement from Fidelity Investment, period March 1, 2024 – March 31, 2024 with an ending balance of \$3,805,314.02
- Financial Loan Letter dated March 4, 2024 from Newmark for construction expenses in the estimated amount of \$14.1 million.

Acquisition and Site Control: The Respondent documented site control with the following documents:

- Agreement between Westgate/Belvedere Homes Community Redevelopment Agency and Danza of Westgate, LLC. Dated March 5, 2024

Costs allocation:

Total Development Cost	\$21,256,790
Total Number of Units	46
Cost per unit	462,104
Number of County-Assisted Units	37
County Funding Amount	\$3,200,000
County Funding per unit	\$86,486

Rental Pricing: The project's operating pro forma lists monthly rent charged per unit for household with an income at or below 120% AMI as follows:

Unit Type	Units	Proposed Rent	FHFC Rent Limits
2 Bedroom @ 120% AMI	9	\$2,631	\$2,631
2 Bedroom @ 122% AMI	8	\$2,675	*
3 Bedroom @ 120% AMI	10	\$3,039	\$3,039
3 Bedroom @ 122% AMI	10	\$3,100	*

*Rent limits are not available for 122% AMI in the RFP.

According to the 2023 Florida Housing Finance Commission (FHFC) Multifamily Program Rent Limits, the monthly rents charged would fall within the applicable rent limit for unit size and income.

Request for Proposals

RFP HED.HBLP.2024.4



Housing Bond Loan Program (HBLP) Workforce Housing Multifamily Development

March 2024



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SECTION I

A. Statement of Purpose

Through this RFP, the Palm Beach County Board of County Commissioners (County) is offering funding to Developers to create additional housing units to expand the local inventory of Multifamily Rental Housing Units for Workforce Housing affordability. The funding provided by the County is intended to be used as GAP Funding and to be repaid in an effort to maintain a revolving fund that will continue to generate additional workforce and affordable housing.

B. Funding Available

RFP HED.HBLP.2024.4 makes available County funds exclusively to provide loan financing for the new construction of Multifamily Rental Housing to be used for Workforce Housing affordability.

This RFP is contingent upon the issuance of general obligation housing bonds by the Palm Beach County Board of County Commissioners. The final determination on the total amount of bonds to be issued, will be determined by the Palm Beach County Board of County Commissioners on or around April / May of 2024.

C. Defined Terms

Affordability Requirements are defined as the requirements imposed upon County-Assisted Housing Units to serve lower income households at affordable rents as established in Section I (G) of this RFP HED.HBLP.2024.4.

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

County-Assisted Housing Unit is defined as a housing unit assisted with County funding provided through RFP HED.HBLP.2024.4 and bearing all requirements related thereto.

Developer is defined as an entity which: 1) is funded through this RFP to complete the development of County-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 assume responsibility for compliance with all County requirements.

Eligible Beneficiaries are defined as households with income between 60% AMI and 140% AMI identified herein, adjusted for household size.

GAP Funding is defined as the subsidy required to cover the difference between the total development cost of a housing project and the sum of the debt which the project will support and the equity which it will attract.

Housing Bond Allocation Process is the Palm Beach County Bond Proceeds Allocation Process as approved by the Palm Beach County Board of County Commissioners on October 3, 2023 (Agenda Item 5D-2).

Loan Term Sheet is defined as a written list of specific terms for the funding agreement, to be signed by both the Developer and the Director of Housing and Economic Development (DHED) and submitted with the awarded project upon receipt of a favorable credit underwriting recommendation to the Palm Beach County Board of County Commissioners for final approval.

Multifamily Rental Housing is defined as housing characterized by four (4) or more attached units per residential structure under common ownership and offered for rent through a leasehold agreement.

Period of Affordability is defined as the time period for which County-Assisted Housing Units shall bear Affordability Requirements as established in Section I (G) of RFP HED.HBLP.2024.4.

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

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

Shovel Ready is defined as a project where the proposer has site control and the property has the correct and approved development requirements for the project including, zoning designation, platting, site plan approval for the housing units it proposes to create.

Workforce Housing – is defined as housing that is affordable to households whose income is between 60% AMI and 140% AMI. The term workforce housing does **NOT** mean the Workforce Housing Program as administered by the County's Planning and Zoning and Building Department.

Workforce Housing Program – means the Program established by Palm Beach County and defined in the Palm Beach County Municipal Code Section 22.102 to encourage the development of workforce housing units as administered by the Palm Beach County Planning, Zoning, and Building Department.

D. Location Requirements

Properties must be located exclusively within Palm Beach County. Projects may be located within the unincorporated area or any municipality within the county. For projects located within a municipality, the municipality must provide funding or another form of assistance (i.e. expedited permitting, land donation, fee waiver, etc.) to the bond loan project developed within its jurisdiction. Developers must ensure the project meets municipal requirements associated with the proposed expedited permitting or other forms of assistance. The Respondent is solely responsible for obtaining the documentation of the municipal commitment.

E. Eligible Projects

Proposed projects must meet the following requirements to be considered eligible:

- Workforce Housing units will consist of the acquisition, construction and equipping of the following:
 - Multi-family Workforce Housing Rental Units: a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements. Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.
- Projects shall be limited to new construction of Multifamily Rental Housing, including redevelopment/conversion of non-residential properties. All projects must result in an increase in the County's Workforce Housing inventory.
- At least 50% of the County-Assisted units shall serve households with incomes no greater than 120% AMI.
- County funds will be provided on a per-unit basis and the total of all County funding shall not account for more than fifty percent (50%) of the total unit cost as allocated to the County-Assisted funding units.
- Projects that do not have any other local government obligation to create Workforce Housing units must have the greater of 10 units or 10% of the total development units be considered County-Assisted Housing Units.
- Projects that have other local government obligation to create Workforce Housing units will not have a minimum number of County-Assisted Units, but any County-Assisted Housing Units must be in addition to any other local government obligations.
- The Housing Bond Loan Program cannot be used for housing units that serve to meet a Palm Beach County Workforce Housing Program (WHP) obligation, including the use of the Exchange Option or a municipal obligation resulting from a development approval process. However, Housing Bond Loan Program funds may assist other housing units within a project that are additional to those units serving the WHP obligation / Exchange Option or municipal obligation.
- Projects involving the acquisition, rehabilitation, or refinancing of existing housing units are

not eligible for funding. Single-family housing, transitional housing, emergency shelters, group homes are not eligible for funding through this RFP.

- Principal owners involved in housing projects must be compliant with housing agreements issued by the Federal Government, State of Florida, as well as counties and municipalities within the State, unless otherwise approved by the County.

The above are basic eligibility criterion of the RFP. Proposals that do not meet this criterion will be deemed non-responsive and will be rejected from funding consideration.

Other eligibility requirements through the Housing Bond Loan Program are listed in the approved program criteria. All eligible projects must be consistent with the approved Housing Bond Allocation Process criteria. For more information on the criteria, refer to the following link:

<https://discover.pbcgov.org/HED/PDF/Housing%20Bond/Housing%20Bond%20Allocation%20Process%20Final.pdf>

F. Credit Underwriting Analysis

Proposals selected for funding will be initially presented to the Board of County Commissioners for conceptual approval. Conceptually approved proposals will be required to undergo a credit underwriting analysis performed by the County's selected credit underwriting provider. In instances where non-County funding for projects require credit underwriting, unified credit underwriting will be considered on a case-by-case basis. All costs associated with the credit underwriting process will be the responsibility of the Developer and must be paid along with the submittal of the proposal to the Credit Underwriter. Costs for the credit underwriting report are estimated to be approximately \$15,500.

G. Income Group Set Asides / Eligible Beneficiaries

During the Period of Affordability, all County-Assisted Housing Units must be set aside for Eligible Beneficiaries that are for households among the various income tiers between 60% AMI and 140% AMI identified at Exhibit A. This is a basic eligibility criterion of the RFP. Proposals that do not meet this criterion will be deemed non-responsive and will be rejected from funding consideration.

H. Period of Affordability

All County-Assisted Housing Units shall bear the Affordability Requirements of RFP HED.HBLP.2024.4 for no less than thirty (30) years (the Period of Affordability). Should other project development funding sources require a longer affordability period than thirty (30) years, the County's Period of Affordability will be set to match the longest required term. During the Period of Affordability, all County-Assisted Housing Units shall be occupied by Eligible Beneficiaries as leasehold tenants. The Period of Affordability will be enforced through an encumbrance on title to the property.

I. Rental Rates

During the Period of Affordability, all County-Assisted Housing Units must be leased to Eligible Beneficiaries at affordable rents that do not exceed applicable rents limits established herein.

Rents in County-Assisted Housing Units shall not exceed the FHFC Multifamily Rental Programs rent limit amount for the applicable unit size and income set forth in Exhibit B. Limits will change annually with FHFC publication of new Multifamily Rental Programs rent limits.

This RFP places no restrictions on the rents Developers may charge for the non-County-Assisted Housing Units within a mixed income project, except that those rents shall comply with the applicable requirements of any other subsidy sources. All rental requirements will be included in a funding agreement between the County and the Developer and will be secured by an encumbrance on title to the property.

J. Disbursement of Funds

The County will disburse the loan funds on either a reimbursement of eligible costs basis or a specified draw schedule based on a percentage of project completion. The Respondent shall include in the proposal the preferred method of disbursement. If no preferred method is indicated in the submittal, the method of payment will be cost reimbursement. Awarded funds will be only applicable to the County-Assisted housing units. The disbursement process is described as follows:

- **Draw process** – In the event funds are disbursed on a draw basis, the disbursements will be based on completion of defined performance benchmarks as provided by the developer in the specified draw schedule. All benchmarks should be based on demolition, site improvements, and construction. Benchmarks will not include site acquisition, relocation of displaced persons, off-site improvements, payment of delinquent taxes and other fees or other costs related to other project financing. In the event, the project's senior loan is based on a draw schedule, the County may accept the senior lender's inspection reports as supplied at no cost to the County. Alternatively, certification of completion by the Developers engineer of record or architect of specific benchmarks will be required. Approval of the completion of benchmarks will be at the County's sole and absolute discretion. There shall be no advances of County funds, unless otherwise approved by the Board of County Commissioners.
- **Reimbursement Process** - In the event funds are disbursed on a reimbursement basis, the eligible uses of the County funds are limited to 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. Funds will be disbursed after an eligible cost has been incurred and the associated work completed / product delivered, and the Developer has made payment in full to the contractor/vendor. There shall be no advances of County funds, unless otherwise approved by the Board of County Commissioners. Costs of site acquisition, relocation of displaced

persons, off-site improvements, payment of delinquent taxes and other fees, and costs related to other project financing are ineligible for payment with loan funds.

The disbursement of loan funds will be at the County's sole discretion and the specific disbursement process will be identified on the Loan Term Sheet to be submitted to the Palm Beach County Board of County Commissioners for the final approval.

K. Funding Terms

County funding will be provided to Developers in the form of a loan for permanent financing. The loan shall be secured by a mortgage and note that require repayment of principal and interest. The term of the loan will be 20 years, have an interest rate between 1% - 3%. There will be no forgiveness of loan principal. The County will structure the loan offer based on project underwriting, assessment of debt capacity, seeking a reasonable return while ensuring long-term project viability. A required minimum debt service coverage ratio on the senior debt will be no less than 1.15. Projects with a better debt coverage ratio will be considered more favorably. The Developer shall pay an annual monitoring fee during each year of the term of the loan. This fee is estimated at \$4,500 annually, and is subject to annual adjustments. **Except for State or Federal funds, seniority of Housing Bond financing will be determined by the amounts of the project financing, unless otherwise approve by the BCC.**

L. Project Surety

Projects funded with the Housing Bond Loan Program will require a Payment and Performance Bond or Letter of Credit, as determined by the County.

M. 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, and to identify non-County funding for relocation costs in the development budget. The Developer is solely responsible for all requirements and costs related to implementation of the relocation plan. The relocation plan must be submitted as part of the proposal.

N. Green Building / Sustainability

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

sustainable building rating systems and national green model codes:

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

O. Schedule

April 2, 2024	Proposal Due Date
May-June, 2024	Recommendation submitted to BCC for conceptual approval
June-July, 2024	Submittal for Credit Underwriting Analysis
July-August, 2024	Submission to BCC for final approval
July-August, 2025	Construction started*

* In the event a project has not started construction within one year following **final approval** by the Palm Beach County Board of County Commissioners, the County may rescind the award and reclaim awarded funds.

SECTION II

A. Proposal Requirements

A completed registration form for RFP HED.HBLP.2024.4 shall be submitted to HED in order to be eligible to submit a proposal. The registration form is located at <https://discover.pbcgov.org/HED/Pages/Current-Funding-Opportunities.aspx> 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 to be considered responsive and to be eligible for funding consideration:

1. Provide a detailed project description, including but not limited to: development category; development type; site plan; architectural renderings; building construction; housing unit features; project site amenities; numbers and types of buildings; total numbers of housing units by unit size, designated income tier, and proposed rents; numbers of County-Assisted Housing Units by unit size, location of proposed County-Assisted Housing Units within the project, designated income tier, and proposed rents; and targeted resident populations. The description shall include project location information including the development site(s) PCN(s), address (if any), Census Tract, and a detailed site location map. The description shall describe the site's proximity to transportation hubs, employment centers, commercial centers, medical facilities, and educational services. If applicable, include documentation evidencing the project's compliance with a sustainable building rating system or national green model code cited in RFP Section I.N. *Submit as Attachment 1.*
2. Identify the contact information for all of the project team members. Information should include the name, business affiliation, address, phone number and contact person for each team member. The proposal must identify at a minimum the Respondent, Developer, construction contractor, A&E consultant(s), and attorney. *Submit as Attachment 2.*
3. Provide an organizational chart that details the ownership structure of the project, including the membership of the Respondent and Developer. *Submit as Attachment 3.*
4. Describe the experience of the Respondent in undertaking similar activities, including details of the last three (3) projects of similar scope and magnitude to the project proposed by the Respondent. The proposal shall include documentation of any audit findings, punitive sanctions, or adverse designations to which the Developer or its ownership entities have been subject within the past three (3) years. If the project was funded in whole or in part by the Federal Government, State Government or local government, a letter from the appropriate government agency must be provided to confirm the project was completed satisfactory or if the project is still in process, that the work to date has been completed satisfactory to the governmental agency. In addition, the proposal shall

include individual résumés that identify each of the proposed team members' experience in similar roles. Principal owners involved in housing projects must document compliance with housing agreements issued by the Federal Government, State of Florida, as well as counties and municipalities within the State. *Submit as Attachment 4.*

5. Provide evidence of site control for the entire project site(s) in the form of a fully executed contract for purchase of the property(ies), option to purchase, long-term lease, lease option, recorded deed, or recorded certificate of title. If a lease is being provided, the length of the lease would have to, at a minimum, match the longest affordability period required by all funding source(s). *Submit as Attachment 5.*
6. Provide a detailed development pro forma which includes all project sources and uses of funding, and which explicitly states all assumptions. The proposal shall identify all proposed or anticipated sources of all funding. 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. The Respondent shall include in the proposal the preferred method of disbursement as discussed in Section I (J). In the event a preferred method is not identified as part of the submitted proposal, the disbursement of funds will be done on a reimbursement basis. *Submit as Attachment 6.*
7. Provide a detailed 15-year operating pro forma that includes all project revenues, expenses, debt service, and reserves, and which explicitly states all assumptions. *Submit as Attachment 7.*
8. Provide documentation evidencing availability of all sources of funding required for the non-County balance of the project development budget. Acceptable documentation includes documentation from the funding source(s) providing a firm or a conditional commitment to fund and identifying all terms and conditions. If development sources include Palm Beach County Workforce Housing Program (WHP) exchange funding, the proposal shall include documentation from the County's Planning, Zoning and Building (PZB) Department, confirming the amount and eligibility of the WHP exchange funds for the project. If the development is within the boundary of a municipality, the municipal financial contribution should be identified and documented with a letter from the appropriate City Official. The proposal shall also document availability of all sources of operating subsidy (if any), including project-based voucher subsidies. *Submit as Attachment 8.*
9. Provide a detailed project schedule including all development activities from pre-development through lease-up, and indicating activity status at time of submittal. *Submit as Attachment 9.*
10. Identify the approved development requirements, including verification of zoning, construction plans at 90% completion, letters of utility availability, and site plan approval for the project site. Projects must be shovel ready in order to be eligible for assistance through this RFP. *Submit as Attachment 10.*

11. For projects located within municipalities, provide documentation from the entity/jurisdiction with building permitting authority over the project site that evidences commitment to provide funding or another form of assistance (i.e. expedited permitting, land donation, fee waiver, etc.) for the proposed project, if any. *Submit as Attachment 11.*
12. Indicate if the project is anticipated to cause any residential displacement, and if so, identify: the number of occupied housing units at time of proposal submittal; number of households that will be displaced; 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 12.*
13. Provide a completed and executed copy of the Respondent Certification Form, attached hereto as Exhibit C. *Submit as Attachment 13.*
14. Provide an executed public disclosure, in writing, under oath and subject to the penalties prescribed for perjury, on the form attached hereto as Exhibit 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 14.*
15. Provide an executed public disclosure, in writing, under oath and subject to the penalties prescribed for perjury, on the form attached hereto as Exhibit E, disclosing the name of any Respondent officer, director, or agent, who is also an employee of Palm Beach County, and disclosing the name of any County official or employee who owns, directly or indirectly, an interest in Respondent's firm or any of its affiliates. *Submit as Attachment 15.*
16. Provide a detailed litigation history of the Respondent, which shall identify any litigation matter in the past five (5) years involving any projects or key personnel employed by Respondent. *Submit as Attachment 16.*
17. Provide an executed Drug Free Workplace Certification indicating that the Respondent has implemented a Drug Free Workplace Program, which meets requirements of Section 287.087, Florida Statutes. A Drug Free Workplace Certification is provided as Exhibit F to this RFP. If Respondent has not implemented a Drug Free Workplace program, simply complete the form using "not applicable". *Submit as Attachment 17.*

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 Tuesday, March 19, 2024
Non-Mandatory Pre-Submittal Workshop	Thursday, March 21, 2024, 9:30am conducted remotely via Zoom software platform Meeting ID number 865 5664 6227 Passcode number 843073.
Submittal Deadline	Tuesday, April 2, 2024, 4:00 pm. at the Department of Housing and Economic Development, 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406. Proposals received after the deadline will be not be considered, and will be returned without consideration for funding. Modifications to proposals will not be permitted after the deadline.
Selection Committee Meeting	Tuesday, April 9, 2024 (TENTATIVE) at the PBC Airport Center, 100 Australian Avenue, 4 th Floor Room 4-790, West Palm Beach, FL 33406.
BCC “Conditional” Consideration	May 7, 2024 (TENTATIVE) , at the Commission Chambers, 6 th Floor, PBC Robert Weisman Governmental Center, 301 North Olive Avenue, West Palm Beach, FL 33401. BCC meetings begin at 9:30am.

C. Addenda

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

D. Submittal Format

Failure to provide all of the information and documentation required by this RFP and in the format requested by this RFP (Section II.A—Submittal Requirements) may, at the County's sole discretion, 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 drive,
- Eight (5) hard copies of the complete proposal:
 - One (1) original hard copy must be unbound on paper no larger than 8.5" x 11".
 - Seven (4) hard copies shall be bound on paper no larger than 8.5" x 11", with tabbed/identified sections for each required attachment.

E. Submittal Deadline

Completed proposal submittal must be received by HED no later than 4:00p.m. Tuesday April 2, 2024 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 reason for missing the closing date or time. The words **RFP HED.HBLP.2024.4** must be boldly printed on the proposal.

F. Responsiveness Review

Each proposal shall be reviewed by the County to determine, in its sole discretion, if the proposal is responsive to the RFP. **A responsive proposal is one which has been submitted by the specified submittal deadline, that meets all basic eligibility requirements of the RFP (and other documents governing the funding, for instance the Housing Bond Allocation Process Criteria and applicable State, Local, and Federal requirements and that contains all information and documentation required by Section II.A—Proposal Requirements. Determination of responsiveness is at the sole discretion of DHED. 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.

G. Contact Person

Jeff Bolton, Division Director
Contract Development and Quality Control
Department of Housing and Economic Development
100 Australian Avenue, 5th Floor, West Palm Beach, FL 33406
Phone: (561) 233-3612
Email: HEDHBLP@pbcgov.org

H. Lobbying - "Cone of Silence"

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

I. Postponement/Cancellation

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

J. Costs Incurred by Respondents

All costs involved with the preparation and submittal of the 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. All costs associated with the underwriting analysis and annual monitoring fee of awarded projects will be borne by the Respondent.

K. Right of Clarification

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

L. Delineation of RFP

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

M. Oral Presentation(s)

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

N. Proprietary/Confidential Information

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

O. Non-Discrimination

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

P. Rules, Regulations, Licensing Requirements

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

Q. Disclaimer

All documents and information, whether written, oral or otherwise, provided by the County relating to this RFP are being provided solely as an accommodation and for informational purposes only, and the County is not making any representations or warranties of any kind as to the truth,

accuracy or completeness, or the sources thereof. County shall have no liability whatsoever relating to such documents and information and all parties receiving the same shall not be entitled to rely on such documents and information, but shall have a duty to independently verify the accuracy of the information contained therein.

R. Public Entity Crime

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

S. Insurance

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

T. Palm Beach County Office of the Inspector General

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

SECTION III

A. Proposal Selection and Evaluation

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

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

20 Points – Leveraging

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

20 Points:	Less than \$20,000 per unit
15 Points:	\$20,000-39,999 per unit
10 Points:	\$40,000-59,999 per unit
5 Points:	\$60,000-79,999 per unit
3 Points:	\$80,000-99,999 per unit
0 Points:	\$100,000 or more

15 Points - Qualifications and Experience

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

15 Points – Percentage of Workforce Housing Units

The purpose of this RFP is to expand the local inventory of Multifamily Rental Housing Units for Workforce Housing affordability. Additional points for creation of Workforce Housing Units as a percentage of the total project units will be assigned as follows:

15 Points –	Greater than 50% of total project units are County-Assisted Housing Units
10 Points –	30% - 50% of total project units are County-Assisted Housing Units
5 Points –	10% - 30% of total project units are County-Assisted Housing Units

10 Points - Rental Affordability

Rents in County-Assisted Housing Units shall not exceed the FHFC Multifamily Rental Programs rent limit amount for the applicable unit size and income set forth in Exhibit B. Limits will change annually with FHFC publication of new Multifamily

Rental Programs rent limits. Those projects that provide greater rental affordability will receive additional points as follow:

Less than 80% of allowable rental rate	10 points
81% - 90% of allowable rental rate	7 points
91% - 95% of allowable rental rate	5 points
Greater than 95% of allowable rental rate	0 Points

10 Points - Readiness to Proceed

The project schedule and time frames should be realistic and achievable. The project should demonstrate readiness to proceed in an expeditious manner following the award of County funds. There should be no apparent obstacles that will jeopardize the project schedule. The Project must commence construction within twelve (12) months following BCC final approval.

10 Points - Quality of Proposed Project

Assessment of project development plan, design features, unit finishes, site amenities, location of workforce units within the project, number of affordable units/income targeting, proximity to employment centers, transportation hubs and services, and storm mitigation/resiliency features.

10 Points - Financial Viability

Assessment of financial viability of project, including availability of development funding sources and reasonableness of uses, revenues/expenses, ability to repay debt (including review of debt service coverage ratios) and meet future physical needs, and likelihood of sustainable performance over time.

5 Points - Green Building and Sustainability

Documentation demonstrates the project will comply with a sustainable building rating system or a national model green code identified in RFP Section I (N). All other proposals will receive zero (0) points for this scoring criterion.

5 Points - Extended Affordability

Points will be awarded for any additional period of affordability over the requirement as defined in Section I (H) of this RFP HED.HBLP.2024.4. Note that projects matching the requirements of other funding sources will not receive points for the matched term, but any additional Period of Affordability will qualify.

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. The Selection Committee can elect to recommend to award any, all, or none of the proposals based on the 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 in sequence until a rank order is established among the proposals.

Proposal with higher score for Readiness to Proceed scoring criterion
Proposal with higher score for Qualifications and Experience scoring criterion
Proposal with higher score for Leveraging scoring criterion

B. Award Recommendation

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

C. Funding Award

The Department of Housing and Economic Development will present the funding recommendation to the Palm Beach County Board of County Commissioners (BCC) at a public meeting for conceptual approval. Upon receipt of a favorable credit underwriting recommendation, the Department of Housing and Economic Development will present the funding recommendation to the BCC for final approval. **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, and a favorable credit underwriting recommendation, 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. Upon successful negotiation of terms, the County will formalize the terms of the agreement in the Loan Term Sheet to be signed by the Developer and the Director of DHED and submit the project together with the Loan Term Sheet to the Palm Beach County Board of County Commissioners for final approval.

E. Right to Protest

Any protest to a RFP must be submitted in writing via hand delivery, mail or email within five (5) business days following notice of the recommendation to award. The protest must be submitted to the designated RFP contact person and must contain identification of the RFP and the protestor, as well as a factual summary of the basis of the protest. The written protest is considered filed when

it is received and date/time stamped. Only the issues submitted in writing within the period specified for the protest will be considered.

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

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

The ruling of the Department Director or designee shall be final, unless it is appealed to a Special Master. If the protest is denied, the protestor may submit a written request of appeal, along with a \$3,000 non-refundable fee for costs associated with the engaging of a Special Master, to the designated RFP contact within five (5) business days of the issuance of the written decision. If no appeal is submitted within the allotted time, the Department can proceed with the award process as provided in the RFP. Upon timely submittal of a written request of appeal, the designated RFP contact shall submit all documents relating to the protest, including the written decision, to the Director of Purchasing to be referred directly to a Special Master in accordance with Section 2-55(c)(4) of the Palm Beach County Code. Any costs associated with the engaging of a special master in excess of \$3,000, shall be the sole responsibility of the protestor. The ruling of the Special Master shall be final and no additional protests will be permitted.

EXHIBIT A

2023 INCOME LIMITS CHART

2023 Income Limits for Palm Beach County (West Palm Beach – Boca Raton, FL HMFA)

Based on Florida Housing Finance Corporation Income Limits

Percentage Category	Income Limit by Number of Persons in Household									
	1	2	3	4	5	6	7	8	9	10
60%	\$40,920	\$46,800	\$52,620	\$58,440	\$63,120	\$67,800	\$72,480	\$77,160	\$81,816	\$86,491
70%	\$47,740	\$54,600	\$61,390	\$68,180	\$73,640	\$79,100	\$84,560	\$90,020	\$95,452	\$100,906
80%	\$54,560	\$62,400	\$70,160	\$77,920	\$84,160	\$90,400	\$96,640	\$102,880	\$109,088	\$115,322
90%	\$61,380	\$70,200	\$78,930	\$87,660	\$94,680	\$101,700	\$108,720	\$115,740	\$122,724	\$129,737
100%	\$68,200	\$78,000	\$87,700	\$97,400	\$105,200	\$113,000	\$120,800	\$128,600	\$136,360	\$144,152
110%	\$75,020	\$85,800	\$96,470	\$107,140	\$115,720	\$124,300	\$132,880	\$141,460	\$149,996	\$158,567
120%	\$81,840	\$93,600	\$105,240	\$116,880	\$126,240	\$135,600	\$144,960	\$154,320	\$163,632	\$172,982
130%	\$88,660	\$101,400	\$114,010	\$126,620	\$136,760	\$146,900	\$157,040	\$167,180	\$177,268	\$187,398
140%	\$95,480	\$109,200	\$122,780	\$136,360	\$147,280	\$158,200	\$169,120	\$180,040	\$190,904	\$201,813

Based on Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP Homeownership Program.

EXHIBIT B**2023 FHFC MULTIFAMILY PROGRAM RENT LIMITS**

Percentage Category	Rent Limit by Number of Bedrooms in Unit					
	0	1	2	3	4	5
60%	\$1,023	\$1,096	\$1,315	\$1,519	\$1,695	\$1,870
70%	\$1,193	\$1,279	\$1,534	\$1,772	\$1,977	\$2,182
80%	\$1,364	\$1,462	\$1,754	\$2,026	\$2,260	\$2,494
90%	\$1,535	\$1,645	\$1,973	\$2,279	\$2,543	\$2,806
100%	\$1,705	\$1,828	\$2,193	\$2,533	\$2,825	\$3,118
110%	\$1,876	\$2,010	\$2,412	\$2,786	\$3,108	\$3,429
120%	\$2,046	\$2,193	\$2,631	\$3,039	\$3,390	\$3,741
130%	\$2,217	\$2,376	\$2,850	\$3,292	\$3,673	\$4,053
140%	\$2,387	\$2,558	\$3,069	\$3,545	\$3,955	\$4,364

Based on Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP Homeownership Program.

EXHIBIT C

RESPONDENT CERTIFICATION FORM

By signing below, the undersigned _____, as _____ of _____ (the Respondent), a _____ i.e. Florida corporation hereby certifies that the undersigned is duly authorized to sign this Respondent Certification Form on behalf of the Respondent and that this Respondent Certification Form shall be fully binding upon Respondent. Respondent hereby covenants and agrees to comply with the terms upon RFP HED.HBLP.2024.4, all related Federal Regulations, and related Addenda and to attempt to negotiate in good faith with the County the terms of an agreement and will implement the response submitted by Respondent of the RFP. The Respondent further covenants and agrees that it has received all of the information referenced in the RFP, that Respondent fully understands the same, that Respondent completely and accurately completed the response submitted by Respondent pursuant to the RFP, that the information contained in such response submitted by Respondent is true and correct and that Respondent shall be bound by the terms and conditions of the RFP and the covenants, agreements and representations made by Respondent herein and in the response submitted by Respondent to the RFP.

Date of Execution by Respondent: _____, 2024.

RESPONDENT By: _____
Signature

Its: _____
SEAL _____
Print Signatory's Name

The foregoing Respondent Certification Form was acknowledged before me this _____ day of _____, 2024, _____ the _____ of _____, a _____ (state and type of entity), who is personally known to me OR who produced _____ as identification and who did take an oath.

Notary Public

Print Notary Name

NOTARY PUBLIC
State of _____ at large
My Commission Expires

EXHIBIT D

DISCLOSURE OF BENEFICIAL INTERESTS
(REQUIRED BY FLORIDA STATUTES 286.23)

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

FURTHER AFFIANT SAYETH NAUGHT.

By: _____, Affiant

The foregoing instrument was sworn to, subscribed and acknowledged before me this ____ day of _____, 2024 by _____, who is personally known to me OR who produced _____ as identification and who did take an oath.

(NOTARY SEAL BELOW)

Notary Signature: _____

Notary Name: _____

Notary Public State of Florida

ATTACHMENT TO 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

DISCLOSURE OF RELATIONSHIPS WITH COUNTY

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

FURTHER AFFIANT SAYETH NAUGHT.

By: _____, Affiant

The foregoing instrument was sworn to, subscribed and acknowledged before me this ____ day of _____, 2024, by _____, who is personally known to me OR who produced _____ as identification and who did take an oath.

(NOTARY SEAL BELOW)

Notary Signature: _____

Notary Name: _____

Notary Public State of Florida

ATTACHMENT TO DISCLOSURE OF RELATIONSHIPS WITH COUNTY

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

NAME	ADDRESS	RELATIONSHIP

EXHIBIT F

DRUG FREE WORKPLACE CERTIFICATION

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

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

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

BUSINESS NAME

PROVIDER'S SIGNATURE

EXHIBIT G

PALM BEACH COUNTY LOBBYIST REGISTRATION ORDINANCE

Sec. 2-351. - Title and purpose.

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

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

Sec. 2-352. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2-353. - Registration and expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2-355. - Cone of silence.

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

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

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

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

Sec. 2-356. - Enforcement.

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

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

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

Sec. 2-357. - Penalties.

Violations of this article shall be punishable as follows:

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

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

Secs. 2-358—2-370. – Reserved

EXHIBIT H



Workforce Housing Multifamily Development RFP HED.HBLP.2024.4

APPLICATION COVER SHEET

Name of Project: _____

Project Developer/Applicant: _____

Project Type: _____

Project Location: _____

Total Project Cost: _____

Amount Requested from RFP HED.HBLP.2024.4: _____

Total Number of Units: _____

Proposed Number of County-Assisted Units: _____

Green Building and Sustainability: _____

Contact Person/Title: _____

Contact Phone Number: (____) _____

Contact E-Mail Address: _____

ALL REQUESTED INFORMATION MUST BE COMPLETED





Addendum No. 1 to RFP HEDHBLP.2024.4

Request for Proposals (RFP) Workforce Housing Multifamily Development

Date Addendum No. 1 Issued:

March 27, 2024

RFP Contact:

Jeff Bolton
Housing & Economic Development
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406
Phone: 561-233-3612
E-mail: HEDHBLP@pbcgov.org

PURPOSE OF THIS ADDENDUM:

The purpose of this Addendum is to:

1. Revise the RFP to modify the proposal requirement in Section II(A)(1) to include the completed Application Cover Sheet as shown in Exhibit H of the RFP.
2. Revise the RFP to modify the proposal requirement in Section II(A)(10) to allow additional time for ensuring project is Shovel Ready upon final approval by the Palm beach County Board of County Commissioners.

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 provide acknowledgment receipt to the RFP Contact of this Addendum on the form included with this Addendum as Exhibit A.

REVISIONS TO THE RFP

A. Respondents are directed to Section II.A.10,

- 1. Section 11.A.1 shall be modified to include the following additional language at the beginning of the section:**

Provide a completed copy of the Application Cover Sheet as attached in EXHIBIT H.

- 2. Section 11.A.10 shall be deleted in its entirety and replaced with the following:**

10. Identify the approved development status and all required permitting and approvals, including verification of zoning, construction plans and percentage of completion, letters of utility availability, and a site plan approval status for the project site. Projects must be Shovel Ready prior to final BCC approval in order to be eligible for assistance through this RFP. *Submit as Attachment 10.*

EXHIBIT A

to

Addendum No. 1

to

RFP HED.HBLP.2024.4

ADDENDUM ACKNOWLEDGEMENT FORM
to
Addendum No. 1
to
RFP HED.HBLP.2024.4

By signing this Form, Respondent acknowledges receipt of this Addendum No. 1 to RFP HED.HBLP.2024.4.

Respondents shall provide a copy of this Acknowledgement Form.

This Addendum consists of four (4) pages.

Respondent: _____

By Name & Title: _____

Signed: _____ **Date:** _____



Department of Housing and
Economic Development
(HED)

Administration

Jonathan B. Brown
Director

100 Australian Avenue
Suite #500

West Palm Beach, FL 33406

(561) 233-3600

www.pbcgov.com

Palm Beach County
Board of County
Commissioners

Maria Sachs
Mayor

Maria G. Marino
Vice Mayor

Gregg K. Weiss

Michael A. Barnett

Marci Woodward

Sara Baxter

Mack Bernard

County Administrator

Verdenia C. Baker

Date: April 19, 2024
To: John Hurt, Executive Director, Riviera Beach
Housing Authority
From: Jonathan Brown, Director
HED Protest Hearing Officer
Re: Judge Rodgers Court Protest Response for
HED.HBLP.2024.4 (Workforce Housing RFP)

Mr. Hurt,

Pursuant to your letter received on April 12, 2024, protesting the Selection Committee's review of your proposal at their April 9, 2024 meeting, it has been determined that **your protest is being denied**.

However, HED will seek Board of County Commissioners (BCC) direction on funding for the Judge Rodgers Court project.

Your protest letter was reviewed and the decision to deny the protest was based on the following:

1. Project Readiness Evaluation

In accordance with the RFP addendum, Section II / #10 (page 9) states that each proposal must:

- Identify the approved development status and all required permitting and approvals, including verification of zoning, construction plans and percentage of completion, letters of utility availability, and a site plan approval status for the project site. Projects must be Shovel Ready prior to final BCC approval in order to be eligible for assistance through this RFP. Submit as Attachment 10.

Additionally, "Readiness to Proceed" as identified in Section III of the RFP (beginning on page 16) states:

- The project schedule and time frames should be realistic and achievable. The project should demonstrate readiness to proceed in an expeditious manner following the award of County funds. There should be no apparent obstacles that will jeopardize the project schedule. The Project must commence construction within twelve (12) months following BCC final approval.

Lastly, page 2 of the RFP defines "Shovel Ready" as:

- A project where the proposer has site control and the property has the correct and approved development requirements for the project including zoning designation, platting, site plan approval for the housing units it proposes to create.

HED Response:

Sufficient documentation was not provided in the proposal to address the “approved development requirements” requested in Section II / #10 of the RFP, as well as the Section III “Readiness to Proceed” (scoring requirements noted on page 17 of the RFP).

The proposal did not include all required permitting and approvals, zoning verification, construction plans and percentage of completion, letters of utility availability or the site plan approval status.

2. Utilization of bond funds with HUD Senior Debt

In accordance with the RFP, Section II / #8 (page 9) each proposal must:

- Provide documentation evidencing availability of all sources of funding required for the non-County balance of the project development budget. Acceptable documentation includes documentation from the funding source(s) providing a firm or a conditional commitment to fund and identifying all terms and conditions... Submit as Attachment 8.

Based on page 53 (of 78) of your proposal, the opening paragraph of the Term Sheet provided states the following:

...Upon receipt of a Firm Invitation to submit a Firm Application for FHA Mortgage Insurance, M&T Realty will make application to the Federal Housing Administration (“FHA”) of the U. S. Department of Housing and Urban Development (“HUD”) for a Firm Commitment for multifamily mortgage insurance under the Section 221d4 of the National Housing Act chosen below...

Additionally, based on page 54 (of 78) of your proposal, the final clause in the Term Sheet states the following:

This Term Sheet is not and shall not be construed as a commitment to lend. Any such commitment to lend shall be the subject of separate documents, which shall be in accord with the Lender’s Processing Agreement, FHA Firm Commitment, and the Request for Financing Commitment...

HED Response:

The Term Letter provided is not a funding commitment. As such, it does not meet the requirements of this RFP and cannot be used to document the projects financing.

Additionally, HED has had conversations with FHA on other projects where the 20-year repayment term of subordinate debt such as the County's Housing Bond, was a concern. We were advised that FHA would not be inclined to support subordinate debt that has a shorter repayment term than the FHA loan. Based on the Term Sheet provided, it appears that your project has not begun the FHA process and FHA has not been approached about the use of FHA funding on your project, paired with the County Housing Bond Loan.

3. Development Team Experience

In accordance with the RFP, Section II / #4 (page 8) each proposal was to:

- Describe the experience of the Respondent in undertaking similar activities, including details of the last three (3) projects of similar scope and magnitude to the project proposed by the Respondent. The proposal shall include documentation of any audit findings, punitive sanctions, or adverse designations to which the Developer or its ownership entities have been subject within the past three (3) years... Submit as Attachment 4.

Additionally, Section III / Page 16 of the RFP states that review of "Qualifications and Experience" include:

- Assessment of the Respondent and development team qualifications and experience with residential projects of a similar nature as that proposed.

Based on page 16 (of 78) of your proposal, the developer is identified as Judge Rodgers Court LLC (S.P.E.) and Asset Management would be provided by New Urban Development an Affiliate of the Urban League of Greater Miami.

Pages 21 – 24 of the proposal, lists 10 projects. However, only 1 of those projects (Heron Estates) appear to be from the developer / development team, while the other 9 appear to be projects owned / operated by the Asset Manager. The proposal does not expound on the role of the asset manager and we are unable to determine and conclude that the role includes development responsibilities within the Judge Rodgers project.

HED Response:

The documentation doesn't clearly show that the Developer of the Judge Rodgers project, has met the requirements of Section II / #4 (page 8) of the RFP.

Additionally, compliance concerns noted by Selection Committee members relate to the Riviera Beach Housing Authority (RBHA) administration of Neighborhood Stabilization Program (NSP) funding provided to RBHA by HED.

Next Steps / Available Options:

Although your protest was denied by the Department Director, page 18 / Section E of the RFP states the following:

The ruling of the Department Director or designee shall be final, unless it is appealed to a Special Master. If the protest is denied, the protestor may submit a written request of appeal, along with a \$3,000 non-refundable fee for costs associated with the engaging of a Special Master, to the designated RFP contact within five (5) business days of the issuance of the written decision...

If you would like to appeal to the Special Master, please follow the process outlined in the RFP.

Lastly, please note that all responsive proposals not recommended for funding will be presented to the BCC for their consideration on May 7, 2024.

Sincerely,



Jonathan Brown
Director

Palm Beach County

Bond Proceeds Allocation Process 10-03-2023

1. GENERAL GUIDELINES (as approved by the voters)

A) Background

On June 21, 2022, Palm Beach County Board of Commissioner (BCC), by Resolution R-2022-0626 approved the issuance of \$200 million General Obligation (GO) taxable bond for the purpose of financing all or a portion of the costs of increasing workforce and affordable housing in Palm Beach County and calling for a bond referendum which was approved by voters of Palm Beach County on November 8, 2022.

B) Bond Program (*Exhibit A of the Bond Referendum*)

Workforce and Affordable housing units will consist of the acquisition, construction and equipping of the following:

- **Condominiums:** a for-sale housing type characterized by multiple attached housing units within a single structure or multiple structures where housing units are individually owned and common areas are under joint ownership.
- **Multi-family Rental Units:** a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements.
- **Single-family homes:** a for-sale housing type characterized by one single detached housing unit per structure and property under individual ownership.
- **Townhomes:** a for-sale housing type characterized by two to four attached multi-story units per structure where housing units are individually owned and common areas are under joint ownership.
Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.

C) Project Financing

Projects may be financed combining public and/or private funding sources.

D) Definitions

- **Mixed-income** means projects that provide housing for households whose income range could qualify as affordable, workforce and market rate.
- **Mixed-use** means projects that have residential and non-residential components.
- **Affordable housing** means housing that is affordable to households whose income does not exceed 80% of the Area Median Income (AMI) Using the FY

2022 AMI chart, for a household of 4, the maximum income is \$73,600, subject to annual adjustment.

- **Workforce housing** means housing that is affordable to households whose income is between 60% AMI and 140% AMI. Using the workforce housing chart for 2022, the eligible household income must be between \$54,180 – \$126,420, subject to annual adjustment.

E) Bond Issuance

- 1) Required Board of County Commissioners (BCC) authorization and voter approval of \$200 million General Obligation (GO) housing bond
- 2) Bonds can be issued all at once or in tranches
- 3) Taxable bond issuance has a 20-year term

F) Allocation Process

- 1) Request for Proposals for developers will be issued by the County and will award loans through a competitive process for countywide development projects.
- 2) Bonds will fund loans for permanent financing for multi-family rental projects and loans for construction financing for homeownership/for-sale units.
- 3) Awards subject to be reclaimed, if the project has not begun construction within one year of final BCC approval.
- 4) All awards must be approved by the Board of County Commissioners.

G) Compliance and Monitoring

- 1) Projects must provide annual financial reports prepared by Certified Public Accountant.
- 2) Report of the utilization of restricted units by project must be submitted to the County, as required.
- 3) Projects subject to review by Palm Beach County Office of the Inspector General and the Palm Beach County Internal Auditor.
- 4) Compliance reviews will be conducted by the County.

2. FUNDING CRITERIA AND PROCESS

The BCC maintains the right to modify the following sections of the Bond Allocation Criteria Process at any time.

A) PROJECT REQUIREMENTS

- 1) Housing units (rental and for-sale) constructed with bond proceeds shall be identified as "County Assisted" Housing Units.
 - a) At least 50% of the County-Assisted homeowner (for-sale) units shall serve households with incomes no greater than 120% AMI.
 - b) The minimum number of County Bond funded units created in any multi-family rental project is based on whether a project has a municipal development order mandating the creation of affordable and/or workforce housing units. Units created as part of another local government obligation are not eligible for Bond proceeds. In order to be eligible to receive Bond proceeds, the project must meet one of the following criteria:
 - i. For projects that do not have any other local government obligation to create affordable or workforce housing units, the greater of ten (10) units or ten percent (10%) of the total project units must be created to apply for Bond proceeds.
 - ii. For projects that have other local government obligation to create affordable or workforce housing units, all Bond funded units must be in addition to those units created by the other local government obligation. There is no minimum requirement for the number of additional Bond funded units.
 - c) For projects located within a municipality, the municipality shall provide funding or another form of assistance (i.e. expedited permitting, land donation, fee waiver, etc.) to the bond-financed project developed within its jurisdiction. Developers must ensure the project meets municipal requirements associated with the proposed expedited permitting or other forms of assistance.
- 2) All for-sale units constructed in whole or in part with bond financing, must be sold to individuals or families who are income certified and approved by the Department of Housing & Economic Development (DHED).
- 3) Maximum sales price and resale provisions will follow the requirements approved by the County. Principal, interest, tax and insurance payment (PITI), as well as the condominium and/or homeowners association fees cannot exceed the maximum debt-to-income ratio limits the County will establish.
- 4) Bond funds cannot be used for housing units that serve to meet a Palm Beach County Workforce Housing Program (WHP) obligation, including the use of the

Exchange Option or a municipal obligation resulting from a development approval process. However, bond funds may assist other housing units within a project that are **additional** to those units serving the WHP obligation / Exchange Option or municipal obligation.

- 5) Principal owners involved in housing projects must be compliant with housing agreements issued by the State of Florida, as well as counties and municipalities within the State, or unless otherwise approved by the County.

B) Disbursements, Loan Terms and Repayments

1) Disbursements

Disbursements from bond proceeds / loan funds will be paid out to a project based on construction draw process or a cost reimbursement process. The use of a construction draw or cost reimbursement process must be approved by the County.

2) Project Surety

Bond funded projects will require a Payment and Performance Bond or Letter of Credit.

3) Rental Units

- a) Projects providing **workforce housing units** will have a loan term up to 20 years, with interest rates ranging from 1% – 3% (the range of interest rates is subject to change), and a fully amortized loan for the full term. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will be established as part of the RFP process. Loans may be fully amortizing or may be interest only during the first 10-years of the loan.
- b) Projects awarded to for-profit developers providing **affordable housing units** will have a loan term up to 20 years with an interest rate of 1.0%. Projects awarded to non-profit developers will have a loan term up to 20 years with an interest rate of 0%. Loans may be fully amortizing or may be interest only during the first 10-years of the loan. Loans may also have an option for a longer amortization, with a final balloon payment at the end of the 20-year term. Payment of loan debt service is subject to available cash flow. Cash flow is defined as project cash flow from rental income and other income generated by the Project, less (i) all sums due or currently required to be paid under the documents executed in connection with the senior loans, including, without limitation, debt service payment on senior loans, project reserves, and (ii) operating expenses, including any deferred developer fees, as specifically defined in the loan agreement. A certification of Project income and expenses, certified by an independent Certified Public Accountant, will be provided annually to the County for use in County's sole discretion to determine net cash flow and the payments due hereunder. All unpaid principal and interest is due at loan maturity. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will

be established as part of the RFP process.

4) For-Sale Units

- a) All for-sale projects will have a construction loan with a term up to 3 years, and an interest rate of 1.0% with repayment upon sale of the units. For-sale projects awarded to non-profit developers will have a loan term up to 3 years with an interest rate of 0%, and repayment due upon sale of the units.
- b) Sale price for all for-sale units shall not exceed sales prices as defined by Palm Beach County's Workforce Housing Program and amended from time to time.

C) Deed Restriction and Period of Affordability

1) Rental Units

- a) Minimum affordability period (i.e. the length of time the units will be deed restricted) will be no less than 30 years. The affordability period will commence once occupancy is documented for the final bond assisted unit. Should other project development funding sources require an affordability period longer than 30 years; the County's deed restriction for affordability will match the longest required period. Buyout, reduction or removal of affordability restrictions will not be permitted.
- b) Maximum rents / rent limits for the County-assisted multi-family units cannot exceed the approved multi-family rental rates issued by Florida Housing Finance Corporation, as adjusted by Palm Beach County for the applicable income tier and housing unit size.

2) For-Sale Units

- a) All for-sale units developed with bond financing will have deed restrictions with a minimum affordability period of 15 year recurring, starting upon sale of the unit to the homeowner. Buyout, reduction or removal of restrictions or requirements will not be permitted.

D) Re- Sale Requirements

1) Rental Units

- a) If the project development is sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity, the loan must be satisfied, and the deed restriction will remain in place until the end of the affordability period. This excludes non-affiliated ownership changes where the Low-Income Housing Tax Credit (LIHTC) syndicator / investor changes. If there is an assignment by a general partner or managing member of its ownership interest to another entity which was a project partner at closing of the County Loan, the

County will review and evaluate the change in ownership to see what amount of the bond loan, if any, should be repaid.

- b) The County shall be given a 60-day notice of intent to sell (by certified mail) when a project, funded in whole or in part with bond funds, is being sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity.

2) For-Sale Units

The County shall be given a 60-day notice of intent to sell (by certified mail) when any of the Bond funded for-sale housing units are being re-sold during the period of affordability. The County shall retain the first right of refusal to purchase the home at the approved sales price or identify an eligible buyer to purchase the home at the approved price. DHED must approve the eligibility of all buyers prior to re-sale.

E) Project Selection and Loan Award

- 1) Responsiveness review and evaluation of proposals will be conducted by DHED.
- 2) A Selection Committee comprising of County staff will review applications and recommend projects to be funded by the Board of County Commissioners for conceptual approval.
- 3) All conceptually-approved projects will undergo third party credit underwriting and if successful, funding award will be presented to the Board of County Commissioners for final approval. DHED may also assist with the underwriting of proposals.

F) Credit Underwriting and Cost Certification

- 1) Projects will undergo credit underwriting to assess (in part) the credit worthiness of the developer, right sizing of State/County/Municipal funding and the viability of the project.
- 2) Costs associated with credit underwriting will be paid for by the developer and third party credit underwriters will be procured by the County.
- 3) In instances where non-County funding for projects require credit underwriting, unified credit underwriting will be considered on a case-by-case basis.
- 4) A Third Party cost certification must be submitted by the developer and approved by DHED on all Bond funded for-sale units, prior to the start of construction.

G) Compliance and Monitoring Reports

- 1) Annual audited financial statements will be required from developers regarding projects funded with County bond financing, with the first audit period to correspond with the first year after the project has received its certificate of

occupancy (CO).

- 2) Project owners must submit a compliance report on the utilization of restricted units by project to the County on an annual basis or upon request. The County or a third-party monitor will conduct periodic monitoring of projects for compliance with all programmatic requirements, including physical inspections and property management review.
- 3) Annual monitoring fee for rental projects will be \$2,500 (or as amended).

H) Ranking / Scoring Criteria (may include, but not be limited to the following)

1) Rental Unit Projects

- a) Qualifications and Experience
- b) Readiness to Proceed / Project Schedule
- c) Leveraging
- d) Very-low Income Targeting (50% AMI and below units for affordable housing projects)
- e) Quality of Proposed Project
- f) Financial Viability
- g) Rental Affordability
- h) Green Building and Sustainability
- i) Percentage of affordable/workforce housing units

2) For Sale Unit Projects

- a) Qualifications and Experience
- b) Readiness to Proceed / Project Schedule
- c) Financial Viability
- d) Leveraging
- e) Quality of Proposed Project

I) Tenant/Homebuyer qualification

Housing units developed with bond proceeds should ensure rental and ownership policies take into consideration extenuating / extraordinary circumstances and do not impose non-industry standard barriers to occupancy or ownership when assisting low-to-moderate income households. For example, if an individual/family lost their home or was evicted due to a loss of household income related to the COVID-19 pandemic (*or an economic condition recognized by the County*), an eviction or foreclosure on their credit report should not be the sole reason to deny them an opportunity for housing.