



MIAMI BEACH

City of Miami Beach Request for Proposals (RFP)

FY 15/16 Community Development Block Grant (CDBG) Funds

**Deadline for Submissions:
Friday, April 3, 2015 at 3:00pm**

Applications must be received by 3:00pm on Friday, April 3, 2015. Any application received after that time will not be considered. The responsibility for submitting applications on or before the stated time and date is solely the responsibility of the Applicant. The City will not be responsible for delays caused by mail, courier services or any other entity or occurrence.

City of Miami Beach
Office of Housing & Community Services
555 -17th Street
Miami Beach, Florida 33139

Telephone: 305-673-7260

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Website: www.miamibeachfl.gov

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City of Miami Beach/
Housing and Community Services



MIAMI BEACH

Mayor & Members of the City Commission:

Philip Levine, Mayor
Michael Grieco, Commissioner
Joy Malakoff, Commissioner
Micky Steinberg, Commissioner
Edward L. Tobin, Commissioner
Deede Weithorn, Commissioner
Jonah Wolfson, Commissioner

City Administration:

Jimmy L. Morales, City Manager
Kathie G. Brooks, Assistant City Manager
Jose Jimenez, Esq., Assistant City Manager
Mark Taxis, Assistant City Manager

Housing & Community Development Staff:

Maria L. Ruiz, Director
A. Richard Bowman, HOME Coordinator
Alice Waters, Financial Analyst
Omar Barrera, Office Associate V
Gianina Ghirardi, Office Associate III

"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

Our Vision

The City of Miami Beach will be:

- Cleaner and Safer;
- More Beautiful and Vibrant;
- A Mature, Stable Residential Community with Well-improved Infrastructure;
- A Unique Urban and Historic Environment;
- A Cultural, Entertainment, Tourism Capital; and
- An International Center for Innovation in Culture, Recreation and Business.

Our Values

- We maintain the City of Miami Beach as a world-class city.
- We work as a cooperative team of well-trained professionals.
- We serve the public with dignity and respect.
- We conduct the business of the City with honesty, integrity, and dedication.
- We are ambassadors of good will to our residents, visitors, and the business community.

Notice of Funding Availability (1 of 1)

The City of Miami Beach is an entitlement grantee of federal funds. It receives an annual allocation of funding for the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) from the United States Department of Housing and Urban Development (HUD). The City is entitled to these funds because its population, housing and/or demographic characteristics meet the formula requirements needed to obtain funding.

HUD requires the City complete a five-year Consolidated Plan that includes a housing assessment, market analysis and assessment of community development needs. The Consolidated Plan is meant to address the needs of low- and moderate-income persons and families, including homeless individuals. The Plan establishes the City's program priorities, goals and objectives for community development programs and sets the framework for subsequent One Year Action Planes that describe specific activities that will be funded through the City's HUD-funded grant programs.

As an entitlement grantee, the City develops its own programs and funding priorities. However, it must give maximum feasible priority to activities which:

- Benefit low- and moderate-income persons and households;
- Aid in the prevention or elimination of slums and blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community. Urgent needs are defined as those which have no other financial resources available.

The City of Miami Beach is projecting the following FY 2015/16 funds subject to the availability and allocation by HUD:

CDBG Funds		
CDBG Entitlement	\$	888,829
City Administration (20%)	\$	177,766
Public Services Cap (15%)	\$	133,324

The City obtained authorization from the Mayor and City Commission on February 11, 2015 to issue the attached Request For Proposals (RFP) to solicit eligible affordable housing, capital and public service projects within the City.

Here is the timeline of events for this RFP:

Date	Event/Expected Outcome
February 11, 2015	Authorization from the Mayor & Commission to issue RFP
February 13, 2015	RFP Issued
March 5, 2015	Applicant conference to address RFP questions convened - Attendance is Mandatory
March 20, 2015	Last day for written questions
April 3, 2015	Deadline for receipt of RFP applications (4pm)
April 6 - 17, 2015	Staff review of applications
May 13, 2015	Meeting of Affordable Housing Advisory Committee to review applications and make funding recommendations to the Mayor and Commission
June 10, 2015	Submit funding recommendations to Mayor & Commission for award
June 11, 2015	Commence 30-Day Comment Period

Priorities

In order to guide outside agencies that are seeking funding, establish parameters for the project selection process and enable success in project implementation, the following broadly defined priorities and operational imperatives have been established in the City's FY 2013-17 Consolidated Plan and summarized for purposes of this RFP as:

- Affordable housing and compliance with Equal Opportunity and Fair Housing Laws in the City of Miami Beach
- Minimize displacement, promote job creation/retention, ensure adequate benefits, encourage private development, and provide planning and administrative support.
- Revitalize neighborhoods, remove architectural barriers, eliminate slum and blighted conditions, and encourage the preservation of historic structures.

Operational Imperatives

In order to ensure accountability and the judicious use of finite, public resources, the following operational imperatives have been established in the Five-Year Consolidated Plan and City processes:

- Recipient organizations must have acceptable past and/or current performance on similar projects.
- As this is a reimbursable grant, recipient organizations must have the fiscal capacity to undertake the proposed project.
- Activities will not be funded unless the organization has developed realistic cost estimates and timelines, and demonstrated past financial stability (as evidenced in its past two agency fiscal audits).
- Agency must demonstrate that the use of awarded City funds will ensure the required funding for the proposed project, i.e. City funds are the last needed to complete the project.
- Organizations requesting funds from more than one agency will be required to submit a Subsidy Layering Review which includes a certified Sources and Uses Summary
- Recipients will be expected to provide matching funds and/or otherwise participate in the cost of their proposed project
- Housing development and property improvement programs are expected to use quality, long-lasting methods and materials that require a minimum of maintenance or upkeep and provide a Physical Needs Assessment for the proposed project
- The cost of providing housing or services will be considered in evaluating applications and must meet HUD guidelines
- Recipients must adhere to HUD and City guidelines for procurement of goods and services including professional services.
- Funded activities must meet a National Objective within two years of funding award.

Further priority is given to those established housing needs for which there is currently insufficient assistance including:

- 1 Acquisition for affordable rental housing and low-and moderate-income first-time homebuyers
- 2 Multi-family Housing rehabilitation

Priority will be given to projects that serve the North Beach area (33141) or predominantly serve residents of this area.

In addition, the City will prioritize awards to those projects that align with its Key Intended Outcomes (KIO) as defined in its current *Strategic Plan*. The City's KIOs can be found in its own tab within this workbook.

Eligible Activities/ Priority Needs (Housing Needs - Page 1 of 2)

Housing Needs in Miami Beach (Source: Carras Community Investment based on data from the 2000 U.S. Census, Claritas, Inc. and the U.S. HUD Comprehensive Housing Affordability Strategy (CHAS).

	Housing Need	Renter	Owner	Total
<i>Extremely Low-Income Households</i>				
Elderly Households	Households with any housing problems	65%	73%	67%
	With cost burden	65%	71%	66%
	With extreme cost burden	47%	56%	49%
Small Related (2-4 members households)	Households with any housing problems	87%	52%	83%
	With cost burden	76%	52%	73%
	With extreme cost burden	70%	46%	67%
Large Related (5 or more members households)	Households with any housing problems	100%	100%	100%
	With cost burden	80%	100%	81%
	With extreme cost burden	80%	100%	81%
Other Households	Households with any housing problems	59%	54%	58%
	With cost burden	55%	52%	54%
	With extreme cost burden	51%	50%	51%
Total Households	Households with any housing problems	68%	65%	68%
	With cost burden	64%	63%	64%
	With extreme cost burden	54%	54%	54%

Application Instructions (1 of 3)

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. **Only applications completed on an Excel platform will be accepted.** To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in **green** have drop-down menus and areas shaded in **red** are auto-filled. **Grey** shaded areas require a text input by the applicant.

Tab	General Instructions
Submission Checklist	<p>Threshold items determining the Applicant's responsiveness are indicated as Required. Items requiring signatures are noted as Signatures Needed.</p> <p>A drop-down menu is provided for each item to enable easy labeling as submitted or not. Please ensure to update the status for each item.</p> <p>In addition, we have left open spaces in the event that the applicant wishes to attach additional items not specifically requested in the RFP.</p>
Applicant Info(rmation)	<p>All shaded area require a response. Those areas in grey require a manual input. Items shaded in green require use of the drop-down menu provided.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p> <p>Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Project Overview	<p>The Applicant name is auto-populated once you have completed the previous tab.</p> <p>As you provide the Project Synopsis in the green shaded space provided, please be succinct but complete in your narrative and run spellcheck before finalizing.</p> <p>If you have a Physical Needs Assessment for the proposed project, please include as an attachment.</p> <p>For Project Partners, list each entity separately and use the drop-down menu to indicate the type of support provided from each. In the final column, please list the cash value of the entity's support.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>
Project Impact	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Applicant Experience	<p>Please note there are two pages to this section.</p> <p>Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.</p>
Project Budget	<p>The Budget form has five columns. The first column should list all of the entities providing cash, financing or in-kind leverage to the proposed project.</p> <p>The second column, "Confirmed Receipt", enables you to insert the dollar value of any commitment that has been secured.</p> <p>The third column, "Pending Receipt", enables you to insert the value of any projected funds that have yet to be secured but may be reasonably expected.</p> <p>The fourth column, "City Request" enables you to insert the value of funds requested from the City through this RFP process.</p> <p>DO NOT ALTER ANY AREA SHADED IN RED.</p>

Application Instructions (2 of 3)

Tab	General Instructions
Sources & Uses	<p>In the column labeled "Line Item Category," list the various project expenses using the drop-down menu provided.</p> <p>In each of the following columns to the right, and under "Fund Source", insert the name of the funding entity and then below the respective amounts allocated to each line item.</p> <p>A second page is provided if your project has more than five (5) funding sources. Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.</p>
Priority Alignment	<p>Using the drop-down menus provided, answer each area shaded in green.</p> <p>Provide a brief but succinct narrative in the grey space provided that explains how your agency will measure its impact on the City's Key Intended Outcomes selected.</p> <p>Run spellcheck before finalizing your narrative.</p>
Affidavit 1	Review and provide signatures requested.
Affidavit 2	Review and provide signatures requested.
Affidavit 3	Review and provide signatures requested.
Affidavit 4	Review and provide signatures requested.

General Information (1 of 3)

The following funding is available through this RFP, contingent upon final approval by HUD:

CDBG Funds		
CDBG Entitlement	\$	888,829
City Administration (20%)	\$	177,766
Public Services Cap (15%)	\$	133,324

Determination of Appropriateness

Prior to preparing an application for funds, applicants are strongly advised to determine if the proposed project is an eligible activity as defined by HUD regulations. CDBG projects must meet one of the three National Objectives.

Deadline for Submission

Responses to this RFP are due Friday, April 3, 2015 at 3:00pm at the Office of Housing & Community Services located at 555 - 17th Street, Miami Beach, Florida 33139. Mailed applications should be sent to Office of Housing & Community Services, Attention: Maria Ruiz, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139.

Late applications will not be accepted.

Fatal Flaws

The following errors, omissions and/or conditions are considered fatal flaws preventing applications from consideration for funding:

- ! Incomplete applications (missing any section of the application or omission of required attachments)
- ! Factual errors resulting in the misrepresentation of an organization's experience, capacity or ownership
- ! Projects with funding gaps despite the potential award of City funds

Submission Requirements

Applicants must submit their application(s) as follows:

- One (1) original hard copy with authorizing signatures in **blue** ink.
- One (1) duplicate hard copy of the original hard copy application.
- One digital copy in Excel format of the application with attachments in RDP format on CD ROM.

Directions for Completing the Application

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. Only applications completed on an Excel platform will be accepted. To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in **green** have drop-down menus and areas shaded in **red** are auto-filled. **Grey** shaded areas require a text input by the applicant.

General Information (2 of 3)

Modifications/Withdrawals of Proposals

An Applicant may submit a modified Application to replace all or any portion of a previously submitted Application up until the Application due date and time. Modifications received after the Application due date and time will not be considered. Applications shall be irrevocable until contract award unless withdrawn in writing prior to the Application due date, or after expiration of 120 calendar days from the opening of Applications without a contract award. Letters of withdrawal received after the Application due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

RFP Postponement/Cancellation/Rejection

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

Costs Incurred by Applicants

All expenses involved with the preparation and submission of Applications, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Applicant, and shall not be reimbursed by the City.

Exceptions to RFP

Applicants must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Application. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Applicant to comply with the particular term and/or condition of the RFP to which Applicant took exception to (as said term and/or condition was originally set forth on the RFP).

Florida Public Records Laws

Applicants are hereby notified that all Applications including, without limitation, any and all information and documentation submitted therewith, will be available for public inspection after opening of Applications, in compliance with Florida Public Records Law including, without limitation, Chapter 119, Florida Statutes.

Negotiations

The City reserves the right to enter into further negotiations with the selected Applicant(s). Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Applicant(s) in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Applicants that by submitting an Application, no property interest or legal right of any kind shall be created at any time until and unless a contract has been agreed to; approved by the City; and executed by the parties.

Observance of Laws

Applicants are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFA (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Applicant will in no way relieve it from responsibility for compliance.

General Information (3 of 3)

Conflict of Interest

All Applicants must disclose, in their Application, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Applicants must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Applicant entity or any of its affiliates.

Applicant's Responsibility

Before submitting a Application, each Applicant shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Applicant from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Applicant.

Public Entity Crimes

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity , and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

American With Disabilities Act (ADA)

Call (305) 673-7260/VOICE to request material in accessible format; sign language interpreters (five days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673-7631.

Acceptance of Gifts, Favors, Services

Applicants shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Application. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

Guidelines for Evaluating Economic Development Projects (1 of 3)

§ 570.209 Guidelines for evaluating and selecting economic development projects.

The following guidelines are provided to assist the recipient to evaluate and select activities to be carried out for economic development purposes. Specifically, these guidelines are applicable to activities that are eligible for CDBG assistance under §570.203. These guidelines also apply to activities carried out under the authority of §570.204 that would otherwise be eligible under §570.203, were it not for the involvement of a Community-Based Development Organization (CBDO). (This would include activities where a CBDO makes loans to for-profit businesses.) These guidelines are composed of two components: guidelines for evaluating project costs and financial requirements; and standards for evaluating public benefit. The standards for evaluating public benefit are mandatory, but the guidelines for evaluating projects costs and financial requirements are not.

(a) Guidelines and objectives for evaluating project costs and financial requirements. HUD has developed guidelines that are designed to provide the recipient with a framework for financially underwriting and selecting CDBG-assisted economic development projects which are financially viable and will make the most effective use of the CDBG funds. These guidelines, also referred to as the underwriting guidelines, are published as appendix A to this part. The use of the underwriting guidelines published by HUD is not mandatory. However, grantees electing not to use these guidelines would be expected to conduct basic financial underwriting prior to the provision of CDBG financial assistance to a for-profit business. Where appropriate, HUD's underwriting guidelines recognize that different levels of review are appropriate to take into account differences in the size and scope of a proposed project, and in the case of a microenterprise or other small business to take into account the differences in the capacity and level of sophistication among businesses of differing sizes. Recipients are encouraged, when they develop their own programs and underwriting criteria, to also take these factors into account. The objectives of the underwriting guidelines are to ensure:

- (1) That project costs are reasonable;
- (2) That all sources of project financing are committed;
- (3) That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;
- (4) That the project is financially feasible;
- (5) That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
- (6) That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

(b) Standards for evaluating public benefit. The grantee is responsible for making sure that at least a minimum level of public benefit is obtained from the expenditure of CDBG funds under the categories of eligibility governed by these guidelines. The standards set forth below identify the types of public benefit that will be recognized for this purpose and the minimum level of each that must be obtained for the amount of CDBG funds used. Unlike the guidelines for project costs and financial requirements covered under paragraph (a) of this section, the use of the standards for public benefit is mandatory. Certain public facilities and improvements eligible under §570.201(c) of the regulations, which are undertaken for economic development purposes, are also subject to these standards, as specified in §570.208(a)(4)(vi)(F)(2).

- (1) Standards for activities in the aggregate. Activities covered by these guidelines must, in the aggregate, either:
 - (i) Create or retain at least one full-time equivalent, permanent job per \$35,000 of CDBG funds used; or
 - (ii) Provide goods or services to residents of an area, such that the number of low- and moderate-income persons residing in the areas served by the assisted businesses amounts to at least one low- and moderate-income person per \$350 of CDBG funds used.

Guidelines for Evaluating Economic Development Projects (2 of 3)

- (2) Applying the aggregate standards. (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.
- (ii) The grantee shall apply the aggregate standards to the number of jobs to be created/retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.
- (iii) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area resident's standard, but not both.
- (iv) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the aggregate standards.
- (v) Any activity subject to these guidelines which meets one or more of the following criteria may, at the grantee's option, be excluded from the aggregate standards described in paragraph (b)(1) of this section:
- (A) Provides jobs exclusively for unemployed persons or participants in one or more of the following programs:
- (1) Jobs Training Partnership Act (JTPA);
 - (2) Jobs Opportunities for Basic Skills (JOBS); or
 - (3) Aid to Families with Dependent Children (AFDC);
- (B) Provides jobs predominantly for residents of Public and Indian Housing units;
- (C) Provides jobs predominantly for homeless persons;
- (D) Provides jobs predominantly for low-skilled, low- and moderate-income persons, where the business agrees to provide clear opportunities for promotion and economic advancement, such as through the provision of training;
- (E) Provides jobs predominantly for persons residing within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (F) Provides assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;
- (G) Stabilizes or revitalizes a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (H) Provides assistance to a Community Development Financial Institution that serve an area that is predominantly low- and moderate-income persons;
- (I) Provides assistance to a Community-Based Development Organization serving a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;
- (J) Provides employment opportunities that are an integral component of a project designed to promote spatial deconcentration of low- and moderate-income and minority persons;
- (K) With prior HUD approval, provides substantial benefit to low-income persons through other innovative approaches;
- (L) Provides services to the residents of an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title;

Guidelines for Evaluating Economic Development Projects (3 of 3)

(M) Creates or retains jobs through businesses assisted in an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title.

(N) Directly involves the economic development or redevelopment of environmentally contaminated properties.

(3) Standards for individual activities. Any activity subject to these guidelines which falls into one or more of the following categories will be considered by HUD to provide insufficient public benefit, and therefore may under no circumstances be assisted with CDBG funds:

(i) The amount of CDBG assistance exceeds either of the following, as applicable:

(A) \$50,000 per full-time equivalent, permanent job created or retained; or

(B) \$1,000 per low- and moderate-income person to which goods or services are provided by the activity.

(ii) The activity consists of or includes any of the following:

(A) General promotion of the community as a whole (as opposed to the promotion of specific areas and programs);

(B) Assistance to professional sports teams;

(C) Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;

(D) Acquisition of land for which the specific proposed use has not yet been identified; and

(E) Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.

(4) Applying the individual activity standards. (i) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, it will be disqualified only if the amount of CDBG assistance exceeds both of the amounts in paragraph (b)(3)(i) of this section.

(ii) The individual activity standards in paragraph (b)(3)(i) of this section shall be applied to the number of jobs to be created or retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the individual activity standards in paragraph (b)(3)(i) of this section.

(c) Amendments to economic development projects after review determinations. If, after the grantee enters into a contract to provide assistance to a project, the scope or financial elements of the project change to the extent that a significant contract amendment is appropriate, the project should be reevaluated under these and the recipient's guidelines. (This would include, for example, situations where the business requests a change in the amount or terms of assistance being provided, or an extension to the loan payment period required in the contract.) If a reevaluation of the project indicates that the financial elements and public benefit to be derived have also substantially changed, then the recipient should make appropriate adjustments in the amount, type, terms or conditions of CDBG assistance which has been offered, to reflect the impact of the substantial change. (For example, if a change in the project elements results in a substantial reduction of the total project costs, it may be appropriate for the recipient to reduce the amount of total CDBG assistance.) If the amount of CDBG assistance provided to the project is increased, the amended project must still comply with the public benefit standards under paragraph (b) of this section.

(d) Documentation. The grantee must maintain sufficient records to demonstrate the level of public benefit, based on the above standards, that is actually achieved upon completion of the CDBG-assisted economic development activity(ies) and how that compares to the level of such benefit anticipated when the CDBG assistance was obligated. If the grantee's actual results show a pattern of substantial variation from anticipated results, the grantee is expected to take all actions reasonably within its control to improve the accuracy of its projections. If the actual results demonstrate that the recipient has failed the public benefit standards, HUD may require the recipient to meet more stringent standards in future years as appropriate.

[60 FR 1947, Jan. 5, 1995, as amended at 60 FR 17445, Apr. 6, 1995; 71 FR 30035, May 24, 2006; 72 FR 12535, Mar. 15, 2007; 72 FR 46370, Aug. 17, 2007]

Contractual Scope of Services (1 of 12)

The following is a sample of Attachment A (General Requirements) for awarded contracts provided as reference:

EXHIBIT "A" - "SCOPE OF SERVICES"

Related Definitions:

Davis-Bacon Act Compliance – The Davis-Bacon Act applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. Affordable housing rehabilitation projects of eight (8) or more units using CDBG funds must ensure Davis-Bacon Act compliance. Affordable housing rehabilitation projects of 12 or more units using HOME funds must ensure Davis-Bacon Act compliance.

Environmental Review – Projects must have an Environmental Review unless they meet criteria specified in HUD regulations that would exempt or exclude them from Request for Release of Funds (RROF) and environmental certification requirements (24 CFR sections 58.1, 58.22, 58.34, 58.35 and 570.604).

Evidence of Procurement – All expenses incurred with grant funds require evidence of procurement according to this Agreement. Please carefully read the Agreement and related HUD rules to ensure compliance.

HUD Income Limits – The Sub-Recipient must ensure that HUD Income Limits (household income) are utilized when determining client eligibility for HUD-funded services. Income limits are posted further below.

Monthly Progress Report – The Sub-Recipient is required to submit a monthly project progress report by the 10th of the following month. The report must be signed by the person who prepared the report as well as the agency's authorizing party. The report summarizes the progress made, expenses incurred and deliverables completed. This report must be completed regardless of whether or not funds are requested.

Monthly Financial Report – The Sub-Recipient is required to submit a monthly financial report by the 10th of the following month regardless of whether or not funds are requested. The report delineates project expenses incurred including non-City funds and must include the corresponding evidence of expense incurred for any expense which is being submitted for reimbursement.

Monthly Proformas – All Capital projects with multiple (more than one) funding sources require the submission of monthly proformas to the City.

Professional Services Contracts – Professional services funded through this Agreement must adhere to procurement guidelines as appropriate and have executed written agreements between the Sub-Recipient and the respective Vendor. Contracts must, at a minimum, specify the cost, timeline and scope of service. A copy of all professional service contracts must be submitted to the City prior to reimbursement request.

Proof of Insurance – Evidence of appropriate and required insurance must be submitted prior to contract execution. No City funds will be disbursed prior to submission of required insurance coverage.

Contractual Scope of Services (2 of 12)

Retainage – All capital projects are subject to the withholding of 10 percent of appropriate expenses in the form of a retainage. All retained funds will be released when the project fulfills its National Objective.

Section 3 Compliance – Any Agreement greater than \$200,000 that involves rehabilitation, housing construction, or other public construction, requires the Sub-Recipient complete and submit to the City Form HUD 60002, Section 3 Summary Report, Economic Opportunities for Low- and Very-Low Income Persons (OMB No. 2529-0043).

Applicable Federal Regulations

The Sub-Recipient must apply to all applicable federal regulations including:

I. Non-Discrimination and Equal Access

No person in the United States shall on the grounds of race, color, national origin, religion or sex be excluded, denied benefits or subjected to discrimination under any program funded in whole or in part by CDBG/HOME funds. The Provider must take measures to ensure non-discriminatory treatment, outreach and access to program resources. This applies to employment and contracting, as well as to marketing and selection of program participants.

Fair Housing and Equal Opportunity

The Provider must comply with all the following Federal laws, executive orders and regulations pertaining to fair housing and equal opportunity. They are summarized below:

Title VI of the Civil Rights Act of 1964, As Amended (42 USC 2000d et seq.): States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color or national origin. The regulations implementing the Title VI Civil Rights Act provisions for HUD programs may be found in 24 CFR Part 1.

The Fair Housing Act (42 USC 3601-3620): Prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status. Fair Housing Act implementing regulations may be found in 24 CFR Part 100-115.

Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259): Prohibits discrimination against individuals on the basis of race, color, religion, sex or national origin in the sale, rental, leasing or other disposition of residential property, or in the use or occupancy of housing assisted with Federal funds. Equal Opportunity in Housing regulations may be found in 24 CFR Part 107.

Age Discrimination Act of 1975, As Amended (42 USC 6101): Prohibits age discrimination in programs receiving Federal financial assistance. Age Discrimination Act regulations may be found in 24 CFR Part 146.

Section 109 of Title I of the Housing and Community Development Act of 1974: Requires that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded with CDBG/HOME funds on the basis of race, color, religion, national origin or sex.

Affirmative Marketing

The Provider must adopt affirmative marketing procedures and requirements for all CDBG/HOME-assisted housing with five or more units. Requirements and procedures must include:

Contractual Scope of Services (3 of 12)

1. Methods for informing the public, owners and potential tenants about fair housing laws and the Provider's policies (for example: use of the Fair Housing logo or equal opportunity language);
2. A description of what owners and/or the Provider will do to affirmatively market housing assisted with CDBG/HOME funds;
3. A description of what owners and/or the Provider will do to inform persons not likely to apply for housing without special outreach;
4. Maintenance of records to document actions taken to affirmatively market CDBG/HOME-assisted units and to assess marketing effectiveness; and
5. A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

Handicapped Accessibility

The CDBG/HOME regulations also require adherence to the three following regulations governing the accessibility of Federally-assisted buildings, facilities and programs.

Americans with Disabilities Act (42 USC 12131; 47 USC 155, 201, 218 and 225): Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications. The Act, also referred to as the ADA, also states that discrimination includes the failure to design and construct facilities (built for first occupancy after January 26, 1993) that are accessible to and usable by persons with disabilities. The ADA also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplishable and able to be carried out without much difficulty or expense.

Fair Housing Act: Multi-family dwellings must also meet the design and construction requirements at 24 CFR 100.205, which implement the Fair Housing Act (42 USC 3601-19)

Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in federally assisted programs on the basis of handicap. Section 504 imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive Federal funds. Under Section 504, recipients and Sub-Recipients are not required to take actions that create unique financial and administrative burdens or after the fundamental nature of the program. For any Provider principally involved in housing or social services, all of the activities of the agency -- not only those directly receiving Federal assistance -- are covered under Section 504. Contractors or vendors are subject to Section 504 requirements only in the work they do on behalf of the Provider or the City. The ultimate beneficiary of the Federal assistance is not subject to Section 504 requirements.

The Architectural Barriers Act of 1968 (42 USC 4151-4157): Requires certain Federal and Federally-funded buildings and other facilities to be designed, constructed or altered in accordance with standards that ensure accessibility to, and use by, physically handicapped people.

II. Employment and Contracting

The Provider must comply with the regulations below governing employment and contracting opportunities. These concern equal opportunity, labor requirements and contracting/procurement procedures.

Contractual Scope of Services (4 of 12)

Equal Opportunity

The Provider must comply with the following regulations that ensure equal opportunity for employment and contracting: Equal Employment Opportunity, Executive Order 11246, as amended: Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Provisions to effectuate this prohibition must be included in all construction contracts exceeding \$10,000. Implementing regulations may be found at 41 CFR Part 60. Section 3 of the Housing and Urban Development Act of 1968: Requires that, to the greatest extent feasible, opportunities for training and employment arising from CDBG/HOME funds will be provided to low-income persons residing in the program service area. Also, to the greatest extent feasible, contracts for work (all types) to be performed in connection with CDBG/HOME will be awarded to business concerns that are located in or owned by persons residing in the program service area.

Minority/Women's Business Enterprise: Under Executive Orders 11625, 12432 and 12138, the City and the Provider must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, in all contracts (see 24 CFR 85.36(e)).

Labor Requirements

The Provider must comply with certain regulations on wage and labor standards. In the case of Davis-Bacon and the Contract Work Hours and Safety Standards Acts, every contract for construction (in the case of residential construction, projects with eight or more units) triggers the requirements.

Davis-Bacon and Related Acts (40 USC 276(A)-7) : Ensures that mechanics and laborers employed in construction work under Federally-assisted contracts are paid wages and fringe benefits equal to those that prevail in the locality where the work is performed. This act also provides for the withholding of funds to ensure compliance, and excludes from the wage requirements apprentices enrolled in bona fide apprenticeship programs.

Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333): Provides that mechanics and laborers employed on Federally-assisted construction jobs are paid time and one-half for work in excess of 40 hours per week, and provides for the payment of liquidated damages where violations occur. This act also addresses safe and healthy working conditions.

Copeland (Anti-Kickback) Act (40 USC 276c) : Governs the deductions from paychecks that are allowable. Makes it a criminal offense to induce anyone employed on a Federally assisted project to relinquish any compensation to which he/she is entitled, and requires all contractors to submit weekly payrolls and statements of compliance.

Fair Labor Standards Act of 1938, As Amended (29 USC 201, et. seq.): Establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half. It also requires the payment of wages for the entire time that an employee is required or permitted to work, and establishes child labor standards.

Contracting and Procurement Practices

The CDBG/HOME programs are subject to certain Federal procurement rules. In addition, the City and the Provider must take measures to avoid hiring debarred or suspended contractors or Sub-Recipients and conflict-of-interest situations. Each is briefly discussed below.

Contractual Scope of Services (5 of 12)

Procurement: For the City, the procurement standards of 24 CFR 85.36 apply. For non-profit organizations receiving CDBG/HOME funds, the procurement requirements at 24 CFR Part 84 apply.

Conflict of Interest: The CDBG regulations require grantees (the City), state recipients and Sub-Recipients (the Provider) to comply with two different sets of conflict-of-interest provisions. The first set of provisions comes from 24 CFR Parts 84 and 85. The second, which applies only in cases not covered by 24 CFR Parts 84 and 85, is set forth in the CDBG regulations. Both sets of requirements are discussed below.

- The provisions at 24 CFR 85.36 and 24 CFR 84.42 apply in the procurement of property and services by grantees (the City), state recipients, and Sub-Recipients (the Provider). These regulations require the City and the Provider to maintain written standards governing the performance of their employees engaged in awarding and administering contracts. At a minimum, these standards must:

- Require that no employee, officer, agent of the City or the Provider shall participate in the selection, award or administration of a contract supported by CDBG/HOME if a conflict-of-interest, either real or apparent, would be involved;
- Require that employees, officers and agents of the City or the Provider not accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to Sub-Agreements; and
- Stipulate provisions for penalties, sanctions or other disciplinary actions for violations of standards.

HOME-funded projects must comply with 24 CFR 92.356.

A conflict would arise when any of the following has a financial or other interest in a firm selected for an award:

- An employee, agent or officer of the City or the Provider;
 - Any member of an employee's, agent's or officer's immediate family;
 - An employee's, agent's or officer's partner; or
 - An organization that employs or is about to employ an employee, agent or officer of the City or the Provider.
- The CDBG/HOME regulations at 24 CFR 570.611 governing conflict-of-interest apply in cases not covered by 24 CFR 85.36 and 24 CFR 84.42. These provisions cover employees, agents, consultants, officers and elected or appointed officials of the grantee (the City), state recipient or Sub-Recipient (the Provider). The regulations state that no person covered who exercises or has exercised any functions or responsibilities with respect to CDBG/HOME activities or who is in a position to participate in decisions or gain inside information:

- May obtain a financial interest or benefit from a CDBG activity; or
- Have an interest in any contract, subcontract or agreement for themselves or for persons with business or family ties.

This requirement applies to covered persons during their tenure and for one year after leaving the grantee (the City), the state recipient or Sub-Recipient (the Provider) entity.

Upon written request, exceptions to both sets of provisions may be granted by HUD on a case-by-case only after the City has:

- Disclosed the full nature of the conflict and submitted proof that the disclosure has been made public; and
- Provided a legal opinion from the City stating that there would be no violation of state or local law if the exception were granted.

Debarred contractors: In accordance with 24 CFR Part 5, CDBG/HOME funds may not be used to directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or Sub-Recipient during any period of debarment, suspension or placement of ineligibility status. The City should check all contractors, subcontractors, lower-tier contractors or Sub-Recipients against the Federal publication that lists debarred, suspended and ineligible contractors.

Contractual Scope of Services (6 of 12)

III. Environmental Requirements

The City is responsible for meeting a number of environmental requirements, including environmental reviews, flood insurance, and site and neighborhood standards.

Environmental Review

The City is responsible for undertaking environmental reviews in accordance with the requirements imposed on "recipients" in 24 CFR 58. Reviews must be completed, and Requests for Release of Funds (RROF) submitted to HUD before CDBG/HOME funds are committed for non-exempt activities. Private citizens and organizations may object to the release of funds for CDBG/HOME projects on certain procedural grounds relating to environmental review (see 24 CFR 58.70 - 58.77). To avoid challenges, grantees (the City) and Sub-Recipients (the Provider) should be diligent about meeting procedural requirements.

Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 USC 4106): Requires that CDBG/HOME funds shall not be provided to an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard, unless: The community is participating in the National Flood Insurance Program, or it has been less than a year since the community was designated as having special flood hazards; and Flood insurance is obtained.

IV. Lead-based Paint

On September 15, 1999, the "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule" was published within title 24 of the Code of Federal Regulations as part 35 (24 CFR 35). The regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X (ten) of the Housing and Community Development Act of 1992. Sections 1012 and 1013 of Title X amended the Lead-Based Paint Poisoning Prevention Act of 1971, which is the basic law covering lead-based paint in federally associated housing.

The regulation sets hazard reduction requirements that give much greater emphasis to reducing lead in house dust. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. Therefore, the new regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner occupied.

On April 22, 2008, the EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning to protect against the hazards created by exposure to lead dust in existing structures built prior to 1978. Under the rule, all contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and follow specific work practices to prevent lead contamination. This rule (40 CFR Part 745) is enforced as of April 22, 2010. The rule must be executed by all sub-contractors.

Contractual Scope of Services (7 of 12)

Property Exempt from Lead-based paint regulation:

- Housing built since January 1, 1978, when lead paint was banned for residential use;
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there;
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories or military barracks;
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector;
- Property where all lead-based paint has been removed;
- Unoccupied housing that will remain vacant until demolished;
- Non-Residential property; and
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Types of housing subject to 24 CFR 35:

- Federally-Owned housing being sold;
- Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance);
- Public housing;
- Housing occupied by a family (with a child) receiving tenant-based subsidy (such as a voucher or certificate);
- Multifamily housing for which mortgage insurance is being sought; and
- Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs.

If you want copies of the regulation or have general questions, you can call the National Lead Information Center at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired. You can also download the regulation and other educational materials at <http://www.hud.gov/offices/lead/index.cfm>. For further information, you may call HUD at (202) 755-1785, ext. 104, or e-mail HUD at lead_regulations@hud.gov.

V. Displacement, Relocation, Acquisition and Replacement of Housing

CDBG/HOME projects involving acquisition, rehabilitation or demolition may be subject to the provisions of the Uniform Relocation Act (UDA). Demolition or conversion of units with CDBG funds may trigger section 104 (d) (also known as the "Barney Frank Amendment" requirements.)

VI. Compliance with National Objective

The Provider will ensure and maintain evidence that activities assisted with CDBG/HOME funds from the City of Miami Beach comply with the primary National Objective, "Benefit to Low and Moderate Income Persons" and will provide services or activities that benefit at least 51% low and moderate income persons. A low or moderate-income household is defined as: a household having an income equal to or less than the limits cited below. Individuals who are unrelated but are sharing the same household shall each be considered as one-person households.

Contractual Scope of Services (8 of 12)

HUD Income Limits, pending HUD updating:

	1- Person	2- Person	3- Person	4- Person	5- Person	6- Person	7- Person	8- Person
30% Limits	\$13,750	\$15,700	\$17,650	\$19,600	\$21,200	\$22,750	\$24,350	\$25,900
Very Low Income	\$22,900	\$26,200	\$29,450	\$32,700	\$35,350	\$37,950	\$40,550	\$43,200
60% Limits	\$27,480	\$31,440	\$35,340	\$39,240	\$42,420	\$45,540	\$48,660	\$51,840
Low Income	\$36,650	\$41,850	\$47,100	\$52,300	\$56,500	\$60,700	\$64,900	\$69,050

Change Orders/Budget Amendments

The goal should be to limit the use of Change Orders or Budget Amendments. Change Orders and Budget Amendments require prior written approval by the City Manager.

To request a Change Order or Budget Amendment, a written request for changes must be submitted to your Grant Monitor delineating the changes and providing a detailed justification for making the request. Approvals of any changes are at the sole discretion of the City Manager.

No budget amendment will be processed after June 30, 2014 for Public Service Projects. No budget amendment will be processed for Capital Projects Budgets after eighty (80) percent of the available funds have been drawn.

Budget amendments or Change Orders that deviate from the original scope will be rejected and the funds in question may be subject to recapture at the sole discretion of the City Manager.

Compliance with Local Rules, Regulations, Ordinances and Laws

The Sub-Recipient must remain in compliance with all local rules, regulations, ordinances and laws (including having an active business license and the resolution of all Code Compliance and Building Department violations) in addition to those specified in the body of the Agreement. In addition, the Sub-Recipient must not owe any monies to the City at the time of Agreement execution or final release of grant funds. The City will verify with the Finance Department to ensure that no monies are due the City prior to Agreement execution.

Furthermore, the Sub-Recipient must not have any outstanding and/or open Code Compliance or Building Department violations at the time of the Agreement's execution. Any pending issues must be disclosed. Those violations which are open at the time of the Agreement's execution and are expected to remain open for the foreseeable future require the submission and approval of a remediation plan submitted to the City.

Contractual Scope of Services (9 of 12)

Employee/ Contractor File Review

The following documentation must be included in the Sub-Recipient's employee/contractor file for those employees/contractors providing services under this contract.

The following must be included in the employee files:

- Employment Application
- Evidence of degree/credentials
- Job Description Signed by Employee
- Evidence of Required Experience
- Florida Background Criminal Screening, if applicable
- National FBI Background Criminal Screening (Level 2), if applicable
- Affidavit of Good Moral Character, if applicable
- Proof of Knowledge of Policies & Procedures, if applicable
- I-9 Verification on File

The City reserves the right to inspect those employee/contractor files whose salaries are funded in part or in whole by its funds.

Evaluation

In its continuing effort to ensure contract compliance and performance, the City will evaluate the Sub-Recipient in its fulfillment of the terms of this agreement including, but not limited to, the following measures:

- Agreement compliance
- Leverage and fiscal soundness
- Accuracy and timeliness of Monthly Progress Reports
- Accuracy and timeliness of Monthly Financial Reports
- Adherence to project timelines
- Fulfillment of prescribed outcomes

Fiscal Stability

The Sub-Recipient is required to maintain fiscal stability throughout the terms of this Agreement. This is to ensure the Sub-Recipient's ability to fulfill the terms of this Agreement and meeting of the National Objective.

For affordable housing developers, fiscal stability policies are encouraged in anticipation of additional HUD guidance regarding fiscal oversight for rental projects. More so, as projects have extended lives, fiscal stability underscores the long-term viability of the housing units.

Leverage

For HOME-funded projects, the Sub-Recipient must demonstrate the commitment of other sources of funds committed to the City-funded project. Furthermore, all other identified funds must be in place prior to the use of HOME funds.

The documentation that demonstrates this fiscal leverage is the Subsidy Layering Review and underwriting.

Contractual Scope of Services (10 of 12)

Monitoring & Performance Reviews

The City reserves the right to inspect, monitor and/or audit the Sub-Recipient to ensure contractual compliance. This includes, but is not limited to:

- Review of on-site service delivery
- Inspection and review of client, budgetary and employee files (for those employees providing services under this Agreement)

Monitoring visits will take place within 120 days of the commencement of services. The City will notify the Sub-Recipient a minimum of three (3) business days prior to a monitoring visit.

Performance Ratings

The Sub-Recipient agrees that its Performance Rating, the score awarded for performance on the following measures, will be posted on the City’s website on an annual basis:

- Timely and accurate submission of Monthly Progress Report
- Timely and accurate submissions of Monthly Financial Reports (reimbursement requests)
- Delivery of contracted service units

Ratings will be given for each performance measure based on the following:

Performance Measure	Rating Rationale & Score
Timely and accurate submission of <i>Monthly Progress Report</i>	<ul style="list-style-type: none"> ➤ “0” for failing to submit on time ➤ “25” for submitting on time
Timely and accurate submissions of <i>Monthly Financial Report</i> (reimbursement requests)	<ul style="list-style-type: none"> ➤ “0” for failing to submit accurate report with back-up material on time ➤ “25” for submitting accurate report on time
Delivery of contracted service units within contracted timeframe	Possible score of 0 to 50 based upon completion of projected service units. Score is pro-rated if total projected service units are not met.

Proformas

Capital projects must submit certified monthly proformas that indicate project funding sources and correlating uses. Proformas must be certified by the preparing party as well as the agency’s signatory as reflected within this Agreement.

Reporting Requirements

The Contractor will provide the City with a Monthly Progress Report and Monthly Financial Report by the 10th of the following month. In the event that the 10th of the month lands on a Saturday, Sunday or holiday, the report must be submitted the following business day.

Contractual Scope of Services (11 of 12)

Monthly reports will be submitted via any of the following methods:

- Standard mail
- Hand delivery

Monthly reports will not be considered acceptable unless the following is met:

- Forms are completely and accurately filled
- Necessary back-up materials are included (evidence of expense incurred, invoices, time logs, executed AIA Forms, etc.)
- Reports bear the signature of the person preparing the report and the Sub-Recipient's authorized signatory

Monthly Progress Reports should encapsulate a project's progress in alignment with the funds expended.

Rent Roll Submissions

Sub-Recipients using City funds for the creation or rehabilitation of affordable housing must submit tenant rent rolls within thirty (30) days of meeting the National Objective and every year thereafter for a minimum of fifteen (15) years in adherence with the affordability period required with use of these funds. For completed projects, certified tenant rolls must be submitted annually by November 1st. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Those projects with a longer affordability period require annual tenant rolls for the period of affordability established in the City's Restrictive Covenant and/or mortgage. These tenant rolls must be submitted by November 1st of each year of affordability. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Retainage

All capital projects utilizing HUD funds are subject to a ten (10) percent retainage that will not be released until the National Objective is met. Retainage will be held as appropriate from all submitted reimbursement requests.

Subsidy Layering Review

All affordable housing projects using CDBG/HOME funds require the completion of an independent Subsidy Layering Review and underwriting. These reviews must be completed prior to the project being submitted via HUD's IDIS system and precedes the incurrence of any related funds. Therefore, no capital projects will be deemed eligible for reimbursement until the Subsidy Layering Review and underwriting have been received and accepted by the City.

The expense for the Subsidy Layering Review and underwriting services are eligible for reimbursement if the project proceeds but is not eligible for reimbursement otherwise.

Contractual Scope of Services (12 of 12)

Timeliness of Reimbursement Requests

Reimbursement requests must be submitted no later than sixty (60) days from the incurrence of the expense. The City will strictly monitor this element. Please note that cancelled checks must be submitted in conjunction with all reimbursement requests. Therefore, the Sub-Recipient should calendar itself accordingly to ensure that reimbursement requests are submitted to the City in a timely manner.

Training Requirements

The Sub-Recipient must ensure that the person responsible for preparing the Monthly Progress Report and Monthly Financial Report attends the City's Sub-Recipient Reporting Training and places the attendance certificate in the employee's personnel file for inspection by the City during its monitoring visit.

Additional Documentation

The following documentation must be submitted with this executed agreement:

- All required insurance certificates
- Copy of current audit
- Copy of required business licenses and permits

Application Scoring (1 of 2)

Minimum requirements for application submission: Applicants submitting applications may be not-for-profit or for-profit corporations or partnerships. Applicants requesting affordable housing acquisition and/or rehabilitation funds must have a minimum of five (5) years of experience in the acquisition and rehabilitation of owner-occupied affordable housing and/or first-time homebuyer programs.

Selection criteria will include, but is not limited to:

1. Ability to provide strong construction management practices and to provide first quality materials, including landscaping if applicable
2. Ability to perform all applicant selection and income certification processes in accordance with local, state, and federal regulations
3. Ability to comply with the City's reporting requirements
4. Total project cost
5. Total number of units
6. Leveraging
7. Ability to conform to the City's plan for spatial de-concentration
8. Ability to provide homeowners with HUD-Certified Homeownership Counseling
9. Ability to provide individualized training to homebuyers on issues such as home maintenance and budgeting
10. Ability to demonstrate that the organization participates in the Welfare Transition Program

The Office of Housing and Community Development will review all responses to the RFP to ensure compliance with the requirements of the RFP as well as under applicable Florida Statutes, Resolutions and the Consolidated Plan. All eligible affordable housing applications will be submitted to the City's Affordable Housing Advisory Committee and reviewed with HOME submissions. All applications for funding will be reviewed by the Affordable Housing Advisory Committee Committee in accordance with the criteria as outlined in the RFP.

Sections within the RFP are weighted and their respective values are noted below:

Section/Tab	Maximum Points
Applicant Info(rmation)	5
Project Overview	20
Project Impact	20
Applicant Experience	25
Project Budget	20
Sources & Uses	5
Priority Alignment	5
MAXIMUM POSSIBLE SCORE	100

Application Scoring (2 of 2)

Applicant Information

Information provided must be complete and accurate and include the required attachments.

Project Overview

This section provides overall summary of the project from an objective and fiscal context. Please ensure to be succinct but clear about your proposed project as well as indicate the community-based partners who will help you achieve your proposal. Make sure to complete the Objective, Outcome and Activity Code section. Double-check for accuracy.

Project Impact

This is the section that most describes the viability, impact, purpose and overall leverage for your project within a holistic context. In this section, please ensure to provide operational details for your project including specific beneficiaries, eligibility criteria, timelines, progress measures and outcome measures. If your project creates secondary benefits, i.e. creates new jobs or sustainable services for an area, provide such detail.

Applicant Experience

This section provides the applicant an opportunity to sell themselves as worthy recipients of public resources. Be specific in providing achievements, success stories, experience and expertise.

Project Budget

The project budget must be sound, practical, achievable and sustainable. Your budget should provide the fiscal perspective of what was described in your project Overview and Project Impact sections.

Sources & Uses

This section serves to detail the Project Budget section by assigning costs to specific funding sources. Assignments should comply with funding source guidelines.

Priority Alignment

This section enables the applicant to identify the proposed project's alignment to the City's *Strategic Plan*. For more information about the City's *Strategic Plan*, visit www.miamibeachfl.gov

HUD FY 2014 Income Tables for the City of Miami Beach

Median Income	FY 2014 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$ 49,000.00	Low (80%) Income Limits	\$ 38,100	\$ 43,550	\$ 49,000	\$ 54,400	\$ 58,800	\$ 63,150	\$ 67,500	\$ 71,850
	Very Low (50%) Income Limits	\$ 23,800	\$ 27,200	\$ 30,600	\$ 3,400	\$ 36,750	\$ 39,450	\$ 42,200	\$ 44,900
	Extremely Low (30%) Income Limits	\$ 14,300	\$ 16,350	\$ 18,400	\$ 20,400	\$ 22,050	\$ 23,700	\$ 25,300	\$ 26,950

City of Miami Beach Census Tracts (1 of 2)

	Census Tract/ Block Group	Total Persons	Total Low/Mod Persons	Year 2000 % Low/Mod
North Beach				
	39.01-1	1149	767	64.9
	39.01-2	918	442	53.6
Stillwater/Biscayne Point/North Shore 77 th N	39.01-3	745	496	69.3
	39.01-4	998	572	60.3
	39.01-5	2621	1652	65
	39.01-6	2270	1547	65.3
	39.01-7	1793	574	32
	Normandy/North Shore 71 st to 77 th	39.05-1	1967	844
39.05-2		3841	2606	67.9
39.05-3		887	274	31.2
39.05-4		3650	2390	64.4
La Gorce/Alton Road North Bay Road	39.06-6	620	54	8.7
	39.06-7	1506	155	9.6
	39.06-8	448	18	4.2
North Shore 71 st to 63 rd	39.07-1	1203	919	78.1
	39.07-2	1846	1359	73.9
	39.07-3	1743	947	55.9
	39.07-4	2473	1479	59.8
	39.07-5	1609	756	47
Condo Canyon 44 th to 63 rd	39.08-1	1202	198	16.4
	39.08-2	4628	1148	25.2
Total North Beach	----- ---	38,117	19,197	50.36
	Census Tract/ Block Group	Total Persons	Total Low/Mod Persons	Year 2000 % Low/Mod
Middle Beach				
Middle Beach (38 th to Lake)	40.00-1	262	112	45.5
	40.00-2	1224	357	29.3
	40.00-3	713	109	15.4
	40.00-4	496	95	22.3
	40.00-5	529	142	29.9
	40.00-6	774	138	16
	40.00-7	1107	208	18.8
	40.00-8	58	0	0
Total Middle Beach	----- ---	5163	1161	22.4

City of Miami Beach Census Tracts (2 of 2)

	Census Tract/ Block Group	Total Persons	Total Low/Mod Persons	Year 2000 % Low/Mod
South Beach				
Bayshore, Sunset Islands Mid Beach 33 rd -41 st Street, Ocean to Indian Creek Drive	41.01-1	1047	764	75.6
	41.01-2	2987	1344	47.8
	41.01-3	1407	552	36.6
	41.01-4	1565	414	24.3
	41.01-5	1466	241	17.2
Islands	41.02-1	2255	324	14.8
	41.02-2	821	64	7.9
Lincoln Road West	42.01-1	898	429	45.3
	42.01-2	1617	1068	68.2
	42.01-3	1880	704	37.8
Lincoln Road East	42.01-4	1228	609	49.8
	42.02-1	2121	1428	73.2
	42.02-2	1409	649	48.9
	42.02-3	1856	1045	54.7
	Flamingo (10/11 th to 15 th)	43.00-1	566	347
43.00-2		204	129	63.2
43.00-3		2060	1139	54.1
43.00-4		762	349	47.7
43.00-5		1345	491	37.9
43.00-6		432	130	36.2
43.00-7		3007	1484	47.3
Flamingo West (3 rd to 10 th)	44.01-1	2164	716	35.2
	44.01-2	1704	1102	62.8
	44.01-3	1827	1158	65.5
	44.01-4	468	326	68.3
Flamingo East (3 rd to 11 th)	44.02-1	634	289	47.3
	44.02-2	1707	957	62.9
	44.02-3	836	735	83.1
	44.02-4	779	355	53.9
	44.02-5	1572	1112	68.4
South Pointe, Fisher Island, Coast Guard	45.00-1	781	376	46.8
	45.00-2	1187	668	72.1
	45.00-3	61	0	0
Total South Beach	-----	44,653	21,498	48.14

Uniform Relocation Assistance (URA)

If a project proposed in response to this RFA includes the purchase of a building or an offer to purchase a building which is occupied, the tenants are entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The following information is provided to assist the applicant in complying with the URA.

1. **URA preparation needs to start early.** A URA notice needs to be given to the Seller when the purchase offer/option is made.
2. **HUD and the City of Miami Beach care about this.** Developers who are working on HUD-funded projects need to understand that the URA is basic consumer legislation that addresses “fairness” issues. Tenants whose living circumstances are changed by a project - either by higher rents or involuntary moves - must be protected and compensated.
3. **The relocation rules are not all one-sided.** There are actions that can be taken to control costs and prevent displacement. These actions include informing tenants about the project, treating them fairly during the process, staging work if it is feasible, and keeping their rents affordable. Tenants must continue to pay rent and comply with the lease during the process.
4. **Mistakes can be costly.** Planning for relocation and tenant concerns is critical because grantees, owners and developers can all take actions which can incur a financial liability. Displaced tenants are entitled to 42 or 60 months of rental assistance depending on the situation. Many claims exceed \$10,000. Although some claims are unavoidable, there is no reason to incur these costs by failure to follow the rules.
5. **Planning is critical.** Relocation concerns must be thought out early in the process so decisions about rents, construction timing and project feasibility can be considered before they are a crisis.
6. **Cooperation is Essential.** All parties involved in the project must do the right thing in order to make the process work. The Developer and the City must work together.
7. **There are three basic requirements for tenants in rental rehabilitation projects.** They must be given timely information about the pending application. If the project is approved, they must be advised about any changes that will occur to their situation. If they are not advised - and move - they could claim that they were displaced even if that was not intended and they could be eligible for considerable financial compensation. If they must be displaced, they must be offered a comparable replacement unit (as defined by HUD). Moving expenses must be paid. No one can be required to move without 90 days notice. Tenants who will stay in the property after work is complete must be offered a suitable unit that is affordable to them.

Applicant Information

Applicant Name: Applicant Address: Telephone Number: Executive Director: Contact Person: Board Secretary: Employer Identification Number: Is applicant a CHDO for the City of Miami Beach:	Fax Number: E-Mail Address: E-Mail Address: E-Mail Address: Corporate Status: Submission Code:
---	---

Required Attachments

Applicant's Articles of Incorporation	
Internal Revenue Services (IRS) Designation Letter	
Current Board of Director's Membership with Professional Affiliations	

Proposed Project Summary

Project Category:			
National Objectives:			
# of Project Beneficiaries:			
Project Budget:	\$	-	Agency Budget: \$
Amount of Secured Funding:	\$	-	
Amount of Funding Requested from City:	\$	-	

Recommended Attachments

For Affordable Housing Projects Only: Subsidy Layering Review completed within past sixty (60) days

Applicant Certification

On behalf of the applicant organization, we certify that all of the information contained in this application is true and accurate. We further understand that the material omission or inclusion of false information contained in this application constitutes grounds for disqualification of the application and Applicant. We further understand that by submitting an application, we, as the authorized representatives for the organization, are accepting the terms and conditions as they appear in the Request For Proposals February 2015.

 Signature of Preparing Party/ Date
 Name/Title: _____

 Signature of Authorizing Party/ Date
 Name/Title: _____

City of Miami Beach Use Only

Project Funding Level:	#DIV/0!	Cost P/Unit:	#DIV/0!
City Funding Level:	#DIV/0!	Project Outlook:	#DIV/0!

SCORE RANGE FOR SECTION **5 Points**

Submission Checklist

Please verify that the following has been completed and submitted by the submission deadline as noted:

Item/Attachment	Status
Applicant Info(rmation) (Signatures Needed) - Required	
Submission Checklist (Signatures Needed) - Required	
Project Overview - Required	
National Objective - Required	
Project Impact - Required	
Applicant Experience - Required	
Project Budget - Required	
Sources & Uses (Signatures Needed) - Required	
Priority Alignment - Required	
Affidavit 1 (Signatures Needed) - Required	
Affidavit 2 (Signatures Needed) - Required	
Affidavit 3 (Signatures Needed) - Required	
Certification 1 (Signatures Needed) - Required	
Certification 2 (Signatures Needed) - Required	
Certification 3 (Signatures Needed) - Required	
Certification 4 (Signatures Needed) - Required	
Certification 5 (Signatures Needed) - Required	
Certification 6 (Signatures Needed) - Required	
Applicant's Articles of Incorporation - Required	
Applicant's Internal Revenue Services Designation Letter - Required	
Current Board of Director's with Professional Affiliations - Required	
For Capital Projects Only: Physical Needs Assessment - Recommended	
Applicant Agency's Last Two Annual Audits - Required	
Evidence of Matching Funds/Leverage - Required	
For Capital Projects Only: Subsidy Layering Review - Optional	
For Capital Projects Only: Project Renderings - Optional	

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Project Overview

Applicant: 0

Project Synopsis

In the space below, provide a brief synopsis of your proposed project including current status, location, scope and beneficiaries.

Project Measures

Objective: Outcomes:

Activity Code:

Project Partners

Please list the entities providing cash, financing and other support to proposed project.

Entity	Support Type	Support Value
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
Total Value of Project Investment		\$ -

City of Miami Beach Use Only

Fiscal Check: #DIV/0!

SCORE RANGE FOR SECTION

20 Points

National Objectives

CDBG-funded activities must meet one of three National Objectives. Please check one:

- Check Box 1 **National Objective A:** Principally benefits low and moderate income persons
- Check Box 2 **National Objective B:** Aids in the prevention or elimination of slums or blight
- Check Box 3 **National Objective C:** Qualifies as an urgent need

If National Objective A is selected above, please select one subcategory below to describe proposed activity:

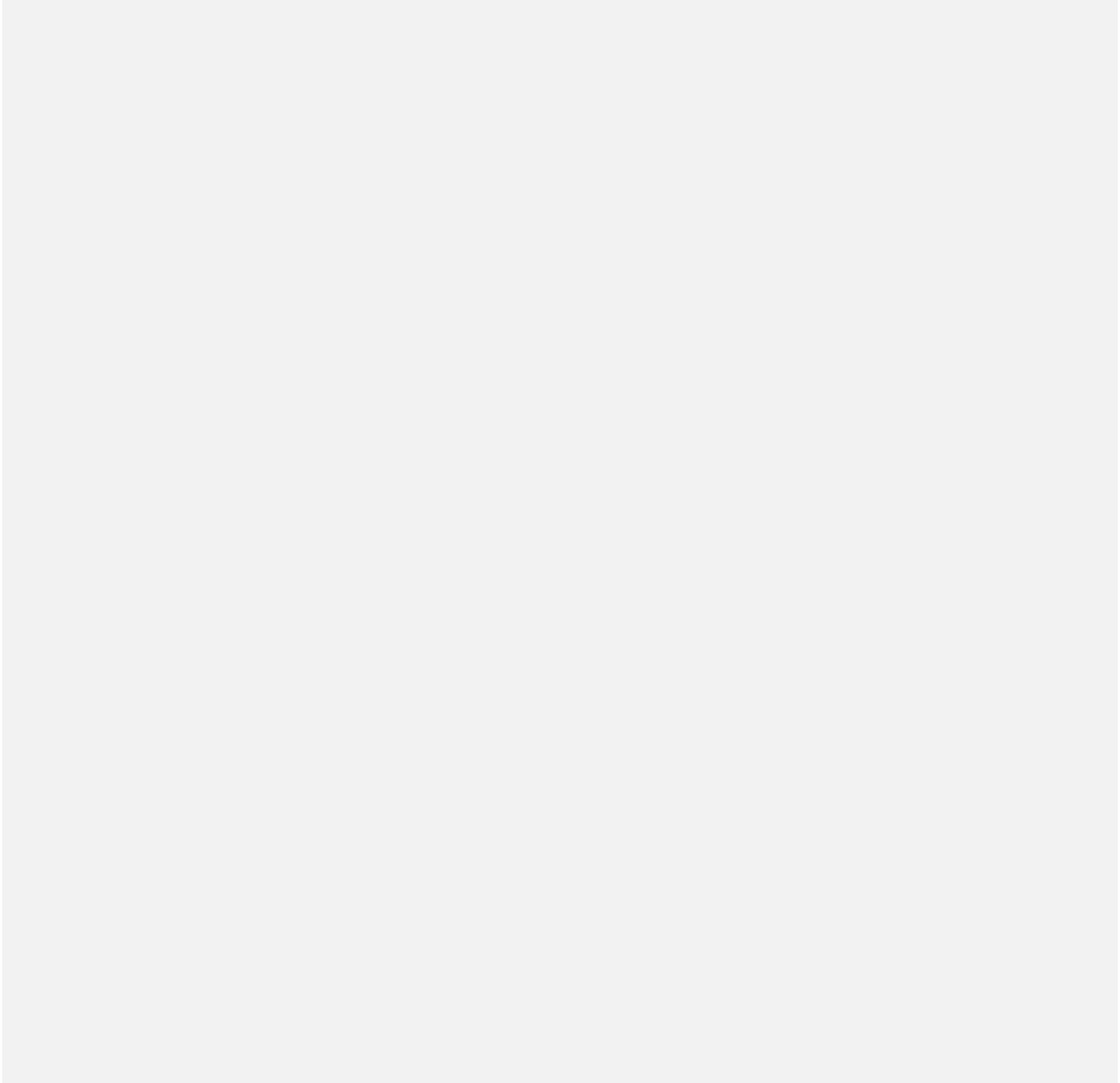
- Check Box 4 **Area Benefit Activities** are those carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons, yet could be available to other non-income-eligible persons in the area
- Check Box 5 **Limited Clientele Activities** are those which benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. The specific groups presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped persons, homeless persons, illiterate persons, migrant farm workers, and persons living with AIDS.
- Check Box 6 **Income Eligible Housing Activities** add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units
- Check Box 7 **Job Creation or Retention Activities** create or retain permanent jobs, of which at least 51% are either taken by or available to income eligible persons

Project Impact (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. Describe the scope of your proposed project including a summary of planned service goals including beneficiaries.
2. Describe the impact of your project on the immediate neighborhood and possible jobs created (temporary and permanent).



SCORE RANGE FOR SECTION

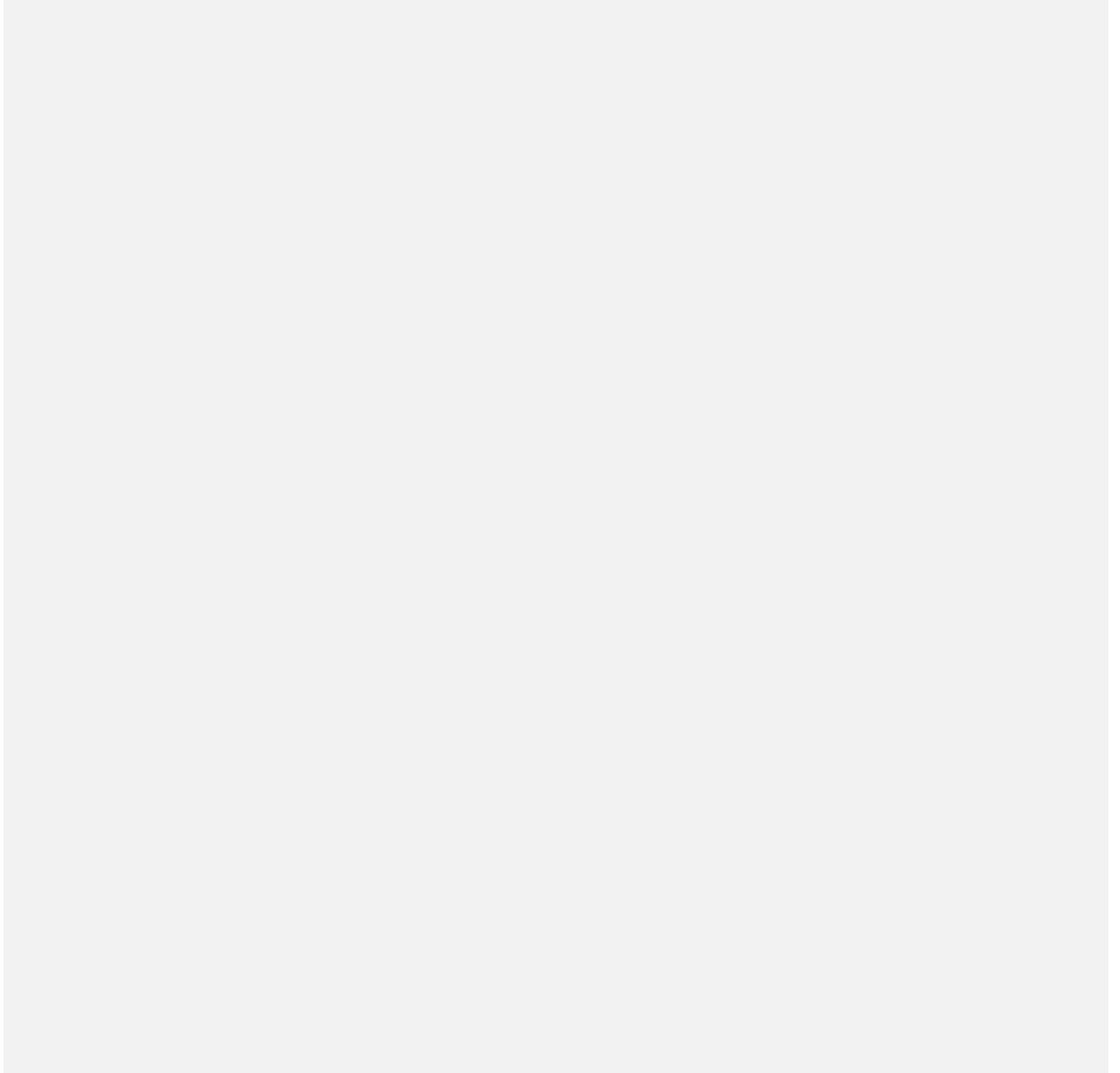
10 Points

Project Impact (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. For Affordable Housing Projects: Describe if tenants will be relocated and, if so, summarize relocation plan.
2. Provide a brief project timeline.



SCORE RANGE FOR SECTION

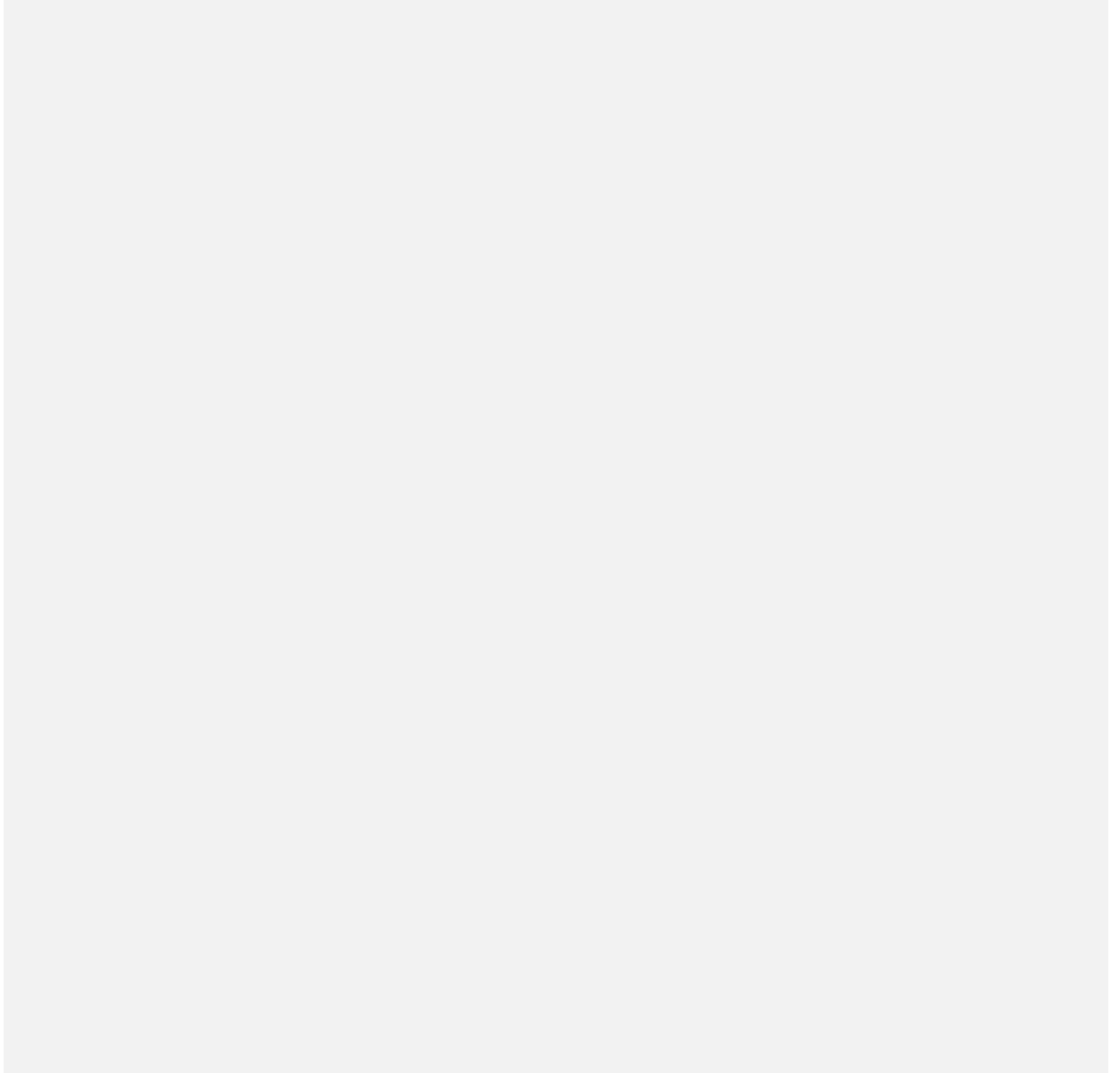
10 Points

Applicant Experience (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Describe experience in providing the service proposed.
2. Provide specific examples of successful projects.



SCORE RANGE FOR SECTION

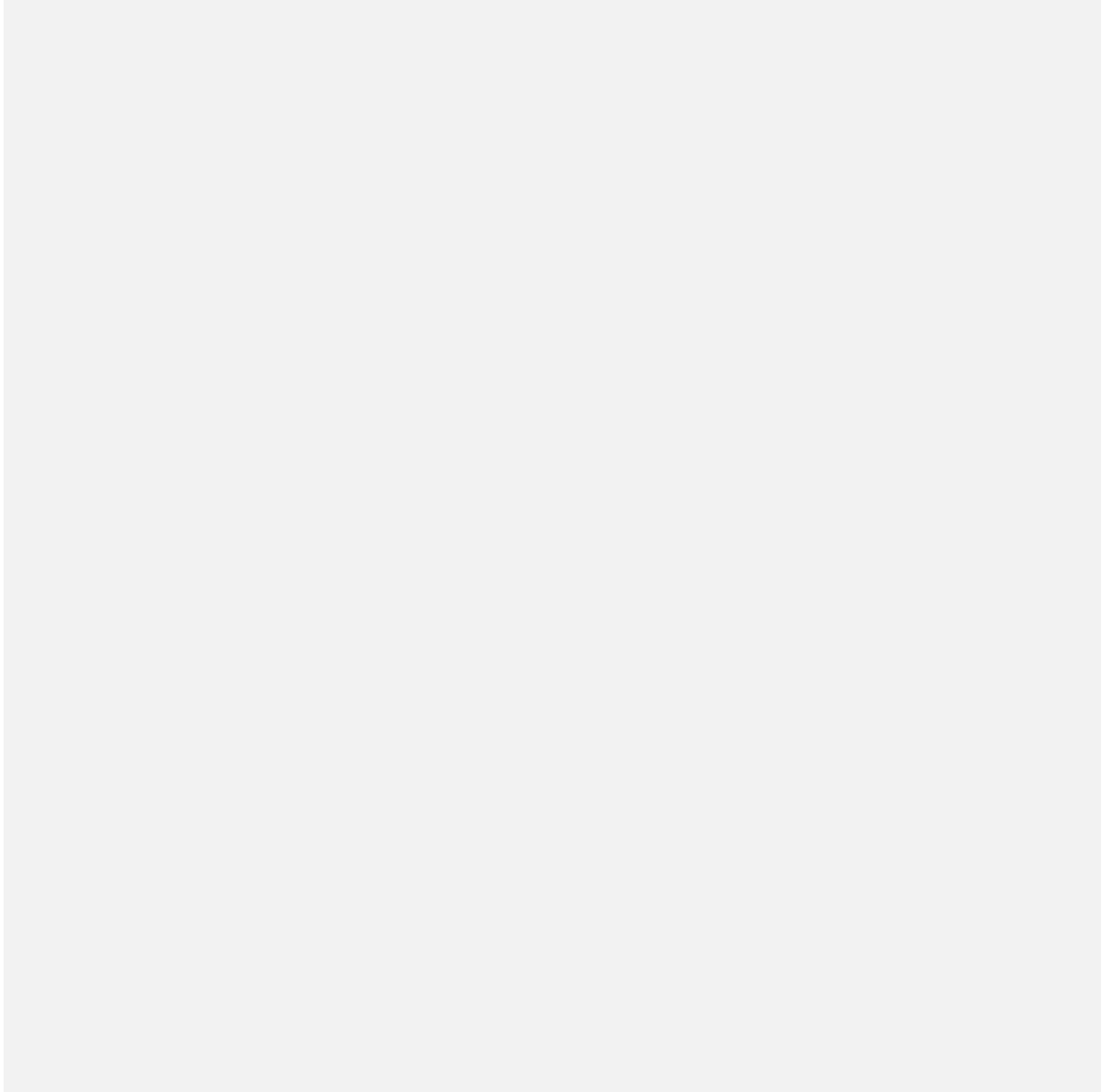
10 Points

Applicant Experience (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Fiscal capacity to successfully complete project including previous receipt of HUD funds. Provide specific examples.



SCORE RANGE FOR SECTION

15 Points

Priority Alignment

Funding Category:

Project Location:

Beneficiaries (List All):

The City of Miami Beach has achieved a great deal by staying focused on its mission, vision and strategic priorities. By using performance measurements to gauge how well it is managing resources and delivering services, the City has areas that have seen significant improvements since its plan was chartered.

As a recipient of public resources, please indicate below how your project aligns with the City's Strategic Plan. At a minimum, you must select one Key Intended Outcome (KIO) that your project will address. Extra points will be awarded for your ability to address additional KIOs.

Please note that awarded projects will be required to measure and report their progress on meeting identified KIO goals.

Primary KIO Proposed Project Will Address:

Secondary KIO Proposed Project Will Address:

Tertiary KIO Proposed Project Will Address:

In the space provided below, please describe the measures you will use to quantify your impact on the selected KIOs above. Please note that all measures must be numerical in nature, i.e., the number of units developed, the number of tenants served.

SCORE RANGE FOR SECTION

5 Points

Acknowledgement of Application Submission

Applicant: 0

As the duly authorized signatory and preparer, respectively, for the agency listed above, we have read the City of Miami Beach Request For Proposals for Annual Federal Entitlement Funds and agree to the terms, specific limitations, and conditions expressed herein. In addition, we have read, relied upon, acknowledge, and accept the City's Disclosure Disclaimer as attached.

Further, if our proposed project includes the rehabilitation or construction of a residential building that is currently occupied, we hereby authorize the staff of the City of Miami Beach Office of Housing and Community Development to enter the premises and interview residents. We realize that the purpose of the interviews is to determine the estimated amount of relocation assistance that may be needed.

BY signing below, the undersigned acknowledge that they have read and understand the Certifications attached hereto and labeled as "Affidavits" and, if awarded CDBG and/or HOME funds, the Applicant will be able to comply fully with the provisions of those certifications and will be able to comply with all additional applicable federal, state and local requirements, including procurement and financial management. Applicant also acknowledges that if a funding recommendation is made for less than the full amount applied for, additional documentation including a revised budget, scope of work and sources and uses may be requested prior to final finding determinations.

The City of Miami Beach reserves the right to verify that the authorized signatures above are authorized to bind the Applicant and may require Applicant to submit documentation verifying such authority.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Affidavit of Compliance with Federal, State and Local Regulations

Applicant: 0

The undersigned certify that the information in this application is true and correct. The undersigned further certify that they are aware that if the City of Miami Beach finds that the applicant agency or undersigned have engaged in fraudulent actions or intentionally misrepresented facts on this application, this application will be rejected and the applicant agency may be unable to participate in any City-funded program for two (2) complete fiscal years.

If applying for HOME Investments Partnership Program/Community Development Block Grant funds, the applicant via the undersigned certify that it has read, understands and agrees to comply with the provisions of 24 CFR 92, and all federal regulations issued thereto by the United States Department of Housing and Urban Development (HUD).

The undersigned understand and agree to abide by the provisions of the applicable, federal, state and local regulations and laws.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

Disclosure and Disclaimer

Applicant: 0

This Request for Proposals (RFP) is being furnished to the applicant by the City of Miami Beach (City) for the applicant's information and convenience. Any action taken by the City in response to applications made pursuant to this RFP or in making any award or in failing or refusing to make any award pursuant to such applications, or in canceling awards, or in withdrawing or canceling this RFP, either before or after issuance of an award(s), shall be without any liability on the part of the City. The contents of this RFP are neither warranted nor guaranteed by the City. Applicants interested in pursuing this development opportunity are urged to make such evaluations as they deem advisable and to reach independent conclusions concerning statements made in this RFP and any supplements thereto. The City reserves the right to reject any and all applications for any reason, or for no reason, without any resultant liability to the City.

In its sole discretion, the City may withdraw the RFP either before or after receiving applications, may accept or reject applications, and may accept applications which deviate from the RFP as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting applications in response to this RFP.

Following submission of an application, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the application and the applicant including the applicant's affiliates, officers, directors, shareholders, partners and employees as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective housing development entities. It is the responsibility of the applicant to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this RFP.

Any reliance on these contents, or on any communications with City officials, shall be at the applicant's own risk. Prospective applicants should rely exclusively on their own investigations, interpretations and analyses. The RFP is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any application conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this RFP, the selection and the award process or whether any award will be made. Any applicant to this RFP who responds hereto fully acknowledges all the provisions of this disclosure and disclaimer, is totally relying on this disclosure and disclaimer, and agrees to be bound by the terms hereof. Any applications submitted to the City or its advisors pursuant to this RFP are submitted at the sole risk and responsibility of the party submitting such application.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information is for guidance only and does not constitute all or any part of an agreement.

The City and all applicants will be bound only as, if and when an application, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties.

Disclosure and Disclaimer

Applicant: 0

Any response to this RFP may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all applications and supporting documents shall be subject to disclosure as required by such law. All documents received by the City shall become public records.

Applicants are expected to make all disclosures and declarations as requested in this RFP. By submission of an application, the applicant acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the application, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each applicant certifies that the information contained in the application is true, accurate and complete to the best of its knowledge and belief.

Notwithstanding the foregoing or anything contained in the RFP, all applicants agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this RFP or any response thereto or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this disclosure and disclaimer which imposes no liability on the City.

In the event of any differences in language between this disclosure and disclaimer and the balance of the RFP, it is understood that the provisions of this disclosure and disclaimer shall always govern. The RFP and any disputes arising from the RFP shall be governed by and construed in accordance with the laws of the State of Florida.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

FY 14/15 Certification Regarding Lobbying Activities

Applicant: 0

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all individuals receiving sub-awards shall certify and disclose accordingly.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

FY 14/15 Drug-Free Workplace Requirements

Applicant: 0

The Provider shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

Site 1 Address:

Site 2 Address:

Site 3 Address:

Signature of Preparing Party/ Date
Name/Title:

Signature of Authorizing Party/ Date
Name/Title:

Signature of Board Chair/ Date
Name/Title:

Signature of Board Secretary/ Date
Name/Title:

FY 14/15 Acknowledgement of Disability Nondiscrimination Affidavit

Applicant: 0

I, _____, being duly first sworn state that the above named form, corporation or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

▪ The Americans with Disabilities Act of 1990 (ADA): Pub. L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 547 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

▪ The Rehabilitation Act of 1973: 29 U.S.C. Section 794.

▪ The Federal Transit Act, as amended: 49 U.S.C. Section 1612.

▪ The Fair Housing Act as amended: 42 U.S.C. Section 3601-3631.

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ by
(Date)

_____. He/She is personally known to me or has
(Affiant)

presented _____ as identification.
(Type of identification)

Signature of Notary _____ Serial Number

The City of Miami Beach will not award a contract to any firm, corporation or organization that fails to complete and submit this Affidavit with the firm, corporation or organization's bid or application or fails to have this Affidavit on file with the City of Miami Beach.

Lead-Based Paint Certification

Applicant: 0

Applicability:

- A. The lead based paint rule applies to CDBG-funded housing activities involving construction, purchase and rehabilitation.
- B. The following housing rehabilitation activities are excepted:
 - 1. Emergency repairs (but not lead based paint-related emergency repairs)
 - 2. Weatherizing
 - 3. Water and/or sewer hookups
 - 4. Installation of security devices
 - 5. Facilitation of tax exempt bond issuances for funds
 - 6. Other single-purpose activities that do not include physical repairs or remodeling of applicable surfaces
 - 7. Other activities that do not involve applicable surfaces and do not exceed \$3,000 per unit.

Inspection and Testing Requirements:

The Provider shall be required to test the lead content of chewable surfaces of an apartment building to be rehabilitated, if there is a family residing in one of the units with a child under seven years of age with an identified elevated blood level condition (concentration of lead in blood of 25 micrograms per deciliter or greater) and the building was constructed prior to 1978.

Chewable surfaces are defined as all exterior surfaces of a residential structure, up to five feet from the floor or ground, such as: a wall, stairs, deck, porch, railing, windows or doors that are readily accessible to children under seven years of age, and all interior surfaces of a residential structure.

Lead content shall be tested by using an x-ray fluorescence analyzer or other method approved by HUD. Test readings of 1 mg/cm or higher shall be considered positive for presence of lead based paint.

Required Treatment:

Treatment of lead based paint conditions must be included as part of the proposed rehabilitation work. All chewable surfaces in any room found to contain lead based paint must be treated before final inspection and approval of work. Similarly, all exterior chewable surfaces must be treated when they are found to contain lead based paint.

Minimum treatment involves covering or removing the painted surfaces. Washing and repainting without thorough removal or covering does not constitute adequate treatment. Covering can be achieved by adding a layer of gypsum wallboard or fiberglass cloth barrier. Depending on the wall condition, permanently attached, non-strippable wallpaper may be applied. Covering or replacing trim surfaces is also permitted. Removal can be accomplished by scraping, heat treatment (infrared or coil type heat guns) or chemicals. Machine sanding and propane torch use are not allowed.

I hereby acknowledge that I have read the specific requirements for lead based paint contained in this Certification, and understand that my organization's project eligibility depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Certification Regarding Religious Activities

Applicant: 0

In accordance with First Amendment of the U.S. Constitution - "church/state principles", CDBG assistance may not, as a general rule, be provided to primarily religious entities for any secular or religious activities.

Therefore, the following restrictions and limitations apply to any provider which represents that it is, or may be deemed to be, a religious or denominational institution or an organization operated for religious purposes which is supervised or controlled by or operates in connection with a religious or denominational institution or organization.

A religious entity that applies for and is awarded CDBG funds for public service activities must agree to the following:

1. It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
2. It will not discriminate against any person applying for such public services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;
3. It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of such public services;
4. The portion of a facility used to provide public services assisted in whole or in part under this Agreement shall contain no sectarian or religious symbols or decorations; and

The funds received under this Agreement shall not be used to construct, rehabilitate, or restore any facility which is owned by the Provider and in which the public services are to be provided. However, minor repairs may be made if such repairs are directly related to the public services; are located in a structure used exclusively for non-religious purposes; and constitute, in dollar terms, only a minor portion of the CDBG expenditure for the public services.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (1 of 2)

Applicant: 0

If the Provider anticipates using CDBG funds for construction or rehabilitation, the following federal and City of Miami Beach requirements must be acknowledged:

A. All construction or rehabilitation plans and specifications for the project must be approved by the City's departments of: Planning; Office of Real Estate, Housing & Community Development; Public Works; Building; Code Compliance; and Fire. If the project is located in the Miami Beach Architectural District, or affects a building listed or eligible for listing on the National Register of Historic Places, all plans and specifications must be approved by the State Historic Preservation Office (SHPO), in accordance with the Memorandum of Understanding between the SHPO and the City.

B. The City shall not be obligated to pay any funds to the project prior to the completion by the City of an environmental review of the project, and said review is approved by any government agencies as may be required by law.

C. The Provider will assure all wages paid to construction workers by it or its subcontractors are in compliance with federal, state and local labor requirements. The Provider agrees to include in the construction bid specifications in connection with this agreement the applicable Federal Wage Determination assigned to this project by HUD. The Provider must also inform his contractor/subcontractors that they will be required to submit documents after a city-conducted pre-construction conference and prior to construction. Weekly and/or monthly reports must be submitted thereafter, as required by the federal government.

D. The Provider agrees to comply with, and to assure that its subcontractors comply with, the federal Office of Management and Budget (OMB) Circular Number A-102 Attachment E for programs funded in whole or in part by CDBG funds; with federal OMB Circular A-102 Attachment O for the procurement of supplies, equipment, construction and services; and with Federal Management Circular A-87; or any other applicable OMB circular.

E. Pursuant to Section 109 of the Act, the Provider specifically agrees that no person shall be denied the benefits of the program on the grounds of race, color, sex, religion or national origin.

F. The Provider agrees, on its own behalf and on behalf of its contractors and subcontractors, to take affirmative action in attempting to employ low income and minority persons, as mandated by law.

G. As required by OMB Circular Number A-102, and by Florida Statutes Section 287.055, professional services must be competitively selected. The competitive selection process must include a public advertisement; issuance of a request for application and a competitive review based on uniform criteria. Selection criteria must consider the basic qualifications, professional competence, experience and suitability of each firm. Fees for professional services must be requested as a fixed sum and not stated as a percentage of construction costs.

H. All documents, bid specifications, notices and construction drawings must be submitted for the review and approval of the Neighborhood Services Department prior to public advertisement.

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (2 of 2)

I. The bidding process for construction contracts must include a formal advertisement, published in The Miami Review, Dodge Reports and The Miami Builder's Exchange. This announcement must include the following:

1. The date, time and place that bid documents are available, and the same information for any pre-bid conferences and receipt of bids.

2. The requirement of bid surety in the amount of ten percent (10%) of the bid, and a performance and payment bond equal to 100% of the award.

3. A standard statement regarding the "in whole or in part" federal funding of the project and the various applicable federal regulations.

J. The City reserves the right to be present at the time of bid openings. If City CDBG monies are the sole funding source, the City may require that bids be received and opened by the City's Procurement Department.

K. The Provider agrees to submit to the City's Office of Real Estate, Housing & Community Development all documentation of the steps followed in the selection of professional services and construction contracts.

L. The Provider agrees to specify a time of completion and include a liquidated damage clause in all construction contracts. Cost plus a percentage of cost, and percentage of construction cost contracts will not be permitted.

M. If the Provider is awarded CDBG funds, other conditions and requirements will be specified in the funding agreement.

N. The Provider agrees that it will not start construction until an official "Notice to Proceed" has been issued.

O. Pursuant to 570.608 of the CDBG Regulations, and the new provisions in the Economic and Community Development Act of 1974 as amended, the Provider agrees to comply with the inspection, notification, testing and abatement procedures concerning lead-based paint.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title: _____

Signature of Authorizing Party/ Date

Name/Title: _____

Signature of Board Chair/ Date

Name/Title: _____

Signature of Board Secretary/ Date

Name/Title: _____