

REQUEST FOR QUALIFICATIONS No. RFQ 794-B

DEVELOPER QUALIFICATIONS

PRE-PROPOSAL CONFERENCE TO BE HELD:

May 19, 2014 at 2:00 P.M. (EST)

111 NW 1st Street, 18th Floor, Conference Room 18-3, Miami, Florida 33128

ISSUED BY MIAMI-DADE COUNTY:

Internal Services Department, Procurement Management Services
for
Public Housing and Community Development (PHCD)

COUNTY CONTACT FOR THIS SOLICITATION:

Fred Simmons, Jr., CPPO: Senior Procurement Contracting Officer
Address: 111 NW 1st Street, Suite 1300, Miami, Florida 33128
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PROPOSALS ARE DUE AT THE CLERK OF THE BOARD NO LATER THAN:

June 06, 2014 at 2:00 PM (local time) at:

CLERK OF THE BOARD
Stephen P. Clark Center
111 NW 1st Street, 17th Floor, Suite 202
Miami, Florida 33128-1983

The Clerk of the Board's business hours is 8:00 a.m. to 4:30 p.m., Monday through Friday. Additionally, the Clerk of the Board is closed on holidays observed by the County.

All proposals received and time stamped by the Clerk of the Board prior to the proposal submittal deadline shall be accepted as timely submitted. The circumstances surrounding all proposals received and time stamped by the Clerk of the Board after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office to determine whether the proposal will be accepted as timely. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. The County will in no way be responsible for delays caused by mail delivery or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne by the Proposer(s).

The submittal of a proposal by a Proposer will be considered by the County as constituting an offer by the Proposer to perform the required services at the stated prices. A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. The County will only consider the latest version of the proposal.

Requests for additional information or inquiries must be made in writing and received by the County's contact person for this Solicitation. The County will issue responses to inquiries and any changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date. Proposers who obtain copies of this Solicitation from sources other than the County's Department of Procurement Management website at

www.miamidade.gov/dpm or the Vendor Assistance Unit risk the possibility of not receiving addenda and are solely responsible for those risks.

TABLE OF CONTENTS

SECTION	PAGE
1.0 OVERVIEW.....	4
1.1 Introduction	
1.2 Definitions	
1.3 General Proposal Information	
1.4 Cone of Silence	
1.5 Public Entity Crimes	
1.6 Lobbyist Contingency Fees	
1.7 Collusion	
1.8 Expedited Purchasing Program	
1.9 Contract Measures	
1.10 Applicable State Status	
1.11 Required Personnel	
1.12 Compliance with State and Federal Requirements	
2.0 DEVELOPER MINIMUM QUALIFICATIONS.....	10
3.0 RESPONSE REQUIREMENTS.....	11
3.1 Submittal Requirements	
3.2 Proposer Information	
3.3 Form A-1: Cover Page	
3.4 Affidavits/Acknowledgements	
3.5 Developer Minimum Qualifications Proposal	
3.6 Proposal Submission Package	
4.0 EVALUATION PROCESS.....	15
4.1 Review of Proposals for Responsiveness	
4.2 Evaluation Criteria	
5.0 COUNTY TERMS AND CONDITIONS.....	16
5.1: Vendor Registration	
5.2: Insurance Requirement	
5.3: Payment and Performance Bond	
5.4: Inspector General	
5.5: Form HUD, General Conditions of the Contract for Construction	
6.0 SITE APPLICATION(S), DEVELOPMENT GOALS AND.....	18
COMPLIANCE	
6.1 Site Application(s)	
6.2 The County’s Development Goals	
6.3 Developer Methodology and Developer Compliance	
6.4 Rights of Protest	
6.5 Section 3 of the HUD Act of 1968	
6.6 Qualified Proposer Documentation	

7.0 FORM OF AGREEMENT 25

8.0 ATTACHMENTS 51

**Attachment B: Form HUD 5369-C: Certifications and Representations of Offerors,
Non-Construction**

1.0 OVERVIEW

1.1 INTRODUCTION

Miami-Dade County, hereinafter referred to as the County, as represented by Public Housing and Community Development (PHCD), through this Request for Qualifications (RFQ), seeks to pre-qualify Proposers to develop existing County owned public housing sites to accomplish the goals stated herein. This is a re-issuance of the Developer Pool solicitation, originally issued as RFQ 794A. Proposers already included in the Developer Pool through award of RFP 749A are not required to respond to this solicitation (RFP 794B).

General Information:

The term of the pre-qualification pool resulting from this RFQ is five years, with the option, at the County's sole discretion, to renew for two five year periods. The pool has been in place since March 14, 2014. Any Developers already in the pool or added to the pool as a result of this solicitation will have the balance of the five year initial term. Should the County decide to exercise one or both Options to Renew; all Developers in the Pool will remain for the term, provided the Developer is in good standing.

The County may, at its sole discretion, reopen the RFQ process annually or at a time determined by the County to be in its best interest, to allow additional proposers to be added to the pool. A vendor's status as a Pre-qualified Proposer shall not be understood as a guarantee of work, rather that the County has determined the vendor has successfully demonstrated its qualifications to perform work contemplated under the pool. After the pre-qualified pool has been established, PHCD will issue a solicitation to pool members when development opportunities arise. Pool members will respond to the specific solicitation when seeking development opportunities. An Evaluation/Selection Committee will be convened as necessary to evaluate responses to the PHCD solicitation.

The anticipated schedule for this Solicitation is as follows:

Solicitation issued:	May 09, 2014
Pre-Proposal Conference:	See front cover for date, time and place. Attendance is recommended but not mandatory. If you need a sign language interpreter or materials in accessible format for this event, please call the DPM ADA Coordinator at (305) 375-1530 at least five days in advance.
Deadline for receipt of questions:	May 23, 2014
Proposal due date:	June 06, 2014: See front cover for time and place.
Evaluation process:	Week of June 09, 2014
Approval	Week of June 16, 2014

1.2 Definitions

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word “Contractor” to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as “the prime Contractor”.
2. The word “County” to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The word “Proposer” to mean the person, firm, entity or organization, as stated on Form A-1, submitting a response to this Solicitation.
4. The words “Scope of Services” to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
5. The word “Solicitation” to mean this Request for Qualifications (RFQ) document, and all associated addenda and attachments.
6. The word “Subcontractor” or “Consultant” to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
7. The words “Work”, “Services”, “Program”, or “Project” to mean all matters and things that will be required to be done by the Contractor in accordance with terms and conditions of this Solicitation.
8. The word “Proposal” shall mean the response to the Request for Qualifications (RFQ) forwarded by Proposer(s) to the County.
9. The words “Qualified Proposer(s)” to mean the Proposer(s) which have been evaluated and pre-qualified for the developer pool by the County’s Evaluation/Selection Committee.
10. The words “Selected Proposer(s)” to mean the Proposer(s) which have been approved by the Board of County Commissioners to participate in the Developer Pool.

1.3 General Proposal Information

The County may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the responses received as a result of this process. Proposers may take exceptions to any of the terms of this Solicitation unless the Solicitation specifically states where exceptions may not be taken. The County may accept or reject the exceptions at its sole discretion and the Proposer’s proposal shall be binding on the Proposer as if submitted without exception. The County reserves the right to request and evaluate additional information from any respondent after the submission deadline as the County deems necessary.

Proposals once opened, shall constitute an irrevocable statement of the proposers intent to be qualified and to participate in the process of contract award in the manner set in this RFQ. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals. Thereafter, at any time during the term of this RFQ, a proposal may be withdrawn in writing only and shall be addressed to the County contact person for this Solicitation.

Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the “Public Records Law”. The Proposer shall not submit any information in response to this Solicitation which the Proposer considers to be a trade secret, proprietary or confidential. The submission of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential,

the County may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's written withdrawal of the confidentiality restriction or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. Under no circumstances shall the County request the withdrawal of the confidentiality restriction if such communication would in the County's sole discretion give to such Proposer a competitive advantage over other Proposers. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible. To request a copy of any ordinance, resolution and/or administrative order cited in this Solicitation, the Proposer must contact the Clerk of the Board at (305) 375-5126.

1.4 Cone of Silence

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon this RFQ after advertisement and terminates at the time a written list of pre-qualified contractors is issued pursuant to this RFQ. The Cone of Silence prohibits any communication regarding this RFQ between, among others:

- potential Proposers, service providers, lobbyists or consultants and the County's professional staff including, but not limited to, the County Manager and the County Manager's staff, the Mayor, County Commissioners or their respective staffs;
- the Mayor, County Commissioners or their respective staffs and the County's professional staff including, but not limited to, the County Manager and the County Manager's staff; or
- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective selection committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Assistance Unit, the responsible Procurement Agent or Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;
- oral communications at pre-proposal conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFQ documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at clerkbcc@miamidade.gov.

In the event a Request for Application (RFA) as indicated in Section 6.0, is issued with respect to any site, the Cone of Silence shall also apply in connection with said RFA.

1.5 Public Entity Crimes

Pursuant to Section 287.133(2)(a), Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two (\$10,000) for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.6 Lobbyist Contingency Fees

- A) In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.
- B) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Manager or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

1.7 Collusion

Where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Furthermore, any prior understanding, agreement, or connection between two or more corporations, firms, or persons submitting a proposal for the same services shall also be presumed to be collusive. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

1.8 Expedited Purchasing Program **INTENTIONALLY BLANK**

1.9 Contract Measures **INTENTIONALLY BLANK**

1.10 Applicable State Statutes Section 255.05, Fla. Stat.

Section 255.20, Fla. Stat.
Section 125.35, Fla. Stat.
Section 125.38, Fla. Stat.

1.11 Required Personnel
INTENTIONALLY BLANK

1.12 Compliance with State and Federal Requirements

Selected Proposers shall comply with applicable state statutes for the Work to be completed assigned under contract with the County, including, but not limited to, compliance with Florida Statute 255.05 and 255.20. Additionally, the Selected Proposer shall comply with all applicable federal laws, mixed-finance regulations, PIH notices, directives of HUD, and HUD's general conditions for construction, applicable professional standards, County orders, ordinances, rules and regulations which may pertain to this RFQ, including but not limited to:

- a) Executive Order 11246 "Equal Employment Opportunity", as amended by executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Chapter 60), as well as the Americans with Disabilities Act of 1990 and implementing regulations, the Rehabilitation Act of 1973, as amended, Chapter 553 of Florida Statutes and any and all other local, State and Federal directives, ordinances, rules, orders, and laws relating to people with disabilities..
- b) Miami-Dade County Florida, Department of Small Business Development Participation Provisions, as may be applicable.
- c) Environmental Protection Agency (EPA), as applicable to this RFQ.
- d) Miami-Dade County Code, Chapter 11A, Article 3. All contractors and subcontractors performing work in connection with this Contract shall provide equal opportunity for employment because of race, religion, color, age, sex, national origin, sexual orientation, disability, marital status or source of income. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Proposer agrees to post in conspicuous place available for employees and applicants for employment, such notices as may be required by the Dade County Fair Housing and Employment Commission, or other authority having jurisdiction over the work setting forth the provisions of the nondiscrimination law.
- e) "Conflicts of Interest" Section 2-11 of the County Code, and Ordinance 01-199.
- f) Miami-Dade County Code Section 10-38 "Debarment".
- g) Miami-Dade County Ordinance 99-5, codified at 11A-60 et. seq. of Miami-Dade Code pertaining to complying with the County's Domestic Leave Ordinance.
- h) Miami-Dade County Ordinance 99-152, prohibiting the presentation, maintenance, or prosecution of false or fraudulent claims against Miami-Dade County.
- i) The labor standards as set forth in the Davis-Bacon Act and other related acts, which are more fully described in General Conditions for Construction Contracts—Public Housing Programs, which is attached hereto as **Exhibit C**, and incorporated by reference, Section 46 of the General Conditions for Construction Contracts- Public Housing Program.

- j) The Copeland “Anti-Kickback” Act as supplemented in Department of Labor regulations (29 CFR Part 3).
- k) HUD’s reporting requirements and regulations, as specified in the Grant Agreement and required of the Owner.
- l) Compliance with Executive Order 12549 “Debarment and Suspension”, which stipulates that no contract(s) are “to be awarded at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.
- m) Mandatory standards and policies related to energy efficiency which are contained in the State of Florida energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- n) HUD procurement regulations as set forth in 24 C.F.R. Part 85 and 24 CFR Part 963 as further explained in HUD Handbook 7460.8 Rev. 1.
- o) Lead-Based Paint Poisoning Act (42 USC 4821, et. Seq.)
- p) The Fair Housing Act (42 U.S.C. 3601-19 and regulations pursuant thereto (24 CFR Part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR Part 107); and the fair housing poster regulations (24 CFR Part 110).
- q) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations pursuant thereto (24 CFR Part relating to non-discrimination in housing.
- r) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146).
- s) The prohibitions against discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8); the Americans with Disabilities Act and regulations pursuant thereto (28 CFR Part 36); and the Architectural Barriers Act of 1968, as amended, and regulations issued pursuant thereto (24 CFR Part 40).
- t) Executive Orders 11246, 11625, 12432, and 12138. Consistent with HUD’s responsibilities under these orders, the Developer must make efforts to encourage the use of minority and, women’s business enterprises in connection with funded activities.
- u) Section 102 of the Department of Housing and Urban Development Reform Act of 1989 and regulations issued pursuant thereto (24 CFR Part 4, Sub-Part A) which contain provisions designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD.
- v) 24 CFR Part 24 which applies to the employment, engagement of services, awarding of contracts, sub-grants, or funding of any recipients, or Developers or sub-Developers during any period of debarment, suspension, or placement in ineligibility status.
- w) All applicable federal regulations including but not limited to 24 C.F.R. part 990 and 24 C.F.R. part 965, subpart C, and applicable HUD Public and Indian Housing Notices, including but not limited to PIH 2009-16(HA).

- x) Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701u (Section 3) and the implementing federal regulations.

1.13 **Rights of Protest**
INTENTIONALLY OMMITTED

END OF SECTION 1.0

2.0 DEVELOPER MINIMUM QUALIFICATIONS

The County seeks developers with demonstrated experience, qualifications, capabilities, expertise, capacity and resources to develop County owned public housing sites. Developer minimum qualifications are:

- 1) Proposer must submit documentation for three developments that have obtained financing, are ongoing or have been completed within the last five years, including information as required in Section 3.0. For purposes of this requirement, the term “financing” shall mean a loan or other contractual commitment of funds specific to the project, issued by a lending institution, governmental entity or other entity not related directly or indirectly to the Proposer who is in the business of funding development projects.
- 2) Proposer must submit verifiable documentation as proof of its ability to obtain necessary local, state and federal approvals for development projects. Such documentation may be in the form of official records, certificates, approval forms, etc. from local, state and federal agencies indicating required approvals, as applicable, for affordable, sustainable and mixed-income and/or mixed-use housing development projects were obtained by or on behalf of the Proposer, including information as required in Section 3.0.
- 3) Proposer must demonstrate it has experience with the U.S. Department of Housing and Urban Development (HUD) requirements for development of affordable, sustainable and mixed-income and/or mixed-use housing development projects, and experience in working with HUD. Such proof may include documentation demonstrating that the Proposer has worked with HUD and obtained approval(s) evidencing compliance with applicable requirements for projects. Experience demonstrated should be of an ongoing nature, indicating that the Proposer understands and has demonstrated experience over several projects working with HUD, including information as required in Section 3.0.

END OF SECTION 2.0

3.0 RESPONSE REQUIREMENTS

3.1 Submittal Requirements

In response to this Solicitation, Proposer should **return the documents as noted**

below. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required. The proposal shall be written in sufficient detail to permit the County to conduct a meaningful evaluation of the required services. However, overly elaborate responses are not requested or desired.

3.2 Proposer Information

Complete and submit the information requested in Section 3.5: Proposer Information.

Note: The Proposer Information document is available in an electronic format (Word) by submitting a written request via e-mail to the County contact person for this Solicitation.

3.3 Form A-1, Cover Page of Proposal

Complete and sign (by Proposer or representative of the Proposer who is legally authorized to enter into a contractual relationship in the name of the Proposer) as required.

3.4 Affidavits/Acknowledgements

Complete and sign the following forms:

Form A-2: Lobbyist Registration for Oral Presentations

Form A-3: Acknowledgement of Addenda

3.5 Proposer Information

Submit the following information;

A. Proposer's Experience and Past Performance

1. Provide a cover letter, not to exceed five (5) pages, summarizing;

- a) Proposer's experience, qualification, capabilities, expertise, capacity and resources to a) finance, b) develop, and c) operate high quality affordable, sustainable and mixed-income and/or mixed-use housing developments.
- b) Proposer's ability to obtain necessary local, state and federal approvals for development projects.
- c) Proposer's experience with the U.S. Department of Housing and Urban Development (HUD) requirements for development projects and experience in working with HUD.
- d) Proposer's capability to obtain bonding and, insurance, and its financial capacity.
- e) The number of years that the Proposer has been in existence.
- f) The location of the main office, and other offices, if applicable.
- g) The current number of employees in each office.
- h) The primary markets served.
- i) The total number of units developed and corresponding total development costs.
- j) The total number of units developed and the corresponding total development costs for the last six years.

2. For the most recent and most comparable three (3) housing projects (completed or in progress within the last five (5) years) for which funding/financing has been secured, provide the following information:
- a) Table of organization (TO) indicating the development team.
 - b) the client and contact information (name, title, phone number and email)
 - c) project name
 - d) project location/address
 - e) a brief description of the work
 - f) developer's project manager
 - g) current project status (design, construction, etc.)
 - h) site acreage and density
 - i) total number of units, rental or homeownership and affordability type for each unit type (e.g. 30 - ACC rental units, 20 - affordable /tax credit rental units, 10 - market rate rental units, etc.)
 - j) unit types and numbers of each (e.g. 20 - 2-story walkup units, 30-townhouse units, etc.)
 - k) bedroom mix and number of each (e.g. 20 - 2-BR units, 30 - 3-BR units, etc.)
 - l) size and use of commercial or special purpose space (non-housing development, if applicable)
 - m) income groups served
 - n) total development costs and development cost per square foot.
 - o) total construction cost and construction cost per square foot
 - p) Amounts of participation in the project by owner including;
 - ground lease and/or other applicable agreement payments
 - percentage of net revenues
 - percentage of developer fee and total developer fee
 - reimbursement of owners administrative costs
 - any other participation by owner
 - q) dates covering the term of the contract,
 - r) notice to proceed (NTP) date
 - s) pre-construction activities duration (in months), construction duration (in months) and lease-up activities (in months)
 - t) financial closing date
 - u) substantial completion date
 - v) funding/financing sources and amounts for each received, contact names and phone numbers for all funding/financing sources
 - w) funding sources gaps (if applicable) and how these were funded
 - x) project pro-forma indicating all funding sources and uses.
 - y) community and supportive services provided (if applicable)
 - z) job training programs provided (if applicable)
 - aa) property manager (if different from developer, briefly explain relationship)
 - bb) architect(s)
 - cc) general contractor(s)
 - dd) in 8 ½ x 11 format, provide a rendered site plan and exterior renderings or photographs (no more than 3) depicting the design and general character of the project

3. All housing projects developed by Proposer within the last five (5) years and provide the following information:
 - a) Development name
 - b) Development address
 - c) Total development cost
 - d) Completion date (or current phase if not completed)
4. All contracts which the Proposer has performed or is performing for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Miami-Dade County Code, which requires that “a Bidder’s or Proposer’s past performance on County Contracts be considered in the selection of Consultants and Contractors for future County Contracts.” As such the Proposer must list and describe all work performed for Miami-Dade County and include for each project:
 - a) Name of the County Department which administers or administered the contract,
 - b) description of work,
 - c) total dollar value of the contract,
 - d) dates covering the term of the contract,
 - e) County contact person and phone number,
 - f) statement of whether Proposer was the prime contractor or subcontractor, and
 - g) the results of the project.

B. Key Personnel for Developer

1. In three pages or less, provide an organizational chart showing key personnel for the developer. Identify functions and duration of involvement by key personnel. Describe your management approach.
 - (a) In three pages or less, list the names and addresses of development team personnel and briefly describe the experience, qualifications and other vital information, including relevant experience on previous similar projects.

Note: After proposal submission, the Proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

C. Management Experience

1. Provide a maximum one-page narrative chronicling the developer’s experience in overseeing the operation, management, maintenance, and financial reporting for all of its low-income rental buildings, with identification of family and senior developments.

D. Resident Employment Small and Minority Business, Women’s Business Enterprise and Labor Surplus Area Firms and Involvement Plan

1. Provide a description not to exceed two pages of the Proposer’s experience in providing resident employment opportunities and involvement by the community in addition to the Section 3 requirements noted herein on previous and recent projects.

- 2. Provide a description not to exceed two pages of the Proposer's experience in ensuring that, whenever possible, subcontracts are awarded to small business firms, minority firms, women's business enterprises, and labor surplus area firms. The description shall include the following elements:
 - (a) Proposer's plans to place qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (b) Proposer's plans to ensure that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
 - (c) Proposer's plans to divide the total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
 - (d) Proposer's plans to establish delivery schedules, where the requirements of the contract permit, which encourage participation by small and minority businesses and women's business enterprises; and
 - (e) Proposer's plans to use the services and assistance of the U.S. Small Business Administration, the Minority Business Development Agency of the U.S. Department of Commerce, and State and local governmental small business agencies.

E. Certifications and Representations of Offerors, form HUD-5369-A

Complete and sign one form for the development firm.

3.6 Proposal Submission Package

Submit in hardcopy format an original, complete Proposal Submission Package and ten (10) copies of the complete package, as well as two (2) complete Proposal Submission Packages on two separate Compact Disks (CD: one complete proposal for each CD), **by the Proposal Due Date** (see front cover of Solicitation) in a sealed envelope/container addressed as follows:

Proposer's Name: Proposer's Address: Proposer's Telephone Number: RFQ No: 794-B RFQ Title: Developer Qualifications Proposal Due Date: June 06, 2014	Clerk of the Board Stephen P. Clark Center 111 NW 1st Street, 17th Floor, Suite 202 Miami, FL 33128-1983
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END OF SECTION 3.0

4.0 EVALUATION PROCESS

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined

in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

4.2 Evaluation Criteria

Proposals will be reviewed by an Evaluation/Selection Committee which will review all proposals received to determine if the Proposer meets the minimum qualification requirements set forth in Section 2.0 of this RFQ. The Evaluation/Selection Committee will be comprised of appropriate County personnel with the appropriate experience and/or knowledge, striving to ensure that the Evaluation/Selection Committee is balanced with regard to both ethnicity and gender.

4.3 Oral Presentations INTENTIONALLY OMITTED

4.4 Selection Factors INTENTIONALLY BLANK

4.5 Local Certified Service-Disabled Veteran's Business Enterprise Preference INTENTIONALLY BLANK

4.6 Local Preference INTENTIONALLY BLANK

END OF SECTION 4.0

5.0 COUNTY TERMS AND CONDITIONS

As a condition of contract award if any, a selected Proposer shall be required to enter into a master development agreement, ground lease and/or other contracts and agreements, which shall be negotiated with the selected Proposer. The terms and conditions summarized below are of special note.

5.1 Vendor Registration

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. Effective June 1, 2008, the new Vendor Registration Package, including a Uniform Affidavit Packet (Affidavit form), must be completed. The Vendor Registration Package, including all affidavits can be obtained by downloading from the DPM website at http://www.miamidade.gov/DPM/vendor_registration.asp or from the Vendor Assistance Unit at 111 N.W. 1st Street, 13th Floor, Miami, FL. The recommended Proposer shall affirm that all information submitted with its Vendor Registration Package is current, complete and accurate, at the time they submitted a response to the Solicitation, by completing an Affirmation of Vendor Affidavit form.

5.2 Insurance Requirements

The Contractor shall furnish to the County, Internal Services Department - Procurement Management Services Division, prior to the commencement of any work under any agreement, Certificate(s) of Insurance which indicate insurance coverage has been obtained that meets the stated requirements.

5.3 Payment and Performance Bond

Upon request by the County and prior to the commencement of any work, the Contractor must deliver to the County executed Performance and Payment Bond on the prescribed form or in Cash. The Surety Performance and Payment Bond shall be in the amount of 100% of the agreement amount, as security for the faithful performance of the agreement and for the payment of all persons performing labor or furnishing materials in connection therewith. If Cash is used in lieu of the bonds, all terms and conditions stipulated in the bonds shall be just as applicable. The Performance and Payment Bonds shall have as the surety thereon only such surety company or companies as are acceptable to the County and are authorized to write bonds of such character and amount in accordance with the following qualifications:

- (a) All bonds shall be written through surety insurers authorized to do business in the State of Florida as surety, with the following qualifications as to management and financial strength according to the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey:

<u>Bond Amount</u>	<u>Best Rating</u>
i. 500,001 to 1,500,000	B V
ii. 1,500,001 to 2,500,000	A VI
iii. 2,500,001 to 5,000,000	A VII
iv. 5,000,001 to 10,000,000	A VIII
v. Over 10,000,000	A IX

- (b) On contract amounts of 500,000 or less, the bond provisions of Section 287.0935, Florida Statutes shall be in effect and surety companies not otherwise qualifying with this paragraph may optionally qualify by:
 - i. Providing evidence that the Surety has twice the minimum surplus and capital required by the Florida Insurance Code at the time the invitation to bid is issued.
 - ii. Certifying that the Surety is otherwise in compliance with the Florida Insurance Code, and;
 - iii. Providing a copy of the currently valid Certificate of Authority issued by the United States Department of the Treasury under ss. 31 U.S.C. §§ 9304-9308.
- (c) Surety insurers shall be listed in the latest Circular 570 of the U.S. Department of the Treasury entitled "Surety Companies Acceptable on Federal Bonds", published annually. The bond amount shall not exceed the underwriting limitations as shown in this circular.
- (d) For contracts in excess of 500,000 the provision of Section (b) will be adhered to plus the company must have been listed for at least three consecutive years, or holding a valid Certificate of Authority of at least 1.5 million dollars and on the Treasury List.

- (e) Surety Bonds guaranteed through U.S. Government Small Business Administration or Developers Training and Development Inc. will also be acceptable.
- (f) The attorney-in-fact or other officer who signs performance and payment bonds for a surety company must file with such bond a certified copy of his power of attorney authorizing him to do so. The performance and payment bonds must be counter signed by the surety's resident Florida agent.

The Performance Bond or Cash used in lieu of the Performance Bond shall remain in force for one (1) year from the date of final acceptance of the work to protect the County against losses resulting from defects in materials or improper performance of work under the Agreement; provided however, that this limitation does not apply to suits seeking damages for latent defects in materials or workmanship, such actions being subject to the limitations found in Section 95.11(3)(c), Florida Statutes.

5.4 Inspector General Reviews

According to Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated.

5.5. Form HUD-5370, General Conditions of the Contract for Construction.

The Contractor shall comply with all terms and conditions set forth in the General Conditions of the Contract for Construction.

END OF SECTION 5.0

6.0 SITE APPLICATION(S), DEVELOPMENT GOALS AND COMPLIANCE

6.1 Site Application(s):

Subsequent to establishing the pre-qualified developer pool (qualified proposers) and as a separate process, the County, through Public Housing and Community Development (PHCD), intends to issue Request for Applications (RFA's) to qualified proposers requesting applications for development of particular County public housing sites. PHCD may receive, evaluate, and negotiate RFA applications from interested qualified proposers for development of County owned public housing sites. The County will submit recommendations to the Board of County Commissioners (Board) resulting from the RFA process. Additional and more detailed information will be provided in the Request for Application (RFA) document. The following is representative of the County's goals, requirements, and type of information that may be requested in any RFA issued by PHCD.

6.2 The County's Development Goals

- The County's primary goal is to substantially rehabilitate its existing developments and/or increase the supply of affordable, quality housing for residents. The County seeks to match experienced developers with properties that can meet this objective.
- The County seeks to participate in any revenue or income streams produced by the new development. This may include, but is not limited to, ground lease payments,

net revenues, developer fees, reimbursement of PHCD's and administrative expenses (calculated at 2% of total development cost) and other sources as may be provided by developers.

- The County seeks to provide employment opportunities for very low, low, and moderate income residents housed in the development areas, and improve the quality of life through the development of PHCD sites.
- The County seeks to rehabilitate/upgrade existing public housing units, remove and replace obsolete public housing units, increase the number of units on its under-utilized sites and permit commercial and other special purpose uses where appropriate. PHCD also seeks to replace its older units with new designs that resemble market-rate units (regardless of whether these are public housing, affordable or market rate units) and incorporate creative and sustainable design solutions.
- The County seeks to maximize the development potential of existing public housing sites and provide a financial return to PHCD.

6.3 Development Methodology and Developer Compliance

The County is interested in using the mixed-income and mixed-finance approach to development, which is authorized by the federal regulations governing the County's housing programs, such as public housing. The mixed-income and mixed-finance approach to the development of public housing has dramatically changed the manner in which public housing authorities (PHA) can deliver public housing units. This approach: (1) permits development of projects which include both non-public housing units and public housing units; (2) permits PHCD to enter into partnership arrangements with non-profit and private developers to own mixed-income and mixed-finance developments; (3) permits private, third party management of mixed-income and mixed-finance developments; and (4) permits PHCD to assign operating and capital subsidies to such properties.

This mixed-income and mixed-finance approach also encourages the leveraging of public housing financial resources with other private and public funds. There is more flexibility in funding mixed-finance projects, As well as in mixing unit types, so that developments may include mixed-income residents, with "affordable" and market-rate units along with public housing units. To this end, the County, as a PHA, is seeking developers who can successfully apply and compete for available financing opportunities from local, state and federal sources.

The United States Department of Housing and Urban Development (HUD) has encouraged PHAs to approach the development of new units in as entrepreneurial a manner as possible. PHCD has demonstrated the willingness, and the capacity, to plan mixed-income developments, and to execute mixed finance transactions.

Developers may be non-profit (including faith-based) or, for-profit entities, for development and ownership purposes. The dwelling units, commercial spaces or special purpose facilities may be sold (subject to a ground lease and/or other agreement), or rented. Miami-Dade County will retain ownership of the land and may participate in the partnership that owns the improvements, and expects to share in any revenue generated by new development.

Section 3 Compliance: The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701u (Section 3) and the implementing federal regulations. The purpose of Section 3

is to ensure that the employment and other economic opportunities generated by HUD assistance of HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing. **A Proposer must be S-3 certified by the PHCD at least two weeks prior to the proposal due date and must comply with the requirements of Attachment 2, Document 00200-B, Section 3 Business Preference Claim Form to qualify for the preference.**

6.4 Rights of Protest **INTENTIONALLY OMITTED**

6.5 Section 3 of the HUD Act of 1968

Proposer application evaluation includes criteria for Section 3 (S-3) of the HUD Act of 1968 business concerns as indicated in the Section 4.2(5) herein. The Acceptability of Section 3 Compliance Strategy (Section 4.2(4)(a)) portion of the proposal will be evaluated subjectively, including the Proposer's response to **Exhibit E: Document 00400**, Section 3 Economic Opportunity and Affirmative Marketing Plan. The Section 3 Preference (Section 4.2(4)(b)) full 5 points will be afforded to S-3 Proposers who qualify for the preference. A Proposer must be S-3 certified by the PHCD at least two weeks prior to the proposal due date and must comply with the requirements of Document 00200-B, Section 3 Business Preference Claim Form to qualify for the preference.

Refer to the PHCD Section 3 of the HUD Act of 1968 Guidelines which are attached in **Exhibit E**. The S-3 Business application is available at <http://www.miamidade.gov/housing/section3.asp> or by e-mail request to the PHCD Section 3 Coordinator, at section3@miamidade.gov.

6.6 Qualified Proposer(s) Documentation

Qualified Proposer(s) may be required to provide to the County:

A. Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.

B. Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency, including but not limited against Miami-Dade County, or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or consultants is or has been involved within the last three years.

END OF SECTION 6.0

7.0 COUNTY FORMS (TO BE SUBMITTED WITH THIS RFQ FOR PRE-QUALIFICATION)

Form A-1 Cover Page of Proposal

Form A-2 Affidavit of Miami-Dade County Lobbyist Registration for Oral Presentation

Form A-3 Acknowledgement of Addenda

8.0 ATTACHMENTS

Attachment B: Form HUD 5369-C: Certifications and Representations of Offerors,

Non-Construction

Section 3 of the HUD Act of 1968

Form A-1

PROPOSER'S NAME (Name of firm, entity or organization):		
FEDERAL EMPLOYER IDENTIFICATION NUMBER:		
NAME AND TITLE OF PROPOSER'S CONTACT PERSON:		
Name: _____	Title: _____	
MAILING ADDRESS:		
Street Address: _____		
City, State, Zip: _____		
TELEPHONE: (____) _____	FAX: (____) _____	E-MAIL ADDRESS: _____
PROPOSER'S ORGANIZATIONAL STRUCTURE:		
_____ Corporation _____ Partnership _____ Proprietorship _____ Joint Venture _____ Other (Explain): _____		
IF CORPORATION:		
Date Incorporated/Organized: _____ State Incorporated/Organized: _____		
States registered in as foreign corporation: _____		
PROPOSER'S SERVICE OR BUSINESS ACTIVITIES OTHER THAN WHAT THIS SOLICITATION REQUESTS FOR:		
LIST NAMES OF PROPOSER'S SUBCONTRACTORS OR SUBCONSULTANTS FOR THIS PROJECT:		
LOCAL CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE:		
A Local Certified Service-Disabled Veteran Business Enterprise is a firm that is a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and b) prior to proposal submittal is certified by the State of Florida Department of Management Services as a service-disabled veteran business enterprise pursuant to Section 295.187 of the Florida Statutes. At the time of proposal submission, the Local Certified Service-Disabled Veteran Business Enterprise must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit said affirmation and a copy of the actual certification along with the proposal submission.		
<input type="checkbox"/> Place a checkmark here only if affirming Proposer is a certified Local Certified Service-Disabled Veteran Business Enterprise. A copy of the required certification must be submitted with the proposal.		
CRIMINAL CONVICTION DISCLOSURE:		
Pursuant to Miami-Dade County Ordinance No. 94-34, any individual who has been convicted of a felony during the past ten years and any corporation, partnership, joint venture or other legal entity having an officer, director, or executive who has been convicted of a felony during the past ten years shall disclose this information prior to entering into a contract with or receiving funding from the County.		
<input type="checkbox"/> Place a checkmark here only if Proposer has such conviction to disclose.		
Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List:		
By executing this proposal through a duly authorized representative, the proposer certifies that the proposer is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, as those terms are used and defined in sections 287.135 and 215.473 of the Florida Statutes. In the event that the proposer is unable to provide such certification but still seeks to be considered for award of this solicitation, the proposer shall execute the proposal through a duly authorized representative and shall also initial this space: _____. In such event, the proposer shall furnish together with its proposal a duly executed written explanation of the facts supporting any exception to the requirement for certification that it claims under Section 287.135 of the Florida Statutes. The proposer agrees to cooperate fully with the County in any investigation undertaken by the County to determine whether the claimed exception would be applicable. The County shall have the right to terminate any contract resulting from this solicitation for default if the proposer is found to have submitted a false certification or to have been placed on the Scrutinized Companies for Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.		

PROPOSER'S AUTHORIZED SIGNATURE

The undersigned hereby certifies that this proposal is submitted in response to this solicitation.

THE EXECUTION OF THIS FORM CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED BELOW BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE PROPOSAL NON-RESPONSIVE. THE COUNTY MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF ITS OFFER.

Signed By: _____ Date: _____

Print Name: _____ Title: _____

Form A-2

AFFIDAVIT OF MIAMI-DADE COUNTY
LOBBYIST REGISTRATION FOR ORAL PRESENTATION

(1) Project Title: Project No.:
(2) Department:
(3) Proposer's Name:
Address: Zip:
Business Telephone: ()

(4) List All Members of the Presentation Team Who Will Be Participating in the Oral Presentation:

Table with 4 columns: NAME, TITLE, EMPLOYED BY, TEL. NO. and multiple rows for listing team members.

(ATTACH ADDITIONAL SHEET IF NECESSARY)

The individuals named above are Registered and the Registration Fee is not required for the Oral Presentation ONLY.

Any person who appears as a representative for an individual or firm for an oral presentation before a County certification, evaluation, selection, technical review or similar committee must be listed on an affidavit provided by the County.

Other than for the oral presentation, Proposers who wish to address the county commission, county board or county committee concerning any actions, decisions or recommendations of County personnel regarding this solicitation in accordance with Section 2-11.1(s) of the Code of Miami-Dade County MUST register with the Clerk of the Board and pay all applicable fees.

I do solemnly swear that all the foregoing facts are true and correct and I have read or am familiar with the provisions of Section 2-11.1(s) of the Code of Miami-Dade County as amended.

Signature of Authorized Representative: Title:
STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this by, a, who is personally known to me or who has produced as identification and who did/did not take an oath.

(Signature of person taking acknowledgement)
(Name of Acknowledger typed, printed or stamped)
(Title or Rank) (Serial Number, if any)

Form A-3
ACKNOWLEDGEMENT OF ADDENDA

Instructions: Complete Part I or Part II, whichever is applicable.

PART I: Listed below are the dates of issue for each Addendum received in connection with this solicitation.

Addendum #1, Dated _____, 201__

Addendum #2, Dated _____, 201__

Addendum #3, Dated _____, 201__

Addendum #4, Dated _____, 201__

Addendum #5, Dated _____, 201__

Addendum #6, Dated _____, 201__

Addendum #7, Dated _____, 201__

Addendum #8, Dated _____, 201__

Addendum #9, Dated _____, 201__

PART II:

____ No Addendum was received in connection with this solicitation.

Authorized Signature: _____ Date: _____

Print Name: _____ Title: _____

Firm Name: _____

Certifications and Representations of Offerors

Non-Construction Contract

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No: 2577-0180 (exp. 7/30/96)

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

- (1) has, has not employed or retained any person or company to solicit or obtain this contract; and
- (2) has, has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

- (a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) is, is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) is, is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- Black Americans Asian Pacific Americans
 Hispanic Americans Asian Indian Americans
 Native Americans Hasidic Jewish Americans

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);
- (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

- (i) Award of the contract may result in an unfair competitive advantage;
- (ii) The Contractor's objectivity in performing the contract work may be impaired; or
- (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Signature & Date:

Typed or Printed Name:

Title:

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

MIAMI-DADE PUBLIC HOUSING AGENCY (MDPHA)
SECTION 3 OF THE HUD ACT OF 1968

CONE OF SILENCE EXEMPTION. MDPHA staff and bidders may communicate orally while a bid is in progress and prior to award of bid to clarify Section 3 definitions, requirements and business preference procedures, pursuant to the Miami-Dade Commission on Ethics opinion on March 10, 2004.

I. GENERAL REQUIREMENTS FOR MDPHA ONLY

This contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations in 24 Code of Federal Regulations (CFR) Part 135, as amended by interim rule published on June 30, 1994 (59 FR 33866). Bidders interested in receiving copy of this regulation may email their request to Miami-Dade Public Housing Agency (MDPHA) Resident Services Unit at section3@miamidade.gov. Section 3 requires that, to the greatest extent feasible and consistent with Federal, State and local laws and regulations, job training, employment, and contracting opportunities be directed to low and very-low income persons. Contractors must familiarize themselves with Section 3 regulations and requirements.

This contract is also subject to federal affirmative marketing plan requirements, which require the contractor to take all necessary affirmative marketing steps to ensure small, minority and women-owned business enterprises are used only, if subcontracting is applicable to this contract.

II. SECTION 3 DEFINITIONS

The term "Section 3 business" is defined as follows:

Firms owned by Miami-Dade County (M-DC) residents who meet M-DC's low income household limits (see "Miami-Dade Income Limits") or whose firms include 30% of these persons as full-time employees.

The term "new hires" is defined as follows:

New hires means full-time employees for permanent, temporary or seasonal employment opportunities and include, but are not necessarily limited to, all management, maintenance, clerical and administrative jobs arising in connection with the development(s) stipulated in the contract award.

The term "Section 3 Resident" is defined as follows:

A **Section 3 Resident** is an individual who lives in Miami-Dade County and (a) is a resident of public housing; **or** (b) is a resident of another federally assisted housing program (Section 8, Section 202, etc.); **or** is a current recipient or participant in a public assistance program (TANF, JTPA, etc.); **or** (c) whose family household income meets the definition of a low-or very-low income family (see no. 5, below).

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

The current Miami-Dade Income Limits are as follows:

MIAMI-DADE 2010 INCOME LIMITS

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
*Very Low Income (50%)	\$24,650	\$28,150	\$31,650	\$35,150	\$38,000	\$40,800	\$43,600	\$46,400
** Low-Income (80%)	\$39,400	\$45,000	\$50,650	\$56,250	\$60,750	\$65,250	\$69,750	\$74,250

III. SECTION 3 BID PREFERENCE TERMS AND REQUIREMENTS

Preference in the award of MDPHA requests for quotes under this contract will be provided as follows:

1. Bids are being solicited from all businesses. If no responsive bid by a MDPHA pre-certified Section 3 business meets the "X" factor, as defined below, the contract may be awarded to the lowest responsive, responsible bidder.
2. Where applicable, an award will be made to the LOWEST responsive, responsible pre-certified Section 3 business, with the highest priority ranking, as stipulated under Section III, "Section 3 Business Priority Rankings", if that bid: is within the maximum total contract price established in MDPHA's budget, and is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

Bid Amount	X = Lesser of:
When the lowest responsive bid is less than \$100,000	10% of that bid, up to \$9,000
When the lowest responsive bid is between:	
\$100,000, but less than \$200,000	9% of that bid, up to \$16,000
\$200,000, but less than \$300,000	8% of that bid, up to \$21,000
\$300,000, but less than \$400,000	7% of that bid, up to \$24,000
\$400,000, but less than \$500,000	6% of that bid, up to \$25,000
\$500,000, but less than \$1 million	5% of that bid, up to \$40,000
\$1 million, but less than \$2 million	4% of that bid, up to \$60,000
\$2 million, but less than \$4 million	3% of that bid, up to \$80,000
\$4 million, but less than \$7 million	2% of that bid, up to \$105,000
\$7 million or more	1 %of lowest/responsive bid, with no dollar limit

3. For information on how to become a MDPHA-certified Section 3 business, download application at www.miamidade.gov/housing/section3 or email, MDPHA Resident Services Unit, at section3@miamidade.gov.
4. In order for bidder to qualify for a Section 3 contracting preference, bidder must be pre-certified by MDPHA as a Section 3 business, at least two weeks prior to the bid opening date, and submit **Document 00200-B, "Section 3 Business Preference Claim"** (Attachment 2) with bid quote.
5. Section 3 businesses are required to comply with procedures listed under Section IV, "Section 3 Required Documents to Be Submitted with Each MDPHA Bid (When Subcontracting is Not Applicable)", page 3, and Section

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

VI "Section 3 Required Contractor and Subcontractor Post-Award Procedures (MDPHA Projects Only)".

6. **SECTION 3 BUSINESS PRIORITY RANKINGS:** (The highest priority ranking (PR) is #1.)

PR#1: 51% or more owned by MDPHA public housing residents, or whose full-time, permanent work force includes 30 percent of these persons as employees (**Category 1 Businesses**);

PR#2: Business owners who are or were participants (within last three years) in HUD Youth build programs currently operating in Miami-Dade County. For more information, contact YWCA of Greater Miami, Inc., at 305- 377-9922, or Fax 305-373-9922 (**Category 2 Businesses**);

PR#3: 51% or more owned by residents of a federally assisted housing program, such as Section 8, Section 202, HOME, etc., or whose full-time, permanent work force includes no less than 30 percent of those persons as employees (**Category 3 Businesses**);

PR#4: a) 51 percent or more owned by low or very low-income persons who reside in Miami-Dade County; or whose permanent, full-time work force includes no less than 30 percent of low-income Miami-Dade County persons as employees, including persons that are not currently low or very low-income persons but were low or very-low-income persons, as long as the date of first employment with the business concern has not exceeded a period of three years (see Section II. no. 4", for current Miami-Dade low and very-low income limits); or

b) Provide evidence of a commitment to subcontract in excess of 25 percent of the total amount of subcontracts to be awarded to business concerns identified under Priority # 1 (category 1 businesses only (PR#4 a and b above are **Category 4 Businesses**).

IV. **SECTION 3 REQUIRED DOCUMENTS TO BE SUBMITTED WITH EACH MDPHA BID (WHEN SUBCONTRACTING IS NOT APPLICABLE)**

This contract is a Section 3 covered activity (Miami-Dade Public Housing Agency (MDPHA) only). Section 3 requires that job training, employment and contracting opportunities be directed toward low and very-low income persons and to businesses that provide economic opportunities to those persons.

All bidders are required to execute and submit Document 00400, "Section 3 Economic Opportunity and Affirmative Marketing Plan (Plan)", with the bid (see Appendix Attachment 1). An executed Plan document is the bidder's certification that he or she will take all necessary affirmative marketing steps required, in connection with MDPHA project award, to (a) meet Section 3 training and employment goals, where feasible, when filling vacant or new positions resulting from MDPHA awards, and also seek to recruit qualified minorities and women to fill vacant or new positions resulting from MDPHA awards; and (b) meet Section 3 subcontract goals and ensure small minority and women subcontractors are used (where applicable is permitted).

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

V. SECTION 3 OPTIONAL DOCUMENT (TO BE SUBMITTED WITH BID)

Bidders who wish to claim a Section 3 bid preference, are required to submit *Document 00200-B, "Section 3 Business Preference Claim"* (Attachment 2), with the bid (see Section II., Section 3 Bid Preference Terms and Requirements, page 2). Only bidders who have been pre-certified by MDPHA as a Section 3 business shall be eligible to claim a Section 3 business preference.

VI. SECTION 3 POST-AWARD PROCEDURES (MDPHA PROJECTS ONLY)

1. The contractor must submit required MDPHA post-award forms (presented at a MDPHA post-award meeting), during the performance of the contract in the frequency and format requested by MDPHA.
2. Contractor will be required to submit documentation to MDPHA of efforts and results made to train and employ Section 3 residents (resulting from MDPHA awards only) in accordance with his or her Plan during the performance of the contract in the format and frequency required by MDPHA.
3. Contractor, including any Section 3, small, minority or women-owned business concern awarded work through this MDPHA project, must commit to train and employ qualified Section 3 residents (only where vacant or new positions exist in connection with this award) to the greatest extent feasible, not less than **30% of the total number of new hires, but no less than one, whichever is greater**, within their labor force during the term of the contract, in the priority order indicated under Section VII, "Section 3 Resident Priority Order for Training and Employment Opportunities", no.8, below.
4. Contractor is also required to undertake efforts to hire public housing, Section 8 and other Section 3 residents (only where vacant or new positions exist in connection with this award), in part-time positions, for permanent, temporary, or seasonal employment.
5. In addition to nos. 1 and 2 above, contractors must solicit to all minorities and women when filling vacant or new full-time or part-time positions generated through MDPHA projects.
6. Contractor must explain to all job applicants how to claim a Section 3 preference (using MDPHA forms provided at each pre-construction meeting) and show them the Miami-Dade income chart, included under Section II, page 1.
7. When there is a need for new hires, contractor must include Section 3 preference language in job news ads, flyers, and community notice. Notices must be placed at the site where work is to take place and in the surrounding community.
8. When there is a need for new hires resulting from MDPHA awards, contractor must carry out recruitment in accordance with the training and employment recruitment requirements listed in Contractor's Plan (see Document 00400, Attachment 1).

VII. SECTION 3 RESIDENT PRIORITY ORDER FOR TRAINING AND EMPLOYMENT OPPORTUNITIES

1. MDPHA public housing residents (Category 1 residents);

**Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool**

2. Participants in HUD Youth build programs currently operating in Miami-Dade County. For more information, contact YWCA of Greater Miami, Inc. at 305-377-9922, or Fax 305-373-9922 (Category 2 residents);
3. Recipients of federal government housing assistance programs, such as Section 8, Section 202, HOME, etc., or who are participants in a federally funded job training program, such as J.T.P.A., etc. (Category 3 residents); or
4. Other individuals who reside in Miami-Dade County, and meet the definition of a low, or very low-income person, as defined, in the current Miami-Dade Income limits (Category 4 residents).

VIII. WELFARE-TO-WORK TAX INCENTIVE AND WORK OPPORTUNITY TAX CREDIT PROGRAM

For information and application assistance, contact the South Florida Workforce, at 305-693-2060, 7900 NW 27 Avenue, Miami, FL 33147.

IX. SECTION 3 CLAUSE

The *Section 3 Clause* found at Section 3 regulation, 24 CFR Part 135, p.135.38, must be included in all Section 3 covered contracts. The awarded contractor and subcontractors (where applicable) will be bound by its provisions and the *Clause* and must be included in all subcontractor agreements.

SECTION 3 CLAUSE

- a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by HUD assistance of HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or worker's representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this Section 3 clause in every subcontract subject to be in compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is

**Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool**

in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed; and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

Page 1 of 2

DOCUMENT 00400

ATTACHMENT 1

Section 3 Economic Opportunity and Affirmative Marketing Plan (Plan)

Firm Name: _____ Contact Name: _____

The individual above, (consultant), is responsible for planning, implementing and tracking firm's Section 3 (S-3) and affirmative marketing training, employment and contracting goals applicable to Miami-Dade Public Housing Agency (MDPHA) projects and must comply with United States Housing and Urban Development's (USHUD) S-3 regulation at 24 CFR Part 135.

Recruitment Procedures Required to Fill Vacant or New Contractor or Consultant or Subcontractor Positions (only if subcontracting is permitted) Resulting from all MDPHA Project Awards

1. The MDPHA Section 3 Coordinator may assist by providing referrals for economic opportunities from public housing, other housing program recipients and Section 3 residents.
2. Advertise at job site and surrounding neighborhood for targeted workers and use *Document 00404, "Section 3 Language for News Ads, Flyers and Job Notices"* in all job notices & flyers.
3. Schedule a time and place convenient for public housing, other S-3 residents (listed under no. 1 above), minorities and women to complete job applications.
4. Contact YWCA of Greater Miami, Inc. at 305-377-9922, or fax 305-373-9922, for HUD Youth build employment referrals.
5. Send notices about S-3 training and employment obligations and opportunities required for Miami-Dade Public Housing Agency projects to labor organizations, where applicable (review **Section 3 Clause**).
6. Present *Document 00401, "Section 3 Resident Preference Claim Form"* to all job applicants, explaining S-3 residents will receive preference in the recruitment process, if they meet minimum job eligibility criteria.
7. Ensure applicants that claim a S-3 preference provide proof as described in Document 00401, or complete *Document 00402, "Section 3 Resident or Employee Household Income Certification Form"* (Public housing residents must receive the highest preference points during the interview/selection process.)
8. Consultant and sub consultants are required to: (a) establish files to document all recruitment efforts and results when filling vacancies or new positions in connection with MDPHA projects; (b) use Document 00403, "Training & Employment Outreach Documentation" form to document agency referral responses, and (c) produce evidence of recruitment efforts to MDPHA as requested.
9. Consultant is responsible for collection of sub consultant(s) training and employment documentation outreach efforts (described under no. 8), new hire reports (required) and weekly employment forms (only when sub consultant(s) hire workers for vacant or new positions in connection with MDPHA awards).

Forms described above, under nos. 2 and 6-8, are post-award forms, applicable to successful MDPHA bidder only, and will be distributed at each pre-construction meeting.

Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

Contractor's Recruitment of Section 3, Small, Minority and Women-Owned Businesses (Solicitation Requirements Applicable only on Projects which permit Subcontracting).

Consultant will follow Plan's affirmative marketing steps for each MDPHA award, when he or she subcontracts work, to award a minimum goal of 10% of the overall award amount to S-3 businesses, where feasible, and ensure small, minority and women-owned businesses are used (definitions of a S-3 business and a small, minority and/or women-owned business may overlap, permitting S-3 and affirmative marketing goals in these awards to be simultaneously met). Consultants who subcontract work are required to provide MDPHA with a written explanation if the S-3 minimum subcontracting goal is not met.

Consultant shall demonstrate compliance in solicitation to the business categories, listed above, by following the steps described on page two of this Plan and providing evidence to MDPHA when requested.

1. Refer any interested sub consultants that may meet the criteria to become a certified S-3 business to *MDPHA Resident Services Unit* for S-3 business application assistance. The application to become a Section 3 pre-certified business is available at <http://www.miamidade.gov/housing/section3.asp>.
2. You may solicit Section 3 pre-certified businesses from MDPHA S-3 business lists by emailing a request to the Section 3 Coordinator at section3@miamidade.gov.
3. Contact *Department of Small Business Development (SBD)*, 305-375-3111 or via email miamidade.gov to obtain lists of small, minority and/or women-owned businesses. Solicitations and awards must be made, where feasible, to various minority-owned firms, including minorities other than firm's own minority, and to women firms.
4. Advertise for S-3 sub consultants/subcontractors (subs) in construction trade journals, such as "The Dodge Reports", and post notices and distributes flyers at work site and surrounding neighborhood. The purpose of such advertisements is to make prospective subs aware of the Section 3 preference requirements applicable to MDPHA project awards.
5. Fax, send or deliver "**Sub consultant Solicitation to Section 3, Small, Minority and Women Businesses**" form, to all prospective sub consultant firms solicited for each MDPHA award.
6. Allow each sub consultant *a minimum of five business days* to respond to consultant's solicitation request. Include all "**Letters of Intent**" forms received from S-3, small, and minority, and women-owned sub consultants. Request sub consultants not interested or unavailable to bid to provide consultant with "**Certificate of Unavailability**" form.
7. Use the "**Outreach Documentation Form**" to document recruitment and follow-up with sub consultants. Make a second attempt to solicit to any S-3 firms who did not respond to the first solicitation attempt, using a variety of communication methods, i.e. facsimile, telephone, pager, e-mail, etc.
8. Consultants are required to negotiate with S-3 businesses, first and small, minority and women-owned businesses; second, if the sub consultant's bid amount would make the project infeasible.
9. Submit the following evidence to MDPHA when requested (described under nos. 3-8 above and under "Contractors Recruitment of S-3, Small, Minority and Women businesses", page one, para. one). Other post-award required submittals include *Document 00430*, "**List of Subcontractors/Sub consultants**", and, from consultant and its sub consultants or subcontractors, *Documents 00450, 00452 and 00453*, "**Estimated Workforce Breakdown**", "**Employee List**" and "**Consultant/Sub consultant Certification**".

**Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool**

10. For each MDPHA project award, retain documentation of outreach efforts and responses received from any organizations and sub consultants contacted for three years after project is completed.

Forms described above, under nos. 5-9, are post-award forms, applicable only if successful bidder will be subcontracting (where subcontracting is permitted)

(To obtain copies or additional information send request to MDPHA Section 3 Coordinator at email section3@miamidade.gov).

Sign and Print Firm Official's Name and Title

Submission Date ____/____/____

Firm Name/Address

Firm Telephone and Fax Numbers: _____

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Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool

**DOCUMENT REQUIRED WITH BID
DOCUMENT 00200-B**

ATTACHMENT 2

SECTION 3 BUSINESS PREFERENCE CLAIM FORM

This document applies to current MDPHA certified Section 3 (S-3) businesses who wish to claim a bidder's preference. S-3 businesses must become certified at least two weeks prior to bid opening date to be eligible to claim S-3 bidder's preference. The S-3 Business application is available at <http://www.miamidade.gov/housing/section3.asp> or by request to the Section 3 Coordinator, at email section3@miamidade.gov.

Only initial those items applicable to your firm.

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

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

BID NUMBER _____ **BID NAME** _____

FIRM NAME (Please print or type) _____

PRESIDENT'S NAME (Please print or type) _____

PRESIDENT'S SIGNATURE: _____

PHONE AND FAX NUMBERS: _____

**Miami-Dade Public Housing Agency (MDPHA)
Request for Qualifications Developer Pool**

DATE: ____/____/____