



**Redevelopment of County Properties Under the Rental Assistance Demonstration
(RAD) Program –For Approved Developers in Prequalification Pool
Work Order Proposal Request (WOPR) No. 01295-04**

FOR

**Redevelopment of Venetian Gardens (Group 1)
Palmetto Gardens & Opa-locka Elderly (Group 2)**

**PRE-PROPOSAL CONFERENCE TO BE HELD:
(TBD)**

ISSUED BY MIAMI-DADE COUNTY:

Public Housing and Community Development (PHCD) Department

MIAMI-DADE COUNTY CONTACT FOR THIS SOLICITATION:

Indira Rajkumar-Futch, PHCD Procurement Contracting Manager
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PROPOSALS DUE:

PROPOSALS ARE DUE AT THE ADDRESS SHOW BELOW NO LATER THAN
April 3, 2023 BY 10:00 AM EST AT:
PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT
OVERTOWN TRASIT VILLAGE I
701 NW 1ST COURT, 16TH FLOOR
MIAMI, FLORIDA 33136

IT IS THE POLICY OF MIAMI-DADE COUNTY (COUNTY) THAT ALL ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES SHALL ADHERE TO THE PUBLIC SERVICE HONOR CODE (HONOR CODE). THE HONOR CODE CONSISTS OF MINIMUM STANDARDS REGARDING THE RESPONSIBILITIES OF ALL PUBLIC SERVANTS IN THE COUNTY. VIOLATION OF ANY OF THE MANDATORY STANDARDS MAY RESULT IN ENFORCEMENT ACTION.

(SEE IMPLEMENTING ORDER 7-7)

All proposals received and time stamped by the proposal submittal deadline shall be accepted as timely submitted. Proposals submitted after the Proposal due date shall not be accepted. 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. Miami-Dade Public Housing and Community Development (PHCD) 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 PHCD, 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 PHCD as constituting an offer by the Proposer to perform the required services as stated in its response to the RFP. A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. PHCD will only consider the latest version of the proposal.

Requests for additional information or inquiries must be made in writing via e-mail and received up to the date specified in this RFP. PHCD will issue responses to inquiries and any changes to this RFP it deems necessary in written addenda issued via e-mail prior to the proposal due date. Proposers who obtain copies of this RFP from sources other than PHCD risk the possibility of not receiving addenda and are solely responsible for those risks.

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

1.1 Introduction

Miami-Dade County, hereinafter referred to as the County, as represented by the Miami-Dade County Public Housing and Community Development (PHCD) Department is soliciting Proposals from prequalified developers who have demonstrated the experience and capacity of obtaining funding, constructing, maintaining, and operating multifamily housing for the redevelopment of Project Sites.

The sites for this WOPR are:

- i) Venetian Gardens – Maximum Density 66 Units
- ii) Palmetto Gardens – Maximum Density 40 Units
- iii) Opa-locka Elderly – Maximum Density 72 Units

hereafter referred as “Project Sites”, with additional detail as provided on Section 2.3, and as further enumerated herein. The County, in its sole discretion, reserves the right to remove any site from this WOPR prior to the Solicitation End Date, or to reject any or all of the proposals.

Pre-Selected Bidder Pool:

The County seeks Proposers who have the capability, expertise, capacity, and resources to pursue and obtain financing and successfully perform the Scope of Services for the proposed Project Site/Group and perform all other services required for the redevelopment of the Project in its entirety as indicated in this WOPR. Proposers must be a prequalified developer under the Redevelopment of County Properties under the RAD Program Pool, RFQ-01295. The County encourages all prequalified developers in the RAD Program (which may include) Pool to consider submitting a proposal and wants developers who have already been awarded development rights for other projects with the County to carefully assess and indicate whether they have the adequate development and financial capacity to successfully manage these time-sensitive projects. All terms and conditions from the prequalification Pool No. RFQ-01295 apply in addition to those part of this project specific solicitation.

Proposers can only submit proposals for **one group**. Proposers can propose more than one development concept (scenario) for the selected Project Site/ Group, though these alternative development concepts must be based on the use of the RAD program (which may include RAD/ Section 18 Blends conversion configurations) but shall not include standalone Section 18 Demolition and Disposition strategies. **Proposers that submit Proposals selecting more than one Project Site/Group may be found non-responsive.** The Proposer’s group selection must be clearly indicated on the Proposer Information Section and Form 1 - Revenue and Income Streams Proposal.

Subject to approval by the Miami-Dade Board of County Commissioners and U.S. Department of Housing and Urban Development (HUD), the County anticipates entering into up to three (3) developer agreements, one (1) per group, that contemplate the execution of additional HUD and/or County required documents which comply with all applicable federal, state and local requirements. For each group, the following documents, which shall be approved by Board of County Commissioners, include, but are not limited to: (i) a lease option agreement or similar instrument to establish site control so that the proposer can apply for LIHTC and other funding; (ii) a master development agreement for the redevelopment of the awarded Project Site (iii) a ground-lease provided at financial closing for a period of up to 75 years with the Selected Proposer, subject to the Selected Proposer successfully obtaining the required financing to make the Project financially viable (if a longer term lease is needed to comply with certain competitive funding underwriting requirements, the County will explore this option) and the Selected Proposer and/or the County obtaining all required HUD approvals including development proposal to close the subject transaction. The terms of any agreement required by this Work Order Proposal Request (WOPR) No. 01295-04 will be negotiated with the Selected Proposer for each group, at the County’s sole discretion, and may differ from the terms the Selected Proposer outlines in its proposal.

The anticipated schedule for this Solicitation is as follows:

Solicitation Issued:	(February 16, 2023)
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 ADA Coordinator at (786) 469-2155 or email Evelyn.contreras@miamidade.gov at least five days in advance.
Deadline for Receipt of Questions:	(March 9, 2023)
Proposal Due Date:	See front cover for date and time.
Evaluation Process:	May 2023

Projected Award Date:

July 2023 – September 2023

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 words “**Affordable Housing**” to mean housing deemed affordable to those with a median household income which will serve individuals and/or families, whose household incomes is indicated as a percent of the area median income as published by various agencies having jurisdiction including HUD, Miami-Dade County, Florida Housing Finance Corporation, as applicable.
2. The words “**Art in Public Places**” to mean compliance with Section 2-11.15 of the Miami-Dade County Code, Works of Art in Public Places, and Administrative Order No. 3-11, Art in Public Places Program Implementation and Fund Transfer Procedure.
3. The words “**Board**” or “**Board of County Commissioners**” to mean Miami-Dade Board of County Commissioners.
4. The word “**Bonds**” to mean debt securities issued by state and local governments to raise money for affordable housing developments.
5. The words “**Certified Business Financial Statements**” to mean proposer’s business financial statements to include, but not limited to, balance sheet, income statement, and statement of cash flows that have been prepared and certified by an independent third party certified public accountant in accordance with the Generally Accepted Accounting Principles (GAAP).
6. The acronym “**CHAP**” to mean Commitment to Enter into RAD Housing Assistance Payments.
7. The word “**County**” to mean Miami-Dade County, a political subdivision of the State of Florida.
8. The words “**County Properties**” to mean those certain properties that are owned by Miami-Dade County.
9. The words “**Crime Prevention Through Environmental Design**,” or “**CPTED**” to mean the strategies implemented to directly modify the environment to take advantage of pre-existing environmental assets or change the design features and conditions of particular targets (e.g., store fronts, parking garages, or abandoned buildings) or areas in an effort to reduce crime. In some instances, CPTED strategies are implemented during the beginning phases of a project (e.g., during planning of a new housing development.) But, in many instances, the strategies are applied when the need for intervention occurs (e.g., adding security cameras to a store after a robbery.) CPTED strategies are often linked with other community-based crime prevention strategies, such as problem-oriented policing, which emphasizes tailoring crime prevention strategies to solve specific problems. As with other types of community-based crime prevention programs, CPTED is made up of multiple elements or approaches and can be used by various stakeholders within and outside of the criminal justice system. CPTED strategies address quality of life issues by attempting to deter criminal activity, increase overall safety for citizens, and reduce citizen fear of crime. CPTED strategies are thus evaluated to determine not only whether crime was reduced but also whether citizen perceptions of crime were affected by implementation of the strategy. Several key components of CPTED are combined to maximize crime prevention and create positive public perception of measure to promote community safety, including:
 - a. Territoriality (promotes a sense of ownership and may include the use of signs, fences, or artwork that helps define ownership of a given location);
 - b. Activity Support (encourages legitimate activities in public places to foster opportunities for natural surveillance and may include block parties, neighborhood clean-up days, or the design of mini malls to encourage more social interaction);
 - c. Access Control (restricts access to specific areas and can include the use of street barricades, landscaping, locked doors, changes in pedestrian or vehicular traffic patterns, or the use of security personnel to keep people away from restricted areas);
 - d. Surveillance (increase visibility by natural, formal, and mechanical methods such as through promoting routine surveillance by community residents or through the practice of employing more than one employee at retail stores, police patrols, Closed Circuit Television also referred to as CCTV, and vehicle license plate reader cameras);
 - e. Maintenance (ensures the routine maintenance or upkeep of the environment such as clean-up programs or repairs and modifications to meet new threats); and
 - f. Target Hardening (adds physical features that will make it more difficult to commit a crime such as through the use of improved lighting or electronic alarms).
10. The words “**Developer**” to mean an individual, association, corporation, joint venture or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the application, and is submitting a proposal pursuant to this WOPR. Synonymous with Proposer.

11. The words **“Developer’s Fees”** to mean the developer fees for mixed-financed and/or RAD projects, which are subject to Cost Control and Safe Harbor Standards (Safe Harbor) limitations for all categories (including Developer’s overhead, Developer’s fees, contractor fees, consultant fees, etc.) HUD requires that a fee in excess of the nine percent (9%) or less of the project costs limit per Safe Harbor be justified by meeting the criteria stated in Safe Harbor. Additionally, a fee in excess of twelve percent (12%) of the project costs will only be allowed if: 1) allowed by the Florida Housing Finance Corporation if funding is awarded by said agency; and 2) with significant justification from the Developer demonstrating the increased risk. Under no condition will the County reimburse Developers for costs incurred on the development prior to an executed written agreement and loan closing with recorded documents in effect. Developer’s fees shall be limited pursuant to Miami-Dade County Resolution No. R-219-18, as applicable.
12. The words **“Financial Closing”** to mean a stage of the Project when all conditions of the financing agreements are fulfilled prior to the initial availability of funds.
13. The words **“Firm Commitment”** to mean that matched/leveraged funds must be explicit, in writing and signed by a person authorized to make the commitment. The commitment must indicate the total dollar value of the commitment and must be valid through projected financial closing of the Project. It must be supported by evidence of funding ability from an industry-recognized financial institution and show evidence of initial underwriting by the lender or from a financial source determined through documented evidence to be able to support the commitment. Firm commitment shall match the proposed project including building type, number of units, unit mix, number of bedrooms, amenities, etc. Firm commitment and/or commitment(s) as it as it relates to Resident Job Training, Employment, Section 3, Small and Minority Firms, Women-Owned Enterprises and Labor Area Surplus Firms, shall mean quantifiable numbers and details to describe items as enumerated in the WOPR documents, and any commitments relating to achieving these training, hiring, and employment numbers that are qualified with phrases such as “to the greatest extent feasible”, or “attempt to hire or employ”, etc., will not be deemed as firm commitments.
14. The words **“Green Building,” or “Green Construction,” or “Sustainable Building”** to mean an approach to development that incorporates in design and operations, ecologically sensitive and resource efficient technologies, system and management practices. All projects awarded through this WOPR are subject to Miami-Dade County Implementing Order IO 8-8. For proposed developments involving new construction units, regardless of the development category of the application, the applicant must commit that (i) each new construction unit in the proposed development that is eligible for the energy star new homes (Florida standard) will achieve a home energy rating system (HERS) index (equal to or less than) ≤ 75 , and (ii) each new construction unit in the proposed development that is not eligible for the Energy Star new homes will include, at a minimum, the energy features outlined in the County’s Green Code through Ordinance No. 07-65. Energy-efficient reflective roofs or green roofs are required per Resolution No. R-1103-10. The applicant will adhere to all the requirements of said ordinances and resolutions.
15. The acronym **“HUD”** to mean U.S. Department of Housing and Urban Development.
16. The words **“Leadership in Energy & Environmental Design” or “LEED Silver”** to mean the minimum requirements for green building certification program developed by the U.S. Green Building Council, which include the rating system for design, construction, operation and maintenance of buildings.
17. The words **“Labor Surplus Area (LSA)”** to mean a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of twenty percent (20%) or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the National annual average unemployment rate during the referenced period is less than six percent (6%) then the qualifying rate is six percent (6%). If the National annual average unemployment rate during the referenced period is above ten percent (10%) then the qualifying rate is ten percent (10%).
18. The words **“Liquidated Damages”** to mean those damages to be paid by the Developer to the County for failure to provide any material portion of any item stipulated in the contract and calculated and assessed in the manner set forth.
19. The words **“Low-income”** to mean families defined as low-income families whose incomes do not exceed the higher of the Federal poverty level or eighty percent (80%) of Area Median Income.
20. The words **“Low Income Housing Tax Credits” or “LIHTC”** to mean the tax credit issued in exchange for the development of affordable rental housing pursuant to Section 42 of the Internal Revenue Code and the provisions of Rule Chapter 67-48, Florida Administrative Code.
21. The words **“Market Rate Unit”** to mean a housing unit that is not subsidized and with rent that is at an amount that is typical of the market rents in the area.
22. The words **“Mixed-Finance Development”** to mean a development that utilizes financing from multiple sources, including public and private sources and as defined by HUD 24 CFR § 905.604. The mixed-finance approach permits ownership of the public housing units by an entity other than the Public Housing Agency (PHA).

23. The words “**Mixed-Income Development**” to mean a development that incorporates a mix of income groups as a fundamental part of its financial and operating plans. A Mixed-Income Development may include housing that is priced based on the dominant housing market (market-rate units) as well as units priced for lower- income residents.
24. The words “**Moderate-income**” to mean families defined as low-income families whose incomes do not exceed the higher of the Federal poverty level or one hundred forty percent (140%) of Area Median Income.
25. The acronym “**PHA**” to mean public housing agency.
26. The word “**Principal**” to mean a Proposer, any general partner of a Proposer, and any corporate officer, director, or any shareholder of any Proposer or shareholder of any general partner of a Proposer.
27. The words “**Project Sites**” or “**Groups**” to mean those sites and groups enumerated in Section 2.2.
28. The word “**Proposal**” or “**Proposals**” to mean the properly signed and completed written submission in response to this Solicitation by a Proposer for the Scope of Services, and as amended or modified through negotiations.
29. The words “**Proposer**”, or “**Developer**” to mean the person, firm, entity or organization, as stated on the Solicitation Submittal Form, submitting a response to this Solicitation.
30. The acronym “**PUM**” OR “Per Unit Month” to mean the per unit monthly subsidy received by PHCD from HUD for public housing units
31. The words “**Rental Assistance Demonstration,**” or “**RAD**” to mean a HUD program authorized in FY12 Congressional Appropriations Bill to restructure assistance to Public Housing projects and subsequent guidance provided by HUD through notices. There are also ancillary HUD notices and provision of the Code of Federal Regulations (CFR) that apply to certain aspects of RAD, including, but not limited to, HUD Notice Public and Indian Housing (PIH) 2012-32, REV 3, H2019-09 PIH 2019-23 Rev 4, and subsequent revisions and other applicable HUD notices. RAD allows for the conversion of public housing developments to either Site Based Vouchers / Project Based Vouchers (PBV) or Project Based Rental Assistance (PBRA) HUD Notice Public and Indian Housing (PIH) 2012.32 and subsequent and future revisions. (Note: Approval for submission of RAD applications was provided by the Board of County Commissioners on December 4, 2018 pursuant to Resolution No. R-1240-18).
32. The words “**RAD Contract Rents**” to mean HUD Approved rents for RAD projects which may be periodically adjusted under annual Operating Cost Adjustment Factor (OCAF) notices. *Note RAD rents and HAP agreements are based on HUD RAD approved rents and are not the same as Voucher Fair Market Rents.*
33. The words “**RAD/ Section 18 Blend**” to mean the repositioning of public housing utilizing a blend of Rental Assistance Demonstration (RAD) program authority and Section 18 disposition authority, as provided through Section 3.A.2.e of PIH Notice 2021-07 (HA) and any successors.
34. The words “**Safe Harbor Standards**” or “**Safe Harbor**” to mean the latest published edition of the HUD Cost Control and Safe Harbor Standards for Rental Mixed-Finance Development.
35. The words “**Section 3 Business**” to mean a business certified by PHCD, in order to be considered as a Section 3 business, under this WOPR.
36. The words “**Section 18 Demolition and Disposition**” to mean the processes that are part of Section 18 of the U.S. Housing Act of 1937 and applicable federal regulations, which authorize a PHA to demolish and/or dispose of public housing with HUD approval if the units meet the criteria of current guidance provided in the federal regulations. PHCD may choose to exercise this option for a variety of reasons, such as poor physical condition (obsolescence) of the units, unsuitable location (health or safety risks to residents), unsustainable scattered-site units, very small PHAs (50 units and under), or combining Section 18 disposition with a RAD transaction. Families residing in units that receive Section 18 approval shall receive comparable housing resources (generally Section 8 assistance through an award of Tenant Protection Vouchers) and will possess the same rights as a RAD resident. See PIH Notice 2018-04 for more details.
37. The words “**Scope of Services**” to mean Section 2.0 of this Solicitation, which details the work to be performed by the Selected Developer.
38. The words “**Selected Developer**” or “**Selected Proposer**”, or “**Contractor**” to mean the Proposer that is approved by the Board for any of the five groups, and who enters into an option to lease agreement, ground lease agreement and/or master development agreement (MDA) with the County as a result of this Solicitation, also to be known as “the Prime Contractor”.

39. The words **"Site Control"** to mean Proposers must demonstrate site control (e.g., recorded title, executed ground lease agreement, firm purchase contract, Option-to-Purchase, or Local Government Resolution) for the additional sites proposed (privately-owned site) for the projects (where applicable).
40. The word **"Solicitation"** to mean this Work Order Proposal Request (WOPR) document, and all associated addenda and attachments.
41. The words **"Subcontractor,"** or Consultant" to mean any person, firm, entity or organization, other than the employees of the Selected Proposer, who contracts with the Selected Proposer to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Selected Proposer.
42. The words **"Transit-Oriented Development,"** or **"TOD"** to mean an urban development that maximizes the amount of residential, business and leisure space within walking distance of public transport. A TOD development emphasizes a compact, walkable, pedestrian-oriented, mixed-use community centered on high-quality transit systems. In doing so, TOD aims to increase public transport ridership by reducing the use of private cars and by promoting sustainable urban growth.
43. The words **"Uniform Federal Accessibility Standards,"** or acronym **"UFAS"** to mean the Federal standards which are applicable for public housing units' rehabilitation and/or new construction.
44. The words **"Workforce Housing"** to mean housing deemed affordable to those with a median household income which will serve individuals and/or families, whose household incomes are between sixty percent (60%) and one hundred forty percent (140%) of the area median income.

1.3 **General Proposal Information**

The County may, at its sole and absolute discretion, reject any and all or parts of any or all proposals; accept parts of any and all proposals; further negotiate project scope and fees with terms that may differ from the terms the Selected Proposer outlines in their proposal; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the proposals received as a result of this process. In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the County's sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the County's sole discretion, be deemed nonresponsive. The County reserves the right to request and evaluate additional information from any Proposer regarding Proposer's responsibility after the submission deadline as the County deems necessary.

The Proposer's proposal will be considered a good faith commitment by the Proposer to negotiate a contract with the County, and, if successful in the process set forth in this Solicitation and subject to its conditions, to enter into a contract substantially in the agreed upon terms. **The County has the option, at its sole and absolute discretion, to negotiate any and all terms and proposal contents, including project phasing plans.** Proposer proposal shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date and time, or upon the expiration of 180 calendar days after the opening of proposals.

As further detailed in the Submittal Form, 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 Record Law."

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 code section, resolution and/or administrative/implementing order cited in this Solicitation, contact the Clerk of the Board at (305) 375-5126, Monday- Friday, 8:00 a.m. – 4:30 p.m.

1.4 **Aspirational Policy Regarding Diversity**

Pursuant to Resolution No. R-1106-15, Miami-Dade County vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the County, nor will it be a factor in the evaluation of solicitations unless permitted by law.

1.5 **Cone of Silence**

Pursuant to section 2-11.1(t) of the Code of Miami-Dade County, as amended, a "Cone of Silence" is imposed upon each RFP, RFQ or WOPR after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding this solicitation between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff, County Commissioners or their respective staffs;
- the County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor'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 Competitive Selection Committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Services Section, the responsible Procurement 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 and oral presentations before Competitive Selection Committees during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting;
- recorded contract negotiations and contract negotiation strategy sessions; or
- communications in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable WOPR or RFQ documents.
- communications relative to inquiries about HUD's Section 3 requirements.

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 WOPR or 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 is 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.

All requirements of the Cone of Silence policies are applicable to this Solicitation and must be adhered to. Any and all written communications regarding the Solicitation are to be submitted only to the Procurement Contracting Officer with a copy to the Clerk of the Board. The Proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

1.6 **Communication with Competitive Selection Committee Members**

Proposers are hereby notified that direct communication, written or otherwise, to Competitive Selection Committee members or the Competitive Selection Committee as a whole are expressly prohibited. Any oral communications with Competitive Selection Committee members other than as provided in section 2-11.1 of the Code of Miami-Dade County are prohibited.

1.7 **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 for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.8 **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 Mayor 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.

1.9 Collusion

In accordance with section 2-8.1.1 of the Code of Miami-Dade County, 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, the principals, corporate officers, and managers of the Proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a Proposer or the principals, corporate officers and managers 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 in another Proposer for the same contract. 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.

1.10 Compliance with Local, State and Federal Requirements

The Selected Proposer 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 sections 255.05 and 255.20, Florida Statutes. Additionally, the Selected Proposer shall comply with all applicable federal laws, state laws and municipal laws, mixed- finance regulations, Public and Indian Housing (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 WOPR, 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 Florida Statutes and any and all other local, State and Federal directives, ordinances, rules, orders, and laws relating to people with disabilities and Miami-Dade County Florida, Department of Small Business Development Participation Provisions, as may be applicable.
- b) Environmental Protection Agency (EPA), as applicable to this WOPR.
- c) Miami-Dade County Code, chapter 11A, Article IV (Employment). 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, status as a victim of domestic violence, dating violence or stalking, gender identity or gender expression, sexual orientation, disability, or marital status. 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 Miami-Dade County Commission on Human Rights, Equal Employment Opportunity Commission, Florida Commission on Human Relations or other authority having jurisdiction over the work setting forth the provisions of the nondiscrimination law.
- d) Miami-Dade County Code, Chapter 11A, Articles II (Housing) and III (Public Accommodation), which prohibit discrimination on the basis of race, religion, color, age, sex, national origin, status as a victim of domestic violence, dating violence or stalking, gender identity or gender expression, sexual orientation, disability, marital status, or source of income (housing only).
- e) "Conflicts of Interest" section 2-11 of the County Code, and Ordinance No. 01-199.
- f) Miami-Dade County Code section 10-38 "Debarment."
- g) Miami-Dade County Ordinance No. 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 No. 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, as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"), which are more fully described in General Conditions for Construction Contracts-Public Housing Programs (HUD-5370), which is attached hereto as Exhibit C and incorporated by reference, Section 46 of the General Conditions for Construction Contracts-Public Housing Program.
- j) Contract Work Hours and Safety Standards Act (40 U.S.C. §3701- 3708).
- k) Clean Air Act (42 U.S.C. §§7401- 7671q.) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251- 1387), as amended.
- l) Debarment and Suspension (Executive Orders 12549 and 12689).
- m) Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).
- n) The Copeland "Anti-Kickback" Act as supplemented in Department of Labor regulations (29 CFR part 3).
- o) HUD's reporting requirements and regulations, as specified in the Grant Agreement and required of the Owner.
- p) 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.
- q) 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).
- r) Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as set forth in 2 CFR part 200 and 24 CFR part 963 as further explained in HUD Handbook 7460.8 Rev. 1.
- s) Lead-Based Paint Poisoning Act (42 USC § 4821, et. seq.).
- t) The Fair Housing Act (42 USC §§ 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); the Florida Fair Housing Act (section 760.20 et seq., Florida Statutes) and the fair housing poster regulations (24 CFR part 110).
- u) Title VI of the Civil Rights Act of 1964 (42 USC § 2000d) and regulations pursuant thereto (24 CFR part relating to non-discrimination in housing.
- v) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 USC §6101-07) and regulations issued pursuant thereto (24 CFR part 146).
- w) The prohibitions against discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 (29 USC § 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).
- x) 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.
- y) 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.
- z) 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.

- aa) All applicable federal regulations including but not limited to 24 CFR part 990 and 24 CFR part 965, subpart C, and applicable HUD Public and Indian Housing Notices, including, but not limited to, PIH 2009-16(HA) and Notice H-2019-09 PIH-2019- 23 (HA) (rev. 4).
- bb) Verification of Employment Eligibility (E-Verify), pursuant to Section 448.095 for Florida Statutes, Employment Eligibility, public and private employers must enroll in the E-Verify System (<http://www.uscis.gov/e-verify>) and retain the I-9 Forms for inspection. This includes but is not limited to utilization of the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all newly hired employees by the Selected Proposers effective January 1, 2021 and requiring all Subcontractors to provide an affidavit attesting that the Subcontractor does not employ, contract with, or subcontract with, an unauthorized alien.

1.11 Contract Measures

Not applicable.

1.12 Davis-Bacon Requirements

Pursuant to section 2-11.16 of the Code of the Miami-Dade County Davis-Bacon Wage Schedule is in effect for Miami-Dade County. The most recent Davis-Bacon Wage Rate decision will be applicable for the construction phase of a Project at the time the construction contract is awarded. All construction and/or rehabilitation on PHCD sites (public housing units, non-public housing units, commercial, etc.) shall comply with Davis-Bacon wage requirements.

The Selected Proposer is required to pay \$3,000 per month for the Davis-Bacon Compliance Review fee during all phases of construction of the Project Sites.

General Contractors and sub-contractors are required to register for the Elation Systems as part of the monitoring requirements for compliance with Davis-Bacon Wage Rates, which includes submittals of Certified Payrolls. Elation Systems registration will also serve to monitor requirements for Section 3 compliance.

(Website address is: <https://www.elationsys.com/app/Registration> Promotion Code is: PHCD-2017)

1.13 Uniform Federal Accessibility Standards (UFAS) Requirements

Pursuant to Section 504 of the Rehabilitation Act of 1973 related to the UFAS requirements, minimum features and amenities are required to be incorporated in the proposed development. Not less than five percent (5%) of all housing units, including, but not limited to, public housing units, in addition to all common and exterior areas shall comply with UFAS for the development site(s) in this WOPR. In addition, not less than two percent (2%) of the housing units, including, but not limited to, public housing units, shall comply with hearing and sight impaired UFAS requirements. UFAS units shall not be concentrated in any one area or phase of the Project(s) but shall be spread evenly throughout the Project.

1.14 Section 3 of the Housing and Urban Development Act of 1968 Compliance and Firm Hiring Commitments (See Proposer Information, Section 5)

The work to be performed under any contract that results from this WOPR is subject to the definitions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u (Section 3), and Section 3 commitments as indicated in the Proposer Information Section of this WOPR, for employment and other economic opportunities directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing. (See also Exhibit B). Furthermore, beyond the minimums set by HUD's Section 3 regulations, the County seeks firm commitments in the hiring and training of extremely low-, very low-, low- and moderate-income individuals, Section 3, minority businesses, women's business enterprises, and labor surplus area firms participation, resident job training, job creation and other initiatives as further enumerated in this WOPR.

1.15 Employ Miami-Dade Program

Subject to the requirements and limitations of Section 3 as more fully described in Section 1.14 of this WOPR and Exhibit B attached hereto and the requirements of 2 CFR § 200.321 as more fully described in Section 1.17 of this WOPR, all contractors and subcontractors of any tier on (i) construction contracts valued in excess of one million dollars (\$1,000,000) for the construction, demolition, alteration and/or repair of public buildings, or public works; or (ii) contracts or leases valued in excess of one million dollars (\$1,000,000) for privately funded construction, demolition, alteration or repair of buildings, or improvements on County-owned land in accordance with Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter, section 2-8.1 of the Code of Miami-Dade County, and Administrative Order No. 3-63. The awarded Developer is hereby notified that the County will consider whether the Contractor made its best reasonable efforts to promote Employ Miami-Dade on this contract, as defined in A.O. 3-63, as part of the County's evaluation and responsibility review of the Contractor for new County contract award.

Miami-Dade County, "CareerSource" South Florida, Neighbors and Neighbors Association (NANA), and other local agencies have partnered to offer a Construction Certification Training to help put eligible Miami-Dade County residents back to work. Employ Miami-Dade has three goals: 1) connect employers who need workers with those workers; 2) provide the skills training necessary to prepare our residents to enter the workforce; and 3) ensure that Miami-Dade residents are first in line to be considered for jobs.

1.16 Residents First Training and Employment Program

Pursuant to section 2-11.17 of the Code of Miami-Dade County and Implementing Order No. 3-61, all contractors and subcontractors of any tier on (i) construction contracts valued in excess of \$1 million for the construction, demolition, alteration and/or repair of public buildings, or public works; or (ii) contracts or leases valued in excess of \$1 million for privately funded construction, demolition, alteration or repair of buildings, or improvements on County-owned land shall comply with the following: (i) prior to working on the project, all persons employed by the contractor or subcontractor on the project to perform construction have completed the OSHA 10-hour safety training course, and (ii) the contractor will make its best reasonable efforts to have fifty one percent (51%) of all construction labor hours performed by Miami-Dade County residents. However, Proposals providing seventy-five percent (75%) or higher of all construction labor hours performed by Miami-Dade County residents are preferred.

Proposals shall also include requirements of section 2-11.17 of the Code of Miami-Dade County and Implementing Order No. 3-61, including the right of the County to access the Contractor's and subcontractors' records to verify compliance, in any contract, subcontract, or sublease, if applicable. Selected Proposers shall be responsible to the County for payment of compliance monitoring costs and any penalties found due. Proposers shall submit a completed copy of the Residents First Training and Employment (RFTE) Program Responsible Contractor/Subcontractor Affidavit Form (Form 2 - RFTE 1) with their Proposal.

1.17 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

In accordance with 2 CFR § 200.321, the Selected Proposer must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c) Dividing 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) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in this section.

2.0 SCOPE OF SERVICES

2.1 Background

The purpose of this Solicitation is to maximize and expedite the development potential of the public housing sites at various locations including the Project Sites, and provide a financial return to the County, while increasing the supply of quality affordable housing inclusive of public housing, for the residents of the County.

The County seeks to match developers from the pre-qualified pool who have successful experience in obtaining project financing and can aggressively pursue all available funding sources, which shall include the Florida Housing Finance Corporation (FHFC) funding, including but not limited to Low Income Housing Tax Credits (LIHTC), and State Apartment Incentive Loan (SAIL) to finance, develop, close and construct the project. This may include other funding sources such as: Federal Home Loan Bank (Affordable Housing Program (AHP) and Community Investment Program (CIP)), New Market Tax credits, EB-5 program, etc., in addition to any other funding which may be available from private foundations, corporations, etc. The County seeks qualified developers to make the Project financially viable, meet stated objectives and requirements of this WOPR, in addition to minimizing funding sources (Surtax, etc.) from the County. Accordingly, proposals shall include a feasible development scenario that is not dependent on winning competitive funding. Proposers

are required to indicate in **Form 1 - Revenue and Income Streams Proposal** the funds that will be paid to the County for the value and use of the Project Sites, for the County's participation in the development process, and for the value of the RAD subsidies as components of the project.

The County seeks a developer who can implement HUD's Rental Assistance Demonstration (RAD) and all applicable requirements including provision of the RAD Physical Condition Assessment (RPCA) for these sites. The Selected Proposer(s) will be required to assist the County with converting the public housing properties to RAD. The County's goal is to hire a qualified developer(s) that will bring the knowledge and experience of their organization to enter into a "full service" agreement where the selected firm will handle everything from start to finish for demolishing, where applicable, and replacing the County's existing housing units and for securing rental assistance. To this end, the Selected Proposer(s) will work with the County to prepare and submit the required items (i.e., RAD Financing Plan, RPCA, environmental report, 75-year proforma, HUD form documents, etc.) to meet the HUD-required RAD milestones, including the Financing Plan which will be used in the HUD RAD approval process, and participate in communications with the County and the HUD RAD staff to help the County to move through the RAD Financing Plan submission and RAD Conversion Commitment (RCC) issuance processes. Additionally, the Selected Proposer(s) will work with the County to facilitate the RAD closing process. Proposers are required to provide a knowledgeable RAD employee or consultant on their team to draft and manage RAD documents and assist PHCD in complying with RAD timelines and planning.

On August 30, 2018, the County submitted a letter to HUD Secretary requesting a set-aside of 7,718 public housing units as part of a portfolio-wide reservation under RAD. Meetings were subsequently held with HUD to review the request and a response letter from the Director of the Office of Recapitalization, within HUD's Office of Multifamily Housing Programs, was received on November 6, 2018 indicating that there seemed to be a clear path to secure RAD authority for all 6,426 units in PHCD's proposed RAD conversion portfolio. The portfolio award was later increased to 7,718 units.

On April 7, 2020, the Board adopted Resolution No. R-298-20, which, in part, established and later enlarged the prequalification pool for the redevelopment of County-owned public housing properties under the RAD program pursuant to RFQ-01295. The resolution further authorizes the County Mayor or the County Mayor's designee to seek proposals from the developer pool at their discretion. The County wants all prequalified developers in the RAD Program Pool to consider submitting a proposal and wants developers who have already been awarded development rights for other projects with the County to assess and indicate whether they have the adequate capacity to successfully manage these time-sensitive projects.

The County seeks Proposers who can provide employment opportunities for extremely low-, very low-, low-, and moderate-income residents, and improve the quality of life through the development of the Project Sites, as described below. The County seeks firm commitments in the hiring and training of extremely low-, very low-, low- and moderate-income individuals, Section 3, minority businesses, women's business enterprises, and labor surplus area firms' participation, resident job training, job creation and other initiatives as further enumerated in this WOPR. Commitments that are not compliant with the definition of "Firm Commitment" under "Section 1.2, subsection 18 of this WOPR will be not be deemed as firm commitments.

The County will retain ownership of the land and will participate in business arrangements with the company that owns the improvements. The County expects to share in the revenues generated by the new developments and in the Proposer's fees garnered from the development work. This may include, but is not limited to, ground lease capitalized payments and annual lease payments, share of net revenues, share of developer fees, asset management fees, and other sources as may be provided by developers in their Proposals, though the final negotiated terms may differ from the terms the Selected Proposer outlines in their proposal. In addition, the County requires each proposer to ensure that the County has a right of first refusal and right of first offer for each of the Project sites. The terms of each of these agreements are subject to further negotiations between the County and each successful proposer.

Privately-owned site(s) - A Proposer submitting a privately-owned site(s), as indicated in Section 2.3, shall provide a comprehensive redevelopment proposal incorporating the corresponding sites.

2.2 Project Requirements

The Selected Proposer for each group shall comply with the following requirements for the proposed Project Site:

- a. Subject to HUD's approval, existing public housing units at the Project Sites may be demolished in phases and must be replaced with a one-for-one replacement of public housing units along with a mix of new public housing, affordable, workforce and market rate units (i.e., the new units) pursuant to the Selected Proposer's phased development approach. RAD/ Section 18 Blend options may be used by Proposer. However, a non-RAD Section 18 Demolition and Disposition strategy cannot be proposed as part of the main

proposal. It is the intent of PHCD that PHCD-associated units and improvements are to be prioritized as elements in the first phases of any proposed project plan and timeline. In all instances, the selected Developer will have 18-24 months to develop, finance and close the proposed project. In the event the developer does not meet the required timeline, the award to develop the site will be terminated by written notice from the County to the Developer. A one-time extension of 6 months may be requested by the Developer and considered by the County with a payment from the Developer to the County 'of a to be negotiated extension fee'. In any event if the Developer does not meet the required timeframe and potential extension to develop, finance and close the proposed project, the award to the selected Developer upon written notice by the County will be terminated. Upon termination of the originally selected Developer the County reserves the right to negotiate and close with any Pre-Qualified Developer within the Developer Pre-Qualified pool.

- b. If a phased redevelopment approach is provided throughout the entire Project Sites, until all new construction is completed at the Project Sites, and all existing units in the Project Sites are vacated. Residents of the Project Sites, to the greatest extent possible, should not be temporarily relocated off-site during construction. They should be able to move from their existing public housing units to new public housing units, once completed in phases at the Project Sites.
- c. Proposers may propose a different phasing and temporary transfer/relocation plan for each Project Site from what is indicated herein, which the Proposers believe to be more beneficial to residents and the Project Sites. However, the Selected Proposer for each group shall address the benefits of the different phasing and temporary transfer/relocation plan for each of the Project Sites. Should temporary transfer or relocation to temporary housing units, including, but not limited to, hotel be required, all costs, including, but not limited to, relocation assistance required by the Uniform Relocation and Real Property Acquisition Act of 1970, as amended, and its implementing regulations, shall be borne by the Selected Proposers. Selected Proposer will be responsible for all relocation of residents, inclusive of professional relocation services, taking over property management, after financial closing, of any existing public housing buildings that get disposed through the RAD conversion process and contain converted RAD units. However, the County does not prefer to use the Delayed Conversion option under RAD.
- d. No phase of the Project shall contain more than fifty percent (50%) of its units as RAD units, as the County has the goal of providing a mix of unit types throughout as many phases as possible. This mix requirement is to be achieved across all phases until all the one-for-one replacement public housing units are developed, but it does not apply to every individual building that is developed through a phase. This requirement is contingent on the site's current as-of-right zoning allowing for additional density to be added when necessary, or a rezoning solution being pursued. Converting RAD replacement public housing units, as well as any Affordable Housing units, must be interspersed throughout the projects, in all buildings for all phases, and shall be indistinguishable from market-rate units, from the outside of the units. Note that the first phase of the project does not need to include all of the public housing units to meet the RAD timeline requirements.
- e. Selected Proposer for each group shall provide an emergency generator that will power code-required emergency items in the building, in addition to providing power for ninety-six (96) hours of operation without refueling, at a community room and a community area kitchen, within the Project Sites. An additional twenty (20) bonus points will be given, under the Proposer's approach evaluation, for projects that provide emergency power to all the residential units included in phases that include public housing units within the Project Sites.
- f. The Selected Proposers shall provide a written natural disaster plan that complies with Resolution No. R-617-18 and addresses activities required before, during, and after a natural disaster. The written natural disaster plan shall include the provisions indicated below:
 - 1. The written natural disaster plan must be approved by the County Mayor or the County Mayor's designee for each Project Site. Such natural disaster plan shall be updated annually, be made available to the residents and first responders, and include at a minimum the following information:
 - (a) An evacuation plan for all residents of the housing development; and
 - (b) A contingency plan in the event the generators required herein are not operational before or after a natural disaster; and
 - (c) Steps to be taken to identify all residents who evacuate from or choose to remain in the housing development before and after a natural disaster; and
 - (d) A refueling plan for generators; and

- (e) A communication plan between the developer, borrower or grantee and their personnel before, during and after a natural disaster; and
 - (f) Any other requirements that the County Mayor or the County Mayor's designee, at their sole discretion, determines to be necessary for inclusion in the natural disaster plan.
2. A kitchen on the first, second or third floor of a building that can be used to cook food for the residents after a natural disaster; and
 3. A community room on the first, second or third floor of each building that has air conditioning where residents can go during and after a natural disaster; and
 4. A kitchen and/or community room on the first, second or third floor of the development that has water supplied by a pump connected to a generator during and after a natural disaster; and
 5. A minimum of one (1) generator to operate the lights, air conditioner and other appliances in a community room and kitchen after a natural disaster and throughout the duration of a power outage. Such generators shall be maintained in good working order and shall be inspected before and after a natural disaster; and
 6. A minimum of one trained personnel on-site at the housing development during and after a natural disaster. This person must receive disaster training based on Medicaid guidelines. Such training must be provided, at no cost to the County, by a County department designated by the County Mayor or County Mayor's designee. Any cost associated with such training shall be borne solely by the Selected Proposer; and
 7. A minimum of one (1) trained personnel or volunteer, which may include a resident, on-site at the public housing development at the Project Sites, to provide assistance after a natural disaster; and
 8. Working contact telephone numbers, including at least one (1) land telephone line and one (1) cellular telephone, which telephone numbers shall be available to each resident and which shall be made available to such residents before, during, and after a natural disaster. Such telephone numbers shall be posted in common areas, including but not limited to, community rooms and management offices; and
 9. A list of community agencies furnished by the County that can provide services before and after a natural disaster, which shall be prominently posted in administrative offices and the common areas.
- h. The Selected Proposers shall work cooperatively with PHCD, the Project Sites residents, their resident council leadership, and other stakeholders including, but not limited to, the City of Opa-locka, City of Mami Gardens, and Miami-Dade County, their respective City Manager, Building and Zoning, Police Departments, etc., Miami-Dade County School Board, Miami-Dade County Police Department, the State Attorney's Office, social services agencies, community groups, private foundations and companies, etc.
- i. Selected Proposers shall provide, and not be limited to, the following community features, common areas, and amenities for the Project Sites:

Community Features / Common Areas	Public Housing Unit Amenities
CEPTD/ Security system/ cameras/ Vehicle license plate reader cameras	New units to be equal to or larger than existing units' size.
Impact windows and doors *	Dishwasher, Oven & Range, Refrigerators appropriately sized to their unit size (with ice makers included), and Washers and Dryers in each unit
Designated guest parking	Integrated HVAC/ Smart Fans System
Assigned resident parking	Tile flooring
Better lighting than existing *	Windows that are larger than existing unit windows.
Elevators *	Impact windows and doors *
Motion sensor exterior lights	Modern kitchen cabinets
Gated parking lot with key fob entry or card entry	Granite countertops or comparable
Computer lab/print lab	Energy-efficient appliances
Clubhouse/Community Center	Window treatment/coverings for each window
Bike path/bike parking	Double-bowl kitchen sinks
Gym/Exercise room	Electric water heater

Generators – include generator power for the requisite community room(s) and community area kitchen(s)	Accessibility-Compliance with Uniform Federal Accessibility Standards per UFAS Requirements *
More trees/shade than existing site	Broadband and cable connection infrastructure required to be installed in all units, with broadband wall connections to be available in more than one room within each unit, so that tenants can so choose to enroll in internet service contracts for their apartment units.
Walking path (to be recommended and provided under Art in Public Places, if possible)	
Homeownership within Project Sites, as feasible	
Accessibility-Compliance with Uniform Federal Accessibility Standards (UFAS) *	As In Opa-locka Elderly each hallway will be several inches wider than minimum municipal code, each resident doorway at least 36" standard, each door will utilize paddle type door handles, each faucet and fixture will facilitate Elderly ease of use.
Retail/other beneficial uses (as proposed by Proposer and if feasible for each Project Site)	
Broadband connection infrastructure installed in all common areas, along with reasonable wireless internet options installed and activated and internet service made available to all residents and guests in the common areas.	Free in all common areas. Free for all RAD units for a minimum of 3 years

*As per applicable Codes

- j. The Selected Proposers shall also provide the following miscellaneous services at the Project Sites:
1. Hiring opportunities for eligible residents and business for the Project as per HUD's Section 3 requirements.
 2. Adequate maintenance staff for regular and timely maintenance.
 3. Pest Control.
 4. Coordinate with County, City and other applicable agencies to provide traffic related improvements (e.g., traffic lights, buses, etc.).
 5. Assist and coordinate with police, residents, PHCD, other applicable agencies to provide a Neighborhood Crime Watch.
 6. Cooperate with PHCD, the Project Sites residents, their Resident Council Leaders, and other stakeholders including the City of Opa-locka, City of Miami Gardens, and Miami-Dade County, their respective City Manager, Building and Zoning, Police Departments, etc., Miami-Dade County School Board, Miami-Dade County Police Department, the State Attorney's Office, social services agencies, community groups, private foundations and companies, etc.
 7. Assist and coordinate with residents and PHCD to provide detailed instructions, information and meetings for the Project Sites residents, to aid them in their transition to the new replacement RAD units and as otherwise required.
 8. Assist and coordinate with residents and PHCD to provide Homeownership Workshops.
- k. The Selected Proposer for each group shall also hold a series of meetings in consultation with and at the direction of PHCD, to review all aspects of their development approach with residents and to obtain their input. Issues to be discussed shall include: project schedule, design (including unit interior, exterior, air conditioning and other building systems, materials, accessible units, common areas, Project Sites and parking, (CPTED), security systems, landscaping, amenities and features, construction, phasing, resident transfer to temporary and/or new units and expenses (to be paid by the Selected Proposer), services to be maintained during construction, property management, resident leases, HUD's Section 3, job training and opportunities, services, programs, RAD requirements and any other pertinent issues. The Selected Proposer shall also provide residents with updates on the progress of the Project. **Proposer will create a resident friendly website that provides developer company history, experience, proposed project plans, construction timing, unit and property amenities, relocation information, contact information, advertises training and employment opportunities and provides any other information needed to ensure residents are aware and provided an informative redevelopment and conversion experience.**
- l. All Project Sites' public housing residents will have RAD resident rights, which include the guaranteed right to occupy new public

housing/RAD units without further rescreening once they are completed. Proposers shall use existing number of public housing units for each corresponding site as the minimum number of public housing/RAD units that will be replaced (one-for-one replacement is required). Additionally, Proposers shall assume that the same percentage of bedroom counts as currently exists in the units is to be provided for the new public housing replacement units (**see chart below**). When necessary, the Selected Proposers will be required to provide right-size units, accommodating an existing resident household's legitimate and PHCD-approved need for a larger bedroom count unit in their new replacement unit. Similarly, smaller bedroom count units are to be provided as the new replacement unit for a resident household whose lease-based household size is smaller than the current unit they reside in.

Development Name	Address	Folio No.	County Commission District	Municipality	Bedroom Mix	Existing Stories	Number of Units	Current Zoning	Site Size (acres)	Opportunity Zone Census Tract
GROUP 1										
Venetian Gardens	16215 NW 38 PL	34-2117-006-0530 34-2117-006-0170 34-2117-006-0130 34-2117-006-0150 34-2117-006-0070 34-2117-006-0090 34-2117-006-0110 34-2117-006-0010 34-2117-006-0030 34-2117-006-0050 34-2117-006-0190 34-2117-006-0210 34-2117-006-0230 34-2117-006-0250 34-2117-006-0260 34-2117-006-0270 34-2117-006-0280 34-2117-006-0290 34-2117-006-0300 34-2117-006-0310 34-2117-006-0320 34-2117-006-0480 34-2117-006-0490 34-2117-006-0500 34-2117-006-0510 34-2117-006-0520 34-2117-006-0330 34-2117-006-0340 34-2117-006-0350 34-2117-006-0360 34-2117-006-0370 34-2117-006-0380 34-2117-006-0390 34-2117-006-0540 34-2117-006-0400 34-2117-006-0410 34-2117-006-0420 34-2117-006-0430 34-2117-006-0440 34-2117-006-0450 34-2117-006-0460 34-2117-006-0470	1	Miami Gardens	(12) 2-BR (30) 3-BR (10) 4-BR	1	52	R-2	11	Census Tract 5.01
GROUP 2										
Palmetto Gardens	16850 NW 55 AVE	30-2107-021-0010	1	Unincorporated	(28) 0-BR (12) 1-BR	3	40	RU-4L	1.82	Not Applicable
Opa-locka Elderly	2329 NW 136 ST	08-2122-011-0470 08-2122-011-0460 08-2122-011-0590 08-2122-011-0600 08-2122-011-0610 08-2122-011-0790 08-2122-011-0791 08-2122-011-0580	1	Opa-locka	(36) 0-BR (14) 1-BR	1	50	R-3A	3.39	Not Applicable

Notes:

* Multiple addresses are associated with these public housing sites, all underneath the single folio number.

- m. Proposers shall make their own evaluation and determination of proposed number of overall units (in addition to the public housing units), for Affordable Housing units, Workforce housing and market rate units, and other uses to achieve the required mixed-income approach. However, proposers must adhere to the allowable units at each site, as listed below. Maximum overall unit count subject to change based on regulatory requirements in effect at the time of approvals by the appropriate governing bodies.

Site	Maximum Unit Allowance
Palmetto Gardens	40
Venetian Gardens	66
Opa-locka Elderly	72

- n. The design of the Project for each group shall include CPTED strategies, in addition to meeting with police and others who can provide beneficial input for additional crime prevention initiatives. Actual site-specific design strategies are to be called out in proposals. This requirement is not satisfied by only providing a CPTED services proposal or concepts outline from a CPTED design professional or consultant.
- o. On October 29, 2019, the Board adopted Resolution No. R-1176-19, which established the Rental Assistance Demonstration (RAD) Education Program for public housing residents, resident councils, the Overall Tenant Advisory Council (the jurisdiction-wide resident council in Miami-Dade County), advocates, and the community at large, the Board directed, among other things, the construction of model units on the County's public housing sites by the County or private developers competitively selected by the County that can be viewed by residents and other interested parties. Accordingly, the Selected Proposer for each group shall construct a model unit either on site or in close proximity (one mile or less) to the Project Site(s) that is fully functional and furnished. This model unit shall be constructed within 90 days of completion of consultation with residents on design of the building and units. Due to zoning changes and other governmental requirements, PHCD may extend the completion period for the model unit.
- p. Selected Proposers shall provide all other services as may be required to implement the redevelopment project in its entirety.
- q. Selected Proposers shall agree that all designs will be subject to modification in consultation with PHCD, residents and community stakeholders.
- r. The Proposer that is awarded development rights for these sites will be required to work with the County, including PHCD and the District Commissioner, to ensure that proposed designs and densities are acceptable by the surrounding communities that they are located in.

2.3 **Project Sites**

Prior to submitting Proposals, Proposers shall become familiar with the Project Sites - see corresponding Project Sites' Attachment on the below link for the overview of the properties location, existing drawings, legal description; and Boundary Surveys, when available; and conduct additional investigations and due diligence to ascertain site conditions, availability and location of utilities and connections, flood criteria/finished floor elevation requirements, zoning, and all other sites and/or project-related requirements, to ensure that the proposed Project can be built on the Project Sites within costs and schedule indicated in the Proposer's Proposal:

See corresponding Project Sites Attachments by clicking on the following link: [Project Site Attachments](#).

Proposers are allowed to visit to the Project Sites; however, all visits that involve entering the property shall be arranged in coordination with PHCD. The point of contact for scheduling these visits is PHCD staff person Ms. Krystal Sheppard, 786-469-4101, email: krystal.sheppard@miamidade.gov. The County will allow visits to only one vacant unit per site, if there is a vacant unit available to be shown. Any visit is only to ascertain the Project Site's condition. Remember the Cone of Silence is in effect, so discussion regarding the solicitation is not allowed during the site visit. Copy the Clerk of the Board on all correspondence with County's personnel regarding this solicitation.

To expedite completion of the Projects, and/or enhance other aspects of the project, Proposers may also offer a privately-owned site for which they have site control and is within close proximity from the corresponding Project Site (maximum of 1 mile distance from a Project Site), to be

included as part of the Project. Proposers shall provide evidence that they have site control of the privately-owned site(s) and provide a brief narrative indicating how the privately-owned site(s) will expedite the Project completion, be beneficial for the residents, and/or enhance other aspects of the Project. A privately-owned site cannot include a previously awarded RAD Project Site. If a privately-owned site(s) are proposed, references to the Project Sites shall also include the privately-owned site(s).

2.4 Selected Proposer's Key Tasks

The Selected Proposer for each group shall perform the following key tasks:

- a. Be responsible for identifying and obtaining funding for the Project, for all phases of the development and operation, from any of the available funding sources as indicated herein and as otherwise determined by the developer. The Selected Proposer will be responsible for taking the lead in identifying the funding sources that can be used to cover any financing gaps. The County will play an active role in helping the Selected Proposer with this task.
- b. Plan, design, expedite and obtain all permitting approvals, demolish, develop, construct, maintain, and operate the proposed Project Site consistent with stated goals and requirements of the solicitation and agreement(s) pursuant to all applicable Federal, State, and Local requirements. Additionally, provide all services required to fully implement the RAD conversion and redevelopment of the project in accordance with HUD requirements.
- c. Transfer or relocate all the affected public housing residents to the new public housing or RAD units at the proposed Project Site, once they are completed (one-for-one replacement) at the expense of the Selected Proposer. Residents of the Project Sites shall be transferred/relocated to new public housing or RAD units at the corresponding Project Sites as part of a phased redevelopment approach to allow construction of various portions of the sites, while other portions remain occupied to the greatest extent possible. Should a temporary transfer or relocation to temporary housing units be required, including, but not limited to, hotels, be required, all costs, including, but not limited to, relocation assistance required by the Uniform Relocation and Real Property Acquisition Act of 1970, as amended, and its implementing regulations, the costs shall be borne solely by the Selected Proposers. Any relocation plan must be developed in consultation with residents and be approved by PHCD.
- d. Ensure no unauthorized occupancy/use of the vacated or newly built structures, consistent with existing Federal and State laws, at the proposed Project Site. This includes providing adequate security at the Project Site; demolishing existing structures at the Project Site in phases, immediately after the Selected Proposer transfers or relocates existing public housing residents to the new public housing or RAD units at the proposed Project Site; clearing and grading the sites subsequent to building demolition, etc.
- e. Manage and operate the proposed Project Site to promote community safety for all the residents by implementation of CPTED best practices during all phases of the project; cooperating with the Resident Council, Police, PHCD and applicable agencies; and providing adequate staff for maintenance and operation.

Note: For this WOPR, Proposers should not assume that PHCD will provide Section 8 vouchers from its current pool to cover rent for relocated residents. Furthermore, proposers should not assume that the County will approve of a non-RAD Section 18 Demolition and Disposition strategy for some of the units, nor that it will approve of an allocation of non-RAD project-based Section 8 vouchers.

2.5 Deliverables

Selected Proposer for each group shall provide in a timely manner all applicable plans, reports, information, proformas and financial analysis in accessible Excel file format with unlocked cells, documents, or any resource required for the redevelopment and operation of the proposed Project Site and/or as required by PHCD.

2.6 Projected Development Schedule

The Selected Proposer for each group shall provide a projected development schedule and timeline for the proposed Project, addressing all major milestones of development including negotiations, site plan approval, re-zoning (if applicable), design and construction documents, building permit approvals, HUD approvals, financial closing, temporary and/or final resident transfer or relocation, construction, marketing and lease-up. An exact schedule of completion, including milestones and any possible penalties, such as liquidated damages, for failure to adhere to the schedule and other contract deliverables shall be the subject of negotiation during the process of formulating a lease agreement and/or master development agreement with the Selected Proposer for each group. Proposers should discuss any expected variances in the timeline, and must disclose of any issues, or potential matters, that might delay the Proposers from commencing with the proposed Project as envisioned, or otherwise delay the Project, such as, but not limited to, other development project undertaken by the Proposers.

2.7 Design and Development Guidelines

Projects are subject to the County's Sustainable Buildings Program provisions in Chapter 9 of the Code of Miami-Dade County, Sections 9-71 through 9-75 together with Miami-Dade County Implementing Order IO 8-8, as managed by Miami-Dade County Office of Resilience within the Regulatory and Economic Resources Department. Projects must conform to planning, zoning, and building requirements of applicable local jurisdiction and requirements and other applicable Miami-Dade County requirements, requirements of the Florida Building Code, Miami-Dade County requirements, the requirements imposed by this Solicitation, along with any negotiated lease agreement between the County and the Selected Proposer. Required sustainable design elements will include at least the minimum of Leadership in Energy & Environmental Design (LEED) Silver certification for new construction or rehabilitation projects. Project shall be certified by a Professional who is LEED Certified or by a similar adequate and appropriate professional. Pursuant to Implementing Order 8-8, the requirement for applying the appropriate LEED Silver standard may be modified due to special circumstances of the Development. Such modification shall be for the express purpose of ensuring the use of the most appropriate or relevant rating standard, and shall not, in any way, exempt the requirement to apply green building practices to the maximum extent possible. This substitution process shall be administered by and through the County's Office of Resilience Sustainability Manager.

The Projects must be visually appealing and welcoming to the entire community. They cannot be offensive or provide elements that can be determined to be obscene, annoying, degrading, distasteful, hideous, unpleasant, or hateful. The architectural design features must be a priority and include a focus on, but not be limited to, the following: 1) pedestrian safety, sufficient lighting and available open space; 2) clear and distinct pedestrian and vehicular entrances and egress; 3) residential unit arrangements that are protected from surrounding traffic noise and lights and 4) architectural creativity that enhances the neighborhood.

The County reserves the right to require modification of design elements of any of the Proposals submitted in response to this Solicitation. Such modifications can be to the façade, shape, and/or the interior space of any building included in the Projects. Modifications to designs will be done in collaboration with PHCD, and the County reserves the right to not approve modifications. All final designs will require PHCD approval.

The Selected Proposers shall cooperate and cause its contractors and consultants to cooperate with the County's Sustainability Manager in order to incorporate green building practices into the planning and design of the Capital Improvements pursuant to County Ordinance No. 07-65 and Miami-Dade County Implementing Order IO 8-8 concerning the County's Sustainable Buildings Program. The Selected Proposers shall, in each of its contracts and subcontracts, include a provision that the contractor, subcontractor and/or sub-consultant shall comply with all requirements of the County's Sustainable Building Program. The terms for compliance with the County's Sustainable Buildings Program will be negotiated at the time of the award of the contract. Furthermore, energy-efficient reflective roofs or green roofs are required per Resolution No. R-1103-10. The applicant will adhere to all the requirements of said ordinances and resolutions

2.8 Art in Public Places

These Projects are subject to the Art in Public Places ("APP") provisions in Section 2.11.15 of the Miami-Dade County Code and Administrative Order 3-11, as managed by the Miami-Dade County Department of Cultural Affairs ("Department of Cultural Affairs") pursuant to Procedure 358 in the Miami-Dade County Procedures Manual ("Procedures Manual"). The Selected Proposer for each group shall transmit one and half percent (1.5%) of the proposed Project costs for all development on County land (as outlined in the Procedures Manual) to the Department of Cultural Affairs for the implementation of the APP program. The Selected Proposers are required to work collaboratively with the Department of Cultural Affairs on the implementation of the APP program pursuant to the requirements of said program. The referenced documents can be accessed at:

<https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances>

<http://www.miamidade.gov/ao/home.asp?Process=alphalist>

<http://intra.miamidade.gov/managementandbudget/library/procedures/358.pdf>

2.9 Assessment of Project Sites

Prior to submitting their proposals, Proposers shall become familiar with the project sites and conduct additional investigations and due diligence to ascertain site conditions, availability and location of utilities and connections, flood criteria/finished floor elevation requirements, zoning, and all other sites and/or project-related requirements, to ensure that the proposed project can be built on the sites within costs and schedule indicated in the Proposer's proposal. All due diligence pre-development costs are to be carried by the Selected Proposers.

2.10 Proposer's Certification

By submitting its proposal, Proposer certifies that the information contained in its proposal has been carefully reviewed, is accurate and that the proposed development can be completed in its entirety, (including schedule and budget) in accordance with the proposal submitted to the County.

2.11 Environmental

The County and those Proposers awarded development rights, shall work together in obtaining HUD Environmental Clearances for the property under this WOPR pursuant to 24 CFR parts 50 or 58, as applicable. See corresponding Project Sites Attachments, as some project sites have previously produced Environmental Reports and DERM Memorandums available, by clicking on the following link: [Project Sites Attachments](#).

The Selected Proposer for each group will be responsible to perform its due diligence environmental site analysis and obtain the Environmental Site Assessment (ESA) reports for sites where reports are not available through this WOPR, and pay for all, or any further environmental assessments/testing, and source removal, as required by Miami-Dade County Regulatory and Economic Resources (RER) / Department of Environmental Management (DERM). Selected Proposers are responsible to submit all ESA reports it produces for DERM review and DERM recommendations and provide them to HUD if necessary.

2.12 RAD Application and Approval

Pursuant to Resolution No. R-1240-18, PHCD submitted a RAD Portfolio application to HUD on December 13, 2018. PHCD has received correspondence from the U.S. Department of Housing and Urban Development (HUD), dated March 22, 2019, indicating award of the RAD Portfolio Award (See corresponding Project Sites Attachments, which include the HUD Correspondence with the CHAP Award Letter from HUD, by clicking on the following link: [Project Sites Attachments](#).)

Notes: The corresponding RAD contract rents for each Project is indicated on Attachments – HUD Correspondence RAD CHAPS Letters, at the end of the award letters. The award of a development contract resulting from a RAD CHAP awarded by HUD is subject to approval of the Board of County Commissioners. However, the County reserves the right to proceed with the Project with the Selected Proposer for that group under a mixed-income and mixed-finance approach, or other affordable housing development approach, should RAD approval by the Board or HUD not be granted for the Project. PHCD will apply for a CHAP for **Palmetto Gardens, Venetian Gardens, and Opa-locka Elderly** via future applications to HUD.

2.13 Budget/Funding

It is important to note that County funding sources should not be relied upon and may be available, only after Selected Proposers have aggressively pursued all other available funding sources and only as determined by PHCD. The referenced funding from the County will be considered part of the gap financing needed.

Proposers' financing plans for each group must be able to be scored based on viability, without the nine percent (9%) tax credits or the County's documentary stamps surtax program funds, as such funds may not be available. The County is seeking Proposers to submit Proposals offering the HUD RAD program and, as required, a mixed-income and mixed-finance approach to development. This approach is authorized by the federal regulations governing the County's housing programs, including public housing.

This WOPR is subject to the budget and fiscal provisions under which the County operates. The Selected Proposers will be required to follow RAD regulations and all other funding source requirements.

2.14 Land Ownership, Land Use and Property Management

The County will retain a fee ownership in all of the lands. The Project Sites will be leased to the Selected Proposer for each group under a long-term ground lease agreement. Management agreements and processes for the completed projects will be subject to review, approval, and oversight by PHCD. Any proposed homeownership components will need to take into account the County's fee ownership of the land. The County will also require a Right of First Refusal and Purchase Option be negotiated as part of an agreement to award a site to a Selected Proposer.

2.15 Payments to the County

The Selected Proposers shall pay to the County for the use of the Project Sites, for the County's participation in the development process, and for the value of the land and RAD subsidies as components of the project, through commitments to provide the County with shares of different revenue and income streams, including those coming from the project components built on any privately-owned site(s) (referenced in Section 2.1 & 2.3 of this WOPR).

The forms of financial participation for the County are noted below and indicated in **Form 1 - Revenue and Income Streams Proposal**, including but not limited to the following.

1) Ground Lease payments

PHCD is interested in projects where all or significant portions of the land valuation (based on a 3rd party appraisal) is paid to PHCD during the initial phase or portioned over each phase, to be paid either at closing or at the latest by the initiation of rental operations (by 8609 submission if LIHTC units). Ground Lease payments shall include a capitalized lease payment, based on a percentage of the appraised value of the land, and annual lease payments shall be for any unpaid land value, payable for the shortest practical period of payment from commencement of initial occupancy until final payment. The first payment shall be due at the Financial Closing date.

2) Share of Revenues/ Net Cash Flow

After stabilization period (defined as approximately one year after issuance of Certificate of Occupancy) and through the termination date of the ground lease agreement, the Selected Proposer for each group shall pay to the County a share of revenues/ net cash flow in accordance with the terms of the resulting agreement. This shall apply to revenues from all components of a project, including the non-RAD, Workforce, LIHTC and Market Rate Units. No payments under these provisions shall be considered payments due on any lessor promissory notes, purchase money mortgages, or other liens, where the lender, mortgagee or lien holder is PHCD. Payments made pursuant to any of these obligations shall not be used as credit against any revenue due PHCD (e.g., developer fees, rent, etc.) under this agreement. Lessor's promissory note/purchase money mortgage will be made only at the discretion of the lessor (i.e., PHCD) and shall not be assumed to be part of the Developer's financial pro forma or capital stack/sources and use projection.

3) Percentage of Developer Fees

The Selected Proposers shall pay the County a percentage of developer fees at a minimum of thirty percent (30%) of developer fees. Additional percentage above thirty percent (30%) is at the discretion of the Proposers and should be included in their Proposals. Developer fees shall be in accordance with Safe Harbor Standards. Proposers should indicate likely timeline for PHCD receiving its developer fees, which are always to be paid to County Pari-passu with the Developer's portion of the fee.

4) Davis-Bacon Review Fee

The Selected Proposer for each group is required to pay \$3,000 per month for the Davis-Bacon Compliance Review fee during all phases of construction of the Project Sites (subject to adjustment by the County before entering into the Master Development Agreement, based on the costs of Davis-Bacon compliance monitoring services).

5) Other Payments

The Selected Proposers may propose to pay to the County other revenue and income streams participation, including a percent of revenues from any refinance, cash-out or sale event, or LIHTC Re-Syndication. The County reserves the right to negotiate these and any other proposed payments and will make an agreement on such payments a condition to proceeding with the project with the Selected Proposers. Additionally, the County reserves the right and will negotiate the First Right of Refusal and First Offer for purchase.

2.16 Personnel, Services and Bonding Requirements

In addition to services required for architectural/engineering, financial, legal, property management, transfer/relocation, zoning and any other required services to fully implement the required redevelopment, the awarded developer for each group, subject to PHCD and HUD approval, shall procure a general contractor (using a competitive low-bid process or submission of identity of interest waiver when the contractor is affiliated with Proposer) that has the experience, bonding and Insurance capacity to build the proposed project. Bonds and Insurance shall comply with the standards outlined in Exhibit E, herein.

For projects which involve construction or rehabilitation work, the County requires the Developer to provide the County with a Payment and Performance Bond in the full amount of the construction contract, naming the County as a dual obligee. For projects which involve construction or rehabilitation work on County-owned property, the County shall require, at least ten (10) days' prior to the commencement of any construction work on the property and to the purchase and delivery of any materials, equipment or supplies for construction, a payment and performance bond that meets the requirements set forth in section 255.05, Florida Statutes, which bond shall be in the full amount of the construction costs of all of the improvements to be undertaken on County-owned property and shall cover all contractors, subcontractors, or materials providers downstream from the Developer, including but not limited to the General Contractor. The payment and performance bond shall name the Developer as the principal and the County as a dual obligee. In lieu of applicant providing a Payment

and Performance Bond, the County may, at its sole and absolute discretion, accept an alternative form of security permitted pursuant to section 255.05(6), Florida Statutes, in an amount to be determined by the County, in its sole and absolute discretion. However, the County shall in no event be required to accept any alternative to the Payment and Performance Bond.

2.17 Real Property Taxes and Charges

As County-owned property, the Sites are currently not subject to real estate taxes, except to the extent the Site(s) consists of privately-owned real estate property. However, such tax exemption may not be available during or after completion of any development project by the Selected Developer. It is the responsibility of the Selected Proposers, in conjunction with its legal counsel, to determine any and all tax consequences which may arise due to the Selected Proposers developing the project on County-owned land. The County makes no representations or warranties as to the continued availability of any exemption or tax benefit, or to the Selected Proposers' ability to receive any such exemption or benefit.

2.18 CareerSource South Florida

CareerSource South Florida (formerly known as the First Source Hiring Referral Program). Where applicable, pursuant to section 2-2113 of the Code of Miami-Dade County and Miami-Dade County Implementing Order No. 3-58, for all contracts for goods and services, the Selected Proposers, prior to hiring to fill each vacancy arising under a County contract shall (1) first notify the CareerSource South Florida, the designated Referral Agency, of the vacancy and list the vacancy with CareerSource South Florida according to the Code, and (2) make good faith efforts as determined by the County to fill a minimum of fifty percent (50%) of its employment needs under the County contract through CareerSource South Florida. If no suitable candidates can be employed after the Referral Period of three (3) to five (5) business days, the successful proposer is free to fill its vacancies from other sources. The Selected Proposers will be required to provide quarterly reports to the CareerSource South Florida indicating the name and number of employees hired in the previous quarter, or why referred candidates were rejected. Sanctions for non-compliance shall include, but not be limited to: (i) suspension of contract until the contractor performs obligations, if appropriate; (ii) default and/or termination; and (iii) payment of \$1,500.00/employee, or the value of the wages that would have been earned given the non-compliance, whichever is less. Registration procedures and additional information regarding the program are available at www.careersourcesfl.com or by contacting the CareerSource South Florida at (305) 594-7615.

2.19 Sea Level Rise and Heat Resilience

In accordance with Resolution R-451-14, the Selected Proposers shall be required to consider sea level rise projections and potential impacts as best estimated at the time of the Projects, using regionally consistent unified sea level rise projections and sea level rise data mapping websites, during all project phases including but not limited to planning, design, and construction, to ensure that the Projects will function properly for fifty (50) years or the design life of the projects, whichever is greater.

The Selected Proposer shall provide a comprehensive landscape plan for all open spaces that meets or exceeds the minimum standards described in the Miami-Dade County Landscaping Ordinance Chapters 18A and 18B and aligns with the Landscape Manual, while also complying with any municipal landscape code requirements, in a way that reduces building energy use intensity, aids onsite stormwater management, and expands existing tree canopy to increase community resilience to extreme heat while also enhancing overall appearance. In accordance with CDMP Policy LU-8I, the Selected Proposer is encouraged to incorporate additional heat mitigation elements into the project including porous pavements, cool roofs, and high albedo surfaces. The Proposer will be required to consult with all appropriate County departments and plans will need to be in accordance with Miami-Dade County Implementing Order IO 8-8 and approved by Miami Dade PHCD Department.

2.20 Additional Information

All information indicated in this WOPR and other sources are for the convenience of Proposer's initial review and planning purposes only. It is the Proposers responsibility to perform additional detailed reviews and any other due diligence required in determining and verifying project information including but not limited to zoning, possible density, historic designations (if applicable), land use restrictions, acreage, etc. Any references to Resolutions, County Code, etc. shall not be to the exclusion of any other applicable requirements.

3.0 RESPONSE REQUIREMENTS FOR PROPOSERS

3.1 Submittal Requirements

In response to this Solicitation, Proposer should **complete and return the entire Proposal Submission Package** as indicated below. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required and submitted in the manner described. The proposal shall be written in a clear and concise manner (page count has been included) in the form and format as indicated herein and in sufficient detail to permit the County to conduct a meaningful evaluation of the proposed services and WOPR requirements. However, information not requested in the WOPR or overly elaborate proposals are not requested or desired.

- One (1) original submittal in a 3-ring binder with tabs as indicated herein. Provide a divider for each tab, in color.
- Six (6) copies of the submittal in a 3-ring binder with tabs as indicated herein. Provide a divider for each tab, in color.
- Ten (10) thumb drives of the submittal.

For each item requiring a response, Proposer's proposal shall indicate the requirement (in the same manner as indicated in the WOPR) and the Proposer response to the item.

Proposers can only submit proposals for **one group**. **Proposers that submit proposals selecting more than one Project Site/ Group may be found non-responsive.**

3.2 Proposal Submittal Form, Cover Page of Proposal

Complete and sign the Proposal Submittal Form (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.

3.3 Proposer Information

Complete Proposer Information section following the requirements indicated therein and provide responses to the questions with specificity and detail (single spaced and 11-point font size).

3.4 Affidavits/Acknowledgements

Complete and sign the following:

- Lobbyist Registration for Oral Presentation (Notarize and Sign)
- Subcontracting Form
- Contractor Due Diligence Affidavit (Notarize and Sign)
- Form 2 – RFTE Program Responsible Contractor/Subcontractor Affidavit Form (RFTE 1) (Notarize and Sign)
- Exhibit A – HUD-5369-B, Instructions to Offerors, Non-Construction & HUD-5369-C, Certifications and Representations of Offerors, Non-Construction Contract
- Exhibit B – Section 3 Requirements for Procurement Contracts, Document 00400 – Section 3 Economic Opportunity and Affirmative Marketing Plan, Document 00450 – Contractor/Subcontractor Estimated Project Work Force Breakdown; and Document 0200-Section 3 Business Preference Claim Form (Only if claiming Section 3 preference).
- Exhibit C – HUD-5370 General Conditions for Construction Contracts - Public Housing Programs
- Suspension and Debarment Certification Form
- Byrd Anti-Lobbying Amendment Certification Form

Note 2: For Forms that require to be notarized, Proposers must fill, print, notarize, scan (PDF), and submit with their proposals.

3.5 Form 1 – Revenue and Income Streams Proposal

Complete following the requirements therein. This Form 1 shall be submitted at the same time the proposal is submitted, indicating the Group. It will not be accepted after the Proposal Due Date. Failure to submit this Form 1 may result in the Proposal being deemed non-responsive.

Note 3: Please refer to the front cover of this solicitation for submission instructions. This is a sealed Solicitation.

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 evaluated by a Competitive Selection Committee which will evaluate and rank proposals by Groups based on criteria

listed below. The Competitive Selection Committee will be comprised of appropriate County personnel from various Departments with the appropriate experience and/or knowledge, striving to ensure that the Competitive Selection Committee is balanced with regard to both ethnicity and gender. The evaluation criteria are itemized with their respective weights for a maximum total of one thousand twenty (1020) points per Competitive Selection Committee member, with ninety (90) additional points being available for bonus criteria, as indicated below:

Technical Criteria	Points
1. Proposed design and development concept for the project and its compatibility to the community and its residents, proposed amenities (Proposer Information Section 3), inclusive of massing, renderings and other architecture details.	150
2. Innovative materials and cost-reducing construction systems approach (Proposer Information Section 3).	20
3. Sustainability-focused approach in project design, building systems and site resiliency approach (Proposer Information Section 3).	50
4. Project phasing, resident transfer or relocation and project development schedule/realistic timeline (Proposer Information Section 3).	150
5. Proposed community and supportive services, to be formalized in a community benefits agreement (Proposer Information Section 6).	100
6. Proposed CPTED best practices in the proposed development (Proposer Information Section 3).	30
7. Proposed financial strategy including funding sources from Florida Housing Finance Corporation (FHFC) and others, as applicable, and firmness of financing commitments, Pro-forma, and proposed County participation in revenue and income streams (Proposer Information Section 4).	150
8. Firm commitments for total number of Section 3 jobs to be created and breakdown by trade during construction and post-construction, strength of evidence and documentation (Proposer Information Section 5).	90
9. Identity of Certified Section 3 businesses and other certified small and minority firms, women-owned enterprises and labor surplus area firms, that are part of the development team and additional firm commitment on number of participating sub-contractors and suppliers that will be Certified Section 3 or other certified small and minority firms, women-owned enterprises and labor surplus firms (Proposer Information Section 5).	60
10. Workload, Staffing and Capacity (Proposer Information Section 7).	50
11. Developer provided resources for Resident Requirement Pet spayed and/or neutered program	20
Technical Points	870
Revenue Criteria	Points
12. County participation in revenue and income streams (Form 1 – Revenue and Income Streams Proposal).	150

Total Points	1020
Bonus Criteria	Points
Additional Capacity Generator (Proposer Information Section 8) (YES - 20; NO - 0)	20
Proposer's Section 3 Pre-Certification by PHCD (YES - 10; NO - 0)	10
High speed internet service provided inside RAD units at no cost to the residents for 20 years	25
Conformance with and Project review under Florida Safe Requirements	10
Specific to Opa-locka Elderly – Senior Program Amenities including but not limited to: Service Providers, Verified Relationship with Medical Service Providers, Building Design and Fixtures specific for Elderly population	25
Total Bonus Points	90
Total Points with Bonus	1110

Note: Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u ("Section 3"), Proposers pre-certified by PHCD as a Section 3 business are eligible to receive ten (10) bonus points. Proof of certification shall be submitted with proposal. A Proposer must be certified by PHCD by the proposal due date and must comply with the requirements of Exhibit B, Document 00200, Section 3 Business Preference Claim Form to qualify for the preference.

4.3 Oral Presentations

Upon evaluation of the criteria indicated above, rating and ranking, the Competitive Selection Committee may, only in the most extenuating circumstances, choose to conduct an oral presentation with the Proposer(s) which the Competitive Selection Committee deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See Affidavit – "Lobbyist Registration for Oral Presentation" regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Competitive Selection Committee will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

4.4 Local Certified Veteran Business Enterprise Preference

Not applicable.

4.5 Revenue and Income Streams Evaluation

The revenue and income streams proposal will be evaluated subjectively in combination with the technical proposal, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The evaluation of revenue and income streams is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the right to negotiate the final terms, conditions and revenue and income streams of the contract as may be in the best interest of the County, and terms may differ from the terms the Selected Proposer outlines in their proposal.

4.6 Local Preference

Not applicable.

4.7 Negotiations

The Competitive Selection Committee will evaluate, score and rank proposals, and submit the results of the evaluation to the County Mayor or designee with its recommendation. The County Mayor or designee will determine with which Proposer(s) the County shall negotiate, if any, taking into consideration the Local Preference Section above. The County Mayor or designee, at their sole discretion, may direct negotiations with the highest ranked Proposer, negotiations with multiple Proposers, and/or may request better offers. In any event the County engages in negotiations with a single or multiple Proposers and/or requests better offers, the discussions may include development costs and the County's financial participation terms.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations at any time and may, at the County Mayor's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations may be required to provide to the County:

- a) A completed Collusion Affidavit, in accordance with section 2-8.1.1 of the Code of Miami-Dade County. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.).
- b) 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.
- c) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.
- d) Disclosure of any lawsuits which include allegations of discrimination in the last ten years prior to date of solicitation, the disposition of such lawsuits, or statement that there are NO such lawsuits, in accord with Resolution No. [R-828-19](#).

4.8 Contract Award

Any proposed contract, resulting from this Solicitation, will be submitted to the County Mayor or designee. All Proposers will be notified in writing of the decision of the County Mayor or designee with respect to contract award. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

4.9 Rights of Protest

A recommendation for contract award or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, as amended, and as established in Implementing Order No. 3-21.

4.10 Development Rights

The Selected Proposers shall not have more than eleven (11) months from the execution of the initial ground lease to obtain financing to make the first phase of the Project financially feasible for development, as determined by PHCD, after which time development rights will automatically expire under this WOPR. The County however, shall have no obligation to provide a new ground lease beyond the initial eleven (11) month ground lease provided to the Selected Proposer. Selected Proposer shall not transfer development rights.

5.0 TERMS AND CONDITIONS

The terms and conditions summarized below are of special note and will be described in their entirety in the ground lease agreement:

a) Vendor Registration

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. For online vendor registration, visit the Vendor Portal: <http://www.miamidade.gov/procurement/vendor-registration.asp>.

b) Indemnification, Insurance, and Bond Requirements

The Contractor shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Selected Proposer or its employees, agents, servants, partners principals or subcontractors.

The Contractor shall furnish to the County, Public Housing and Community Development Department (PHCD), Procurement Division, prior to the commencement of any work under any agreement, Certificates of Insurance which indicate insurance coverage has been obtained that meets the stated requirements (see Exhibit E – Indemnification, Insurance, and Bond Requirements).

c) Inspector General Reviews

In accordance with section 2-1076 of the Code of Miami-Dade County, the Office of the Inspector General may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated.

6.0 ATTACHMENTS

The following corresponding Attachments for each Project Site are provided, when available, at this link [Project Sites Attachments](#):

- Site Plan
- Resident Engagement Process Report
- Boundary Surveys
- Environmental Reports
- Existing Construction Drawings
- Occupancy by Units (Rent Rolls)
- Occupancy by Units
- HUD Correspondence (RAD CHAP Letters)

The following Attachments below are for proposers that are considered for Award of the Project Sites:

- Sample Master Development Agreement
- Sample Option to Lease
- Sample Ground Lease

Exhibit C – HUD-5370 General Conditions for Construction Contracts - Public Housing Programs

Exhibit D – HUD-5370-C General Conditions for Non-Construction Contracts, Section I

Exhibit E – Indemnification, Insurance, and Bond Requirements

Proposal Submission Package:

- Proposer Information Section
- Form 1 – Revenue and Income Streams Proposal
- Form 2 – RFTE Program Responsible Contractor/Subcontractor Affidavit Form (RFTE 1)
- Web Forms – Proposal Submittal Form, Subcontracting Form, Lobbyist Registration Form, & Contractor Due Diligence Affidavit
- Suspension and Debarment Certification Form
- Byrd Anti-Lobbying Amendment Certification Form
- Exhibit A – HUD-5369-B, Instructions to Offerors, Non-Construction & HUD-5369-C, Certifications and Representations of offerors, Non-Construction Contract
- Exhibit B – Section 3 Requirements for Procurement Contracts, Document 00400 – Section 3 Economic Opportunity and Affirmative Marketing Plan, Document 00450 – Contractor/Subcontractor Estimated Project Work Force Breakdown; and Document 0200- Section 3 Business Preference Claim Form (Only if claiming Section 3 preference).

Note: Proposers are advised that the requirements of this solicitation exceed the Section 3 requirements of the HUD Act of 1968.