



CITY OF MIAMI GARDENS

NEIGHBORHOOD STABILIZATION PROGRAM ROUND 3

HOUSING DEVELOPMENT

REQUEST FOR PROPOSAL

**1515 N.W. 167 Street
Bldg. 4, Suite 190
Miami Gardens, FL 33169
(305) 622-8041**



NEIGHBORHOOD STABILIZATION PROGRAM 3 (“NSP3”) REQUEST FOR PROPOSALS (“RFP”) FOR HOUSING DEVELOPMENT

Summary

The Neighborhood Stabilization Program (NSP), established pursuant to Title III of the Housing and Economic Recovery Act of 2008, provides federal funds to state, county and local government units to acquire and redevelop foreclosed and abandoned properties with the goal of stabilizing neighborhoods impacted by the collapse of the mortgage market.

The City of Miami Gardens (the “City”) is soliciting proposals from qualified developers for use of NSP funds to create affordable homeownership opportunities. Up to \$1,696,303 in NSP funding is available under this RFP.

Allocation of these funds will be done according to the process and criteria specified in this request for proposals. The City expects to receive more proposals than can be funded with its limited NSP allocation, and reserves the right reject any and all submissions. Also, submitted proposals may not be funded for the full amount requested.

The City encourages applicants to seek additional funds from other state, federal and private sources.

Target Neighborhoods

Activities funded by Neighborhood Stabilization Program 3 Funds can only be carried out in the target neighborhoods identified and included in the City’s plan. These areas are:

- **Target Area A:** Riverdale, Census Blocks 10001.1
- **Target Area B:** Rainbow Park, Census Blocks 00403.1, 00403.5, and 00403.6

NSP Requirements

- **NSP Target Areas** - NSP funds can only be spent in target neighborhoods identified as being areas of greatest need, as specified above.
- **Purchase Discount** - Any foreclosed upon residential property acquired with NSP funds must be purchased at a discount of at least 1% (one percent) below current appraised market value, based on an independent appraisal prepared by a HUD approved appraiser.
- **Limitation on Demolition** - Primary structures on properties acquired may not be demolished with NSP funds, unless they are declared blighted, are an extreme danger to public health or safety or if the demolition will be done in concert with a coordinated

program of reconstruction, rehabilitation or new construction in the target areas, which together can reasonably be expected to improve the area. In all instances, Grantee must approve demolition prior to any commitments.

- **Relocation** - All homes acquired or rehabilitated with NSP funds should be vacant prior to initiation of the project and prior to the City's funding commitment. If occupied, the developer **must** adhere to federal requirements related to acquisition, displacement and relocation found at 49 CFR Part 24 (the Uniform Relocation Assistance and Real Property Acquisition Act) and 24 CFR Part 570 (the Community Development Block Grant Program.) If an occupied property is acquired, the relocation cost will rest with the Developer.
- **Environmental Review** - All properties assisted under this RFP will be subject to an Environmental Review by the City prior to acquisition, demolition, rehabilitation or new construction. Developers will be required to submit the project site address, parcel identification number, and year the unit was built to the City, which will conduct the environmental review in compliance with 24 CFR Part 58. If the project passes the Environmental Review, the City will issue a Notice to Proceed, and the developer may move forward with the approved acquisition, demolition, rehabilitation, or new construction activity.

Notwithstanding any provisions of this RFP or of resultant NSP contract(s), these documents shall not constitute a commitment of funds, this shall occur only upon satisfactory completion of an environmental review to determine whether the project meets federal, state, and local environmental standards and receipt by the City of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. Developers must agree that the provision of any funds to their project(s) is conditioned on the City's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review.

- **Construction/Rehabilitation** - In all work under this RFP, developers must adhere to all applicable state and local laws, codes, zoning and other requirements relating to construction, rehabilitation and housing safety, quality, and habitability. In addition:
 - Rehabilitation - All NSP-assisted rehabilitation must be in compliance with the rehabilitation standards in the state, local jurisdiction and the City's Housing Rehabilitation Standards.
 - Construction or rehabilitation supported with NSP funds will be required to conform to 24 CFR 570.603 of the CDBG regulations, as applicable.
- **Property Standards** - All newly constructed or rehabilitated NSP funded projects must meet local codes and zoning ordinances. Plans should be of good design that will enhance the quality of life for residents.
 - **Energy Efficiency** - Plans must incorporate energy efficiency measures through materials, heating, ventilation and air conditioning (HVAC) systems, building design, and site orientation.

- **Lead-Based Paint** - If a rehabilitated home was originally placed into service prior to January 1, 1978, rehabilitation must comply with HUD lead-based paint rules (24 CFR Part 35 and 24 CFR Section 570.608). A lead-based paint risk assessment for lead based paint hazards shall be conducted, and rehabilitation work must be done by contractors meeting the requirements of the HUD rule and the EPA Renovation, Repair and Painting rule. All purchasers and/or tenants of NSP assisted structures constructed prior to 1978 must be notified of the hazards of lead based paint poisoning.
- **Sale Price Limitation** - Per the HERA statute, the price for selling homes to assisted households under NSP cannot exceed the cost to acquire and redevelop/rehabilitate the home plus related costs. In determining the sale price, maintenance costs, such as boarding up, lawn mowing, utilities, etc, cannot be included.
- **Buyer Requirements** - The following requirements pertain to the sale of the homes to eligible buyers:
 - **Occupancy by Low to Moderate Middle Income Households** – All units assisted with NSP funds must serve households with incomes at or below 120 percent of the AMI and a portion to serve households with incomes at or below 50 percent of the AMI.
 - **Buyer Note and Mortgage** - All NSP funds will be secured by a mortgage and note and will be provided in the form of a zero interest deferred loan consistent with the Affordability Period requirements listed below. City will provide the documents to be executed at closing.
 - **Primary Residence** - Homes acquired, rehabilitated and sold must be occupied as a primary residence for the length of the Affordability Period.
 - **Homebuyer Counseling** - All homebuyers that are assisted with NSP funds must attend within the last 12 months at least 8 hours of homebuyer counseling through a HUD-certified homebuyer counseling organization. Potential homebuyers must demonstrate documentation confirming their satisfactory completion of the counseling prior to submitting the application to purchase an assisted NSP home.
- **Affordability Period** - NSP assisted units must meet the affordability requirements for not less than the applicable period specified, beginning at closing. Affordability requirements apply regardless of the term of any loan or mortgage. They are imposed by note and mortgage provided by the NSP grantee and naming the grantee as mortgagee. The affordability period per unit is typically a period of 15 years; however this could vary depending on the total amount of NSP funding used.

During this period, homebuyers must occupy the unit as their primary residence, and, if the home is resold, rented, or abandoned, the homebuyers must repay NSP funds in accordance with the terms of the note and mortgage.

For rental housing, units must be rented or leased for no less than periods of 12 months at one time to be deemed permanent housing. Temporary housing is not an eligible activity under this RFP.

- **Deadlines** - Developers that receive NSP funds must take title or have a fully executed contract for proposed properties within 6 months of receiving notice of intent to award by the City. Projects must demonstrate progress toward this deadline by reaching milestones as depicted in an approved schedule which must be submitted to the City upon notification of intent to award. **Due to strict federal deadlines, developers that do not reach milestones in a timely manner will be subject to rescission of NSP funding.**
- **Reporting** – Each funded applicant will be expected to collect and report information about the uses of funds at least monthly, including, but not limited to:
 - Property location & activity
 - Funds budgeted and expended (NSP and all funding sources)
 - Beginning and ending dates of activities
 - Purchase price, appraisal and discount amount for each property acquired
 - Sales price & NSP buyer subsidy amount for each property
 - Other data needed to support HUD reporting requirements and performance measures
 - Buyer income, family composition & other information required to document eligibility
- **Vicinity Hiring:** Each funded applicant will be expected, to the maximum extent feasible, to provide for the hiring of employees who reside in the vicinity of NSP3 projects or contract with small businesses that are owned and operated by persons residing in the vicinity of such project. For the purposes of NSP3, HUD defines: “vicinity” as each neighborhood identified by the NSP3 grantee as being the areas of greatest need and “small business” as business that meets the criteria set forth in section 3(a) of the Small Business Act. See 42 U.S.C. 5302(a)(23).
- **Davis Bacon:** All federal government construction contracts and most contracts for federally assisted construction over \$2,000 must include provisions for paying workers on-site no less than the local prevailing wages and benefits paid on similar projects. For NSP projects, residential properties containing fewer than 8 units are exempt from Davis Bacon. The eight-unit threshold applies to the number of units on a property; not the number of units being rehabilitated or constructed. A property is defined as one or more buildings on an undivided lot or on contiguous lots or parcels which are commonly-owned and operated as one rental, cooperative, or condominium project. Single family properties are generally exempt from Davis Bacon.

Davis Bacon does not apply if NSP funds are used solely for non-construction costs. Non-construction costs include real property acquisition, architectural/engineering fees, legal or accounting services and real estate taxes.

Davis Bacon would not be triggered if an applicant uses only private funds for rehabilitation or construction.

Davis Bacon does not apply for a project where funds are being used for demolition. If demolition is being carried out as part of a future construction project, then the demolition would be considered to be part of the overall construction in such case then the determination of whether Davis Bacon applies will depend on the overall project, not the demolition as an individual activity.

- Other program requirements and restrictions included in Title III of the Housing and Economic Recovery Act of 2008 and HUD regulations related to the NSP to be found at: <http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/nsptime.pdf>.

Eligible Activities and Costs

The following list defines the types of activities and project costs that are eligible for NSP funding under this RFP, subject to the approval of the City:

- **Acquisition of existing property or vacant land.** Acquisition of existing property and acquisition of vacant land for redevelopment is eligible. Acquisition of foreclosed upon residential properties is subject to the purchase discount limitation noted above. All properties acquired **must be** vacant.
- **Demolition.** Written advance permission of Grantee must be obtained before offers may be made on properties on which the primary structure is blighted or beyond repair and therefore requires demolition. Deteriorated accessory buildings that may require demolition must be included under the rehabilitation, not demolition. Demolition of a blighted structure may be approved only if the building is blighted, there is a plan for immediate or future redevelopment, and the City approves the Developer's plan to ensure compliance with all Federal relocation requirements, if applicable.
- **New Housing Construction.** Any project that includes the addition of a new dwelling unit on vacant property is considered new construction under the NSP Program.
- **Rehabilitation.** Rehabilitation includes the alteration, improvement, or modification of an existing structure. Rehabilitation may include adding rooms outside the existing walls of a structure; however, adding a dwelling unit is considered new construction.
- **Reconstruction.** Reconstruction refers to rebuilding a structure on the same lot where a housing unit is standing or was standing. During reconstruction, the number of rooms per unit may change, but the number of units per lot may not.

- **Homebuyer Assistance Subsidy.** NSP funds may be used as subsidy for eligible homebuyers, subject to the following limits: \$55,000 per property as approved by the City Council through [Resolution 2008-231-919](#).
- **Eligible Soft Costs** – NSP funds can be used to cover the soft costs associated with a project as long as they are reasonable and necessary to the project. The following list defines the type of project related soft costs that are eligible under the NSP program. Please note that funding for soft costs is only eligible in collaboration with an eligible hard cost, and must be approved by the City.
 - Financing fees and other finance-related costs
 - Title binders and insurance
 - Recordation fees and transaction taxes
 - Legal and accounting fees related to the project
 - Surety fees
 - Property appraisals
 - Architectural, engineering
 - Construction management and related professional services
 - Builders and developers fees
- **Developer fees** – Developer fees, along with any other fees earned by the Developer or affiliated entities, including contractor and realty fees, must be approved by the City, and will not exceed 10%. Costs included in the developer fee must be distinguished from costs billed separately to the NSP grantee.
 - Excess proceeds of sale – In order to avoid undue enrichment, as required by program rules, excess proceeds from the sale of units, after all approved costs and approved developer fees are paid, shall be returned to the City, unless such proceeds are approved for use in the production of additional units under the Developer Agreement.

Application Evaluation Criteria

Applications will be subject to threshold review to determine eligibility for the NSP.

Threshold criteria include:

- 1) Application must be complete and received by the application submission deadline
- 2) Applicant must demonstrate capacity to complete proposed project within the required timeframe
- 3) Project site must be located in an eligible NSP Target Area
- 4) The proposed activity must be eligible under the City's Consolidated Plan
- 5) Projects must comply with income targeting requirements
- 6) Project sponsors must agree to adhere to all contracting and hiring requirements

Applicants that do not meet the threshold requirements may be deemed ineligible for further consideration.

Projects meeting minimum threshold requirements will be evaluated and scored: Eligible applications will be evaluated by City staff according to the following selection criteria:

- **Applicant Capacity (30 points)** Proven track record of development and/or redevelopment experience with comparable activities in similar neighborhoods; Applicants demonstrating “capacity” will:
 - Have a recent history of development and/or redevelopment that includes high quality affordable residential products delivered on-schedule and on-budget
 - Have adequate staffing levels with appropriate skills & qualifications to complete proposed project within stated timeframe
 - Have relevant real estate and rehabilitation experience, including experience working with federally-funded housing development
 - Provide realistic estimated cost projections and schedules and show a track-record of meeting projected time-lines for any previously authorized City funded projects
 - Be able to provide the insurance coverage noted in this RFP
- **Readiness to Proceed (30 points)** – Ability to implement program activities within 30 to 45 days of commitment of funds and to meet required milestones within 12 months of commitment. Applicants demonstrating “readiness” will:
 - Submit an application with a specific and detailed narrative including the activities to be carried out, ie. rehabilitation, acquisition, reconstruction, etc.
 - Identify a list of strategically located properties that meet program and eligibility requirements
 - Present evidence of site control and/or clear indications of timely schedule for obtaining site control
 - Present clear preliminary financial pro-forma that includes cost estimates for acquisition and/or rehabilitation, revenue estimates for sale and/or lease, and resultant subsidy request to City and other public sources
 - Ability to submit ALL required project-related documents (insurance certifications, executed contracts/ agreements for property acquisitions, etc.)
- **Strategic Location (10 points)** – Projects must involve properties within the City’s Target Neighborhoods that demonstrate a likelihood of having a stabilizing impact on the neighborhood. Projects qualifying as “strategically located” for NSP funding may be in high visibility locations, may address one or more severely deteriorated properties on otherwise stable streets, or may be a site of crime and/or vandalism in the

neighborhood. Neighborhoods containing strategically located projects should be identified in a municipal or community-based plan as being targeted for stabilization, redevelopment, or reinvestment activities, be the site of current public investment and/or codified redevelopment plans, and should be associated with the presence and commitment of strong local non-profit community development corporations.

- **Low Income Benefit (10 points)** – A minimum of 25% of NSP-assisted units in all funded projects must serve residents with incomes at fifty percent (50%) AMI or below. The City seeks to support projects that provide a deeper level of affordability:
 - Greater than or equal to 50% of units for households under 50% AMI: (10 points)
 - At least 25% of units for household under 50% AMI: (5points)
- **Leveraged Funds (20 points)** – Due to the limited amount of funding received under the NSP3 and the number of units needed to make an impact leveraging is strongly needed. Therefore, the City will rate proposals as such:
 - A match greater than or equal to 100% of the requested NSP funds: (20 points)
 - A match of atleast 50% of the requested NSP funds: (10 points)
 - A match of atleast 25% of the requested NSP funds: (5 points)

*****Applicants must submit adequate evidence of planned leveraged funds.

Submission Contents & Instructions

Applicants must submit the following in response to this RFP:

- ORGANIZATION INFORMATION AND CAPACITY
 - Provide an overview of the organization’s history and experience in developing affordable housing and homeownership opportunities. Identify your experience in working with City programs, including the CDBG or HOME program.
 - If applicant plans to have a development team included in the project, please list names of team members and describe the role, experience, and capacity of each (including contractors, construction managers, real estate brokers, , etc.)
 - Briefly describe the staff positions and qualifications of those individuals who will carry out the NSP program. Describe any existing commitments that would impact applicant’s ability to implement the project immediately.
 - Have any persons employed by applicant’s organization been debarred by HUD or are otherwise restricted from entering into contracts with any federal agency?
 - Is the applicant an approved HUD housing counseling agency? If not, describe how applicant will ensure that qualified homebuyers receive the required counseling under the NSP guidelines.

- Provide current financial statements or other information that establishes the financial capacity of the developer to undertake and complete the proposed project.
- Provide evidence with proposal of insurability for the standards listed below:
 - The Developer shall maintain for the duration of the contract(s), at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability, which may arise from or in connection with the performance of the work by the Vendor, its agents, employees, representatives, assigns or subcontractors. This insurance shall cover such claims as may be caused by any negligent act or omission.
 - Additional Insured Status: The City must be listed as the primary additional insured for liability arising out of activities performed by or on behalf of the Contractor.
 - Special Conditions: The insurer must indicate on the Certificate of Insurance that it agrees to defend, indemnify, and hold harmless the City, its agents, servants, and administrators from any and all complaints arising out of work or duties to be performed under this contract between the City and the Vendor.
 - Amounts: All insurance shall be written up for the following limits of liability:
 - i. Worker's Compensation Insurance – as required by law and Employer's Liability Insurance - \$1,000,000. The City of Miami Gardens will not accept filed certificates of exemption forms for Worker's Compensation Insurance.
 - ii. Professional Liability - \$500,000 per occurrence.
 - iii. General Liability Insurance - \$1,000,000 for each occurrence, general aggregate, personal injury and products/completed operations.
 - iv. Automobile Liability Insurance for owned vehicles, non-owned vehicles & hired vehicles - \$1,000,000 combined single limit.
 - v. The required insurance coverage shall be issued by an insurance company authorized and licensed to do business in the State of Florida, with the minimum rating of B+ or better, in accordance with the latest edition of A.M. Best's Insurance Guide.
- PROJECT/PROPERTY INFORMATION
 - Identify the specific geographic location(s) where the project is proposed, reflecting the eligible target areas noted above.
 - Provide a detailed description of the proposed project for which funds are being requested.

- Identify and describe eligible activities for which the applicant is applying.
- Describe the work to be performed and method of approach.
- Describe the methods applicant will utilize to ensure cost effectiveness of the proposed project.
- Describe the marketing and outreach strategy to reach the target program participants, including compliance with all fair housing and non-discrimination requirements.
- Identify any mechanisms currently in place to assist with the financing for potential homebuyers.
- Provide a projection of how many units will be completed and the timeframe for completion. Identify key tasks and completion dates that identify how the project is ready to proceed.
- Provide a project or property development sources and uses budget:
 - Sources: Indicate the NSP funding requested for development and for buyer assistance, plus any other types of financial assistance to be used. Provide documentation to support the commitment of these funds. If funds are not available to the project at the time of application submittal, please identify when an application will be submitted for the identified funds. Also, please identify when the commitment may be expected.
 - Uses: Provide an estimated budget for the acquisition, rehabilitation, and disposition of foreclosed homes (including soft costs such as developer fees, realtor fees, appraisals, inspections, marketing, carrying costs, etc.).
 - Developer fee: Indicate the proposed developer fee, and all other fees proposed to be earned by affiliates of the developer, for each unit developed under this RFP.

- **RFP CHECKLIST AND REQUIRED SUPPORTING DOCUMENTATION**

Please provide the required documentation listed below.

- RFP Narrative
- Articles of Incorporation and Bylaws
- State of Florida Certificate issued by the Secretary of State certifying standing as a corporation (State of Florida Certificate of Good Standing)
- Resolution/Certification of RFP and Designation of Authorized Official
- Required Forms and Certifications as attached to this RFP, including:
 - Authorized Representative Statement
 - Certification of Sound Fiscal Management
 - Income and FICA Tax Certification
 - Declaration of Financial Interests

- Certification Regarding Lobbying
 - Certification Regarding Debarment, Suspension, and Other Responsibility Matters
 - Sworn Statement on Public Entity Crime
 - Disability Non-Discrimination Certification
 - Drug Free Workplace Certification
 - Acknowledgement of Religious Organization Requirements (If Applicable)
- Questions: Any questions, explanations or other requests desired by applicants must be submitted in writing by no later than 3:00 p.m. on Friday, July 15, 2011. Requests must include the applicant's name, address, phone and fax numbers. Questions must be submitted via email at rfpcomment@miamigardens-fl.gov. All questions and answers will be posted on the website by Wednesday, July 20, 2011.
- Deadline: Proposals must be received no later than **4:00 p.m. on Friday, July 29, 2011.** Regardless of delivery method, ALL PROPOSALS MUST BE RECEIVED BY THE DEADLINE STATED ABOVE. Proposals received after the deadline will not be accepted. *Proposals submitted via facsimile **will not** be accepted.*
- Format:
 - All required forms and certifications must be signed originals
 - Proposal packet must be printed on 8 ½ " X 11" paper
 - All pages must be sequentially numbered
- Copies: Applicants should submit **One (1) original bound proposal** along with the required forms and certifications and **four (4) unbound copies** of only the proposal.
- Delivery instructions:

Proposals must be submitted to:

**The City of Miami Gardens
Community Development Department
1515 NW 167 Street
Building 4, Suite 190
Miami Gardens, FL, 33169**
- The City reserves the right to request additional information or documentation at any stage during the process, to request that changes be made to a proposal, and to fund portions of any given proposal. Applicants will be expected to respond and comply with any additional requests in a timely manner. Failure on behalf of the applicant to provide requested information on a timely basis will result in a proposal being deemed non-responsive and ineligible for further consideration. The City of Miami Gardens reserves the right to extend the RFP submission deadline should such action be in the best interest of the City.

- Proposals that are incomplete, out of order, have an inadequate number of copies, lack required attachments, or have other content errors or deficiencies may be rejected.
- Appeals: An appeal procedure will be made available to applicants that are not recommended for funding. **THE APPEAL MUST BE BASED ON AN ERROR IN FACT OR LAW.** An alleged error in evaluation based on “fact” will be reviewed by a panel of three (3) reviewers. An alleged error in evaluation based on “law” will be reviewed by the City Attorney’s Office. To initiate an appeal, the applicant must notify the Department of Community Development in writing within five (5) days from the date on the City’s written notice of non-funding.
- Conflict of Interest and Code of Ethics: As provided in Article 9 Ethics in Public Contracting of the City of Miami Gardens Ordinance No. 2005-10-28 and subsection (t) “Cone of Silence,” of Section 2-11.1 “Conflict of Interest and Code of Ethics Ordinance” of Miami-Dade County, from the time of advertising until the City Manager makes a written communications concerning the recommendation of award, there is a prohibition on communication with the City Manager and his staff and Mayor and City Council. The ordinance does not apply to oral communications at pre-bid/proposal conference, oral presentations before selection committees, contract negotiations, public presentations made to the City Council during any duly noticed public meeting or communications in writing at any time with any City employee, official or member of the City Council unless specifically prohibited by the applicable RFP, RFQ or bid documents. A copy of all written communications must be filed with the City Clerk.

At the discretion of the City Manager or his designee, employees declaring a conflict of interest- perceived or otherwise, may be ineligible to participate in the bidding and contracting process; the City Manager or his designee, shall review the facts and render a written decision. Alternatively, Bidders having knowledge of a conflict of interest – apparent or otherwise – of the public entity’s employee(s), shall be required to submit this information prior to the closing of the bid protest period. Failure to do so will nullify Bidder’s right to protest the award of the bid and resultant contract on the basis of conflict of interest.

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

AUTHORIZED REPRESENTATIVE STATEMENT

AGENCY: _____

Provide the name(s) and telephone number of the person(s) who has been designated the responsibility within the following areas:

<u>POSITION</u>	<u>NAME</u>	<u>TELEPHONE NUMBER</u>
Chairman of the Board	_____	_____
Exec. Director of the Project	_____	_____
Project Director	_____	_____
Affirmative Action Officer	_____	_____
Personnel Officer	_____	_____
Fiscal Management Officer	_____	_____

1. PERSON(S) AUTHORIZED TO SIGN CHECKS

NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
TELEPHONE: _____	TELEPHONE: _____
SIGNATURE: _____	SIGNATURE: _____

2. PERSON(S) AUTHORIZED TO SIGN CONTRACTS

NAME: _____	NAME: _____
TITLE: _____	TITLE: _____
TELEPHONE: _____	TELEPHONE: _____
SIGNATURE: _____	SIGNATURE: _____

*Persons Authorized to Pick-up: _____

*** FACSIMILE SIGNATURES REQUIRED AND MUST BE BONDED**

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

CERTIFICATION OF SOUND FISCAL MANAGEMENT

We, _____ as the Executive Director, and _____
(Full Name) (Full Name)

as the Chief Fiscal Officer of _____;
(Organization)

acknowledge that as a condition of receiving funds from the City of Miami Gardens, have the need to establish and maintain sound financial and fiscal controls and management systems. We hereby certify that _____
(Organization)

has established internal controls which are adequate to safeguard the assets of the agency, monitor the accuracy and reliability of accounting data, promote operating efficiency and insure compliance with prescribed policies and procedures.

Signature (Executive Director) Date

Signature (Chief Financial Officer) Date

I am a duly licensed certified public accountant and have been engaged to review the accounting systems of _____ which is private (___ profit/___ non- profit) organization
(Organization)

that will operate _____
(Organization)

programs for the City of Miami Gardens. I have reviewed the financial systems that this Agency has established. This review was completed on _____. At the time of review,
(Date)

the Agency had established internal controls which were adequate to safeguard the assets of the Agency, monitor the accuracy and reliability of accounting data, promote operating efficiency, and insure compliance with prescribed management policies.

C.P.A.

(Name of Firm) (Printed Name of Accountant)

C.P.A.

(Date) (Signature of Accountant)

If any modifications are required to this certificate due to the nature of the engagement between the Agency and the C.P.A., attach a substitute report as explanation.

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

INCOME AND FICA TAX CERTIFICATION

Agency: _____

Street Address

City, State, Zip Code

In the performance of the contractual Agreement between the Agency listed above and the City of Miami Gardens, I, as Chairman of the Board, certify that my organization has complied and will continue to comply with the requirements of the law regarding:

- Obtaining employer identification and account numbers.
- Current IRS Identification Number is _____
- Providing W-2 Forms to employees who are not new employees. For present employees who were formerly employed under the Contract, W-2 Forms shall be furnished as specified in Circular E, Employer's Tax Guide.

Typed Name of Chairman of the Board

Signature

Date

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

DECLARATION OF FINANCIAL INTERESTS

1. Do you have any past due financial obligations with the City of Miami Gardens or Miami-Dade County?

YES

NO

If YES, please explain:

2. Are you a relative of or do you have any business or financial interests with any elected or appointed City of Miami Gardens Official, City of Miami Gardens Employee, or Member of any City Committee or Board?

YES

NO

If YES, please explain:

Any false information provided on this application will be reason for rejection and disqualification of your project-funding request to the City of Miami Gardens.

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Name and Title of Authorized Representative

DATE

Signature of Authorized Representative

DATE

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

(1) No Federal appropriated funds have been paid, or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(1) This undersigned shall require that the language of this certification be included in the award documents for "All" sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a pre-requisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SUB-RECIPIENT

PRINT NAME OF CERTIFYING OFFICIAL

SIGNATURE OF CERTIFYING OFFICIAL

DATE

* Note: In these instances, "All" in the Final Rule is expected to be clarified to show that it applies to covered contract/grant transactions over \$100,000 (per QMB).

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

1. The Sub-Recipient certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 1.b of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an explanation to the City of Miami Gardens.

SUB-RECIPIENT

PRINT NAME OF CERTIFYING OFFICIAL

SIGNATURE OF CERTIFYING OFFICIAL

DATE

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

**SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A).
FLORIDA STATUTES ON PUBLIC ENTITY CRIME**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____

By _____

(print this individual's name and title)

for _____

(print name of entity submitting statements)

whose business address is _____

and if applicable is Federal Employer Identification Number (FEIN) is _____

If the entity has no FEIN, include the Social Security Number of the individual signing this sworn Statement:

2. I understand that a "public entity crime" as defined in paragraph 287.133(1)(a), Florida Statutes, mean a violation of any state or federal law by a person with respect to and directly related to the transactions of business with any public entity or with an agency or political subdivision of any other state or with the United States including, but not limited to any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a Jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of public entity crime; or

2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a “person” as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which statement applies).

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. AND (Please indicate which additional statement applies).

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO, WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

Sworn to me and subscribed before me this _____ day of _____, 20_____.

Personally known _____

Or produced identification _____ Notary Public—State of _____

_____ My commission expires _____
(Type of Identification)

(Printed, typed or stamped commissioned name of notary public)

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

DISABILITY NON-DISCRIMINATION CERTIFICATION
Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies that it is in compliance with and agrees to continue to comply with, and assure that subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed above including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications access to facilities, renovations, and new construction in the following laws:

The Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104, Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. Sections 325 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications, and Title V, Miscellaneous Provisions; The Rehabilitation Act of 1973, 29 U.S.C. Section 794; The Federal Transit Act, as amended 49 U.S.C. Section 1612; The Fair Housing Act as amended 42 U.S.C. Section 3601-3631.

The foregoing requirements shall not pertain to contracts with the United States or any department or agency thereof, the State of any political subdivision or agency thereof or any municipality of this State.

Bidder Signature

Print Vendor Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 __,

_____ as _____
(Name of person whose signature is being notarized) (Title)

of _____ known to me to be the person described herein,
(Name of corporation/company)

or who produced _____ as identification and who did/did not take an
(Type of Identification)

oath.

NOTARY PUBLIC:

(Signature)

(Print Name)

My commission expires: _____

SEAL

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

DRUG FREE WORKPLACE CERTIFICATION

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies that it will provide a drug-free workplace program by:

- (1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the offeror's workplace, and specifying the actions that will be taken against employees for violations of such prohibition;
- (2) Establishing a continuing drug-free awareness program to inform its employees about:
 - (i) The dangers of drug abuse in the workplace;
 - (ii) The Bidder's policy of maintaining a drug-free workplace;
 - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) Giving all employees engaged in performance of the Contract a copy of the statement required by subparagraph (1);
- (4) Notifying all employees, in writing, of the statement required by subparagraph (1), that as a condition of employment on a covered Contract, the employee shall:
 - (i) Abide by the terms of the statement; and
 - (ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than five (5) calendar days after such conviction;
- (5) Notifying City of Miami Gardens government in writing within ten (10) calendar days after receiving notice under subdivision (4) (ii) above, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;
- (6) Within thirty (30) calendar days after receiving notice under subparagraph (4) of a conviction, taking one of the following actions with respect to an employee who is convicted of a drug abuse violation occurring in the workplace:
 - (i) Taking appropriate personnel action against such employee, up to and including termination; or
 - (ii) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health law enforcement, or other appropriate agency; and
- (7) Making a good faith effort to maintain a drug-free workplace program through implementation of subparagraph (1) through (6).

Bidder Signature

Print Vendor Name

CITY OF MIAMI GARDENS - DEPARTMENT OF COMMUNITY DEVELOPMENT

ACKNOWLEDGEMENT OF RELIGIOUS ORGANIZATION REQUIREMENTS

Certification for Contracts, Grants, Loans and Cooperative Agreements

In accordance with the First Amendment of the United States Constitution "church/state principles," Community Development Block Grant (CDBG) assistance may not, as a general rule, be provided to primarily religious entities for any secular or religious activities.

Therefore, the following restrictions and limitations apply to any provider which represents that it is, or may be deemed to be, a religious or denominational institution or an organization operated for religious purposes which is supervised or controlled by or operates in connection with a religious or denominational institution or organization. A religious entity that applies for and is awarded CDBG funds for public service activities must agree to the following:

1. It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference to persons on the basis of religion.
2. It will not discriminate against any person applying for such public services on the basis of religion and will not limit such services or give preference to persons on the basis of religion.
3. It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of such public services.
4. The portion of a facility used to provide public services assisted in whole or in part under this agreement shall contain no sectarian or religious symbols or decorations; and
5. The funds received under this agreement shall be used to construct, rehabilitate or restore any facility, which is owned by the provider and in which the public services are to be provided. However, minor repairs may be made if such repairs are directly related to the public services located in a structure used exclusively for non-religious purposes and constitute in dollar terms, only a minor portion of the CDBG expenditure for the public services.

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

Signature: _____

Date: _____

Printed name and Title: _____

Sworn to me and subscribed before me this _____ day of _____, 20____.

Personally known _____

Or produced identification

Notary Public - State of _____

(Type of Identification)

My commission expires _____

(Printed, typed or stamped commissioned name of notary public)