



July 8, 2016

Gentlemen/Ladies:

**SUBJECT: Request for Qualifications (RFQ) No. 16-008 Award of Section 8 Project-Based Vouchers to Existing Housing Units**

The **Oakland Housing Authority (OHA)** invites qualified owners, property managers and developers of rental property in Oakland, to submit written proposals demonstrating their interest in securing Project Based Voucher rental assistance.

**Proposals will be accepted on the first floor at 1801 Harrison Street, Oakland, CA. until 10:00 a.m. (local time) on September 14, 2016 for Round 1 consideration and on October 26, 2016 for Round 2 consideration.** Proposals received after 10:00 a.m. on October 26, 2016 will be rejected without consideration.

Questions of a procedural nature may be directed to Courtney Creswell at (510) 587-2165.

We look forward to receiving your proposal.

Sincerely,



Eric Johnson  
Executive Director  
Oakland Housing Authority  
1619 Harrison Street, Oakland, CA 94612



Oakland Housing  
Authority

## REQUEST FOR QUALIFICATIONS

**(RFQ) # 16-008**

**AWARD OF SECTION 8 PROJECT-BASED VOUCHERS  
TO EXISTING HOUSING UNITS**

|  |   |
|--|---|
| <b>RFQ Issued</b>                      | July 8, 2016  |
| <b>Pre-Proposal Conference</b>         | July 28, 2016 @ 10:00 AM<br>Oakland Housing Authority<br>1540 Webster Street, Oakland, CA |
| <b>Questions Due</b>                   | August 12, 2016 @ 10:00 AM  |
| <b>Email Questions to:</b>             | <a href="mailto:ccgs@oakha.org">ccgs@oakha.org</a> (Indicate above RFQ # in "Subject")    |
| <b>Addendum Issued (if applicable)</b> | August 24, 2016   |
| <b>Proposals Due</b>                   | September 14, 2016 @ 10:00 AM – Round 1   |
| <b>Proposals Due</b>                   | October 26, 2016 @ 10:00 AM – Round 2   |

**Contract Compliance & General Services (CCGS) Department  
Oakland Housing Authority (OHA)  
1801 Harrison Street, First Floor, Oakland, CA 94612  
e-mail: [CCGS@oakha.org](mailto:CCGS@oakha.org)**

**Contact person for the above RFQ: Courtney Creswell at 510-587-2165**

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## 1. GENERAL INFORMATION

### 1.1 RFQ Introduction:

The **Oakland Housing Authority (OHA)** invites qualified owners, property managers and developers of rental property in Oakland, to submit written proposals demonstrating their interest in securing Project Based Voucher rental assistance.

This offering is open for **existing housing units only**, as OHA seeks to commit long-term rental assistance to units that are immediately available to eligible low-income individuals and families and in particular, special needs populations and homeless veterans. There is also the ability to “voucher in place” any eligible households that are currently housed in these existing units. The **Project-Based Voucher (PBV)** program will provide federally funded rental subsidies paid on behalf of eligible very low income households that will live in the rental housing units, contracted under this program. To be eligible for PBV program assistance, a household must 1) have income at or below 50% Area Median Income (see Exhibit C - Income Limits); 2) have at least one household member who is a U.S. citizen, U.S. national, or noncitizen that has eligible immigration status; and 3) pass OHA Section 8 Housing Choice Voucher screening criteria, before they can be admitted to the program.

Under **Moving to Work (MTW)** authority, OHA is prepared to award PBV program housing assistance to qualified housing units accepted through this competitive selection process to the extent that funds are available.

The principal goals of this effort are to:

1. Preserve affordable housing units available to both current and future low income families, for up to 15-years;
2. Increase the supply of affordable housing units in Oakland available to low income households, including special needs populations;
3. Utilize existing OHA resources to serve as many Oakland households as possible; and
4. Increase the supply of services serving veterans and those at risk of homelessness.

All proposals submitted in response to this solicitation must be submitted in accordance with the forms and directions provided in this Request for Qualifications (RFQ) so that OHA can properly evaluate the offers received.

Proposals will be awarded in two funding rounds in 2016 or until available funding is exhausted. The Authority may also select projects for awards up to 3-years after the proposal submission date as new funding becomes available.

For further information and/or updates on this bid or any other Oakland Housing Authority projects, you may go to the Authority's website at [www.oakha.org](http://www.oakha.org) select Business Opportunities/ Open RFQs and Bid Status/ Active Bids/ select desired bid number.

## **1.2 Oakland Housing Authority Reservation of Rights**

- The Authority reserves the right to reject any or all proposals, to waive any informality in the RFQ process, or to terminate the RFQ process at any time, if deemed by the Authority to be in its best interests.
- The Authority reserves the right to suspend, amend or modify the provisions of this Project-Based Voucher offering, and may negotiate modifications, award more or less than the full amount of funding/units originally requested by a project, or to reject proposals pursuant to this RFQ entirely.
- The Authority reserves the right to terminate a contract awarded pursuant to this RFQ at any time for its convenience.
- The Authority reserves the right to retain all proposals submitted and may select projects for awards up to three (3) years after the proposal submission date.
- The Authority reserves the right to reject and not consider any proposal that does not meet the requirements of this RFQ, including but not necessarily limited to incomplete proposals, non-responsive proposals and/or proposals offering alternate or non-requested units or services.
- The Authority shall reserve the right, at any time during the RFQ or contract process, to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein.
- By accessing and/or by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document, and further agrees that he/she will inform the Contract Compliance and General Services (CCGS) contact person in writing within five (5) business days of the discovery of any item listed herein or of any item that is issued thereafter by the Authority that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve the Authority, but not the prospective proposer, of any responsibility pertaining to such issue.
- The Authority is subject to the disclosure requirements of the California Public Records Act. This Act will apply to all submitted proposals to the Oakland Housing Authority.

- No conversation with any officer, employee, agent or consultant of OHA, either before, during, or after the execution of the contract affects or modifies any terms or obligations contained in the contract documents, nor entitles a successful proposer to any adjustments or changes.

### 1.3 Oakland Housing Authority Background and Information

The Oakland Housing Authority was established on April 28, 1938 to provide low-income residents of the City of Oakland with access to low-cost housing. The Authority is governed by a seven-member Board of Commissioners appointed by the Mayor of the City of Oakland, with the approval of the Oakland City Council.

The Authority is federally funded and regulated primarily under the U.S. Housing Act of 1937 as amended. The majority of our program funding is governed by the U.S. Department of Housing and Urban Development (HUD) regulations. In 2004, OHA was selected to be a “Moving to Work” housing authority by HUD and entered into an MTW agreement. This agreement has since been amended extending the MTW agreement to June 30, 2018; and a further extension to 2028 was approved as part of the Appropriations Act of 2016.

As one of only a select few housing authorities in the country participating in the **HUD Moving to Work Demonstration Program**, OHA works closely with community partners and stakeholders to develop and implement innovative solutions to the pervasive issues of access to quality affordable housing, enduring poverty, and lack of opportunity in America’s very low income neighborhoods. The Oakland Housing Authority was selected among only 39 (out of 3,400 eligible) agencies nationally, to participate in the MTW program, and acts as one of “America’s Housing Policy Labs,” for demonstrating and evaluating new solutions that can be replicated across the country.

Under MTW authority, OHA has been allowed to waive certain federal provisions applicable to the utilization of PBV assistance. To date OHA has committed 3,336 units to its MTW Project-Based Voucher program, with over 2,100 units currently leased and operating under a Project-Based Voucher Housing Assistance Payments (HAP) Contract. Under existing regulations, a traditional non-MTW Public Housing Authority (PHA) would be limited to project-basing only up to 20 percent (20%) of the amount of budget authority allocated to that PHA’s Housing Choice Voucher program. Additionally, a traditional non-MTW PHA can project-base no more than 25 percent (25%) of units in a single project. Under OHA’s MTW Authority, both of these restrictions are waived, and waived for this RFQ. OHA also has MTW authority to waive site selection standards for PBV assistance and may accept proposals for non-contiguous sites. This means that groups of single family dwellings or

combinations of small apartment complexes/units (e.g. duplexes, triplexes and four-plexes) can be grouped together to meet a 10-unit minimum request.

Each year, OHA creates an MTW plan for the coming fiscal year and a report for the previous year. These documents outline the new activities the Housing Authority will implement to meet its MTW goals and provide status on activities already underway. For more information on OHA and the agency's MTW program, please visit the Reports and Policies section of OHA's website at [www.oakha.org](http://www.oakha.org).

## **2. MTW PROJECT- BASED VOUCHER PROGRAM**

### **2.1 Program Description**

Tenants who reside in the units approved under this RFQ will pay a portion of the rent, based on their income. A tenant's rent portion is generally 30% of the family's income with OHA paying the balance to the property owner on behalf of the tenant, in the form of a Housing Assistance Payment. The difference between a tenant-based Housing Choice Voucher (HCV) and a project-based assistance is that project-based rent subsidy is tied to the unit, not to the tenant. Should the current tenant vacate, PBV subsidy stays with the unit and is available to assist the next eligible family.

The purpose of this RFQ is to increase housing choices for program participants by encouraging property owners to utilize MTW Project-Based Voucher assistance for their rental property on a long-term basis. This helps to preserve the stock of affordable housing units in the Oakland community and helps facilitate reinvestment in the affordable housing stock to stabilize properties and families. Through this program offering, OHA seeks to attach project-based rental assistance to selected existing housing units for an initial term of up to fifteen (15) years. A shorter initial term will be considered on a case by case basis and renewal provisions can extend a PBV HAP contract for up to thirty (30) years.

Long-term project based housing assistance contracts provide a more dependable income stream to the properties, and Asset Managers will often leverage this housing assistance commitment to finance project rehabilitation or upgrades. The total contract rent that an owner can expect to receive for PBV assisted units will base on HUD rent reasonableness criteria (see Exhibit F - OHA Administrative Plan Section 8-III.C.). HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area during the term of a PBV HAP contract and project owners can request a rent increase annually at the contracts anniversary date.

Other participating owner benefits may include:

- A vacancy loss provision that will cover up to sixty (60) days HAP when PBV assisted units turnover;
- Unit inspections that will help document unit conditions over time;
- An online landlord portal where you can view up to date unit information via the internet;
- On-time housing assistance payments by direct deposit or mailed on the 1<sup>st</sup> of each month; and
- Ability to increase the rent within program guidelines without affecting your tenant's rent burden.

## 2.2 Eligible Units

Eligible units include rental housing in:

***Single-family buildings*** which are buildings with no more than four dwelling units (24 CFR §983.3). PBV housing assistance may be attached to all units in single-family buildings (meaning all units in properties with between one and four dwelling units).

***Multifamily buildings*** which are buildings with five or more dwelling units. OHA will consider requests for up to 100% of the dwellings units at a single multifamily building site. Awards will be based on project merits, project needs, scoring relevant to the population served, community benefit, including how the project addresses the core impact areas outlined in OHA's Development Policy and the extent to which current or future residents of the property will benefit from the proposed project. Projects requesting 100% should set aside at least 50% of the units for Special Needs populations and/or VASH.

This offering is also open to increasing the number of PBV units in projects already operating under a Project-Based Housing Assistance Payments (HAP) contract with OHA. A project site may request to add additional units to a previously executed PBV HAP contract, without minimum. The additional units will be added to the contract for the remainder if the PBV HAP term and any approved extension.

Project evaluation criteria will take into consideration not just the populations served and the extent to which services are available to meet the needs of residents at a particular project, but also its community benefit and neighborhood impact based on the overarching goals described in OHA's Development Policy (Exhibit E). OHA seeks to select projects that will strengthen neighborhoods and benefit both residents and the surrounding community through this RFQ (see Section 5.6 for Evaluation Criteria). The ultimate goal is to preserve and increase the supply of affordable housing units in healthy, vibrant communities that have or expect to have in the foreseeable future at least some of the



following characteristics; access to quality education, public transportation, supportive services and/or innovative programming, and proximity in relation to neighborhood amenities such as grocery stores, banks, drug stores, libraries, community centers and parks. OHA will also consider resident safety and access to a healthy environment when reviewing projects and will consider how current or future residents of the property will benefit from the proposed project.

**Existing Housing.** Existing housing units are those units that already exist on the proposal application date, and that substantially comply with the Housing Quality Standards (HQS) on that date. The units must fully comply with the HQS before execution of a PBV housing assistance contract (24 CFR §983.3). A selected project will be inspected by OHA and any necessary repairs must be completed in no less than ninety (90) days of project selection or a proposed award may be voided.

**Units added to projects that already have a Project-Based Voucher HAP contract.** If the units approved under this RFQ are being added to a PBV site already operating under a contract with OHA, the owner may continue to select applicants from its PBV site-based waiting list that was approved by OHA, if one exists. An eligible family already residing in the proposed unit may also “voucher in place” (see Section 2.3). Any additional unit(s) approved will be added to the existing contract for the remainder of the contract term, including any approved extensions.

**Housing Quality Standards (HQS).** HUD-established HQS specifications are described in 24 CFR §982.401. All units must meet HQS (or any successor program as implemented by HUD or under MTW authority by OHA) before rental assistance can commence. OHA will inspect units for HQS prior to awarding a proposal, before execution of a contract, and at each unit turnover, prior to providing assistance or housing to a new family moving into the unit. The pre-selection inspection process will also include a review for Site and Neighborhood Standards for site selection standards and other evaluation criteria listed in this RFQ.

**Unit Sizes.** OHA will accept proposals for this RFQ for Studio, 1-Bedroom, 2-Bedroom and 3-Bedroom unit sizes.

**Requested Rent.** There are no pre-set or maximum rents for Housing Choice Voucher units. OHA will approve requested rents based on a market analysis using at least three comparable units in the private unassisted market. Initial rent offers however must be maintained within the OHA Voucher Payment Standard for Section 8 assisted housing in the City of Oakland (see Exhibit D - OHA Voucher Payment Standard and Utility Allowance Table). Rent offers are subject to an OHA inspection and may be negotiated based on (non-HQS) upgrades or improvements the owner is willing to make to the unit.

Tenants assisted through the PBV program pay approximately 30% of their income towards the rent. The tenant pays their tenant rent portion directly to the owner and OHA pays the balance of the contract rent amount on behalf of the assisted family, in the form of a Housing Assistance Payment (HAP). HAP payments are paid to the owner promptly on the 1<sup>st</sup> of each month by either check (mailed) or direct deposit upon request. At present, Section 8 assisted rental units are exempt from most provisions of the City of Oakland's Rent Adjustment Ordinance and units under contract may request a rent increases each year, at its PBV HAP contract anniversary date.

***Ineligible Units.*** Ineligible units include nursing homes, units controlled by an education institution, units already subsidized by other forms of rental assistance, owner occupied and units occupied by a family not eligible for Section 8 participation. For a complete listing of ineligible units see 24 CFR §982.53.

***Note: OHA will not consider Single Room Occupancy (SRO) housing units in this RFQ. For SRO units OHA anticipates issuing a RFQ for Local Housing Assistance.***

## **2.3 Eligible Families**

Eligible families must have income at or below 50% of the Area Median Income and at least one family member must be a U.S. citizen, U.S. national, or noncitizen that has eligible immigration status. The family must also pass OHA Criminal Background Screening and attend a Section 8 briefing (see *Family Acceptance of Offer below*) before they can be admitted. Please note, OHA will not screen applicants for admission until they have been selected for an available unit. Additionally, OHA cannot approve a unit if the owner (including a principal or other interested party) of a unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family.

### ***Voucher In Place***

Eligible units include units **occupied** by a family that is eligible for admission to the Project Based Voucher program on the date the proposal is submitted. If occupied, OHA must determine if the **in place family** is eligible prior to entering into a PBV HAP contract. (see Exhibit B - Section 8 HCV Admission and PBV Occupancy Standards).

If a currently housed family is determined NOT to be eligible for Section 8 program participation, PBV assistance will NOT be available for that unit, until it is occupied by an eligible family selected and housed pursuant to a Project-Based Voucher program agreement.

**Under NO circumstances should an “in-place” resident be displaced, to qualify a unit for submission under this RFQ.**

***Applicants for Vacant Units and at Turnover.*** Applicants for vacant PBV units selected under this RFQ will be referred to the owner from the OHA tenant-based Housing Choice Voucher waiting list, in the order of their position on the waiting list. The owner is allowed and encouraged to screen applicants for suitability and must notify rejected applicants in writing, with the grounds for the rejection. If a PBV unit owner rejects a family for one of their units, the rejection will not affect the family's position on OHA's Housing Choice Voucher waiting list. OHA will refer applicants from the HCV waiting list for a period of thirty (30) days. If the owner is unsuccessful in finding an interested, eligible applicant from the OHA's waiting list during the referral period, the owner may then make their own referral of an applicant to OHA. The owners must have an affirmative fair-housing tenant selection plan approved and on file with OHA in order to make direct referrals of applicants to OHA, and OHA must screen and approve the applicant for eligibility before they can be admitted to the MTW Project-Based Voucher program.

***Service-Enriched Units.*** A critical component of this RFQ is to ensure underserved populations have access and can maintain their tenancy in these units. OHA understands that targeting special needs populations often requires reduced screening criteria to appropriately place tenants in housing units where services are available. Owners awarded PBV units that are set aside for targeted populations should have agreements in place for supportive services and a tenant selection plan that will ensure access for those who will benefit most from a service-enriched unit. OHA must still screen these applicants for admission to the program, and will consider modification to admissions criteria as necessary to place appropriate families in these service enriched units.

***Fair Housing, Nondiscrimination and Equal Opportunity [24 CFR 5.105(a)] and Section 504 of the Rehabilitation Act.*** The owner is responsible for adopting written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably relate to program eligibility and an applicant's ability to perform lease obligations.

***Family Acceptance of Offer.*** If a family accepts an offer for project-based assistance, OHA must screen the applicant for admission which includes Criminal Background Screening pursuant to OHA's Administrative Plan. OHA will perform criminal background checks through local law enforcement for all adult household members. This information will be obtained from the California Law Enforcement Telecommunications System (CLETS) or the National Crime Information Center (NCIC). OHA is required to perform criminal background checks and may deny applicants that were arrested or convicted for drug-related or violent criminal activity

within the past five (5) years. OHA may also deny an applicant with a record of an eviction from public or privately-owned housing, as a result of criminal activity within the past five (5) years. OHA may not admit any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing or subject to a lifetime registration requirement under a state sex offender registration program in the state where the housing is located, as well as in any other state where a household member is known to have resided.

All adult members of an applicant family must also attend an oral Section 8 briefing. The briefing includes information on how the program works and the responsibilities of the family and owner. In the briefing, OHA will provide the family with a briefing packet that explains how OHA determines the tenant's rent, the family obligations under the program, and applicable fair housing information [24 CFR 983.252]. OHA is not responsible or liable to the owner or any other person for a family's behavior or suitability for tenancy. The family must complete OHA eligibility screening and attend an oral briefing prior to admission. OHA may deny applicants based on failure to complete such screening.

#### **2.4 Participating Owners**

Selected project owners must not be debarred or subject to Limited Denial of Participation in HUD programs.

The owners must demonstrate site control and if the property is being managed by a 3<sup>rd</sup> party, the owner must provide a copy of their Site Management Agreement with authorizations.

OHA will not approve a unit if the owner (including a principal or other interested party) of a unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family.

### 3. MINIMUM REQUEST

**Minimum Request.** OHA will accept proposals for a minimum of 10 units under this RFQ, and under MTW authority OHA may accept and award project based housing assistance to units at non-contiguous site locations. For example, 10 Single Family Homes or other combinations of rental units located on multiple parcels within the City of Oakland can be combined to meet the 10 unit minimum. The table below provides the minimum unit request thresholds and exceptions by property type.

| Building Type                                     | Number of PBV Units that can be Requested   | Special Needs or VASH Units   |
|---|---|---|
| <b>Single Family Dwellings</b><br>(1-4 units)     | 10 unit minimum – no maximum. Can be a combination of single unit homes, duplexes, tri-plexes, four-plexes on non-contiguous sites. |   |
| <b>Multifamily Buildings</b><br>(5 or more units) | 10 unit minimum – no maximum. Multiple project sites can be combined under one Project-Based Voucher program HAP contract.          | OHA will accept requests for up to 100% of the rental units at a multifamily building site. Awards will be based on project merits and scoring relevant to the population served. Projects requesting 100% should set aside at least 50% of the requested units for Special Need populations or VASH. |

### 4. PROPOSAL SUBMISSION REQUIREMENTS

All proposals submitted in response to this RFQ must be addressed to the Oakland Housing Authority and formatted in accordance with the “Proposal Format” as described in the section below. The OHA will not provide any reimbursement for the cost of developing, presenting or providing a response to this RFQ.

#### 4.1 Proposal Format

##### **Letter of Interest:**

Interested parties are to submit a letter of interest that includes a history of the owners experience with HUD affordable housing programs or any other rental assistance or below market rent programs, including those targeting Special Needs populations where applicable.

The letter must also indicate the number of PBV units requested and a description of how your project addresses the core impact areas outlined in OHA’s Development Policy (Exhibit E):

- Overall Impact
- Neighborhood Impact
- Resident Impact

The letter should also explain how a project award would benefit the community and if applicable, how the award might affect the financial stability, sustainability and long-term feasibility of the project.

The letter of interest may include any other general information (e.g. location maps, site photos, operating statements/proformas, resident services plans) that the respondent believes would be appropriate to assist OHA in its evaluation. Failure to provide information and documentation as requested may cause your application to be rejected.

#### **4.2 Required Forms/Certifications**

The following forms must also be submitted with your proposal in the following order:

**A. MTW Project – Based Voucher Application Form**

**B. Evidence of site control:**

- Grant Deed
- LP Agreement (if applicable)
- Site Management Agreement (if applicable)

**C. Form HUD-2880 – Applicant Recipient Disclosure**

**D. Section 3 Business Certification and Action Plan**

**E. Profile and Certification Form**

**F. Qualifications Statement**

**G. Subcontractor Form (if applicable)**

Respondents must submit all documents and information as stated above. Proposals must be submitted in envelopes or boxes marked with the appropriate RFQ number and description. Failure to submit the specified number of and/or to clearly mark the proposal may result in delay of submission and the proposal may be deemed as non-responsive.

**Proposal Submittal Binding Method:**

It is preferable and recommended that the proposer bind the proposal submittal in such a manner that the Oakland Housing Authority can, if needed, remove the binding or remove the pages from the cover to make copies then conveniently return the proposal submittal to its original condition if necessary.

**Proposal Submission:**

Responses to this solicitation will be accepted at the following location:

Contract Compliance and General Services (CCGS) Office  
Oakland Housing Authority  
1801 Harrison Street, First Floor  
Oakland, CA 94612

Respondents must provide **one (1) original copy**, clearly marked "ORIGINAL", and **four (4) copies**, clearly marked "COPY", of the required submission. These must be submitted in envelopes or boxes marked with the appropriate RFQ number and description. Failure to submit the specified copies and/or to clearly mark the proposal may result in delay of proposal acceptance.

Late proposals will not be accepted. Postmarks will not be considered in determining if a proposal is submitted on time. Proposals will be date and time stamped by CCGS staff and a receipt provided for the proposal. Proposals received after the published deadline will not be considered.

The Oakland Housing Authority will not provide any reimbursement for the cost of developing, presenting or providing any response to this RFQ.

**Submission Conditions:**

DO NOT MAKE ANY ADDITIONAL MARKS, NOTATIONS OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED. Proposers are not allowed to change any requirements of the forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the Oakland Housing Authority by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the Oakland Housing Authority decides that any such entry has not changed the intent of the proposal that the Oakland Housing Authority intended to receive, the Oakland Housing Authority may accept the proposal and the proposal shall be considered by the Oakland Housing Authority as if those additional marks, notations or requirements were not entered on such. By accessing this procurement, registering and downloading these documents, each prospective proposer that does so is thereby agreeing to confirm to all notices that the Oakland Housing Authority delivers to him/her as instructed, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFQ.

**Proposer’s Responsibilities—Contact With the Oakland Housing Authority:**

It is the responsibility of the Proposer to address all communication and correspondence pertaining to this RFQ process to the Contract Specialist only. Proposers must comply with the requirements set forth in the RFQ documents and/or any applicable addendum in writing.

**4.3 Environmental Review – Categorical Exclusion**

The Responsible Entity (RE) for the environmental review under 24 CFR part 58 must determine whether or not the award of Project-Based Voucher program assistance, is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5. The City of Oakland is the RE for units selected under this RFQ and OHA will be responsible for obtaining the RE’s determination that selected project/unit(s) are in fact categorically excluded. Project proposals that cannot be determined as categorically excluded from review under the National Environmental Policy Act will not be awarded a PBV Program commitment under this RFQ.

**5. PROCESS FOR SELECTING UNITS**

**5.1 RFQ Timeline.** The following are proposed dates relating to this proposal selection process:

|                    |  |
|--------------------|--|
| July 8, 2016       | RFQ Issued.  |
| July 28, 2016      | Non-Mandatory pre-proposal conference @ 10:00 AM PDT – OHA Leased Department Housing Office located at 1540 Webster Street Oakland, CA.  |
| August 12, 2016    | Questions in writing, due by 10:00 AM PDT. No questions will be responded to after the question and answer period has expired.   |
| August 24, 2016    | Responses to questions and Addendum issued and posted on the Oakland Housing Authority website (if necessary) by 5:00 PM PDT.  |
| September 14, 2016 | <b>Round 1 Proposals due by 10:00 AM PDT.</b> To be submitted to OHA Contract Compliance and General Services (CCGS) at 1801 Harrison Street, First Floor, Oakland, CA 94612. Proposals must be delivered by this deadline; postmarks will <b>NOT</b> be accepted. Proposals received after the due date will be evaluated for funding in Round 2. |
| October 26, 2016   | <b>Round 2 Proposals due by 10:00 AM PDT.</b> To be submitted to OHA Contract Compliance and General Services (CCGS) at 1801 Harrison Street, First Floor, Oakland, CA 94612. Proposals must be delivered by this deadline; postmarks will <b>NOT</b> be accepted.   |



**5.2 Pre-Proposal Conference.** The Pre-Proposal Conference will be held on July 28, 2016 at 10:00 AM Pacific Daylight Time (PDT), in the Oakland Housing Authority's Leased Housing Department's Conference Room located at 1540 Webster Street, Oakland, CA 94612.

The scheduled pre-proposal conference is pursuant to Housing and Urban Development (HUD) regulation, and not mandatory. Some prospective proposers have previously responded to an RFQ and are comfortable in doing so without attending the pre-proposal conference. Typically, such conferences last one hour or less, though such is not guaranteed. The purpose of this conference is to assist prospective proposers to have a full understanding of the RFQ documents so that they are confident in submitting an appropriate proposal; therefore, at this conference the Oakland Housing Authority will conduct a brief overview of the RFQ documents, including attachments. Prospective proposers may also ask questions, though the Contract Specialist, which may require that some questions are delivered in writing by the specified deadline, prior to a response being delivered. Whereas the purpose of this conference is to review the RFQ documents, attendees should bring a copy of the RFQ documents to this conference; the Oakland Housing Authority may or may not distribute copies of the RFQ documents at the conference.

**5.3 Questions.** All questions must be submitted in writing to [ccgs@oakha.org](mailto:ccgs@oakha.org) no later than 10:00 AM PDT, August 12, 2016. All questions will be answered in an addendum issued and posted on the Oakland Housing Authority's website by 5:00 PM PDT August 24, 2016 if necessary. (Oakland Housing Authority website at [www.oakha.org/](http://www.oakha.org/) select Business Opportunities/ Open RFQs and Bid Status/ Active Bids/ select desired bid number).

**5.4 Addendum.** CCGS will respond to all inquiries in writing, by addendum, and will release the information to all prospective proposers (i.e. firms or individuals that have obtained the RFQ documents). During the RFQ solicitation process, CCGS will NOT conduct any *ex parte* conversations (substantive conversation — "substantive" meaning, any discussion or exchange between any Authority staff and a prospective proposer that does or may contain fundamental or relevant information regarding any portion of the RFQ or solicitation process, when other prospective proposers are not present) that may give one prospective proposer an advantage over other prospective proposers. This will not bar prospective proposers from contacting CCGS, however, CCGS will limit communication with prospective proposers to information already contained in the solicitation documents.

CCGS will not provide verbal responses to any inquiries made by prospective proposers. Instead, CCGS staff will direct proposers to submit all questions in writing and will provide a copy of the question and response to all proposers through a written addendum.

**5.5 Proposal Due Date for Round 1 funding.** Responses to this solicitation will be accepted in Oakland Housing Authority's Contract Compliance and General Services (CCGS) Office until **10:00 AM PDT September 14, 2016.**

**Proposal Due Date for Round 2 funding.** Responses to this solicitation will be accepted in Oakland Housing Authority's Contract Compliance and General Services (CCGS) Office until **10:00 AM PDT October 26, 2016.**

**Note:** Proposals that were rejected in Round 1 may resubmit in Round 2 with corrections. If a proposal is rejected the proposer must resubmit an entirely new proposal for Round 2 consideration. OHA will not provide vendors with feedback as to why they were not selected in Round 1 for them to resubmit in Round 2.

Respondents must provide **one (1) original copy, clearly marked "ORIGINAL," and 4 (four) copies clearly marked "COPY,"** of the required submission. Proposals must be submitted in envelopes or boxes marked "RFQ #16-008 Award of Section 8 Project-Based Vouchers to Existing Housing Units". Late proposals will NOT be accepted; postmarks will NOT be considered in determining if a proposal is submitted on time.

Proposals will be date and time stamped by CCGS staff and a receipt provided for the proposal. Proposals will be accepted at:

Contract Compliance & General Services Office (CCGS)  
Oakland Housing Authority  
1801 Harrison Street, First Floor  
Oakland, CA 94612

**Submission Responsibilities**

It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements and specifications set forth within all applicable documents issued by the Authority, including the RFQ document, the documents listed within Section 4.2, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing and submitting the completed documents, the proposer is stating his/her agreement to comply with all conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by CCGS to exclude any of the Authority requirements contained within the documents may cause that proposer to not be considered for award.

**5.6 Evaluation Criteria.** Proposers scoring below 70 points will not be considered. The following criteria will be used to evaluate all proposals:

| No. | Criteria  | Points |
|-----|---|--------|
| 1.  | <u>Experience:</u> Experience in managing housing and specifically affordable rental housing including any previous experience with the Section 8 Housing Choice or Project-Based Voucher Programs, other HUD or below market rent programs, and servicing special needs populations if that is a part of your request. | 15     |
| 2.  | <u>Quality of Service:</u> Owner experience and capability to operate the housing as identified in this RFQ, including the capability to operate special needs housing if applicable and extent to which services are available for special populations at the project site or in the immediate area.                   | 15     |
| 3.  | <u>Project:</u> Extent to which the project meets the core impact areas outlined in OHA's Development Policy, including proximity of the site location to high quality amenities, public transportation, and extent to which current or future residents of the property will benefit from the proposed project.        | 25     |
| 4.  | <u>Preservation:</u> Extent to which the project preserves affordable housing units that will be available to low income families or special needs populations on a long-term basis.  | 40     |
| 5.  | <u>Bonus:</u> If unit will house Veterans through the VASH program.   | 5      |
|     | <u>Total Possible Points</u>  | 100    |

**5.7 Selection Process.** All responses will be reviewed for completeness and the Authority will reject proposals deemed to be non-responsive. Accepted proposals will then be reviewed and proposals with the highest score will be recommended for a contract award based on need and available resources. The selection will be the sole responsibility of the Authority. The Authority reserves the right to reject any and all proposals, and select projects based on the most advantageous to the needs of the Authority.

Proposals will be awarded in two funding rounds in 2016, until available funding is exhausted. Proposals received after the deadline for Round 1 funding will be evaluated for funding in Round 2. Additionally, a proposal rejected in Round 1 may resubmit in Round 2 with corrections. The Authority may also select projects for awards up to three (3) years after the proposal submission date if new funding becomes available.

**§983.103 Inspecting units.**

OHA must examine the proposed site and inspect all the units before a proposal can be selected to determine whether the unit(s) substantially complies with the HQS. To qualify as existing housing, units must substantially comply with the HQS on the proposal selection date. Selected projects may be required to complete any necessary repairs or negotiated improvements in no less than 90-days of the project selection or the award may be voided. OHA will not execute the HAP contract until the units fully comply with the HQS.

**A. Initial Evaluation for Responsiveness**

Each proposal received will first be evaluated for responsiveness to the housing needs identified in the RFQ and the required format for submitting a proposal. The Authority reserves the right to waive any minor informality in the RFQ process and to reject entirely any proposals deemed by the Authority to be non-responsive. The Authority will notify Proposers in writing of any such rejection.

**B. Evaluation Committee**

The Authority anticipates that it will select a committee to evaluate and rank each of the responsive proposals submitted in response to this RFQ. PLEASE NOTE: No proposer shall be informed at any time during or after the RFQ process as to the identity of any evaluation committee member(s). If, by chance, a proposer does become aware of the identity of such person(s), he/she SHALL NOT make any attempt to contact or discuss with such person anything related to this RFQ. As indicated in this document, the designated CCGS staff is the only person at the Authority that the proposers shall contact pertaining to this RFQ. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.

**C. Potential “Best and Finals” Negotiations**

The Authority reserves the right to conduct “Best and Finals” Negotiations, which may include oral interviews, site visits and unit inspections with any project submitted for consideration.

1. Evaluation:

In ranking projects OHA reserves the right to select projects based on negotiated modifications and award more or less than the full amount of project based units/funding requested in the original proposal. OHA will also consider financial implications based on a projects need for restructuring, rehabilitation or preservation.

Projects are then subject to an HQS inspection, a site and neighborhood review and if applicable, verification of in-place family eligibility, service provider agreements or tenant selection plans that are in place before a formal award can be made.

Upon completion of the evaluation and internal approval processes, proposers will be notified of the results in writing. Successful proposers will be recommended to the Housing Authority Board of Commissioners for approval of award.

The Authority reserves the right to reopen or extend this RFQ if a sufficient number of responsive or approvable proposals are not received.

2. Restrictions:

All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the evaluation committee.

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# EXHIBIT A

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## MTW Project-Based Voucher Application Form

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RFQ # 16-008

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# Exhibit A - Application

## MTW Project-Based Voucher Application Form

Instructions

Please fill out the attached application completely. Failure to provide complete information or documentation as required may cause your application to be rejected. Please submit four copies of completed forms for each property/property group.

If you have any questions, or need assistance in completing the application, please contact the assigned Contract Specialist as indicted on the front page of this RFQ.

Please submit four fully completed proposals and required attachments along with you bid response.

**A. APPLICANT INFORMATION**

1. Name and Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

Name of Property(s): \_\_\_\_\_

Property Address(s): \_\_\_\_\_

\_\_\_\_\_

Owner/Manager: \_\_\_\_\_

Name of Contact Person for this Proposal: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

2. Name and Address of Owner of Property, if different from above:

Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**B. DESCRIPTION OF PROPERTY**

1. Address: \_\_\_\_\_

2. Nearest Cross Street? \_\_\_\_\_

3. Number of Stories \_\_\_\_\_ Elevator in property? [ ] Yes [ ] No

4. Complete the following for the subject property:

| Size of Unit | Total No. of Units | No. Wheelchair Accessible Units | Total No. Now Vacant | Total Units w/Current Rent Subsidy | No. Units Subsidy Sought | Avg. Sq. Footage of Units |
|--------------|--------------------|---------------------------------|----------------------|------------------------------------|--------------------------|---------------------------|
| 0-Bedroom    |                    |                                 |                      |                                    |                          |                           |
| 1-Bedroom    |                    |                                 |                      |                                    |                          |                           |
| 2-Bedrooms   |                    |                                 |                      |                                    |                          |                           |
| 3-Bedrooms   |                    |                                 |                      |                                    |                          |                           |
| 4-Bedrooms   |                    |                                 |                      |                                    |                          |                           |

5. Total number of PBV units requested: \_\_\_\_\_

6. Rent requested for PBV units: \_\_\_\_\_

7. If your proposal is accepted are you willing to enter into an agreement for assistance that will guarantee the units will remain affordable and available to low income households for a minimum of 15 years?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you are willing to commit to less than a 15 year term, please explain:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Please provide a map showing the location and pictures if possible.



**Experience (Max 2 Pages) Maximum Points 15**

Please describe your experience in managing affordable rental housing including any previous experience with low income rental assistance programs servicing special needs populations.

## **Quality of Service (Max 3 pages) Maximum Points 15**

Please describe the owner and partner experience and capability to operate housing as identified in the RFQ. Please also describe the extent to which services are available for special populations either at the project site or in the general vicinity of the project location.

**Project (Max 3 pages)**

**Maximum Points 25**

Describe the extent to which the project meets the core impact areas outlined in OHA's Development Policy, including proximity of the site location to high quality amenities, and extent to which current or future residents of the property will benefit from the proposed project.

**Preservation (Max 3 pages)** **Maximum Points 4**

Please describe the extent to which the project preserves affordable housing units available to low income families or special needs populations.

**Bonus (VASH) (Max 2 pages) Maximum Points 5**

**C. TENANT(S) INFORMATION (EXISTING PROJECTS)**

1. Fill out the chart below to provide status and information on tenants currently residing in proposed units where you are requesting Project-based Voucher assistance. If additional space is needed, please provide on a separate sheet of paper labeling it "Section C Tenant(s) Information (Existing Projects)".

| Household Composition |       |        |              |                 | Adults |        | Youth Under 18 |        |
|-----------------------|-------|--------|--------------|-----------------|--------|--------|----------------|--------|
| Count                 | Unit# | # Beds | Vacant (Y/N) | Total Occupants | Male   | Female | Male           | Female |
| 1                     |       |        |              |                 |        |        |                |        |
| 2                     |       |        |              |                 |        |        |                |        |
| 3                     |       |        |              |                 |        |        |                |        |
| 4                     |       |        |              |                 |        |        |                |        |
| 5                     |       |        |              |                 |        |        |                |        |
| 6                     |       |        |              |                 |        |        |                |        |
| 7                     |       |        |              |                 |        |        |                |        |
| 8                     |       |        |              |                 |        |        |                |        |
| 9                     |       |        |              |                 |        |        |                |        |
| 10                    |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |
|                       |       |        |              |                 |        |        |                |        |

2. To the best of your knowledge, do any of the proposed current households have annual incomes over the maximums listed below: \_\_\_\_\_

| No. Persons in Household | Income Limit Per Year (50% AMI) | No. Persons in Household | Income Limit Per Year (50% AMI) |
|--------------------------|---------------------------------|--------------------------|---------------------------------|
| 1                        | \$34,150                        | 4                        | \$48,750                        |
| 2                        | \$39,000                        | 5                        | \$52,650                        |
| 3                        | \$43,900                        | 6                        | \$56,550                        |

3. Who will be responsibility for utilities?

| Paid By | Electricity | Gas | Hot Water | Water | Garbage |
|---------|-------------|-----|-----------|-------|---------|
| Tenant  |             |     |           |       |         |
| Owner   |             |     |           |       |         |

4. For the utilities paid by the tenant, fill in "G" for Gas or "E" for Electricity below:

Heating \_\_\_\_\_      Cooking \_\_\_\_\_      Hot Water Heating \_\_\_\_\_  
 Water \_\_\_\_\_      Sewer \_\_\_\_\_      Trash Collection \_\_\_\_\_

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## EXHIBIT B

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### Section 8 HCV Admissions and Occupancy Standards

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RFQ # 16-008

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## Section 8 HCV Admission Criteria and Occupancy Standards

To Qualify for Admission to the MTW Section 8 Project-based Voucher program the eligible family must:

- Have income at or below 50 percent of area median income;
- Have at least one family member that is a citizen, national, or noncitizen with eligible immigration status;
- Have acceptable rental and criminal histories.

### Voucher In Place:

- If the proposed unit is occupied, the unit may still be eligible for the MTW Project-based Voucher program. In addition to the eligibility criteria listed above, the in place family must also be residing in an appropriately sized unit. The chart below provides the minimum and maximum number of occupants that will be allowed per unit type.

### PBV Unit Occupancy Standards:

| PBV Unit Size | Minimum Number in Household | Maximum Number in Household |
|---------------|-----------------------------|-----------------------------|
| SRO           | 1                           | 1                           |
| 0-BR          | 1                           | 2                           |
| 1-BR          | 1                           | 3                           |
| 2-BR          | 2                           | 5                           |
| 3-BR          | 4                           | 7                           |
| 4-BR          | 6                           | 9                           |
| 5-BR          | 8                           | 11                          |

### Mandatory Denial:

A household is prohibited from participation if any member has a conviction for the production or manufacture of methamphetamine on the premises of federally assisted housing or is subject to a lifetime registration requirement under a state sex offender registration program.



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# EXHIBIT C

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## Income Limits

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RFQ # 16-008

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## Income Limits

### Qualifying for Housing

Determining if you qualify for subsidized housing through one of OHA's many housing programs is fairly simple. The biggest factor involves household income, but we also consider whether you qualify as a family, a senior or a person with qualifying disability. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. The chart below lists the income levels based on household size.

To qualify for admission to the Project-based Voucher program, eligible families must have income at or below 50 percent of area median income.

### FY 2016 Income Limits Summary

| Alameda County, California |               |                                   |          |          |          |                 |          |          |          |          |
|----------------------------|---------------|-----------------------------------|----------|----------|----------|-----------------|----------|----------|----------|----------|
| FY2016 Income Limit Area   | Median Income | FY 2013 Income Limit Category     | 1 Person | 2 Person | 3 Person | 4 Person        | 5 Person | 6 Person | 7 Person | 8 Person |
| Alameda County             | \$93,600      | Very Low (50%) Income Limits      | \$34,150 | \$39,000 | \$43,900 | <b>\$48,750</b> | \$52,650 | \$56,650 | \$60,450 | \$64,350 |
|                            |               | Extremely Low (30%) Income Limits | \$20,500 | \$23,400 | \$26,350 | <b>\$29,250</b> | \$31,600 | \$33,950 | \$36,730 | \$40,890 |
|                            |               | Low (80%) Income Limits           | \$52,650 | \$60,150 | \$67,650 | <b>\$75,150</b> | \$81,200 | \$87,200 | \$93,200 | \$99,200 |

NOTE: Alameda County is part of the **Oakland-Fremont, CA HUD Metro FMR Area**, so all information presented here applies to all of the **Oakland-Fremont, CA HUD Metro FMR Area**. The **Oakland-Fremont, CA HUD Metro FMR Area** contains the following areas: Alameda County, CA; and Contra Costa County, CA.

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## EXHIBIT D

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### Voucher Payment Standard and Utility Allowance Table

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RFQ # 16-008

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# OAKLAND HOUSING AUTHORITY

## VOUCHER PAYMENT STANDARDS- 2016

\*100% of HUD Fair Market Rent (FMR's) published on February 8, 2016

| <b>Bedroom Size</b> | <b>Payment Standard</b> |
|---------------------|-------------------------|
| <b>0</b>            | <b>\$1,380</b>          |
| <b>1</b>            | <b>\$1,665</b>          |
| <b>2</b>            | <b>\$2,105</b>          |
| <b>3</b>            | <b>\$2,935</b>          |
| <b>4</b>            | <b>\$3,270</b>          |
| <b>5</b>            | <b>\$3,760</b>          |
| <b>6</b>            | <b>\$4,250</b>          |

The *Payment Standard* is defined as "the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)" [24 CFR 982.4(b)].

The Payment Standard for a family is the **lower** of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under OHA's subsidy standards [24 CFR 982.4(b)], **or** (2) the payment standard for the size of the dwelling unit rented by the family

Oakland Housing Authority

Effective Oct. 1, 2015

SECTION 8 UTILITY & APPLIANCE ALLOWANCES FOR TENANT-PAID UTILITIES

**A**  
**APARTMENTS**

**STANDARD MONTHLY ALLOWANCES**

| <i>End Use</i>         | <i>Utility</i> | SRO  | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR  | 6 BR  | TOTAL |
|------------------------|----------------|------|------|------|------|------|------|-------|-------|-------|
| Cooking                | Gas            | \$4  | \$5  | \$6  | \$7  | \$8  | \$8  | \$9   | \$10  |       |
|                        | Electric       | \$4  | \$6  | \$6  | \$7  | \$8  | \$9  | \$10  | \$10  |       |
| Space Heating-standard | Gas            | \$8  | \$11 | \$13 | \$17 | \$18 | \$20 | \$23  | \$25  |       |
|                        | Electric       | \$10 | \$13 | \$16 | \$20 | \$24 | \$26 | \$29  | \$31  |       |
| Hot Water              | Gas            | \$5  | \$7  | \$7  | \$11 | \$14 | \$17 | \$21  | \$23  |       |
|                        | Electric       | \$10 | \$14 | \$16 | \$17 | \$19 | \$24 | \$27  | \$31  |       |
| Lighting-standard      | Electric       | \$14 | \$19 | \$23 | \$28 | \$37 | \$48 | \$60  | \$68  |       |
|                        | Water          | \$55 | \$73 | \$74 | \$79 | \$88 | \$95 | \$105 | \$108 |       |
|                        | Garbage        | \$28 | \$37 | \$37 | \$37 | \$37 | \$52 | \$67  | \$67  |       |

Applies to  
**CONSTRUCTION**

**ENERGY EFFICIENT MONTHLY ALLOWANCES**

6/1/2001 & AFTER

|                         |          | SRO  | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR | TOTAL |
|-------------------------|----------|------|------|------|------|------|------|------|------|-------|
| Space Heating-efficient | Gas      | \$6  | \$9  | \$11 | \$14 | \$15 | \$16 | \$19 | \$20 |       |
|                         | Electric | \$9  | \$12 | \$14 | \$17 | \$20 | \$22 | \$24 | \$26 |       |
| Lighting-efficient      | Electric | \$14 | \$19 | \$22 | \$27 | \$36 | \$45 | \$57 | \$62 |       |

**TENANT OWNED APPLIANCES**

|              | SRO | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR | TOTAL |
|--------------|-----|------|------|------|------|------|------|------|-------|
| Stove        | \$6 | \$6  | \$6  | \$6  | \$6  | \$6  | \$6  | \$6  |       |
| Refrigerator | \$6 | \$6  | \$6  | \$6  | \$6  | \$6  | \$6  | \$6  |       |

Per Month Cost \$ \_\_\_\_\_

Client Name \_\_\_\_\_

RX Date \_\_\_\_\_

Client Number \_\_\_\_\_

Housing Rep's Initials \_\_\_\_\_

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# EXHIBIT E

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## OHA Development Policy

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RFQ # 16-008

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## **Oakland Housing Authority Development Policy**

Consistent with its mission, to assure the availability of quality housing for low-income persons and to further the expansion of affordable housing within Oakland, the Oakland Housing Authority (OHA) is committed to projects that will provide the greatest benefit for low- and moderate-income families and have a positive impact on the communities in which development or redevelopment projects are located. Beyond simply expanding the number of hard units, it is OHA's intention that its development-related partnerships result in stronger and safer communities. Further, OHA desires to make development funding decisions in an open, fair and rational manner. Therefore the OHA Board of Commissioners has adopted officially by resolution the principles set forth below to govern decision-making regarding partnership opportunities for affordable housing rehabilitation, development or redevelopment projects.

These principles are intended to guide OHA in making decisions regarding the contribution of capital to land and property development activities in Oakland, CA. OHA acknowledges that in many cases the relative importance of the policy goals listed below must be balanced against each other and against other goals and constraints, such as the availability of other public and private financing and the requirements of the providers of those funds. In addition, this policy remains subject to all HUD requirements associated with the HUD funding OHA may make available to affordable housing projects. OHA reserves the right to determine how this general policy will be applied to any specific land acquisition, project or solicitation of projects.

As outlined in more detail below, the purpose of this policy is to outline the manner in which OHA will make decisions about the acquisition of land and/or its participation in affordable housing rehabilitation, development or redevelopment projects. OHA will first determine that development opportunities meet its baseline principles and will then consider the extent to which a project, or the acquisition of a potential development site, meets its overarching goals for: (1) overall impact; (2) neighborhood impact; (3) resident impact; and, (4) sustainability.

### **Baseline Principles**

OHA will undertake appropriate and reasonable due diligence when making decisions to contribute OHA capital to support land and property development activities.

- Projects will be reviewed for financial feasibility and the extent to which they further OHA goals. Further, the project needs to demonstrate a reasonable ability to satisfy debt requirements, and provide high-quality management, supportive services, safety and police services and, for properties serving families, provide for access to high-quality education.
- The overall and per unit costs must be justified and OHA's contribution needs to be determined to be reasonable. In every project, every reasonable effort should be made to

secure other private and public funds. Where additional funding must be sought to finance the overall deal, OHA must be satisfied that such funding will be secured, and the project will commence, within a reasonable timeframe.

- It is the policy of OHA to provide, to the greatest extent feasible, economic opportunities to low- and very low-income persons residing in the Oakland metropolitan area (as defined in § 135.5 of 24 CFR Part 135) and to businesses meeting the definition of "Section 3 business concern" (as defined by 24 CFR Part 135). In furtherance of this policy OHA shall consider projects that seek not just to meet, but exceed HUD's Section 3 hiring goals in the use of OHA resident and Oakland resident hires during the construction and development of the project, and also in the management and maintenance of the project once completed.
- It is the intent of OHA to develop and promote economic growth for the community in which it serves. The Authority desires to foster the growth of small, local and emerging businesses (SLEB), including minority-, women- and veteran-owned firms. OHA projects should actively seek to provide the community information about their procurement and contracting processes for both goods and services to ensure the participation of SLEBs in the competitive processes of public procurement and provide training and development opportunities to support their growth. Additionally, projects should provide accurate and accessible information on available vendor/contract opportunities and ensure that the process is inclusive for all residents regardless of race, color, gender, age, religion, national origin, disability or any other factor that is prohibited when making business decisions.
- It is the desire of OHA to increase training and employment opportunities for its clients and other residents of the City of Oakland. Developers of larger projects should articulate the goal, and specific commitments and approach toward how the developer will achieve this goal, either through a project labor agreement (PLA) or other formal agreements.
- Projects that serve families with children should include a plan to ensure children have access to high-quality education, which could be achieved through an agreement with the Oakland Unified School District or a charter or private school, to provide preferential enrollment, or by other means.
- Projects should articulate design strategies to create safe communities, such as *crime prevention through environmental design (CPTED)*, include a community-oriented plan for the ongoing safety of the property, and provide for a level of density that is appropriate to the site.
- OHA will consider participating in projects that result in displacement of current residents where necessary for the improvement of the housing, neighborhood and community. Where relocation of existing tenants is proposed, a detailed relocation plan must be provided for approval by OHA. Such a plan must outline the relocation benefits to be provided to all families or individuals subject to relocation, and specify that existing tenants



will have the highest priority to apply to return to the site following rehabilitation or redevelopment.

### **Overarching Goals**

Whereas OHA may outline other considerations in a given solicitation, decisions to enter into a partnership will be subject to a determination of the extent to which a project meets the following overarching principles.

1. **Overall Impact.** OHA seeks to participate in projects that will provide a significant benefit to affected tenants and the surrounding community. Decisions regarding OHA participation will consider the extent to which individual projects meet some or all of the following OHA goals.

**Population served:** OHA desires that its participation strengthen communities by focusing on projects for low- and moderate-income populations that are underserved within the context of the local housing market. Generally, underserved populations are defined by the overall need of the population for affordable housing compared to the resources currently available or reasonably expected to be available in the foreseeable future for such populations. Funding proposals should demonstrate such a need.

**Community Benefit:** OHA seeks to participate in projects that will have a benefit beyond the boundaries of the subject property. Examples of community benefit include projects that contribute to, or provide an incentive for significant neighborhood revitalization, or projects that introduce or strengthen amenities or services available to neighborhood residents.

**Partnerships and leverage:** OHA seeks to support creative approaches, such as bringing together strong partnerships between the development and service providers, or a variety of leveraged partners that strengthen the overall financial feasibility of the project.

2. **Neighborhood Impact:** In general, OHA seeks to preserve and/or increase the supply of affordable housing units in healthy, vibrant neighborhoods, defined as those that have, or expect to have in the foreseeable future, at least some of the following characteristics.

**Access to high-quality education:** Whether through public or private schools, OHA seeks to fund projects that provide access to high-quality schools for school-age children and related supports for parents of such children. OHA is especially interested in innovative approaches to strengthening the relationship between housing providers and educators, and to providing services that support at-risk youth and build strong families. This may include set-asides for students of the property at well-performing neighborhood schools.

**Access to public transportation:** Projects located within easy access to public transportation, including major bus lines and Bay Area Rapid Transit (BART) stations, will be given greater consideration.

**Access to supportive services and/or innovative programs:** Beyond the services provided on-site, if any, OHA is interested in projects that propose an innovative and sustainable approach to meeting the needs of the population served. Proposed projects located in neighborhoods that provide access to unique or innovative programs with demonstrated results in getting families to take advantage of available services will be given greater consideration.

**Access to amenities:** OHA seeks to participate in projects that provide its residents with easy access to high-quality and diverse amenities, such as grocery stores with sufficient fresh food options, banks, drug stores, libraries, community centers and parks.

**Resident Safety:** Where appropriate, based on property size and location, project proposals should include a detailed plan for providing security services to the project and/or for contributing to the cost of the OHA Police Department to provide such services.

**Access to a healthy environment and/or health-related services:** OHA values projects that provide a healthy environment and provide access to quality health services and/or health-related activities such as walking and biking trails or access to recreational amenities.

**Integrated Neighborhoods:** OHA seeks to participate in projects that are located in neighborhoods that are economically, racially and culturally diverse.

3. **Resident Impact:** OHA will consider the extent to which current or future residents of the subject property will benefit from the proposed project.

**Provision, siting and sustainability of services:** OHA will consider the extent to which projects: provide appropriate services to residents based on the population served and a needs assessment conducted at the start of the project and revisited at appropriate intervals; have an established partnership with appropriate services providers; and, identify the mechanism by which services will be funded in a sustainable manner.

**Economic integration within the property:** As with its goal for siting projects in integrated neighborhoods, OHA also seeks to have an appropriate income mix within the property itself when feasible, taking into consideration the size of the property and its location.

**Cost Containment:** While pursuing the policy goals for acquisition of land and/or its participation in affordable housing rehabilitation, development or redevelopment projects, as outlined in this document, OHA will also seek to ensure that the per unit cost be reasonable and justifiable in the context of the local housing market. To achieve this, OHA staff will undertake a cost containment analysis of each project recommended to the Board of Commissioners for funding. The analysis will look at key areas, including land cost, acquisition cost, construction cost, architectural and engineering costs, construction and permanent financing costs, attorney and consultant costs, and developer fees on a per unit basis. Further, in cases where the cost per unit exceeds that of the prior year's California Tax Credit Allocation Committee's First Round Residential Per Unit Cost by Region for the San Francisco/Bay Area Region for either new construction or rehabilitation, or where an area of significant cost is identified through the above analysis, additional justification for consideration of the project will need to be made. The goal of this provision is not to ensure that cheaply built projects are the most competitive, but instead to ensure that a balance of quality construction, appropriate siting and reasonable pricing is achieved.

4. **Sustainability:** In its goal to achieve sustainable communities, OHA will consider the extent to which proposed projects include the following elements.

**Environmentally sustainable building materials and practices:** To the extent feasible, OHA seeks to participate in projects that employ energy-efficient and environmentally-friendly design, materials and construction practices.

**Environmentally sustainable management and operating practices:** OHA will consider the extent to which standards for operating the property in a maximally sustainable manner will be employed and residents will be encouraged to make environmentally-conscious choices.

**Financial Sustainability:** OHA will assess the economic return on OHA's investment and the ability of a project to maintain the proposed level of management, services and security over time.

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## EXHIBIT F

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### OHA Administrative Plan Section 8-III.C. – Rent Reasonableness

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RFQ # 16-008

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## OHA Administrative Plan Section 8-III.C. - Rent Reasonableness

### **8-III.C. HOW COMPARABILITY IS ESTABLISHED**

#### **Factors to Consider**

HUD requires PHAs to take into consideration the factors listed below when determining rent comparability. OHA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

- Location and age
- Unit size including the number of rooms and square footage of rooms  
The type of unit including construction type (e.g., single family, duplex, triplex, fourplex, apartment, townhouse/condo)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent.
- Special inspections may be conducted to confirm all of the above.

#### **Units that Must Not be Used as Comparables**

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

#### **Rents Charged for Other Units on the Premises**

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units.

By accepting the PHA payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the PHA information regarding rents charged for other units on the premises.

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# EXHIBIT G

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## Section 3 Business Certification and Action Plan

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RFQ # 16-008

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Oakland Housing  
Authority

## Contractor's Summary Guide to Section 3 Compliance

The purpose of Section 3 of the Housing and Urban Development Act of 1968 as amended (12 U.S.C. 1701u) (section 3), and 24 CFR Part 135, is to ensure that training, employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns, which provide economic opportunities to low- and very low-income persons." **For the complete text of the Section 3 regulations, visit [www.hud.gov/section3](http://www.hud.gov/section3).**

### **Oakland Housing Authority's Section 3 Economic Opportunities Policy** (included in bid documents)

Oakland has one of the highest unemployment rates in the Bay Area. Oakland Housing Authority (OHA) residents make up over 10% of Oakland's population. OHA developed its **Economic Opportunities Policy** (EOP) to comply with the Housing and Urban Development (HUD) Section 3 regulations and ensure that, to the greatest extent feasible, economic opportunities are provided to low- and very low-income persons and to Section 3 business concerns within the city of Oakland. All contractors undertaking Section 3 covered projects and activities on behalf of OHA are expected, to the greatest extent feasible, to meet the numerical goals set forth below. The policy does not apply to contractors who furnish only materials or supplies and do not undertake installation of materials or supplies. The **EOP** is also available from OHA's website [www.oakha.org/procurement/sec3EcoOpportPolicy.pdf](http://www.oakha.org/procurement/sec3EcoOpportPolicy.pdf).

### **Section 3 Requirement for All Bidders**

As part of the application or bidding process, a Section 3 Business Preference and Action Plan are included in bid documents. Contractors have the option to request Certification as a Section 3 business; however, every proposer **MUST** complete the Action Plan and submit it with their bid, even if no hires are projected.

Certification for Business Seeking Section 3 Business Preference form: Everyone must complete the top portion (check one box, name of business etc.) and sign at the bottom. Fill in the other parts **ONLY** if you are claiming Section 3 business status.

Action Plan (3 pages): Everyone must complete the top portion listing your company etc., where applicable, and sign every page. If you **do not** anticipate new hires, note that in the table on page 1 and 3. If you **do** anticipate new hires, then use page 1 to detail the job categories and page 3 to describe how you will fill those positions.

### **Section 3 Requirements for Awardees**

#### **Baseline Reporting and Hiring Projections Form**

Prior to the Notice to Proceed, the contractor/subcontractor will be responsible for documenting the current workforce (baseline) and providing more accurate hiring projections per job classification than those described in the Action Plan. The Plan that is approved will become part of the contractual agreements.

#### **Hiring Goals**

The Section 3 requirement is triggered when there is a need for **new** economic opportunities, such as individual employment, contracting, or subcontracting. The regulation requires that contractors and subcontractors provide, **to the greatest extent feasible**, economic opportunities (training, employment, and contracting) to low and very-low income residents Section 3 businesses.

Contractors and subcontractors are required to make every effort to the greatest extent feasible to meet the OHA's numerical hiring goals of having Section 3 qualified employees make up **30% of their total new-hires**. **Firms must seek to maintain this percentage throughout the life of the project**. If these goals are not met, the contractors are expected to show documentation demonstrating their efforts to hire Section 3 candidates by exhausting all available hiring sources. While a contractor receives credit for hiring low-income residents of Oakland, **first priority should be given to residents of the Oakland Housing Authority**. This includes residents in both the public housing and Section 8 programs.

## Hiring Priorities

First priority (OHA residents): Residents of the development where the work is being performed  
Second priority (OHA residents): Other residents of Oakland Housing Authority owned or managed properties  
Third priority (Oakland residents): Other residents within the city of Oakland that meet the low-income requirements (see definition of **Section 3 Resident** below).

## Resident Referral Process

OHA is committed to working with general contractors and subcontractors to help them reach their Section 3 goals. Therefore, we have established a pre-screening and referral process to identify qualified OHA residents who satisfy the first and second hiring priorities (above). This process ensures that each candidate is in good standing with the housing authority and has a background that qualifies him/her to perform the essential functions of the job.

To ensure the best possible match, it is important that contractors communicate their hiring needs to OHA well in advance of the project start date. We request at least 2 business days' notice before the employee's start date, but earlier notice is preferred. We will work with you to identify a pool of candidates for each position. If we cannot provide you with a candidate, we will grant you a waiver to document your efforts to meet the Section 3 goals.

**Union Contractors:** OHA's Family and Community Partnerships department (FCP) has established a list of current OHA residents in construction trade unions that is sent to contractors on a regular basis. If there is no candidate that meets your hiring needs, you are encouraged to consider sponsoring an OHA resident who is not a member of a trade union to meet your Section 3 hiring goals.

Please contact OHA at [S3hire@oakha.org](mailto:S3hire@oakha.org) or 510-587-5160 for a list of qualified residents, to request a candidate, or verify the Section 3 eligibility of any prospective hire. For more information about providing economic opportunities to OHA resident's contact:

Employment Development Coordinator  
Family & Community Partnerships Department  
Phone: 510.587.5160  
Fax: 510.587.5141  
Email: [S3hire@oakha.org](mailto:S3hire@oakha.org)

## New Hire Section 3 Information Form

General contractors and subcontractors will be provided this form upon award. Every **new hire** should be requested to complete the form. The form provides the means to determine Section 3 eligibility of the employee. The forms should be submitted to OHA as soon as possible after hiring for verification of Section 3 status.

## Monthly Reports

OHA requires monthly reports listing all new hires and Section 3 hires from all contractors and subcontractors on Section 3 covered projects. A sample report will be provided. Reports shall be due on the fifth day of each month for the preceding month. These reports shall be submitted to:

Rufus Davis, Labor and Section 3 Compliance Officer  
Office of Program Administration  
Phone: 510.587.7131  
Fax: 510.587.2124  
Email: [rdavis@oakha.org](mailto:rdavis@oakha.org)

## Record Maintenance and Documentation

All projects and activities that are subject to Section 3 requirements shall maintain comprehensive documentation of their Section 3 outreach efforts and implementation activities. Section 3 documentation files should be clearly maintained and be available for review by Oakland Housing Authority and/or HUD officials.

## Compliance Reviews

OHA staff will conduct regular compliance reviews, which consist of comprehensive analysis and evaluation of the contractor's compliance with Section 3. Where noncompliance is found, OHA will notify the contractor of the deficiency and make recommendations for corrective actions.



## **Useful Definitions**

### **Business Concern**

A business entity formed in accordance with state law, and which is licensed under state, county or municipal law to engage in the type of business activity for which it was formed.

### **“Greatest Extent Feasible”**

Recipients of Section 3 financial assistance must make every effort within their disposal to meet the regulatory requirements. For instance, this may mean going a step beyond normal notification procedures for employment and contracting opportunities by developing strategies that will specifically target Section 3 residents and businesses for these new economic opportunities.

### **Household Income Levels**

Low and very-low income limits are determined annually by HUD. These limits are typically established at 80 percent and 50 percent of the median income for each locality by household size or number of people residing in one house. HUD income limits can be obtained from [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html).

### **New Hire**

A new hire means a full-time employee for a new permanent, temporary, or seasonal position that is created as a direct result of the expenditure of federal funds on Section 3 covered projects. Any employee that is not on the payroll of a contractor or developer on the day [i.e., that a purchase order is issued or the day a contract is signed or agreed upon] that the Section 3 covered assistance was provided, is considered a new hire.

### **Section 3 Business Concern**

A business concern that meets one or more of the following requirements:

- 51% or more owned by Section 3 residents
- 30% or more of permanent, full-time workforce consists of Section 3 residents
- Provides evidence to subcontract at least 25% of the dollar awarded to qualified Section 3 businesses

### **Section 3 Resident**

- (1) An Oakland Housing Authority public housing resident or Section 8 voucher holder; or
- (2) An individual who resides in the service area (Oakland) in which the Section 3 covered assistance is expended, and whose income status is as follows:

| <b>Number of People in Household</b> | <b>Annual Household Income Limits</b><br>(Source: 24 CFR 570.3) |
|--------------------------------------|---|
| 1                                    | \$45,100 or less  |
| 2                                    | \$51,550 or less  |
| 3                                    | \$58,000 or less  |
| 4                                    | \$64,400 or less  |
| 5                                    | \$69,600 or less  |
| 6                                    | \$74,750 or less  |
| 7                                    | \$79,900 or less  |
| 8                                    | \$85,050 or less  |

(Income limits eff. 12/11/2012)

Questions regarding the Oakland Housing Authority  
Section 3 Program should be addressed to:

Rufus Davis, Labor and Section 3 Compliance Officer  
Oakland Housing Authority  
1801 Harrison Street  
Oakland, CA 94612  
Phone: 510.587.2176  
Fax: 510.587.2124  
Email: [rdavis@oakha.org](mailto:rdavis@oakha.org)



### Section 3 Business Certification and Action Plan

Section 3 Business Certification – 1 page

Check this box if you are **not** claiming Section 3 business status. Complete Section 1 and the signature block at the bottom of this page and proceed to the **Section 3 Action Plan**.

#### SECTION 1

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Type of Business (Check One): Corporation Partnership Sole Proprietorship Other

Project (Bid/RFP #) \_\_\_\_\_ Business Activity \_\_\_\_\_

#### SECTION 2

**Current Section 3 Status:** The undersigned bidder/proposer hereby certifies that it is a Section 3 business concern and attaches relevant documentation, **as applicable**, to support such claim.

**Select only one option.**

1. A business claiming status as a Section 3 resident-owned business concern (ROB):

**Initial here to select this option** \_\_\_\_\_

- |   |  |
|---|--|
| <input type="checkbox"/> OHA resident lease   | <input type="checkbox"/> List of owners/stockholders and % of each |
| <input type="checkbox"/> Copy of receipt of public assistance                               | <input type="checkbox"/> Latest board minutes appointing officers  |
| <input type="checkbox"/> Other evidence of income status                                    | <input type="checkbox"/> Articles of incorporation                 |
| <input type="checkbox"/> Fictitious or Assumed Business Name Certificate                    | <input type="checkbox"/> Partnership agreement                     |
| <input type="checkbox"/> Organization chart with names and titles and brief job description |  |

2. A business claiming Section 3 status because at least 30% of its permanent full-time employees are currently Section 3 residents or, within 3 years of the date of first employment with the business concern, were Section 3 residents. If a business claims this option, the 30% employment requirement must be maintained for the entire project. **Initial here to select this option** \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> List of all current full time employees                           | <input type="checkbox"/> List of all employees claiming Section 3 status                                |
| <input type="checkbox"/> OHA residential lease (less than 3 years from date of employment) | <input type="checkbox"/> Other evidence of Section 3 status (less than 3 years from date of employment) |

3. A business claiming Section 3 status by subcontracting 25% or more of the dollar award to qualified Section 3 businesses (as set forth in Options 1 and 2). **Initial here to select this option** \_\_\_\_\_

- Provide a list of intended Section 3 business subcontractors with subcontract amount.
- Include this Section 3 Certification form and all supporting documentation for each planned Section 3 business subcontractor.

**If you are or become certified as a Section 3 business, do you grant OHA permission to share your business contact information with firms seeking to contract with Section 3 businesses?**  Yes  No

**I attest that the above information is true and correct.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



### Section 3 Action Plan (2 pages)

All firms and individuals bidding on any Section 3 covered contract with the Oakland Housing Authority (OHA) **MUST COMPLETE AND SUBMIT THIS ACTION PLAN WITH THE BID, OFFER, OR PROPOSAL.** Any solicitation response that does not include this document (completed and signed) will be considered non-responsive and not eligible for award.

**PRELIMINARY STATEMENT OF CURRENT WORKFORCE AND HIRING NEEDS**

*THIS PLAN OUTLINES YOUR COMMITMENT TO OHA'S SECTION 3 HIRING GOALS*

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PROJECT (BID/RFP#): \_\_\_\_\_ GENERAL  SUBCONTRACTOR

| JOB CATEGORY: EXAMPLES<br>ADMINISTRATIVE ASST., OFFICE MANAGER, CLERK, PROJECT<br>MANAGER, EQUIPMENT MECHANIC, JANITORIAL, HOUSING<br>MANAGEMENT, LABORER, LANDSCAPER,<br>GLAZIER-JOURNEYMAN, GLAZIER-APPRENTICE,<br>PLUMBER-JOURNEYMAN, PLUMBER-APPRENTICE | (A)<br># of<br>CURRENT<br>Employees<br>(Core Staff) | (B)<br>PROJECTED<br># of New Hires<br>FOR THIS<br>PROJECT | (C)<br>PROJECTED<br># of Section 3<br>Hires | (D)<br>PROJECTED<br>Section 3 Hires as a<br>Percentage of NEW<br>HIRES |
|---|---|---|---|--|
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
|   |   |   |   | %  |
| OTHER, PLEASE LIST.   |   |   |   | %  |

\_\_\_ (Check here and attach another sheet if applicable)

Check this box if contractor does not anticipate triggering the regulation by the need for new hiring or subcontracting opportunities. Complete the signature block at the bottom of this page.

**I attest that the above information is true and correct. The company certifies that the above table represents the appropriate number of employee positions and also represents the number of Section 3 employees that the company proposes to hire.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Section 3 Action Plan (continued)

### EFFORTS TO ACHIEVE SECTION 3 COMPLIANCE

Indicate the efforts your organization will take to direct employment and other economic opportunities, to the greatest extent feasible, to low-income residents. Think about how you can leverage your resources and expertise to foster training and employment opportunities for Section 3 residents. **Examples** include, but are not limited to, the following. Check all that apply.

- Refer to any list of pre-screened job-ready applicants provided by OHA's Department of Family and Community Partnerships (FCP) (*REQUEST A LIST from FCP at [S3hire@oakha.org](mailto:S3hire@oakha.org) or 510-587-5160*).
- Utilize and manage union privileges such as name-call, transfer, rehire, and sponsorship.
- Financially sponsor OHA resident(s) in trainings, certifications, professional mentorships, etc.
- Distribute flyers door-to-door to OHA owned and managed properties.
- Run multiple advertisements in local media such as newspapers and radio stations, and/or Internet-based job-posting websites announcing the hiring and contracting opportunities.
- Contract with certified Section 3 businesses, in construction and non-construction trades (*REQUEST A LIST from Rufus Davis at OHA, [rdavis@oakha.org](mailto:rdavis@oakha.org) or 510-587-2176*).
- Post signs at the entrance to the job site stating that it is a Section 3 covered project.
- Sponsor (schedule, advertise, finance, or provide in-kind services) a job informational meeting to be conducted by the housing authority or a contractor representative.
- Undertake job counseling, education and related programs in association with local educational institutions.
- Other: \_\_\_\_\_

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**I attest that the above information is true and correct.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## SECTION 3 CLAUSE (24 CFR 135.38)

***This contract is subject to the following conditions under Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3).***

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor or organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor will certify that any vacant employment positions, including training positions that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprise. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

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# EXHIBIT H

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## Profile and Certification Form

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RFQ # 16-008

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**PROFILE AND CERTIFICATION FORM (Page 1 of 2)**

- (1) Prime \_\_\_\_ Sub-contractor \_\_\_\_ (This form must be completed by and for each).
- (2) Name of Firm: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
- (3) Street Address, City, State, Zip: \_\_\_\_\_
- (4) Primary Contact for this Project: \_\_\_\_\_ Email Address: \_\_\_\_\_
- (5) Identify Principals/Partners in Firm (Attach **professional resumes** for each):

| NAME | TITLE | % OF OWNERSHIP |
|------|-------|----------------|
|      |       |                |
|      |       |                |
|      |       |                |

- (6) Identify the individual(s) that will act as project manager and any other supervisory personnel that will work on project; please attach **professional resumes** for each. (Do not duplicate any resumes required above):

| NAME | TITLE |
|------|-------|
|      |       |
|      |       |
|      |       |

- (7) Bidder Diversity Statement: You must circle all of the following that apply to the ownership of this firm and enter where provided the correct percentage (%) of ownership of each:

- Caucasian American (Male) \_\_\_\_\_%     
  Public-Held Corporation \_\_\_\_\_%     
  Government Agency \_\_\_\_\_%     
  Non-Profit Organization \_\_\_\_\_%

Resident- (RBE), Minority- (MBE), or Woman-Owned (WBE) Business Enterprise (Qualifies by virtue of 51% or more ownership and active management by one or more of the following:

- Resident-Owned \_\_\_\_\_%     
  African American \_\_\_\_\_%     
  \*\*Native American \_\_\_\_\_%     
  Hispanic American \_\_\_\_\_%     
  Asian/Pacific American \_\_\_\_\_%     
  Hasidic Jew \_\_\_\_\_%     
  Asian/Indian American \_\_\_\_\_%
- Woman-Owned (MBE) \_\_\_\_\_%     
  Woman-Owned (Caucasian) \_\_\_\_\_%     
  Disabled Veteran \_\_\_\_\_%     
  Small Business \_\_\_\_\_%     
  Other (Specify): \_\_\_\_\_%

If applicable, WMBE Certification Number: \_\_\_\_\_  
 Certified by (Agency): \_\_\_\_\_

- (8) Federal Tax ID No.: \_\_\_\_\_
- (9) [APPROPRIATE JURISDICTION] Business License No.: \_\_\_\_\_
- (10) State of \_\_\_\_\_ License Type and No.: \_\_\_\_\_

**PROFILE AND CERTIFICATION FORM (Page 2 of 2)**

(11) Insurance Certification: The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Insurance Requirements" attached hereto. *(See 'OHA Insurance Requirements' attached)* Copies of insurance certificates may be submitted with the proposal or the information completed below. The insurance policies must name OHA as an additional insured and maintained throughout the term of the contract. The firm(s) must provide OHA with Certificates of Insurance for the preceding coverage. The insurance policies must provide a 30-day notice of cancellation and be primary to any other insurance carried by OHA.

Worker's Compensation Insurance Carrier: \_\_\_\_\_  
Policy No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
General Liability Insurance Carrier: \_\_\_\_\_  
Policy No. \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Professional Liability Insurance Carrier: \_\_\_\_\_  
Policy No. \_\_\_\_\_ Expiration Date: \_\_\_\_\_

(12) Debarred Statement: Has this firm, or any principal(s) ever been debarred from providing any services by the Federal Government, any state government, the State of \_\_\_\_\_, or any local government agency within or without the State of \_\_\_\_\_? Yes  No   
If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

(13) Disclosure Statement: Does this firm or any principals thereof have any current, past personal or professional relationship with any Commissioner or Officer of the HA? Yes  No   
If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

(14) Non-Collusive Affidavit: The undersigned party submitting this bid hereby certifies that such bid is genuine and not collusive and that said bidder entity has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or of any other bidder, to fix overhead, profit or cost element of said bid price, or that of any other bidder or to secure any advantage against the OHA or any person interested in the proposed contract; and that all statements in said bid are true.

(15) Indemnification Certification: The undersigned party submitting this bid hereby certifies that the firm expressly agrees to indemnify, defend and hold OHA, its commissioners, officers, and employees, free and harmless from and against any and all loss, liability, expense, claims, costs, suits, damages, including attorney's fees arising out of the consultant's operation or performance under the resultant contract. The consultant will also indemnify OHA for damages as a result of any act or omission not authorized by OHA on the part of the consultant or any agent or person employed by the consultant."

(16) Section 3 and Labor Compliance: The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Section 3 Requirements" and Labor Compliance standards including submission of certified payrolls and paying employees the required prevailing wages. *(Economic Opportunities Policy, Contractor's Summary Guide to Section 3 Compliance, and Labor Compliance standards may be found on our website at [www.oakha.org/ Procurement](http://www.oakha.org/Procurement).)*

(17) Labor Code Certification: The undersigned party submitting this bid hereby certifies that party submitting this bid hereby is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing the performance of the work of this Agreement".

(18) Verification Statement: The undersigned bidder hereby states that by completing and submitting this form he/she is verifying that all information provided herein is, to the best of his/her knowledge, true and accurate, and agrees that if the HA discovers that any information entered herein is false, that shall entitle the HA to not consider nor make award or to cancel any award with the undersigned party.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Company



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# EXHIBIT I

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## Qualifications Statement

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RFQ # 16-008

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**OAKLAND HOUSING AUTHORITY**  
**CONTRACT COMPLIANCE & GENERAL SERVICES (CCGS)**

**QUALIFICATIONS STATEMENT (Page 1 of 2)**

This statement must be fully completed and submitted with the bid. (It shall be retained on file for one calendar year.)

*All questions must be answered, with responses clear and complete. Attach additional pages if needed.*

The undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

Submitted by: \_\_\_\_\_

(Contact Person)

Company Name: \_\_\_\_\_

Phone #/Email: \_\_\_\_\_

Business License #: \_\_\_\_\_

**A. Organization**

- How many years has your company been in business in the State of California for the type of work you are submitting a bid for?
- How many years has your company been in business under its present business name in the State of California?
- If your company a corporation, answer the following:
  - i. Date of incorporation:
  - ii. State of incorporation:
  - iii. President's name:
  - iv. Applicable business and trade licenses:
- If your company a partnership, answer the following:
  - i. Date of licensing:
  - ii. Type of partnership:
  - iii. Name(s) of general partner(s):
- If your company individually owned, answer the following:
  - i. Date of licensing:
  - ii. Name of owner:
- How many employees does your company currently employ?

**B. Licensing**

- List jurisdictions and trade categories in which your company is legally qualified to do business and indicate registration or license numbers, if applicable.

**C. Experience:**

- List all Claims and Suits within the last five (5) years. (If the answers to any of the questions below are yes, please attach details.)

**OAKLAND HOUSING AUTHORITY  
CONTRACT COMPLIANCE & GENERAL SERVICES (CCGS)**

**QUALIFICATIONS STATEMENT** *(Page 2 of 2)*

- Has your company ever failed to complete any work awarded to it?  
 **Yes**       **No**

If yes, what was the name of the contract and what was the reason for default?

- Has your company ever refused to sign a contract after award of the bid?  
 **Yes**       **No**

If yes, what was the name of the contract and reason for refusal?

- Has your company or subsidiaries or principals ever been debarred from government contracts?  
 **Yes**       **No**

If yes, please identify party and state the reason.

- Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your company or its officers? If so, please list.  
 **Yes**       **No**
- Has your company filed any law suits or requested arbitration with regards to construction contracts within the last five years? If so, please list.  
 **Yes**       **No**

**D. Insurance/Financial Information:**

- Name of Insurance Carrier:
- Name and address of agent:
- Upon request, will you complete a detailed financial statement and furnish any other information required by the Oakland Housing Authority?  
 **Yes**       **No**

The undersigned bidder hereby states that by completing and submitting this form he/she is verifying that all information provided herein is, to the best of his/her knowledge, true and accurate, and agrees that if the HA discovers that any information entered herein is false, that shall entitle the HA to not consider nor make award or to cancel any award with the undersigned party.

**The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information request by the Oakland Housing Authority, verifying the declarations included in this Statement of Qualifications.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

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**EXHIBIT J**

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**Subcontractor Form**

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**RFQ # 16-008**

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# **SUBCONTRACTOR FORM**

***(PAGE 1 OF 2)***

The Authority requires all bidders to identify all subcontractors\* proposed as part of this bid. Failure to provide all the information herewith requested may result in rejection of the bid.

| Subcontractor | Classification | Amount | Location | Ownership (check) |     |     |
|---------------|----------------|--------|----------|-------------------|-----|-----|
|               |                |        |          | MBE               | WBE | SBE |
| 1.            |                |        |          |                   |     |     |
| 2.            |                |        |          |                   |     |     |
| 3.            |                |        |          |                   |     |     |
| 4.            |                |        |          |                   |     |     |
| 5.            |                |        |          |                   |     |     |
| 6.            |                |        |          |                   |     |     |
| 7.            |                |        |          |                   |     |     |
| 8.            |                |        |          |                   |     |     |
| 9.            |                |        |          |                   |     |     |
| 10.           |                |        |          |                   |     |     |
| 11.           |                |        |          |                   |     |     |
| 12.           |                |        |          |                   |     |     |
| 13.           |                |        |          |                   |     |     |
| 14.           |                |        |          |                   |     |     |
| 15.           |                |        |          |                   |     |     |

*(Attach additional page if necessary.)*

MBE - Minority Business Enterprise

WBE - Woman Business Enterprise

SBE - Small Business Enterprise

*\*List Sub-Contractors for work in excess of ½ of 1 percent of Bidders total bid [Reference: California Public Contract Code Section 4104(a)(1)].*

# **SUBCONTRACTOR FORM**

**(PAGE 2 OF 2)**

The Authority requires all bidders to identify all work that is **not** to be performed by a listed subcontractor and identifies who will perform the work, including the estimated cost for completing the specified work. Failure to provide all the information herewith requested may result in rejection of the bid.

| Classification/Type of Work | Amount |
|-----------------------------|--------|
| 1.                          |        |
| 2.                          |        |
| 3.                          |        |
| 4.                          |        |
| 5.                          |        |
| 6.                          |        |
| 7.                          |        |
| 8.                          |        |
| 9.                          |        |
| 10.                         |        |

Date \_\_\_\_\_

Name of Bidder \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Federal I.D. Number \_\_\_\_\_

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# EXHIBIT K

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## Oakland Housing Authority Economic Opportunities Policy

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RFQ # 16-008

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# OHA ECONOMIC OPPORTUNITIES POLICY



Oakland Housing Authority Economic Opportunities Policy

**Background:**

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C, 1701U (hereinafter referred to as "Section 3") requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low - and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

The U.S. Department of Housing and Urban Development's regulations implementing Section 3 are found at 24 CFR Part 135. It is the intent of OHA policy to comply fully with Section 3; and by publication of this policy, the OHA provides direction for application of this policy.

This policy shall remain in effect for all covered activities so long as this policy remains consistent with federal regulations or until changed by the Authority. . In any case where it is found that any provision of this policy or of a procedure or program undertaken in furtherance of this policy is found to be inconsistent with Section 3 or 24 CFR Part 135, Section 3 or 24 CFR Part 135 shall prevail.

**Policy Statement:**

*It is the policy of the Oakland Housing Authority to provide to the greatest extent feasible economic opportunities to low- and very low-income persons residing in Oakland metropolitan area (as defined in § 135.5 of 24 CFR Part 135 and to businesses meeting the definition of "Section 3 business concern" as defined by 24 CFR Part 135.*

*A Section 3 resident is :*

- A Public housing residents and/or
- An individual who live in the area where a HUD-assisted project is located and who is either low-or very-low income persons as determined by HUD
  
- **Determining Income Levels:**
- Low income is defined as 80% or below the median income of that area.
- Very low income is defined as 50% or below the median income of that area.

*(Income Limits are subject to change. Current Income Limits may be accessed on the OHA website at [www.oakha.org](http://www.oakha.org).)*

**Section 3 business concern** is a business that:

- Is 51 percent or more owned by Section 3 residents;
- Whose permanent, full-time employees include persons, at least 30% of whom are currently section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents; or
- Provides evidence of a commitment to subcontract to Section 3 business concerns, 25 percent or more of the dollar amount of the awarded contract.

In furtherance of this policy the Oakland Housing Authority shall develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided, in order to achieve the goals outlined below. This policy does not apply to routine maintenance, repair or replacement work using HUD housing and community development assistance for housing rehabilitation; nor does it apply to contractors who only furnish materials or supplies

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through OHA's procurement program, and do not undertake work, as in the installation of the material or equipment. All covered contracts executed after the adoption of this policy must comply with this policy.

**Goals:**

All contractors undertaking Section 3 covered projects and Section 3 covered activities on behalf of the Oakland Housing Authority are expected to meet the requirements of Section 3. Any contractor (whether or not it meets the definition of a Section 3 business), shall demonstrate compliance with the "greatest extent feasible" requirement of Section 3, must meet the numerical goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns. In meeting the goals, contractors are to apply a system of priority selection from among those Section 3 residents eligible pursuant to § 135.34, 24 CFR Part 135:

*First priority* - residents of the development where the work is to be performed.

*Second priority* - other residents of Oakland Housing Authority properties.

*Third priority* - other residents of Oakland who are participants of HUD Youth build programs being carried out in the City of Oakland.

*Fourth priority* - other persons from the Oakland metropolitan area who meet the definition of Section 3 resident contained in § 135.5 of 24 CFR Part 135.

Furthermore, for all construction contracts in excess of \$100,000, contractors and their subcontractors are required to utilize appropriate State-approved apprenticeship programs that have graduated apprentices as a means to meet the Section 3 employment goals.

**Employment:**

All contractors will seek the greatest extent feasible to achieve a level of 30% of all new hires to be low to very low-income residents of the Oakland metropolitan area.

**Preference for Section 3 business concerns:**

It is OHA's policy to conduct all procurement transactions in a competitive manner. Within this framework, preference shall be awarded to Section 3 business concerns according to the following system:

**Small Purchases:**

For Section 3 covered contracts aggregating no more than \$100,000, the Authority shall follow its small purchase procedures as outlined in its procurement policy. *Small Purchases require at least 3 competitive quotes. Purchases under \$2,000 (also known as Micro Purchases) do not require competitive quotes.*

**Competitive (Sealed) Bids (IFBs):** (IFB=Invitation For Bids)

Where the Section 3 covered contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 business concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 business concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.

1. Bids shall be solicited from all businesses (Section 3 business concerns and non Section 3 business concerns). An award shall be made to the qualified Section 3 business concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:
    - A. is within the maximum total contract price established in the Authority's budget for the specific project for which bids are being taken; and
    - B. is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:
-

X = lesser of:

When the lowest responsive bid is less than \$100,000 . . . .10% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 . . . .9% of that bid or \$16,000

At least \$200,000, but less than \$300,000 . . . .8% of that bid or \$21,000

At least \$300,000, but less than \$400,000 . . . .7% of that bid or \$24,000

At least \$400,000, but less than \$500,000 . . . .6% of that bid or \$25,000

At least \$500,000, but less than \$1 million . . .5% of that bid or \$40,000

At least \$1 million, but less than \$2 million . .4% of that bid or \$60,000

At least \$2 million, but less than \$4 million . .3% of that bid or \$80,000

At least \$4 million, but less than \$7 million . .2% of that bid or \$105,000

\$7 million or more . . . .1 1/2% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 business concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.
3. In both paragraph 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the "greatest extent feasible" requirement of Section 3.

Competitive Proposals (RFP) (*RFP=Request For Proposals*)

Where the Section 3 covered contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. In accordance to 24CFR135, the rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for section 3 business concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating systems. Proposals from firms not demonstrating compliance with the "greatest extent feasible" requirement of Section 3 shall not be considered responsible.

In accordance to 24 CFR Part 135.36, Appendix Section III(3)ii:

*“(3) Procurement under the competitive proposals method of procurement (Request for Proposals (RFP)).*

- (i) *For contracts and subcontracts awarded under the competitive proposals method of procurement (24 CFR 85.36(d)(3)), a Request for Proposals (RFP) shall identify all evaluation factors (and their relative importance) to be used to rate proposals.*
- (ii) *(ii) One of the evaluation factors shall address both the preference for section 3 business concerns and the acceptability of the strategy for meeting the greatest extent feasible requirement (section 3 strategy), as disclosed in proposals submitted by all business concerns (section 3 and non-section 3 business concerns). This factor shall provide for a range of 15 to 25 percent of the total number of available points to be set aside for the evaluation of these two components.”*
- (iii) *With regard to the section 3 strategy, the RFP shall require the disclosure of the contractor’s section 3 strategy to comply with the Section 3 training and employment*

*preference, or contracting preference, or both, if applicable. A determination of the contractor's responsibility will include the submission of an acceptable section 3 strategy. The contract award shall be made to the responsible firm (either section 3 or non-section 3) whose proposal is determined most advantageous, considering price and all other factors specified in the RFP.*

Other Provisions:

1. Federal labor standards requirements: Certain construction contracts are subject to compliance with the requirement to pay prevailing wages determined under Davis-Bacon Act (40 U.S.C. 276a--276a-7) and implementing U.S. Department of Labor regulations in 29 CFR part 5. Additionally, certain HUD-assisted rehabilitation and maintenance activities on public and Indian housing developments are subject to compliance with the requirement to pay prevailing wage rates, as determined or adopted by HUD, to laborers and mechanics employed in this work. Apprentices and trainees may be utilized on this work only to the extent permitted under either Department of Labor regulations at 29 CFR part 5 or for work subject to HUD-determined prevailing wage rates, HUD policies and guidelines.
  2. A section 3 business concern seeking a contract or a subcontract must submit evidence to the recipient, contractor, or subcontractor (as applicable), if requested, sufficient to demonstrate to the satisfaction of the party awarding the contract that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract.
  3. OHA will ensure compliance with section 3 requirements through efforts that may include the following:
    - A. Requiring that contractors submit relevant documentation certifying their eligibility for preference under the section 3 program, and/or demonstrating their compliance with section 3 requirements.
    - B. Conducting ongoing section 3 compliance review of applicable contractors and take appropriate action when they are found to be noncompliant with section 3 requirements.
    - C. Refraining from entering into a contract with any contractor after notification by HUD that the contractor has been found in violation of section 3 regulations.
    - D. Implementing procedures designed to notify section 3 residents about training and employment opportunities generated by section 3 covered assistance and section 3 business concerns about contracting opportunities generated by section 3 covered assistance;
    - E. Notifying potential contractors for section 3 covered projects of the requirements of this part.
  4. All OHA section 3 covered contracts shall include the following clause set forth in 24 CFR 135.38:
    - A. The work to be performed under this contract is subject to the
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requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

Definitions:

The Oakland Housing Authority incorporates into this policy the definitions contained in § 135.5 of 24 CFR Part 135. Further, the Oakland Housing Authority makes no representation concerning

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interpretation and meaning of Section 3 of the Housing Act of 1968, as amended, and of 24 CFR Part 135 beyond this policy. It is recommended that interest parties refer directly to the law and regulations for a complete understanding of their meaning.

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# EXHIBIT L

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## Vendor Protest Procedures

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RFQ # 16-008

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# **VENDOR PROTESTS AND CLAIMS PROCEDURES**

**(As extracted and revised  
from Oakland Housing Authority  
Contracting and Purchasing Procedures)**



SECTION 1.19 VENDOR PROTESTS AND CLAIMS PROCEDURES

The following are the definitions of terms used in this section.

**Definitions:**

*OHA:* The abbreviation for the Housing Authority of the City of Oakland, California.

*Contracting*

*Officer:* The Executive Director of OHA or the person designated by the Executive Director in writing.

*Vendor.* The person or firm that is involved in bidding, proposing, or quoting on an OHA material or service requirement, or has contracted with OHA to provide material or perform a service, or a person who has an interest in such matters.

*Claim:* The assertion of facts which serves as the basis for a demand of payment, reimbursement, or compensation believed by the vendor to be due the vendor. The claim must be submitted in writing, by the affected vendor, on the "Notice of Protest or Claim" form (MMO9501) furnished by OHA (copy attached).

*Protest:* A written complaint about, or an objection to, an administrative action or decision by OHA. The protest must be submitted, including any and all facts on which it is based, by the affected vendor, on the "Notice of Protest or Claim" form (MMO-9501) provided by OHA (copy attached).

*Response to*

*Solicitation:* The vendor's written bid, quotation or proposal submitted in response to OHA's call for bids, quotations or request for proposals.

**Who May Submit A Protest or Claim:**

Any person as defined above in "Vendor" may submit a protest or claim.

Vendor protests, claims, or disputes shall be resolved using the following procedures:

**A. Vendor protests prior to bid, quote or proposal opening:**

1. Vendor must submit a written notice of protest to OHA's Contracting Officer eight or more calendar days prior to the date set for the bid, proposal, or quotation opening.
2. Immediately upon receipt of the vendor's notice, the Contracting Officer shall date-stamp the notice and send a letter to the vendor acknowledging receipt of the notice. The Oakland Housing Authority acknowledgement shall indicate if the notice was filed within if required time period. A late notice is not eligible for consideration under this procedure. Any protest received after eight days prior to the date set for the bid, proposal, or quotation opening may be rejected without further consideration or may be considered under paragraph B below at the direction of the Contracting Officer.
3. Contracting Officer shall review the solicitation record to ensure the information provided by the protesting vendor is accurate. Based on a review of the vendor's protest and other relevant information, the Contracting Officer shall prepare a "Finding of Fact."
4. Based upon the "Finding of Fact," the Contracting Officer may elect to:
  - a. Amend the Invitation to Bid by addendum to all prospective vendors. Addendum is to be mailed by registered mail, four or more days prior to the date of scheduled bid opening.
  - b. Terminate the current Invitation to Bid, Quote, or Request for Proposal.
  - c. Reject the claim in writing, detailing reason(s) for the rejection.

**B. Protests after the bid, quote, or proposal opening, but prior to award of contract:**

1. Vendor must submit a written notice of protest to the Authority's Contracting Officer within three calendar days of the bid opening date.
2. Immediately upon receipt of the vendor's notice, the Contracting Officer shall date-stamp the notice and send a letter to the vendor acknowledging receipt of the notice. The Oakland Housing Authority acknowledgement shall indicate if the notice was filed within the required time period. A late notice is not eligible for consideration under this procedure.
3. The vendor's protest, along with the solicitation's tabulation sheet, scope of work, copies of all responses received, and any other relevant documents shall be provided to the Contracting Officer. The Contracting Officer shall review the vendor's protest and the circumstances and prepare a "Finding of Fact."

**CONTRACTING & PURCHASING PROCEDURES**

4. Based upon the "Finding of Fact;" the Contracting Officer may take any of (but is not limited to) the following actions:
  - a. Allow the vendor to withdraw the vendor's response to the solicitation.
  - b. Reject one or more vendor(s) response(s) to the solicitation for failing to be complete, lacking the required guarantee, or failing to conform to the solicitation's instructions.
  - c. Reject all of the responses to the solicitation.
  - d. Disqualify one or more vendor (s) as non-responsible and therefore ineligible for an award of contract.

Note: If the dollar amount of the lowest responsible response to the solicitation is such that the Board of Commissioners must approve the award of the contract, the Contracting Officer shall make a recommendation of action to the Board ratifying this finding (a-d above).

**C. Protests or claims after the award of contract (to be utilized in the absence of contractual language governing protests or claims):**

1. The vendor must, submit a written notice of protest or claim to OHA's Contracting Officer within seven calendar days. The time period shall start the day immediately following the date of the incident on which the notice is based.
2. Immediately upon receipt of the vendor's notice, the Contracting Officer shall date-stamp the notice and send a letter to the vendor acknowledging receipt of the notice. The Oakland Housing Authority acknowledgement shall indicate if the notice was filed within the required time period. A late notice is not eligible for consideration under this procedure.
3. The Contracting Officer, with reasonable promptness (after obtaining the approval of HUD, if required), shall render a written decision to the vendor. Unless the vendor, within seven calendar days after the receipt of the decision, notifies the Contracting Officer in writing that it takes exception to such decision, the decision shall be final and conclusive.
4. The Contracting Officer's decision shall be final unless the vendor has accomplished all of the following:
  - a. Given the notice of protest or claim within the proper time period, and
  - b. Signed a final release of all claims, other than those unsettled claims listed on the final release with their separately stated amounts, and
  - c. Brought suit against OHA (not later than one year after final payment, or in the absence of a final payment, within one year after a written request by OHA to the vendor to submit a final invoice or release) for a disposition of the protest or claim by a court of appropriate jurisdiction.

**CONTRACTING & PURCHASING PROCEDURES**

5. Whether or not the vendor presents a protest or claim to the Contracting Officer or takes exception to a decision of the Contracting Officer, the vendor, unless directed otherwise by the Contracting Officer, shall proceed with the work as directed.

**D. OHA record requirement:**

1. OHA shall maintain a complete and detailed record of all protests and claims. The record shall include all pertinent correspondence, the written or recorded minutes of any meetings with the vendors making the protests or claims, and any information used in determining OHA's actions in the disposition of protests or claims.

# OAKLAND HOUSING AUTHORITY

## NOTICE OF PROTEST OR CLAIM

CLAIMANT: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT FILING: \_\_\_\_\_

PHONE: \_\_\_\_\_

Purchase Order No.:

Invoice No.:

Bid No.:

REASON FOR CLAIM OR PROTEST (ATTACH COPIES OF DETAIL DOCUMENTS IF ANY):

(OHA USE ONLY)

NOTIFICATION: \_\_\_\_\_

DATE RECEIVED STAMP

CONTRACTING OFFICER: \_\_\_\_\_

FILING DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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# EXHIBIT M

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## Applicant Recipient Disclosure – HUD 2880

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RFQ # 16-008

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# Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing  
and Urban Development

OMB Approval No. 2510-0011 (exp. 9/30/2013)

**Instructions.** (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

**Applicant/Recipient Information** Indicate whether this is an Initial Report  or an Update Report

|   |  |
|---|--|
| 1. Applicant/Recipient Name, Address, and Phone (include area code):                        | 2. Social Security Number or Employer ID Number: |
| 3. HUD Program Name   | 4. Amount of HUD Assistance Requested/Received   |
| 5. State the name and location (street address, City and State) of the project or activity: |  |

## Part I Threshold Determinations

|   |  |
|---|--|
| 1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).<br><input type="checkbox"/> Yes <input type="checkbox"/> No | 2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9<br><input type="checkbox"/> Yes <input type="checkbox"/> No. |
|---|--|

If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. **However,** you must sign the certification at the end of the report.

## Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

| Department/State/Local Agency Name and Address | Type of Assistance | Amount Requested/Provided | Expected Uses of the Funds |
|--|--------------------|---------------------------|----------------------------|
|  |                    |                           |                            |
|  |                    |                           |                            |

(Note: Use Additional pages if necessary.)

## Part III Interested Parties. You must disclose:

- All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
- any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

| Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first) | Social Security No. or Employee ID No. | Type of Participation in Project/Activity | Financial Interest in Project/Activity (\$ and %) |
|--|--|---|---|
|  |  |   |   |
|  |  |   |   |

(Note: Use Additional pages if necessary.)

## Certification

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

|                     |                    |
|---------------------|--------------------|
| Signature:<br><br>X | Date: (mm/dd/yyyy) |
|---------------------|--------------------|

**Public reporting burden** for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

**Privacy Act Statement.** Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is voluntary. HUD is authorized to collect this information under the Housing and Community Development Act of 1987 42 U.S.C.3543 (a). The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

**Note:** This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

## Instructions

### Overview.

**A. Coverage.** You must complete this report if:

- (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of \$200,000 during the during the fiscal year;
- (2) You are updating a prior report as discussed below; or
- (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

**B. Update reports (filed by "Recipients" of HUD Assistance):**

**General.** All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

### Line-by-Line Instructions.

#### Applicant/Recipient Information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. **NOTE:** In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

#### Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to **either** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

#### Part II. Other Government Assistance and Expected Sources and Uses of Funds.

**A. Other Government Assistance.** This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

**B. Non-Government Assistance.** Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD **and any other source** - that have been or are to be, made available for the project or activity. Non-government sources of



funds typically include (but are not limited to) foundations and private contributors.

### Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

**Note:** A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

**Note** that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need

not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

#### Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.