



Oakland Housing
Authority

July 8, 2016

Gentlemen/Ladies:

SUBJECT: Request for Qualifications (RFQ) No. 16-011 Award of MTW Local Housing Assistance Program Funding to Existing Housing Units

The Oakland Housing Authority (**OHA**) invites qualified owners, property managers, and developers of service enriched rental property in Oakland to submit written proposals demonstrating their interest in securing **Local Housing Assistance Program** funding.

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,

A handwritten signature in black ink, appearing to read "Eric Johnson", with a long horizontal flourish extending to the right.

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



Oakland Housing
Authority

REQUEST FOR QUALIFICATIONS

(RFQ) # 16-011

AWARD OF MTW LOCAL HOUSING ASSISTANCE PROGRAM
FUNDING TO EXISTING HOUSING UNITS

RFQ Issued	July 8, 2016
Pre-Proposal Conference	July 28, 2016 @ 10:00 AM PDT Oakland Housing Authority 1540 Webster Street, Oakland, CA 94612
Questions Due	August 12, 2016 @ 10:00 AM
Email Questions to:	ccgs@oakha.org (indicate above RFQ# in "Subject")
Addendum Issued <i>(if applicable)</i>	August 24, 2016
Proposals Due	September 14, 2016 @ 10:00 AM – Round 1
Proposals Due	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

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

TABLE OF CONTENTS		Must be submitted with Proposal
1. General Information		
1.1 RFQ Information	2	
1.2 Oakland Housing Authority Reservation of Rights	3	
1.3 Oakland Housing Authority Background	4	
2. MTW Local Housing Assistance Program		
2.1 Project Description & General Requirements	5	
2.2 Eligible Units	8	
2.3 Eligible Families	9	
2.4 Participating Owners	10	
2.5 Owner Reporting & Compliance	11	
3. Minimum Request	12	
4. Proposal Submission Requirements	12	
4.1 Proposal Format	12	
4.2 Required Forms/Certifications	13	
5. Process for Selecting Proposals	15	
6. Environmental Review – Categorical Exclusion	20	
ATTACHMENTS – EXHIBITS/ FORMS/ DOCUMENTS		
A.	MTW Local Housing Assistance Application Form	√
B.	Unit Occupancy Standards	
C.	Income Limits	
D.	HQS - 24 CFR §982.401	
E.	HUD Fair Market Rent (FMR) Table	
F.	OHA Development Policy	
G.	Section 3 Business Certification and Action Plan	√
H.	Profile and Certification Form	√
I.	Qualifications Statement	√
J.	Applicant Recipient Disclosure – HUD Form 2880	√
K.	Subcontractor form (if applicable)	√
L.	Oakland Housing Authority Economic Opportunities Policy	
M.	Vendor Protest And Claims Procedures	

1. GENERAL INFORMATION

1.1 RFQ Introduction

The Oakland Housing Authority (**OHA**) invites qualified owners, property managers, and developers of service enriched rental property in Oakland to submit written proposals demonstrating their interest in securing **Local Housing Assistance Program** funding. This solicitation is for existing housing units only and limited to the following housing types:

1. Service Enriched Single Room Occupancy (SRO) units.
2. Shared Housing units set aside for Veterans, Emancipated Youth, or other Special Needs programs.
3. Transitional Housing units set aside for Veterans, Emancipated Youth, or other Special Needs programs.

Existing housing are units that already exist on the proposal application date and that substantially comply with the Housing Quality Standards (HQS). The units must fully comply with the HQS before a Local Housing Assistance Program agreement can be executed.

Eligible units include those that are currently occupied by eligible households. An eligible household is one that has income at or below 50% Area Median Income (see Exhibit C - Income Limits) and they must also pass minimum threshold screening criteria (see Section 2.3), before they can be assisted a unit contracted under the Local Housing Assistance Program.

This Local Housing Assistance Program will provide a federally funded Operating Subsidy to the project to assist the individuals/families that reside in the units contracted under this program.

The principal goals of this effort are to:

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

Under **Moving to Work (MTW)** authority, OHA is prepared to award MTW Local Housing Assistance Program funding to qualified housing units accepted through this competitive selection process. 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 separate funding rounds in 2016 or until 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 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 MTW Local Housing Assistance Program 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 an agreement 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 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 an operating agreement affects or modifies any terms or obligations contained in the agreement 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.

In this MTW Local Housing Assistance Program offering, OHA intends to commit assistance to selected projects/units by providing funding under an operating agreement for the special housing types being considered in this RFQ. This operating subsidy will be allocated to selected projects under an MTW Local Housing Assistance Program Agreement.

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

2. MTW LOCAL HOUSING ASSISTANCE PROGRAM

2.1 Program Description and General Requirements

OHA's MTW agreement allows funding to be used outside of traditional Public Housing and Section 8 program formats to support local housing activities that increase housing choices for low-income families. The goal of this offering is to help stabilize SRO developments and implement best practices in terms of the delivery of supportive services as the majority of units in SRO developments house tenants with special needs. OHA recognizes that SRO units are a valuable housing resource for Oakland's most vulnerable and frail residents, falling very heavily on seniors and persons with disabilities. This MTW Local Housing Assistance Program offering is also open to assist occupants that reside in Shared Housing and Transitional Housing units that may be selected under this RFQ.

Interested parties must submit the MTW Local Housing Assistance Program application form (Exhibit A) to provide project and unit details. OHA will evaluate proposals base on unit type, unit condition, population served, current occupant profile (if applicable), project merits, project needs and requested rent. If approved, OHA will execute a MTW Local Housing Assistance Program Agreement with the owner that will attach long term operating subsidy to units identified in the agreement, for an initial term of up to 15-years.

The amount of the operating subsidy an owner will receive will be determined by the rent amount that is agreed upon for the unit. OHA will pay an operating subsidy to the owner up to 75% of the Local Housing Assistance Program Agreement unit rent amount, and the owner will charge the tenant 25% of the total unit rent. The only requirement is that the assisted unit must be rented to a tenant that passes OHA initial screening criteria (see Section 2.3) and has income at or below 50% of AMI. OHA will not monitor tenant income after initial screening and the 75/25% proration will continue throughout the term of the lease. Each year the operating agreement rent may be renegotiated with OHA for the upcoming 12-month period. Rent Increases will be subject to approval by OHA utilizing the published local CPI, with the tenant's portion maintained

at no more than 25% of the contract rent. The tenant's portion of rent will not be adjusted based on their income. Initial rents will be based on Rent Reasonableness and annual rent increased request cannot exceed standards established by local CPI.

General Requirements:

The project owner will be responsible for operating the property at a generally accepted industry standard level for providing housing and/or housing services to low income families and special needs populations. Multifamily housing sites will be required to maintain a management office within the Project, and/or a continuing (24-hour, 7 day/week) management presence as applicable subject to and local, state, and federal laws.

The owner maintains responsibility and full oversight of all aspects of property operations including but not limited to:

- Leasing;
- Marketing of Vacancies;
- Selection of Tenants;
- Collection of Rents;
- Operation and Maintenance;
- Enforcement of House Rules;
- Financial Management and Reporting;
- Procurement;
- Resident Management Relations;
- Services for Senior and Disabled Clients;
- Utilities and Services;
- Staffing;
- Security; and
- Compliance with Other Local, State or Federal Programs as Applicable.

OHA is only responsible for approving the Local Housing Assistance Program Agreement, applicant screening for initial program admission (see Section 2.3 – Eligible Families) and payment of the monthly operating subsidy in accordance with the terms and conditions of the agreement. OHA must also complete an annual Management Occupancy Review (MOR) as detailed in Section 2.5 Owner Reporting and Compliance.

In an effort to preserve the stock of affordable housing available to special needs populations and homeless veterans in the Oakland community and to facilitate reinvestment in the housing stock to help stabilize both properties and families, OHA encourages property owners to commit MTW Local Housing Assistance to their rental property on a long-term basis. OHA intends to select units that are immediately available or already housing low-income families, in projects willing to commit to an initial operating agreement term up to 15-years. If requested, a shorter initial term will be considered on a case by case basis. Projects willing to

commit to longer term agreements to preserve affordable housing units, will receive a more favorable rating. Renewal provisions can extend the MTW Local Housing Assistance Program Agreement for up to 30-years. Long-term housing assistance commitments provide a more dependable income stream and Asset Managers can leverage these operating agreements to finance project rehabilitation or upgrades.

Other participating owner benefits include:

- A secured income stream for your property;
- On-time operating subsidy payments by direct deposit, or mailed on the 1st of each month;
- Ability to select your own tenant; and
- Full oversight and control of all aspects of property operations.

OHA endeavors to select projects that will strengthen neighborhoods and participant outcomes through this RFQ. 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 and to a healthy environment when reviewing projects and will consider how current or future residents of the property will benefit from the proposed project.

Project evaluation criteria will take into consideration not just the populations served and the extent services are available to meet the needs of residents at a project, but also its community benefit and neighborhood impact based on the overreaching goals describe in OHA's Development Policy (see Exhibit F). OHA will seek to select project units that will benefit both residents and the surrounding community. See Section 5.6 for Selection Criteria.

2.2 Eligible Units

Proposals are requested for:

Single Room Occupancy (SRO):

An SRO room is a unit that provides living and sleeping space for the exclusive use of an occupant but requires the occupant to share a bathroom and/or food preparation facilities with others. Only one person can occupy an SRO unit. Most of the service enriched SRO developments in the City of Oakland are operated by non-profit affordable housing developers and serve individuals with special needs and OHA has partnered with many of these experienced and highly successful agencies on other projects.

Proposals for SRO units require 10-unit minimum per site and an agreement for services must be in place.

Shared Housing:

Shared Housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit may consist of both common space for use by the occupants of the unit and separate private space for the assisted family. OHA will consider requests for MTW Local Housing Assistance Program commitments for Shared Housing that will serve Veterans, Emancipated Youth programs, or other special needs programs. Proposers must have experience in managing and operating these types of units. There is no LHAP unit minimum for shared housing requests. Proposals will be reviewed on a case by case basis.

Transitional Housing:

Transitional housing provides temporary housing for special needs populations. It can be a room or apartment in a residence with access to supportive services and is designed to transition their residents into permanent, affordable housing. Transitional housing is generally for a limited period of time and stays can be from several weeks up to twenty four months. OHA will consider requests for a MTW Local Housing Assistance Program commitment for Transitional Housing units that will serve Veterans, Emancipated Youth programs, or other special needs programs. Proposer should have experience in operating Transitional Housing and agreements in place with service providers. There is no LHAP unit minimum for transitional housing requests. Proposals will be reviewed on a case by case basis.

Existing Housing. Existing housing are units that already exist on the proposal selection date and that substantially comply with the HQS on that date. The units must fully comply with the HQS before execution of an LHAP operating agreement. A selected project must complete any necessary repairs in no less than 90-days of project selection or a proposed award will be voided.

Housing Quality Standards (HQS). HUD-established HQS specifications are described in 24 CFR §982.401 (Attachment D). All units must meet HQS (or any successor program as implemented by HUD or under MTW authority by OHA) before a Local Housing Assistance Program agreement can be executed. OHA will inspect units for HQS prior to awarding a proposal and at each time a new family moves into a unit. The pre-selection inspection process will also include a review for Site and Neighborhood Standards for site selection.

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 Local Housing Assistance Program participation.

2.3 Eligible Families

Eligible families or individuals must have income at or below 50% 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.

OHA may deny an applicant with a record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years. Additionally, 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.

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.

In Place Families

The current in place family residing in the proposed unit when a proposal is submitted may be eligible to be assisted subject to OHA screening. If an in place family is determined to be NOT eligible to be assisted, that unit may not receive an operating agreement subsidy until it is occupied by an eligible family selected and housed pursuant to the MTW Local Housing Assistance Program operating 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. Project owners will select their own tenants and refer them to OHA for screening. The owners must have an affirmative fair-housing tenant selection plan on file with OHA in order to make direct referrals of applicants and OHA must screen and approve the applicant for eligibility before they can be admitted to the MTW Local Housing Assistance 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 relaxed screening criteria to appropriately place tenants in housing units where services are available. Owners awarded Local Housing Assistance Program Agreements for units 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 services-enriched unit. OHA must still screen these applicants for admission to this program, and will consider modifications to admissions criteria as necessary to place appropriate families in 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 related to program eligibility and an applicant's ability to perform lease obligations.

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 3rd party, the owner must provide a copy of the 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.

2.5 Owner Reporting and Compliance

During the term of the agreement, the Owner is expected to fully comply with the requirements of the MTW program and the timelines for data collection in relation to MTW activities. The Owner is required to produce reports and data for measuring MTW activities in accordance with the Authority's schedule, including unit month occupancy averages, occupant income eligibility data, number of households receiving services, etc.

The Owner will be required to maintain documentation for each household that receives housing assistance under this agreement and to make this information available to OHA upon request. It is anticipated that OHA will conduct a Management Operating Review (MOR) annually for audit purposes. The file for each household shall include, at a minimum, the following documentation:

- a. Proof of eligibility for participation in the program (see section 2.3);
- b. Documentation of household composition and family vitals;
- c. All Landlord/Tenant written correspondence;
- d. Results of initial HQS inspection;
- e. Copy of Lease, Master Lease, and/or Sub-Tenancy agreement;
- f. Lead Paint Notice;
- g. Copy of the Local Housing Assistance Payment Agreement; and
- h. Copy of current Authorization for Release of Information forms HUD-9886 and OHA 290103.

3. MINIMUM REQUEST

Minimum Request. OHA will accept proposals for a minimum of 10 units for SRO projects under this RFQ. There is no minimum unit request for shared housing or traditional housing unit proposals under this RFQ. The table below provides minimum unit request thresholds.

Building Type	Number of Units that can be Requested	Units set aside for Special Needs
SRO	10 unit minimum – no maximum, units may be on non-contiguous site locations	An agreement for services must be in place
Shared Housing	No Minimum - unit request. Proposals will be reviewed on a case by case basis	Shared Housing will be considered for units that serve Veterans, Emancipated Youth programs or families with Special Needs
Transitional Housing	No Minimum - unit request. Proposals will be reviewed on a case by case basis	Transitional Housing will be considered for units that serve Veterans, Emancipated Youth programs or families with Special Needs

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 detailed history of the owners experience with HUD affordable housing programs or any other rental assistance or below market rent programs, especially those targeting Special Needs populations.

The letter should also indicate the requested number of units to be assisted and a description of how your project addresses the core impact areas outlined in OHA’s Development Policy (Exhibit F):

- 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 that the respondent believes may be appropriate to assist OHA in its evaluation (e.g. location maps, site photos, operating statements/proformas, resident services plans). 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 Local Housing Assistance Program 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. Subcontractor Form (if applicable)**
- G. Qualifications Statement**

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 bid submission and the proposal may be deemed as nonresponsive.

Proposal Submittal Binding Method:

It is preferable and recommended that the proposer bind the 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.

5. PROCESS FOR SELECTING PROPOSALS

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 Conference Room at 1540 Webster Street, Oakland, CA 94612.
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	Round 1 Proposals due by 10:00 AM PDT. To be submitted to Contract Compliance and General Services (CCGS) at 1801 Harrison Street, First Floor, Oakland, CA 94612. Proposals must be delivered by this deadline; postmarks will NOT be accepted. Proposals received after the cut off will be evaluated for funding in Round 2.
October 26, 2016	Round 2 Proposals due by 10:00 AM PDT. To be submitted to Contract Compliance and General Services (CCGS) at 1801 Harrison Street, First Floor, Oakland, CA 94612. Proposals must be delivered by this deadline; postmarks will NOT 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 Leased Housing Department 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 feel 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 feel 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

such 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 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 website by 5:00 PM PDT August 24, 2016 if necessary. (Oakland Housing Authority website at 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: Proposal 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. These must be submitted in envelopes or boxes marked “RFQ # 16-011 Award of MTW Local Housing Assistance Program Funding 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
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 the 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 affordable rental housing including and specifically, low income rental assistance programs servicing special needs populations.	15
2.	<u>Quality of Service:</u> Owner and partner experience and capability to operate housing as identified in this RFQ, and the extent to which services are available for special populations either at the project site or in the general vicinity of the project location.	25
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.	20
4.	<u>Preservation:</u> Extent to which the project preserves affordable housing units available to low income families or special needs populations on a long term basis.	20
5.	<u>Quality of Housing:</u> The quality of the project/project units with respect to age, original construction, maintenance, improvements, amenities and services available to residents of the site.	15
	<u>Bonus:</u> Affordability of tenant rent based on a 25% contribution.	5
	<u>Total</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 the proposals with the highest score will be recommended for the 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. A proposal rejected in Round 1 may also reapply in Round 2 with corrections. The Authority may also select projects for awards up to 3 years after the proposal submission date if new funding becomes available.

§983.103 Inspecting units.

The 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 must 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 LHAP operating agreement 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 originally 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 been 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.

6. Environmental Review – Categorical Exclusion

The Responsible Entity (RE) for the environmental review under 24 CFR part 58 must determine whether or not an award of Local Housing Assistance Program assistance, as authorized under OHA's MTW authority, 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 is 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 Local Housing Assistance Program Agreement under this RFQ.

EXHIBIT A

MTW Local Housing Assistance Application Form

RFQ # 16-011

Exhibit A - Application

MTW Local Housing Assistance 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 (4) 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 indicated on the front page of the RFQ.

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
SRO						
0-Bedroom						
1-Bedroom						
2-Bedrooms						
3-Bedrooms						
4-Bedrooms						
5-Bedrooms						

5. Total number of MTW Local Housing Assistance units requested: _____

6. Rent requested for MTW Local Housing Assistance 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 housing and affordable rental housing including any previous experience with Housing Choice Voucher (Section 8) or other low income rental assistance programs, servicing special needs populations if that is a part of your request.

Quality of Service (Max 3 pages) Maximum Points 25

Owner experience and capability to operate housing as identified in the 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 areas. In the space below, please describe the Quality of Service:

Project (Max 3 pages)

Maximum Points 20

Please explain in detail, the extent to which the project meets the core impact area 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 20

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

Quality of Housing (Max 2 pages) Maximum Points 15

Bonus Affordability (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 MTW Local Program assistance. If additional space is needed, please provide on a separate sheet of paper labeling it "Section C Tenant(s) Information (Existing Projects)".

Count	Household Composition				Adults		Youth Under 18	
	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 _____

EXHIBIT B

Unit Occupancy
Standards

RFQ # 16-011

Unit Occupancy Standards

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

Per OHA Administrative Plan 4/4/2016

EXHIBIT C

Income Limits

RFQ # 16-011

Exhibit C

Income Limits

Qualifying for MTW Local Housing Assistance

Determining if you qualify for housing assistance through one of OHA's many housing programs is fairly simple. The biggest factor involves household income and at least one family member must be a citizen, national, or noncitizen with eligible immigration status. The chart below lists the income levels based on household size.

To qualify for MTW Local Housing Assistance, the eligible family 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	\$48,750	\$52,650	\$56,550	\$60,450	\$64,350
		Extremely Low (30%) Income Limits	\$20,500	\$23,400	\$26,350	\$29,250	\$31,600	\$33,950	\$36,730	\$40,690
		Low (80%) Income Limits	\$52,650	\$60,150	\$67,650	\$75,150	\$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.

EXHIBIT D

HQS – 24 CFR
982.401

RFQ # 16-011

Asst. Secy., for Public and Indian Housing, HUD

§ 982.401

(6) a PHA must manage the PHA tenant-based program in a manner that ensures that the PHA has the financial ability to provide assistance for families that move out of the PHA program under the portability procedures that have not been absorbed by the receiving PHA, as well as for families that remain in the PHA program.

(7) When a portable family moves out of the tenant-based program of a receiving PHA that has not absorbed the family, the PHA in the new jurisdiction to which the family moves becomes the receiving PHA, and the first receiving PHA is no longer required to provide assistance for the family.

(f) *Portability funding.* (1) HUD may transfer funds for assistance to portable families to the receiving PHA from funds available under the initial PHA ACC.

(2) HUD may provide additional funding (e.g., funds for incremental units) to the initial PHA for funds transferred to a receiving PHA for portability purposes.

(3) HUD may provide additional funding (e.g., funds for incremental units) to the receiving PHA for absorption of portable families.

(4) HUD may require the receiving PHA to absorb portable families.

[60 FR 34695, July 3, 1995, as amended at 61 FR 27163, May 30, 1996; 64 FR 26646, May 14, 1999; 64 FR 56914, Oct. 21, 1999]

Subpart I—Dwelling Unit: Housing Quality Standards, Subsidy Standards, Inspection and Maintenance

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.401 Housing quality standards (HQS).

(a) *Performance and acceptability requirements.* (1) This section states the housing quality standards (HQS) for housing assisted in the programs.

(2)(i) The HQS consist of:

(A) Performance requirements; and

(B) Acceptability criteria or HUD approved variations in the acceptability criteria.

(ii) This section states performance and acceptability criteria for these key aspects of housing quality:

(A) Sanitary facilities;

(B) Food preparation and refuse disposal;

(C) Space and security;

(D) Thermal environment;

(E) Illumination and electricity;

(F) Structure and materials;

(G) Interior air quality;

(H) Water supply;

(I) Lead-based paint;

(J) Access;

(K) Site and neighborhood;

(L) Sanitary condition; and

(M) Smoke detectors.

(3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

(4)(i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

(ii) HUD may approve acceptability criteria variations for the following purposes:

(A) Variations which apply standards in local housing codes or other codes adopted by the PHA; or

(B) Variations because of local climatic or geographic conditions.

(iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either:

(A) Meet or exceed the performance requirements; or

(B) Significantly expand affordable housing opportunities for families assisted under the program.

(iv) HUD will not approve any acceptability criteria variation if HUD believes that such variation is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

(b) *Sanitary facilities*—(1) *Performance requirements.* The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) *Acceptability criteria.* (i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.

(ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.

(iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.

(iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) *Food preparation and refuse disposal*—(1) *Performance requirement.* (i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

(ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).

(2) *Acceptability criteria.* (i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.

(ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(iii) The dwelling unit must have space for the storage, preparation, and serving of food.

(iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

(d) *Space and security*—(1) *Performance requirement.* The dwelling unit must

provide adequate space and security for the family.

(2) *Acceptability criteria.* (i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.

(ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.

(iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

(iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) *Thermal environment*—(1) *Performance requirement.* The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.

(ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) *Illumination and electricity*—(1) *Performance requirement.* Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) *Acceptability criteria.* (i) There must be at least one window in the living room and in each sleeping room.

(ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.

(iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(g) *Structure and materials*—(1) *Performance requirement.* The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) *Acceptability criteria.* (i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

(ii) The roof must be structurally sound and weathertight.

(iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.

(iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.

(v) Elevators must be working and safe.

(h) *Interior air quality*—(1) *Performance requirement.* The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

(2) *Acceptability criteria.* (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

(ii) There must be adequate air circulation in the dwelling unit.

(iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.

(iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

(i) *Water supply*—(1) *Performance requirement.* The water supply must be free from contamination.

(2) *Acceptability criteria.* The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

(j) *Lead-based paint performance requirement.* The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

(k) *Access performance requirement.* The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(l) *Site and Neighborhood*—(1) *Performance requirement.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

(2) *Acceptability criteria.* The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(m) *Sanitary condition*—(1) *Performance requirement.* The dwelling unit and its equipment must be in sanitary condition.

(2) *Acceptability criteria.* The dwelling unit and its equipment must be free of vermin and rodent infestation.

(n) *Smoke detectors performance requirement*—(1) Except as provided in paragraph (n)(2) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition.

§982.402

24 CFR Ch. IX (4-1-10 Edition)

on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, - smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

(2) For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

[60 FR 34695, July 3, 1995, as amended at 61 FR 27163, May 30, 1996; 63 FR 23861, Apr. 30, 1998; 64 FR 26645, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 64 FR 50230, Sept. 15, 1999]

§982.402 Subsidy standards.

(a) *Purpose.* (1) The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.

(2) For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards (family unit size).

(3) The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.

(b) *Determining family unit size.* The following requirements apply when the PHA determines family unit size under the PHA subsidy standards:

(1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.

(2) The subsidy standards must be consistent with space requirements under the housing quality standards (See §982.401(d)).

(3) The subsidy standards must be applied consistently for all families of like size and composition.

(4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

(5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

(6) Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;

(7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the PHA subsidy standards.

(8) In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such PHA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) *Effect of family unit size-maximum subsidy in voucher program.* The family unit size as determined for a family under the PHA subsidy standard is used to determine the maximum rent subsidy for a family assisted in the voucher program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of:

(1) The payment standard amount for the family unit size; or

(2) The payment standard amount for the unit size of the unit rented by the family.

(3) *Voucher program.* For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The

EXHIBIT E

HUD Fair Market Rent
(FMR) Table

RFQ # 16-011

FY 2016 FAIR MARKET RENT DOCUMENTATION SYSTEM

Final FY 2016 FMRs By Unit Bedrooms				
<u>Efficiency</u>	<u>One- Bedroom</u>	<u>Two- Bedroom</u>	<u>Three- Bedroom</u>	<u>Four- Bedroom</u>
\$1,380	\$1,663	\$2,103	\$2,932	\$3,268

The FY 2016 Fair Market Rents for Oakland-Fremont, CA HUD Metro FMR Area are based on the results of a local rent survey.

EXHIBIT F

OHA Development
Policy

RFQ # 16-011

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.

EXHIBIT G

Section 3 Business
Certification and
Action Plan

RFQ # 16-011



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.**

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.

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 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

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

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.

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:

Number of People in Household	Annual Household Income Limits (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. 12/1/2012)

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



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 ADMINISTRATIVE ASST., OFFICE MANAGER, CLERK, PROJECT MANAGER, EQUIPMENT MECHANIC, JANITORIAL, HOUSING MANAGEMENT, LABORER, LANDSCAPER, GLAZIER-JOURNEYMAN, GLAZIER-APPRENTICE, PLUMBER-JOURNEYMAN, PLUMBER-APPRENTICE	(A) # of CURRENT Employees (Core Staff)	(B) PROJECTED # of New Hires FOR THIS PROJECT	(C) PROJECTED # of Section 3 Hires	(D) PROJECTED Section 3 Hires as a Percentage of NEW 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 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 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: _____

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).

EXHIBIT H

Profile and
Certification Form

RFQ # 16-011

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.: _____

* The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Section 3 Requirements" attached hereto. (See 'Section 3 Requirements Form and Action Plan')

EXHIBIT I

Qualifications
Statement

RFQ # 16-011

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: _____

EXHIBIT J

Applicant Recipient
Disclosure – HUD
Form 2880

RFQ # 16-011

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).
<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
<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: 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.

EXHIBIT K

Subcontractor Form

RFQ # 16-011

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 1/2 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 _____

EXHIBIT L

Oakland Housing
Authority Economic
Opportunities Policy

RFQ # 16-011



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.)

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

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 \$100,00010% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,0009% of that bid or \$16,000

At least \$200,000, but less than \$300,0008% of that bid or \$21,000

At least \$300,000, but less than \$400,0007% of that bid or \$24,000

At least \$400,000, but less than \$500,0006% 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 more1 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

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

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.

EXHIBIT M

Vendor Protest and
Claims Procedures

RFQ # 16-011

Oakland Housing Authority

CONTRACTING & PURCHASING PROCEDURES

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.

Oakland Housing Authority

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: _____