



REQUEST FOR QUALIFICATIONS (RFQ) No. CP-2024-01
FOR
PREQUALIFICATION CONSTRUCTION POOL FOR
MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

PRE-PROPOSAL CONFERENCE TO BE HELD VIA ZOOM AS FOLLOWS:
July 19th, 2024, at 10:00 AM (local time)

ISSUED BY MIAMI-DADE COUNTY:
Public Housing and Community Development (PHCD) Department

MIAMI-COUNTY CONTACT FOR THIS SOLICITATION:

Indira Rajkumar-Futch, Procurement Contracting Manager
701 NW 1st Court, 16th Floor, Miami, Florida 33136
Telephone: (786) 469-4164
Indira.Rajkumar-Futch@miamidade.gov

PROPOSALS DUE:

PROPOSALS ARE DUE AT THE ADDRESS SHOW BELOW NO LATER THAN
August 12th, 2024, BY 3:00 PM (LOCAL TIME) AT:
PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT
OVERTOWN TRANSIT VILLAGE I
701 NW 1st COURT, 16th FLOOR
MIAMI, FLORIDA 33136

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

(SEE IMPLEMENTING ORDER 7-7)

All proposals received and time stamped by the proposal submittal deadline shall be accepted as timely submitted. Proposals submitted after the Proposal due date shall not be accepted. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. Miami-Dade Public Housing and Community Development (PHCD) will in no way be responsible for delays caused by mail delivery or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to PHCD, or any work performed in connection therewith, shall be borne by the Proposer(s).

The submittal of a proposal by a Proposer will be considered by PHCD as constituting an offer by the Proposer to participate in the Prequalified Construction Pool and comply with all requirements as stated in its response to the RFQ. A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. PHCD will only consider the latest version of the proposal.

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

Nothing in this RFQ shall in any way be utilized to request documentation relating to or authorizing consideration of a proposer's social, political, or ideological interests when determining if the proposer is a responsible vendor or give a preference to a proposer based on the proposer's social, political, or ideological interests.

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

1.1 Introduction

Miami-Dade County, hereinafter referred to as the County, as represented by the Miami-Dade County Public Housing and Community Development (PHCD) Department, is soliciting for a Prequalified Construction Pool RFQ-CP-2024-01 (hereinafter referred to as the "Pool," "Contractors Pool," or "Prequalified Contractors Pool") to solicit proposals from experienced Contractors to submit their qualifications for inclusion in a Pool of Prequalified Contractors for the construction and rehabilitation of affordable and workforce single-family attached and detached housing units for sale on existing County-owned land, to accomplish the goals stated herein.

The County reserves the right to use this RFQ for selection of contractors for future projects on County owned land. The future projects will be provided to Contractors from the Pool on a rotational basis. PHCD will provide the list of construction items for each future project and an estimated base construction cost, and the Contractor will provide their prices per item, with their total base construction cost. The costs of labor, materials, equipment, tools, profit and overhead will be distributed among the items' costs. Additionally, the costs of general conditions will be part of one of the construction items, and will be included in the list of items. (see Section 2.4, Pool Structure for more information on the award of Future Projects).

It is the County's intention to solicit qualifications from as many Contractors as interested, to verify all information supplied, to evaluate submissions and pre-qualify Contractors for future projects.

The Pool established under this RFQ will be in effect for a five (5) year term, as approved by the Miami-Dade Board of County Commissioners (hereinafter referred to as the "Board"), through Resolution No. R- 896-23 on October 3, 2023. The County will allow additional Contractors to be added to the Pool at any time, subject to ratification by the Board on a bi-annual basis.

The anticipated schedule for this Solicitation is as follows:

Solicitation Issued:	July 10 th , 2024.
Pre-Proposal Conference:	See front cover for date, time, and place. Attendance is recommended but not mandatory. If you need a sign language interpreter or materials in accessible format for this event, please call the ADA Coordinator at (786) 469-2155 or email ada.coordinator@miamidade.gov at least five days in advance.
Deadline for Receipt of Questions:	July 26 th , 2024.
Proposal Due Date:	See front cover for date and time.
Evaluation Process:	September 2024.
Projected Award Date:	October 2024.

1.2 Definitions

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

1. The words "**Board**" or "**Board of County Commissioners**" to mean Miami-Dade Board of County Commissioners.
2. The word "**Contractor**" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
3. The word "**County**" to mean Miami-Dade County, a political subdivision of the State of Florida.
4. The words "**County Properties**" to mean properties that is owned by Miami-Dade County.
5. The word "**Department**" to mean Public Housing and Community Development Department.
6. The words "**Development Site**" to mean the land and/or improvements included within a County's own land, and specified in the Future Project associated to the Contractor's Pool established in this RFQ.

7. The words “**Extremely Low-Income**” or “**ELI**” to mean families defined as very low-income families whose incomes do not exceed the higher of the Federal poverty level or thirty percent (30%) of Area Median Income.
8. The words “**Firm Commitment**” to mean that matched/leveraged funds must be explicit, in writing and signed by a person authorized to make the commitment. The commitment must indicate the total dollar value of the commitment and must be valid through projected financial closing of the Project. It must be supported by evidence of funding ability from an industry-recognized financial institution and show evidence of initial underwriting by the lender or from a financial source determined through documented evidence to be able to support the commitment. Firm commitment shall match the proposed project including building type, number of units, unit mix, number of bedrooms, amenities, etc. Firm commitment and/or commitment(s) as it relates to Resident Job Training, Employment, Section 3, Small and Minority Firms, Women-Owned Enterprises and Labor Area Surplus Firms, shall mean quantifiable numbers and details to describe items as enumerated in the RFQ documents.
9. The words “**Foreign Country of Concern**” to mean the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.
10. The words “**General Condition Costs**” to mean cost of Payment and Performance Bond and Insurance.
11. The words “**Green Building,**” or “**Green Construction,**” or “**Sustainable Building**” to mean an approach to development that incorporates in design and operations, ecologically sensitive and resource efficient technologies, system and management practices. For proposed developments involving new construction units, regardless of the development category of the application, the applicant must commit that (i) each new construction unit in the proposed development that is eligible for the energy star new homes (Florida standard) will achieve a home energy rating system (HERS) index (equal to or less than) ≤ 75 , and (ii) each new construction unit in the proposed development that is not eligible for the Energy Star new homes will include, at a minimum, the energy features outlined in the County’s Green Code through Ordinance No. 07-65. The applicant will also adhere to all the requirements of said ordinance.
12. The word “**HUD**” to mean U.S. Department of Housing and Urban Development.
13. The words “**Leadership in Energy & Environmental Design**” or “**LEED Silver**” to mean the minimum requirements for green building certification program developed by the U.S. Green Building Council, which include the rating system for design, construction, operation and maintenance of buildings.
14. The words “**Labor Surplus Area (LSA)**” to mean a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the National annual average unemployment rate during the referenced period is less than 6.0 percent then the qualifying rate is 6.0 percent. If the National annual average unemployment rate during the referenced period is above 10 percent then the qualifying rate is 10 percent.
15. The words “**Liquidated Damages**” to mean those damages to be paid by the Contractor to the County for failure to provide any material portion of any item stipulated in the contract and calculated and assessed in the manner set forth.
16. The words “**Low-income**” to mean families defined as low-income families whose incomes do not exceed the higher of the Federal poverty level or eighty percent (80%) of Area Median Income.
17. The words “**Low Income Housing Tax Credits**” or “**LIHTC**” to mean the tax credit issued in exchange for the development of affordable rental housing pursuant to Section 42 of the Internal Revenue Code and the provisions of Rule Chapter 67-48, Florida Administrative Code.
18. The words “**Lump Sum**” to mean a stipulated or fixed price agreed between PHCD and the Contractor for the future projects. Partial payments will be made based on an approved schedule of values.
19. The words “**Market Rate Unit**” to mean a housing unit that is not subsidized and with rent that is at an amount that is typical of the market rents in the area.

20. The words “**Moderate-income**” to mean families defined as low-income families whose incomes do not exceed the higher of the Federal poverty level or one hundred forty percent (140%) of Area Median Income
21. The words “**Percentage Rent**” to mean the rent paid, in lieu of or in addition to addition to the Guaranteed Rent, as a percentage of gross income over a negotiated breakpoint.
22. The acronym “**PHA**” to mean public housing agency.
23. The acronym “**PHCD**” to mean Public Housing and Community Development Department.
24. The word “**Pool**” to mean the Prequalified List of Contractors under this RFQ, based on requirements included in the RFQ No. CP-2024-01.
25. The word “**Principal**” to mean a Proposer, any general partner of a Proposer, and any corporate officer, director, or any shareholder of any Proposer or shareholder of any general partner of a Proposer.
26. The words “**Project Site(s)**” to mean the property to be developed, as described in future solicitations, which will be offered by the County for lease, development, management, and operation, which may include any of the properties listed in Attachment 1, Project Sites.
27. The word “**Proposal**” or “**Proposals**” to mean the properly signed and completed written submission in response to this Solicitation by a Proposer for the Scope of Services, and as amended or modified through negotiations.
28. The words “**Proposer**”, or “**Contractors**” to mean the person, firm, entity, or organization, as stated on the Solicitation Submittal Form, submitting a response to this Solicitation.
29. The words “**Qualified Proposer(s)**” or “**Qualified Contractor(s)**” or “**Prequalified Contractors**” to mean the Proposer(s) which have been evaluated and prequalified for the Qualified Contractors Pool by the County’s Mayor or designee and approved by the Board.
30. The words “**Section 3 Business**” to mean a business certified by PHCD, to be considered as a Section 3 business, under this RFQ.
31. The words “**Scope of Services**” to mean Section 2.0 of this Solicitation, which details the work to be performed by the Selected Developer.
32. The words “**Selected Developer(s)**” or “**Selected Proposer(s)**” to mean the Proposer(s) which have been approved by the Board of County Commissioners to participate in the Developers Pool.
33. The words “**Single-Family Housing**” to mean a dwelling on a single lot for the use of one family only or a single residence building with two dwelling units, or two dwelling units in separate buildings, designed for, or used as the separate homes or residences of two families on a single lot.
34. The word “**Solicitation**” to mean this Request for Qualifications (RFQ) document, and all associated addenda and attachments.
35. The words “**Subcontractor**,” or Consultant” to mean any person, firm, entity or organization, other than the employees of the Selected Proposer, who contracts with the Selected Proposer to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Selected Proposer.
36. The words “**Threshold Requirements**” to mean those requirements which require a response from the Proposer in accordance with this RFQ. If the Proposer does not provide a complete response in accordance with the requirements of this RFQ and/or if the response does not meet the requirements of this RFQ, the application will be deemed non-responsive and shall not be scored. The County may make a non-responsive determination of the proposal at any time during the RFQ evaluation process.

37. The words “**Total Development Cost**,” “**TDC**,” or “**Construction Cost**” to mean the total cost of completing the entire construction of the Future Project, including but not limited to hard costs, from mobilization to the completion of construction, the costs for demolition, construction permits, utility coordination and relocations (if applicable).
38. The words “**Uniform Federal Accessibility Standards**,” or “**UFAS**” to mean the Federal standards which are applicable for public housing units’ rehabilitation and/or new construction.
39. The words “**Work**,” “**Services**,” “**Program**,” or “**Project**” to mean all matters and things that will be required to be done by the Selected Proposer in accordance with the Scope of Services and the terms and conditions of this Solicitation.
40. The words “**Workforce Housing**” to mean housing deemed affordable to those with a median household income which will serve individuals and/or families, whose household incomes are between sixty percent (60%) and one hundred forty percent (140%) of the area median income.

1.3 General Proposal Information

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

The Proposer’s proposal will be considered a good faith commitment by the Proposer to negotiate a contract and/or participate in the pool with the County, in substantially similar terms to the proposal offered and, if successful in the process set forth in this Solicitation and subject to its conditions, to enter a contract substantially in the terms herein. The Proposer’s proposal shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date and time, or upon the expiration of 180 calendar days after the opening of proposals.

As further detailed in the Proposal Submittal Form, Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with chapter 119, Florida Statutes, popularly known as the “Public Record Law.”

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible.

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

1.4 Aspirational Policy Regarding Diversity

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

1.5 Cone of Silence

Pursuant to section 2-11.1(t) of the Code of Miami-Dade County, as amended, a “Cone of Silence” is imposed upon each RFP, Future Contracts or RFQ after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFP’s, Future Contract’s or RFQ’s between, among others:

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

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Services Section, the responsible Procurement Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the Solicitation document;
- oral communications at pre-proposal conferences and oral presentations before Competitive Selection Committees during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting;
- recorded contract negotiations and contract negotiation strategy sessions; or
- communications in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RPQ or RFQ documents.
- communications relative to inquiries about HUD's section 3 requirements.

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

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

1.6 Communication with Competitive Selection Committee Members

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

1.7 Public Entity Crimes

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

1.8 Lobbyist Contingency Fees

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

1.9 Collusion

In accordance with section 2-8.1.1 of the Code of Miami-Dade County, where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by

the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer, the principals, corporate officers, and managers of the Proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a Proposer or the principals, corporate officers and managers thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership in another Proposer for the same contract. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

1.10 Sustainable Procurement Practices

The County is committed to responsible stewardship of resources and to demonstrating leadership in sustainable business practices. Accordingly, the County has adopted sustainability policies which are incorporated into this Solicitation and may be applicable to Future Projects assigned to this Pool. The County will continue to explore and pursue sustainable procurement, development and business practices that: (a) reduce greenhouse gases; (b) foster and integrate supplier small business opportunities; (c) support safe and fair labor practices and ethical behavior throughout the supply chain, (d) maximize fiscally responsible "high value, high impact" actions, and I advocate for advancing a more equitable, inclusive workforce by encouraging vendors doing business with Miami-Dade County to actively recruit Neurodivergent talent and individuals with disabilities for employment opportunities.

1.11 Compliance with Local, State and Federal Requirements

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

- a) Executive Order 11246 "Equal Employment Opportunity", as amended by executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Chapter 60), as well as the Americans with Disabilities Act of 1990 and implementing regulations, the Rehabilitation Act of 1973, as amended, chapter 553 of Florida Statutes and any and all other local, State and Federal directives, ordinances, rules, orders, and laws relating to people with disabilities and Miami-Dade County Florida, Department of Small Business Development Participation Provisions, as may be applicable.
- b) Environmental Protection Agency (EPA), as applicable to this RFQ.
- c) Miami-Dade County Code, Chapter 11A, Article IV (Employment). All contractors and subcontractors performing work in connection with this Contract shall provide equal opportunity for employment because of race, religion, color, age, sex, national origin, status as a victim of domestic violence, dating violence or stalking, gender identity or gender expression, sexual orientation, disability, or marital status. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Proposer agrees to post in conspicuous place available for employees and applicants for employment, such notices as may be required by the Miami-Dade County Commission on Human Rights, Equal Employment Opportunity Commission, Florida Commission on Human Relations or other authority having jurisdiction over the work setting forth the provisions of the nondiscrimination law.
- d) Miami-Dade County Code, Chapter 11A, Articles II (Housing) and III (Public Accommodation), which prohibit discrimination on the basis of race, religion, color, age, sex, national origin, status as a victim of domestic violence, dating violence or stalking, gender identity or gender expression, sexual orientation, disability, marital status or source of income (housing only)"
- e) "Conflicts of Interest" Section 2-11 of the County Code, and Ordinance No. 01-199.
- f) Miami-Dade County Code Section 10-38 "Debarment."
- g) Miami-Dade County Ordinance No. 99-5, codified at 11A-60 et. seq. of Miami-Dade Code pertaining to complying with the County's Domestic Leave Ordinance.

- h) Miami-Dade County Ordinance No. 99-152, prohibiting the presentation, maintenance, or prosecution of false or fraudulent claims against Miami-Dade County.
- i) Miami-Dade County Code Section 2-11.16, which provides the Miami-Dade County Responsible Wages and Benefits that will be applied to the future projects performed by this Pool on County-owned land, where no federal funds are or were applied at any time.
- j) The labor standards as set forth in the Davis-Bacon Act and other related acts, as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"), which are more fully described in General Conditions for Construction Contracts-Public Housing Programs, which is attached hereto as Exhibit C and incorporated by reference, Section 46 of the General Conditions for Construction Contracts-Public Housing Program.
- k) Contract Work Hours and Safety Standards Act (40 U.S.C. §3701- 3708).
- l) Miami-Dade County Resolution No. R-1181-18, Contractor Safety History.
- m) Miami-Dade County Resolution No. R-828-19, Disclosure of Discrimination Lawsuits.
- n) Americans with Disabilities Act (ADA) (40 U.S.C §12101, et. seq. and AO No. 10-10).
- o) Miami -Dade County Resolution No. R-230-22 and EmployABILITY 305.
- p) Miami-Dade County Comprehensive Development Master Plan (CDMP) CON-8M for tree canopy enhancement.
- q) Miami-Dade County Resolution No. R-374-03, Policy Favoring Waste Reduction.
- r) Miami-Dade County Resolution No. R-1053-09, Buy Green Purchasing Guide.

All products purchased from product categories for which the EPA Water Sense certification is available shall meet Water Sense certification standards. This includes, but is not limited to, high-performance fixtures like toilets, low-flow faucets and aerators, and upgraded irrigation systems.

All products purchased from product categories for which Energy Star certification is available shall have an Energy Star certification. When Energy Star labels are not available, the County shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

Paint, carpeting, adhesives, furniture and casework shall include low amounts of Volatile Organic Compounds (VOCs).

The use of chlorofluorocarbon and halon-containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating/air conditioning, refrigeration, insulation, and fire suppression systems shall not contain them.

- s) Clean Air Act (42 U.S.C. §§7401- 7671q.) and the Federal Water Pollution Control Act (33 U.S.C.§§ 1251- 1387), as amended.
- t) Debarment and Suspension (Executive Orders 12549 and 12689).
- u) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

The Copeland "Anti-Kickback" Act as supplemented in Department of Labor regulations (29 CFR Part 3).

HUD's reporting requirements and regulations, as specified in the Grant Agreement and required of the Owner.

Compliance with Executive Order 12549 "Debarment and Suspension", which stipulates that no contract(s) are "to be awarded at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs.

Mandatory standards and policies related to energy efficiency which are contained in the State of Florida energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

- v) Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as set forth in 2 CFR part 200 and 24 CFR Part 963 as further explained in HUD Handbook 7460.8 Rev. 1.
- w) Lead-Based Paint Poisoning Act (42 USC § 4821, et. seq.).
- x) The Fair Housing Act (42 USC §§ 3601-19 and regulations pursuant thereto (24 CFR Part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR Part 107); the Florida Fair Housing Act (Section 760.20 et seq.) and the fair housing poster regulations (24 CFR Part 110).
- y) Title VI of the Civil Rights Act of 1964 (42 USC § 2000d) and regulations pursuant thereto (24 CFR Part relating to non-discrimination in housing).
- z) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 USC §6101-07) and regulations issued pursuant thereto (24 CFR Part 146).
- aa) The prohibitions against discrimination on the basis of disability under Section 504 of the Rehabilitation Act of 1973 (29 USC § 794) and regulations issued pursuant thereto (24 CFR Part 8); the Americans with Disabilities Act and regulations pursuant thereto (28 CFR Part 36); and the Architectural Barriers Act of 1968, as amended, and regulations issued pursuant thereto (24 CFR Part 40).
- bb) Executive Orders 11246, 11625, 12432, and 12138. Consistent with HUD's responsibilities under these orders, the Developer must make efforts to encourage the use of minority and, women's business enterprises in connection with funded activities.
- cc) Section 102 of the Department of Housing and Urban Development Reform Act of 1989 and regulations issued pursuant thereto (24 CFR Part 4, Sub-Part A) which contain provisions designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD.
- dd) 24 CFR Part 24 which applies to the employment, engagement of services, awarding of contracts, sub-grants, or funding of any recipients, or Contractors or sub-Contractors during any period of debarment, suspension, or placement in ineligibility status.
- ee) All applicable federal regulations including but not limited to 24 CFR part 990 and 24 CFR part 965, subpart C, and applicable HUD Public and Indian Housing Notices, including but not limited: to Notice PIH 2009-16(HA) and Notice H-2019-09 PIH-2019-23 (HA), Rental Assistance Demonstration Rev-4, as applicable.
- ff) Verification of Employment Eligibility (E-Verify), pursuant to Section 448.095 for Florida Statutes, Employment Eligibility, public and private employers must enroll in the E-Verify System (<http://www.uscis.gov/e-verify>) and retain the I-9 Forms for inspection. This includes but is not limited to utilization of the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all newly hired employees by the Selected Proposers effective January 1, 2021 and requiring all Subcontractors to provide an affidavit attesting that the Subcontractor does not employ, contract with, or subcontract with, an unauthorized alien, including but not limited to, the requirement to obtain contractor identification badges.
- gg) Implementing Order No. 8-4 - Guidelines and Procedures for the Sale, Lease, and Conveyance of County Real Property.
- hh) Implementing Order No. 3-38 – Master Procurement and Administrative Order.
- ii) Implementing Order No. 3-4 - Infill Housing Program Initiative.

1.12 Davis-Bacon Requirements (If Applicable)

Pursuant to section 2-11.16 of the Code of Miami-Dade County, Davis-Bacon Wage Schedule is in effect for Miami-Dade County. The most recent Davis-Bacon Wage Rate decision will be applicable for the construction of future projects. All construction and/or

rehabilitation on PHCD sites (public housing units, non-public housing units, commercial, etc.) shall comply with Davis-Bacon wage requirements, when federal funds are associated with the site construction/rehabilitation project.

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

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

1.13 Uniform Federal Accessibility Standards (UFAS) Requirements

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

1.14 Section 3 of the Housing and Urban Development Act of 1968 Compliance (Federally Funded Construction Projects)

The work to be performed under any contract that results from this RFQ is subject to the definitions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u (Section 3), and Section 3 commitments as indicated in the Proposer Information Section of the RFQ, for employment and other economic opportunities directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing (see also Exhibit B).

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

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

Affirmative steps must include:

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

1.16 Contracting with Entities of Foreign Countries of Concern.

Proposer shall abide by Section 287.138, Florida Statutes, titled Contracting with Entities of Foreign Countries of Concern Prohibited. Proposer further shall affirm that it is not giving a government of a foreign country of concern, as listed in Section 287.138, Florida Statutes, access to an individual's personal identifying information if: a) Proposer is owned by a government of a foreign country of concern; b) the government of a foreign country of concern has a controlling interest in Proposer; or c) Proposer is organized under the laws of or has its principal place of business in a foreign country of concern as is set forth in Section 287.138(2)(a)-(c), Florida Statutes. This affirmation by the Proposer shall be in the form attached to this RFQ as Contracting with Entities of Foreign Countries of Concern Prohibited Affidavit, which is attached hereto as Exhibit G and incorporated herein by reference.

2.0 SCOPE OF SERVICES

2.1 Background

Miami-Dade County is experiencing a significant shortage of safe and stable affordable and workforce rental and homeownership units. Due to this current shortage of affordable and workforce housing, on April 8, 2022, the County Mayor declared that Miami-Dade County has an affordability crisis. To tackle the affordability crisis and increase the supply of affordable and workforce homeownership opportunities, on October 3, 2023, the Miami-Dade Board of County Commissioners (Board) approved Resolution No. R-896-23 authorizing the County Mayor or County Mayor's designee to establish a prequalified construction pool for Miami-Dade Public Housing and Community Development (PHCD) Department. This prequalified construction pool will be valid for a five-year term and projects performed by the pre-qualified contractors in this pool will be funded by Documentary Surtax and/or State Housing Initiative Partnership (SHIP) up to a total amount of \$30,000,000.00. Additionally, this resolution includes construction and rehabilitation projects of affordable and workforce single-family attached and detached housing units for sale on County-owned land.

It is the intent of PHCD through this RFQ to establish the Prequalified Construction Pool with selected Contractors who have successful experience in building single-family attached and detached housing units. Proposers for the Prequalification Construction Pool must meet all requirements and minimum qualifications defined in the various sections of this RFQ. Future projects will be awarded to Contractors from the Pool on a rotational basis. The Contractor will have an opportunity to discuss the future project requirements during a scheduled walk-through and pre-bid meeting. As part of these projects, PHCD will be responsible for identifying and providing the land, subject to the Board's approval, preparing, and obtaining all zoning, platting and design documents needed, project list of construction items for each future project and an estimated base construction cost, and the Contractor will provide their prices per item, with their total base construction cost. The costs of labor, materials, equipment, tools, profit, and overhead will be distributed among the items' costs. Additionally, the costs of general conditions will be part of one of the constructions items and will be included in the list of items. Dedicated allowances account for permits and contingency allowance will be allocated by the County to the project. Contractors will be responsible for the construction of the units. Progress monthly payments will be issued upon inspection and approval by the County's project manager.

In the event a Contractor fails to accept a project, the Contractor will be placed to the back of the rotation and the next vendor on rotation will be afforded the opportunity. After a Contractor declines three (3) consecutive projects, the Contractor shall be removed from the Pool.

Contractors assigned to the Pool, will be required to meet certain performance measures and benchmarks to ensure that any County funds are spent in a timely manner and that all projects meet their individual requirements, such as Federal and/or County requirements.

2.2 Proposer's Qualifications, Experience and Capacity Requirements

The Selected Proposer shall:

- a. Be a person, firm, corporation, partnership, limited liability company, association, joint venture, community-based organization, not-for-profit agency (including faith-based), or any entity or combination of entities, excluding any governmental entity.
- b. Contractor must provide supporting evidence of full-time personnel with the necessary experience to perform the Project's Scope of Work, and/or past projects performed by the company similar in scope of work and cost, which entails the construction of single-family homes. This experience shall include work in successfully completed projects performed by the identified personnel whose bulk of work performed is similar in detail to the Project's Scope of Work described. Demonstrate the experience requirement by:
 - 1) Providing a detailed description of at least three (3) projects with similar Project's Scope of Work and in which the Contractor's identified personnel and/or company engaged or has completed within the past five years. At least (1) of the project provided shall be completed. List and describe the aforementioned projects, and state whether the work was performed for the county, other government clients, or private entities. The description must identify for each project the following:
 - i. Identified personnel and their assigned role and responsibilities for the listed projects.
 - ii. Client name and address including a contact person and phone number for reference.
 - iii. Description of work.
 - iv. Total dollar value of the contract.
 - v. Contract duration.

- vi. Statement or notation of whether the Contractor's referenced personnel is/was employed by the prime contractor or subcontractor, and
 - vii. For completed projects, provide letters of certification of final acceptance or similar project closure documentation issued by the client and available Contractor's performance evaluations.
- c. Contractor must hold a valid and active Certificate of Competency from the Florida Construction Industry Licensing Board as General Contractor, by including with their submittal package, copies of certifications and documentation.
 - d. Contractor must meet and maintain all applicable licensing requirements and registration in the State of Florida, required for all future projects.
 - e. Have experience with HUD requirements for development of affordable, sustainable and mixed-income and/or mixed-use housing development projects, and experience in working with HUD. If Proposer(s) does not have experience working with HUD, a detailed explanation of other experiences with comparable government agencies, with documented evidence to support the explanation is required. The HUD has encouraged public housing agencies to approach the development of new units in as entrepreneurial a manner as possible. PHCD has demonstrated the willingness, and the capacity, to plan mixed-income developments, and to execute mixed finance transactions.
 - f. If applicable, comply with **Section 3 of the HUD Act of 1968**: The work to be performed under this Pool is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701u (Section 3) and the implementing federal regulations. The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by HUD assistance of HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing. **A Proposer must be Section 3 certified by the PHCD by the proposal due date and must comply with the requirements of Document 00200-B, Section 3 Business Preference Claim Form to qualify for five (5) additional, or more points preference during WOPR evaluations** (Refer to the PHCD Section 3 of the HUD Act of 1968 Guidelines which are attached in Exhibit B). The Section 3 Business application is available at: <http://www.miamidade.gov/housing/library/forms/section-3-application.pdf> or by e-mail request to the PHCD Section 3 Coordinator, at section3@miamidade.gov or jeshier@miamidade.gov.
 - g. Confirm that all documentation submitted for evaluation and submission to the Pool is still valid at the time of assignment and remain valid throughout the construction/rehabilitation of the project. . Pool members shall provide current or updated team members, litigation information to the County.

2.3 Services to be Provided

The Services to be provided by the Contractors Pool, in any future project, shall include, but not be limited to the following requirements:

- a. Furnishing all supervision, labor, materials, tools, equipment, and performing all operations required to construct single-family attached and detached housing units in accordance to the contract documents pertaining to the future projects.
- b. Provide all permits required for the construction of the future projects, coordinating all inspections and ensuring that all permits are closed .
- c. Provide all coordination required, with the support of the Department, with utility companies, municipalities, and any governmental controlling agency.
- d. Provide all documents needed by the Department, such as: construction schedule in the form of a Gantt Chart in Microsoft Project or Primavera, schedule of values of the project in Excel format, payroll, and personnel documentation, permits, utility coordination and letters, MOT, and erosion control plan (if applicable), environmental and asbestos remediations (if applicable), material certifications, and any documents requested by the assign PHCD project manager.
- e. Assist the Department in any meetings required, including but not limited to construction progress meetings; field meetings; coordination meetings with municipalities, governmental agencies, utility companies, and/or private entities; and community meetings (as applicable).

- f. Secure the job site and materials to prevent losses, vandalism, and any delinquent action.
- g. Prepare the job site of future projects for the new construction, including but not limited to clearing and grubbing, earth work needed, demolition of all existing structures (as applicable), removal and/or relocations of any existing utility (as applicable), and any other work need for the site preparation for construction.

2.4 Pool Structure

It is the County's intention to solicit qualifications from as many Contractors as are interested, to verify all information supplied, to evaluate submissions and pre-qualify Contractors for future projects. The selection of Contractors qualified for Pool membership will be made by the Evaluation/Selection Committee based on a "Pass" or "Fail" evaluation criteria listed in Section 4.0 of the RFQ.

A Contractor's status as a Qualified Contractor shall not be understood as a guarantee of work, rather it only signifies that the County has determined the Contractor has successfully demonstrated its qualifications and experience to perform work contemplated under the Pool. The Contractor will be placed in order of receipt of a proper qualification submittal package. For those Contractor's that pending supporting documentation to meet the minimum qualifications, they will be placed on hold until the documentation is provided. Once received, the Contractor will be placed from order of receipt of when the submittal package is complete. After the Pool has been established, the Contractors will receive notification of where they stand in the rotational pool. The County may assign future projects to the Pool members at the County sole discretion. Pool members shall participate in these future projects on a rotational basis. Should the County decide to exercise its option of adding more Contractors to the Pool; all Contractors in the Pool will remain for the term, provided the Contractors are in good standing and if representations made in the responses to this Solicitation have not materially changed.

At the County's sole discretion, the selected Contractors may be removed from the Pool for repetitive failures and poor performance on any future project assigned or any other County award(s), failure to accept award Projects consecutively, being in arrears in obligations to the County, and any other reason specified by County policies and procedures. Selected Contractors shall maintain the qualifications of their firms, and proposed experience through personnel, at a standard consistent and equivalent to the qualification submissions submitted in response to this Solicitation. Notification of Corporation changes and/or changes in personnel shall be brought to the County's attention, in writing, for approval.

Selected Contractors in the Pool are in no way restricted from responding to other County solicitations falling outside the Pool.

2.5 Selection for Future Site(s) Development

Subsequent to establishing the Qualified Construction Pool (Qualified Proposers) which shall be approved by the County Mayor or County Mayor's designee, it is the intent that the County Mayor or County Mayor's designee will award future projects to Qualified Proposers for the construction/rehabilitation of single-family attached and detached housing units in County-owned land, which may include individual or multiple lots, grouped lots and lots of different sizes and complexity. The County will be responsible for identifying and providing the land, planning, preparing, and obtaining all zoning, platting and design documents needed and providing the project's list of construction items for each and an estimated base construction cost, and the Contractor will provide their prices per item, with their total base construction cost. The costs of labor, materials, equipment, tools, profit, and overhead will be distributed among the items' costs. Additionally, the costs of general conditions will be part of one of the constructions items and will be included in the list of items. Dedicated allowances account for permits and contingency allowance will be allocated by the County to the project. Contractors will be responsible for the construction of the units. Progress monthly payments will be issued upon inspection and approval by the County's project manager.

The selection process and requirements for the future projects will be detailed in the future project's documents.

2.6 Development Goals for Future Projects

The following is representative of the County's goals, requirements, and type of information that may be requested in any future project assigned to this Pool:

- a. The County seeks to rehabilitate/upgrade and/or provide new construction at several County-owned lands identified, remove and replace obsolete housing units (as applicable), increase the number of units on its under-utilized sites, and build single family attached and detached housing units. PHCD also seeks to replace its older units or build new units with new designs that incorporate creative and sustainable design solutions.

- b. The County seeks to sale the single-family attached and detached housing units directly to qualified buyers. Sales will be effectuated and managed by the County.
- c. The County seeks to provide employment opportunities for very low, and moderate-income residents from the surrounded community to the development areas, and improve the quality of life through the development of future Project Sites.
- d. The County seeks to maximize the development potential of existing developed sites, by rehabilitating or demolishing existing structures and building new single-family attached and detached housing units.
- e. The County seeks to provide affordable and workforce housing, while creating wealth in our community.

3.0 RESPONSE REQUIREMENTS FOR PROPOSERS

3.1 Submittal Requirements

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

3.2 Proposal Submittal Form, Cover Page of Proposal

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

3.3 Proposer Information

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

3.4 Affidavits/Acknowledgements

Complete and sign the following:

- a. Lobbyist Registration for Oral Presentation (**Notarize and Sign**)
- b. Subcontracting Form
- c. Contractor Due Diligence Affidavit (**Notarize and Sign**)
- d. Form 1 – RFTE Program Responsible Contractor/Subcontractor Affidavit Form (RFTE 1) (**Notarize and Sign**)
- e. Form A-2 – Acknowledgement of Addenda
- f. Form A-3 – Submittal Identification Form
- g. Exhibit A – Form HUD-5369-A, Representations, Certifications, and Other Statements of Bidders; & HUD-5369-C, Certifications and Representations of Offerors, Non-Construction Contract
- h. Exhibit B – Appendix B, PHCD Section 3 of the HUD Act of 1968, Document 00400- Section 3 Economic Opportunity and Affirmative Marketing Plan, Document 0200-Section 3 Business Preference Claim Form (**if claiming Section 3 Preference only**)
- i. Suspension and Debarment Certification Form
- j. Byrd Anti-Lobbying Amendment Certification Form

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

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

4.0 EVALUATION PROCESS

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation.

A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive at the sole discretion of the County's Attorney Office.

4.2 Evaluation Criteria

Proposals will be evaluated by an Evaluation/Selection Committee which will evaluate and rank proposals on criteria listed below. The Evaluation/Selection Committee will be comprised of appropriate County personnel from various Departments with the appropriate experience and/or knowledge, striving to ensure that the Evaluation/Selection Committee is balanced with regard to both ethnicity and gender. The criteria are itemized with a "Pass" or "Fail" rate given by the Competitive Selection Committee members, with all five criteria evaluated as "Pass".

<u>Evaluation Criteria</u>	<u>Pass or Fail</u>
1. Proposer's Team Key Personnel Qualifications, Experience, Capacity and Past Performance with Constructing Similar Projects (Proposer Information Section 2 & 3)	Pass/Fail
2. Proposer's ability to obtain Payment and Performance Bond for projects which cost is up to \$250,000.00 (Proposer Information Section 4)	Pass/Fail
3. Proposer's Construction Management Experience demonstrated with key personnel (Proposer Information Section 3)	Pass/Fail
4. Proposer has demonstrated having a systematic approach to guarantee optimum utilization of available funds and timely completion of projects. (Proposer Information Section 3)	Pass/Fail

4.3 Oral Presentations

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

4.4 Local Certified Veteran Business Enterprise Preference

Not applicable.

4.5 Local Preference

Local Preferences are not applicable to this RFQ. However, future projects assigned to the Pool are subject to Section 2-8.5 of the Code, which, except where contrary to federal or state law, or any other funding source requirements, provides that preference be given to local businesses. If any of the future projects required local preferences, and the next available contractor (Contractor A) in the Pool is a non-local company, that future project will be assigned to the next local contractor from the Pool. Nonetheless, the rotation of the pool will continue to be at Contractor A for the next future projects available.

4.6 Negotiations

Negotiations are not required during the establishment of the Pool.

Upon request by the County, Proposers shall complete a Collusion Affidavit, in accordance with section 2-8.1.1 of the Code of Miami-Dade County. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.)

4.8 Pool Membership Award

The Competitive Selection Committee will evaluate, score and rank proposals, and submit the results of the evaluation to the County Mayor or designee with its recommendation as Pass or Fail. Pursuant to Resolution No. R- 896-23 the County Mayor or County Mayor's designee, at their sole discretion, will determine which Proposer(s) shall be included in the Pool, as Qualified Contractors.

All Proposers will be notified in writing of the decision of the County Mayor or designee with respect to recommendation to the Board for Pool membership award as Qualified Contractors. The Pool membership award, if any, shall be made to the Proposer(s) whose has demonstrated the qualifications, experience, and capacity requirements of this Solicitation, and it is in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposers shall be final.

4.9 Rights of Protest

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

4.11 Section 3 of the Housing and Urban Development Act of 1968 Compliance

As previously stated in Section 1.14 of this RFQ, the work to be performed under any contract that results from this RFQ is subject to the definitions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u ("Section 3"), and Section 3 commitments as indicated in the Proposer's approach to the Project Site of the RFQ, for employment and other economic opportunities directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing. (See also Exhibit B). Proposers pre-certified by PHCD as a Section 3 business are eligible to receive a maximum of five (5) additional points. Proof of certification shall be submitted with proposal. A Proposer must be certified by PHCD by the proposal due date and must comply with the requirements of Exhibit B, Document 00200-B, Section 3 Business Preference Claim Form to qualify for the preference.

5.0 TERMS AND CONDITIONS

The terms and conditions summarized below are of special note and will be described in their entirety in the contract documents of the future projects awards resulting from this Pool:

a) Vendor Registration

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

b) Indemnification, Insurance, and Bond Requirements

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

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

For projects which involve construction or rehabilitation work, the County requires the Contractor to provide the County with a Payment and Performance Bond in the full amount of the construction contract, naming the County as a dual obligee. For projects which involve construction or rehabilitation work on County-owned property, the County shall require, at least ten (10) days' prior to the commencement of any construction work on the property and to the purchase and delivery of any materials, equipment or supplies for construction, a payment and performance bond that meets the requirements set forth in section 255.05, Florida Statutes, which bond shall be in the full amount of the construction costs of all of the improvements to be undertaken on County-owned property and shall cover all contractor, subcontractors, or materials providers downstream from the Contractor. The payment and performance bond shall name the Contractor as the principal and the County as a dual obligee. In lieu of applicant providing a Payment and Performance Bond, the County may, at its sole and absolute discretion, accept an alternative form of security permitted pursuant to section 255.05(6), Florida Statutes, in an amount to be determined by the County, in its sole and absolute discretion. However, the County shall in no event be required to accept any alternative to the Payment and Performance Bond.

c) Inspector General Reviews

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

d) Additional Information

All information indicated in this RFQ and other sources are for the convenience of Proposer's initial review and planning purposes only. It is the Proposers responsibility to perform additional detailed reviews and any other due diligence required in verifying project information including but not limited to existing environmental conditions and recommended environmental remediations (if applicable), historic designations (if applicable), plan and technical documents provided by the County, permit requirements with the County and any involved municipality, etc. Any references to Resolutions, County Code, etc. shall not be to the exclusion of any other applicable requirements.

e) Sustainable Buildings Program

The Selected Proposer will be required to cooperate and cause its contractors and consultants to cooperate with the County's Sustainability Manager in order to incorporate green building practices into the planning and design of the Capital Improvements pursuant to County Ordinance No. 07-65 concerning the County's Sustainable Buildings Program. The Selected Proposer shall, in each of its contracts and subcontracts, include a provision that the contractor, subcontractor and/or sub-consultant shall comply with all requirements of the County's Sustainable Building Program. The terms for compliance with the County's Sustainable Buildings Program will be negotiated at the time of the award of the contract.

f) Land Ownership, Land Use and Property Management

The County will retain ownership of the land and will transfer the land ownership to the qualified homebuyers.

g) Personnel, Services and Bonding Requirements

Proposer shall have the experience, bonding and Insurance capacity to build the proposed project. Bonds and Insurance shall comply with the standards outlined in Exhibit E herein.

h) First Source Hiring Program

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

6.0 EXHIBITS AND FORMS

The following corresponding Exhibit and Forms for this RFQ are provided, when available, at this link [RFQ Exhibits and Forms](#):

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

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

Exhibit E – Indemnification, Insurance, and Bond Requirements.

Exhibit F – Small Business Project Worksheet.

Exhibit G – Contracting with entities of foreign countries of concern prohibited affidavit.

Proposal Submission Package:

Proposer Information Section.

Web Forms – Proposal Submittal Form, Subcontracting Form, Lobbyist Registration Form, and Contractor Due Diligence Affidavit

Form 1 – RFTE Program Responsible Contractor/Subcontractor Affidavit Form (RFTE 1).

Form A-2 – Acknowledgement of Addenda.

Form A-3 – Submittal Identification Form.

Exhibit A – Form HUD-5369-A, Representations, Certifications, and Other Statements of Bidders; HUD-5369-B, Instructions to Offerors, Non-Construction; & HUD-5369-C, Certifications and Representations of Offerors, Non-Construction Contract.

Exhibit B – Requirements for Section 3 of the HUD Act of 1968: Document 00400- Section 3 Economic Opportunity and Affirmative Marketing Plan, Document 0200-Section 3 Business Preference Claim Form (**if claiming Section 3 Preference only**).

Suspension and Debarment Certification Form.

Byrd Anti-Lobbying Amendment Certification Form.