



BOARD MEMO

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Fresno, California 93721

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TTY (800) 735-2929

www.fresnohousing.org

TO: Boards of Commissioners **DATE:** 10/22/2015
Fresno Housing Authority
FROM: Preston Prince *P.P.P.* **BOARD** 10/27/2015
CEO/Executive Director **MEETING:**
AUTHOR Tracewell Hanrahan **AGENDA** 6c
Deputy Executive Director **ITEM:**
RE: Leveraging the HCV Program to Improve Quality
Housing: Procedure for Discretionary Disapproval

Executive Summary

Staff will be presenting on the attached procedures for discretionary disapproval of owners, owner representatives, and/or property management companies.

Procedure for Discretionary Disapproval

In considering whether to disapprove owners, owner representatives, and/or property management companies for any of the discretionary reasons listed in the Housing Choice Voucher Administrative Plan, the Housing Authority will consider all mitigating factors. Such factors may include, but are not limited to, the seriousness of the violations in relation to program requirements, health and safety of participating families, documentation from enforcement agencies, and record of compliance/number of violations of said parties, among others.

A committee comprised of Division and Executive Management will be established to review cases warranting this assessment.

Upon consideration of such circumstances, the Housing Authority may, on a case-by-case basis, choose to approve an owner, owner's representative, property management company, and/or identified property.

If disapproval is warranted, the owner will be notified in writing by the Executive Director or designee of the reason(s) for the disapproval. Staff will be notified that the owner has been disallowed from entering into any future HAP Contracts with Fresno Housing Authority by sending an alert message via email and directing them to the "Disapproved Owners" database. The Disapproved Owners database will be used to track this information to ensure that the individuals and/or properties do not come back onto the Program for the specified duration.

Residents whose units meet Housing Quality Standards (HQS) will remain under contract until the property no longer meets HQS.

Residents whose units do not meet HQS will be issued vouchers to move.

There will be no appeals process for the disapproved party.

IMPLEMENTATION PLAN

A database called "Disapproved Owners" will be created to track the owner, owner's representative, and/or property management company, along with a property description, including APN and date of disapproval. .

Staff will be notified prior to implementation to search the "Disallowed Owners" database and HUD's debarred owners list before accepting a Request for Tenancy Approval from the program participant. Staff will document the new contract paperwork that the search was completed.

A file will be maintained by the Director of Assisted Housing which documents the reason(s) for disallowing the owner from the Program.



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TO: Boards of Commissioners **DATE:** 10/22/2015
Second line available
FROM: Preston Prince *P. Prince* **BOARD** 10/27/2015
CEO/Executive Director **MEETING:**
AUTHOR Tracewell Hanrahan **AGENDA** 6d
Deputy Executive Director **ITEM:**
RE: Information on Over Income Residents in Public Housing

Executive Summary

The purpose of this Board memo is to provide the Boards of Commissioners with additional information regarding the discretion a Public Housing Authority (PHA) may have to require over-income families in Public Housing to find housing in the private market.

In the October Board Update distributed on October 19, 2015, staff provided information to the Commissioners regarding the small number of over income families currently residing in public housing operated by Fresno Housing. The Boards requested information following a report issued by the HUD OIG entitled "Overincome Families Residing in Public Housing Units" based on data at the national level.

There is a great deal of discussion at the national level regarding this issue and staff wanted to provide the Boards with additional information on this topic and provide the opportunity for further discussion.

In 2004, HUD Published a Final Rule that gives PHAs the discretion to establish occupancy policies that can include the eviction of public housing tenants who are over the income limit for eligibility to participate in public housing programs. These occupancy policies would have to be included in the PHAs Annual Plan. Fresno Housing chose not to amend its Annual Plan to provide for this discretion. According to the National Association of Housing and Redevelopment Officials (NAHRO), there do not appear to be many, if any, PHAs that have chosen to incorporate this discretion in their occupancy policies.

Following the HUD OIG report, NAHRO provided a thorough analysis of the issue, the majority of which follows below:

NAHRO certainly recognizes and has spoken out on the unmet need for housing assistance; however, there are also reasons for PHAs to continue to serve households who have been able to increase their income over time. NAHRO is concerned that the OIG report does not adequately represent these contextual issues, leaving it to PHAs and their allies to educate decision-makers, the media, and the general public. To assist PHAs in this task, NAHRO offers the following points for consideration:

- ***There is no statute or regulation that prohibits over-income families from continuing to reside in public housing.*** HUD’s regulations at [§ 960.261](#) give PHAs the discretion to develop policies that meet the needs of their communities. In fact, while the regulations do not require PHAs to terminate the tenancy of any over-income household, they do specify circumstances when PHAs are prohibited from doing so. These are families that were income-eligible at the time of admission and subsequently successfully increased their incomes. This is a favorable outcome and testament to the positive impact public housing has and has had on the ability of families to improve their economic standing over time. Dislocating these families would be tantamount to a penalty against public housing residents for increasing their income, creating disincentives to do so.

- ***Over-income households help PHAs to de-concentrate poverty in their public housing developments.*** Housing higher-income residents on site in public housing results in income-mixing and, in so doing, also results in de-concentrating low- and very low-income families. Housing policy has advocated for this for decades. The presence of higher-income residents in public housing can provide positive examples of success and upward mobility for others residing in the community. Establishing policies that would increase concentrated poverty by evicting over-income tenants would be antithetical to HUD’s mission to affirmatively further fair housing, especially in light of the recently published Affirmatively Furthering Fair Housing final rule. Consideration of new policies requiring PHA’s to possibly evict over-income residents will, we are concerned, result in added regulatory confusion for PHAs trying to navigate these contradicting goals.

- ***The lower costs associated with continuing to house higher-income households allow PHAs to focus additional resources on lower-income residents.*** Over-income households pay a rent determined by the market value of their property that covers all costs associated with their housing. The additional revenue from over-income families helps offset the costs of housing lower-income families. At time when Congress is only providing 83 cents for every dollar owed to public housing, this additional revenue is critical. In addition by encouraging stable tenancies, PHAs can reduce the costs associated with identifying and certifying new households as well as the costs of preparing units for new occupants. At a time when public housing operating funds are at some of their lowest levels in history, it has become increasingly difficult for housing authorities to absorb these costs.

- ***There are myriad other reasons why over-income tenants remain in public housing.*** First, examples of the “egregious abuses” highlighted in OIG report are rare. Rather, the vast majority of these families earn just over the income eligibility limit and are still progressing toward economic stability. Further, housing stability plays a critical role for families. Although these tenant’s incomes have increased, many would not be able to remain in the same neighborhood or part of town if they were evicted from their housing, especially in larger cities. This has implications for school attendance, job availability and access, which can be especially challenging for individuals without transportation, and displacement from close-knit support systems like friends and family who may provide child care or other critical assistance.

In addition to the recent analysis by NAHRO, there are legislative developments that could potentially address over income residents. A bill was introduced in Congress two weeks ago - The Housing Opportunity Through Modernization Act of 2015 (HR 3700) - that we will be monitoring closely due to this topic and several others relevant to our agency.

Recommendation

This item is informational only. No action is required at this time.



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TO:	Boards of Commissioners Fresno Housing Authority	DATE:	10/22/2015
FROM:	Preston Prince <i>P.P.</i> CEO/Executive Director	BOARD MEETING:	10/27/2015
AUTHOR	Tracewell Hanrahan Deputy Executive Director	AGENDA ITEM:	6e
RE:	Real Estate Development Overview		

Executive Summary

Staff will present a brief discussion summary from the Real Estate Development Workshop, including the development pipeline, real estate activities, and an overview of development priorities.



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TO: Boards of Commissioners **DATE:** 10/22/2015
Fresno Housing Authority
FROM: Preston Prince *P. Prince* **BOARD** 10/27/2015
CEO/Executive Director **MEETING:**
AUTHOR Sheila Scheitrum **AGENDA** 7a
Community Development **ITEM:**
Coordinator
RE: Approval to Submit Rental Assistance Demonstration
(RAD) Application for Sanger Memorial Village

Executive Summary

At the October 22, 2014 board meeting, the Fresno Housing Authority (FH) Board approved the submission of Rental Assistance Demonstration (RAD) applications to Department of Housing and Urban Development (HUD) for five Low Income Public Housing (LIPH) complexes within the County of Fresno for the purpose of converting the sites from LIPH to Project-Based Rental Assistance (PBRA).

The applications were submitted to HUD on October 31, 2014, along with a portfolio application to lock in the option for FH to convert the remaining LIPH units within the County of Fresno.

On July 27, 2015, staff held a planning meeting to prioritize potential projects for 2016 applications. Based on the needs of the community, Memorial Village was recommended as a potential priority for a 2016 tax credit application. As a result, staff has prepared an application for converting Memorial Village (35 units), in Sanger, CA, from LIPH to PBRA under the RAD program. Staff expects to submit the RAD application to HUD in early November 2015. If the project is awarded, and the Boards of Commissioners accept the award, staff would pursue project financing during 2016.

Neither the submission of the RAD application nor the award of a RAD project application obligates the Fresno Housing Authority to implement the conversions. Should the Board of Commissioners accept the award, staff would pursue project financing during 2016 to undertake the proposed revitalization of the property.

Recommendation

It is recommended that the Board of Commissioners of the Fresno Housing Authority approve the RAD application submission to HUD for Memorial Village (35 units in County AMP CA028000002) and authorize the CEO/Executive Director and/or his designee to execute any and all ancillary documents connected herewith.

Fiscal Impact

A financial pro-forma showing the impact of the proposed project can be found in the attached RAD application board approval form.

Background Information

RAD is a federal program that allows projects funded under Low-Income Public Housing (LIPH) to convert the rental assistance to long-term, Project-Based Rental Assistance (PBRA) contracts. No incremental funds are authorized under RAD, and Public Housing Authorities must convert their assistance at current subsidy levels.

Memorial Village is a LIPH family project consisting of 35 units in Sanger, CA. The proposed conversion envisions demolition of the existing units and the new construction of 55 units at the original site.

RESOLUTION NO. _____
BEFORE THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF FRESNO COUNTY

**RESOLUTION APPROVING THE HOUSING AUTHORITY OF FRESNO COUNTY TO
SUBMIT A RENTAL ASSISTANCE DEMONSTRATION (RAD) APPLICATION TO THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR MEMORIAL
VILLAGE (COUNTY AMP CA028000002, SANGER)**

WHEREAS, the mission of the Housing Authority of Fresno County (the Agency) includes the development and provision of affordable housing units within the boundaries of Fresno County; and

WHEREAS, the Agency is obligated to provide housing opportunities for low and moderate-income households within a variety of communities; and

WHEREAS, the U.S. Department of Housing and Urban Development is conducting a demonstration program that allows the conversion of public housing subsidy; and

WHEREAS, the conversion of the public housing subsidy will allow much needed rehabilitation; and

WHEREAS, staff has performed an evaluation process of the Agency's existing public housing stock and determined Memorial Village in Sanger, CA fits with the intended demonstration program goals; and

WHEREAS, staff has been conducting updates and informational sessions with residents who will be affected by the rehabilitation work;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of Fresno County does hereby authorize the submission of a Rental Assistance Demonstration (RAD) application to the U.S. Department of Housing and Urban Development for Memorial Village (County AMP CA028000002, Sanger), and authorizes Preston Prince, the CEO/Executive Director, and/or his designee to execute all contracts and ancillary documents in connection therewith.

PASSED AND ADOPTED THIS 27th day of October, 2015. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Preston Prince, Secretary of the Boards of Commissioners

Attachment 1A: Board Approval Form

Housing Authority of Fresno County RAD Application for SANGER ELDERLY/WEDGEWOOD

AMP No: CA028000002
Units 192

Type of Conversion

PBRA (Project Based Rental Assistance)

Proposed Units for Conversion and De Minimis

Summary	Total Units Proposed for Conversion	Units Proposed to be Reduced	de minimis threshold
	35	157	10
Explanation for de minimis reduction		Unit Count	
Partial conversion		157	

Pro Forma Sources and Uses

Sources of Funds	Amount	Per Unit
New First Mortgage Loan	\$825,000	\$15,000
Public Housing Operating Reserves	\$0	\$0
Public Housing Capital Funds	\$622,400	\$11,316
Replacement Housing Factor	\$0	\$0
Low Income Housing Tax Credit Equity - 4%	\$0	\$0
Low Income Housing Tax Credit Equity - 9%	\$9,962,015	\$181,128
Seller Finance	\$1,750,000	\$31,818
Housing Relinquished Fund Corp.	\$1,200,000	\$21,818
Other	\$0	\$0
Total Sources of Funds	\$14,359,415	\$261,080
Uses of Funds	Amount	Per Unit
Acquisition Costs	\$1,755,000	\$31,909
Construction Costs	\$8,984,653	\$163,357
Relocation Costs	\$250,000	\$4,545
Professional Fees	\$914,249	\$16,623
Loan Fees and Costs	\$827,013	\$15,037
Reserves	\$106,500	\$1,936
Developer Fees	\$1,522,000	\$27,673
Total Uses of Funds	\$14,359,415	\$261,080

6.000% + 0.000% MIP / 30.0 years

Stabilized Cash Flow Pro Forma

	Total	PUPA
Gross Potential Rents for RAD Units	\$271,884	\$7,768
Gross Potential Rents for Other Apartment Units	\$164,964	\$8,248
Gross Potential Rents for Commercial	\$0	N/A
Vacancy Loss and Bad Debt Loss	(\$30,579)	-\$556
Other Income	\$0	\$0
Effective Gross Income	\$406,269	\$7,387
Total Operating Expenses	(\$296,600)	(\$5,393)
Annual Deposit to Replacement Reserve	(\$16,500)	(\$300)
Net Operating Income	\$93,169	\$1,694
First Mortgage Debt Service	(\$59,356)	(\$1,079)
Operating Cash Flow	\$33,813	\$615

PHA's Explanation of Any Relocation of Tenants (Estimated Relocation Cost is \$250,000)

Fresno Housing will develop a relocation plan based on required benefits under the Uniform Relocation Act. Construction is estimated to take eleven (11) months, therefore families will be temporarily relocated to a nearby area. Fresno Housing is committed to keeping school-aged children attending the same school throughout the renovation, and has experience working with school districts to accommodate children who are temporarily relocated.

PHA's Explanation of Capacity and Experience to Carry Out the RAD Conversion

Fresno Housing has closed and converted four RAD projects to date - Fresno RAD (193 units), Mendota RAD (124 units), Orange Cove RAD (90 units), and Viking Village RAD (40 units). The Total Development Cost of the projects combined is \$88 million, with \$60 million in 9% tax credit equity and HOME funds leveraged. In each project, Fresno Housing has played the role of the developer as well as the General Partner in the new ownership entity. Fresno Housing's current core RAD team includes, Preston Prince, Tracewell Hanrahan, Michael Duarte, Gary Grinstead, Christina Husbands, and Quincy Boren, all of whom played roles in the implementation of the first four RAD deals.

Attachment 1A: Board Approval Form

Housing Authority of Fresno County RAD Application for SANGER ELDERLY/WEDGEWOOD

PHA's Explanation of the Proposed Total Operating Cost being less then 85% of the 3 Year Historical Operating Expenses

3 Year Historical Average Comparison	2009	2010	2011	Average	Proposed
	\$1,105,163	\$1,129,150	#N/A	\$1,117,157	\$296,600

The proposed conversion and rehabilitation of Memorial Village includes 35 units of the total units in County AMP 2 (CA028000002). Therefore, the proposed operating budget for Memorial Village is significantly lower than the latest approved operating budget for the entire AMP. There will also be (20) additional new units on the site, so it will be cheaper per unit to manage. Since the project is new construction, there will be less repair and maintenance.

PHA's Explanation of the Capital Needs and Replacement Reserves Estimates

Memorial Village is a 1950's era product, we are proposing to demolish the existing units and build new units. Annual replacement reserves have been set at a standard \$300/door/year to cover recurring capital needs, like appliance replacement.

Discussion of QAP timing

Based on the California Tax Credit Allocation Committee (CTCAC) funding cycle, Fresno Housing contemplates submitting a 9% tax credit application in March 2016 and being notified of an award via a reservation letter in June 2016. CTCAC would then give Fresno Housing until December 2016 (180 days) to break ground on the project.

Demonstration of recent success obtaining 9% LIHTCs

In the last four years, Fresno Housing has completed or is under construction on fifteen (15) 9% tax credit projects. Projects include new construction, rehab, family, senior, and permanent supportive housing. On each project, Fresno Housing has played the role of the developer as well as the General Partner in the new ownership entity. Fresno Housing's core development team includes, Preston Prince (8 years), Tracewell Hanrahan (5 years), Michael Duarte (8 years), Gary Grinstead (3 years), Christina Husbands (25 years), and Quincy Boren (7 years).

Likelihood of obtaining 9% LIHTCs

The proposed project will receive maximum points under CTCAC's Qualified Allocation Plan for 9% tax credit projects. While it's impossible to know whether this project will receive a tax credit award under the rules of the tie-breaker, the project is expected to be highly competitive due to the high amount of public funds being used as a development source and the aggressive projected tie-breaker.

I hereby certify to the following: (1) that I have the requisite authority to execute this application on behalf of the owner; (2) that HUD can rely upon this certification in evaluating the Application, (3) that I acknowledge that I have read and understand PIH Notice 2012-32 (the "Notice"), which describes the Rental Assistance Demonstration (RAD) (the "Program"), and agree to comply with all requirements of the Program or Notice; (4) that all materials submitted in association with the application are accurate, complete and not misleading; (5) that the application meets all applicable eligibility requirements for the Program set forth in the Notice; (6) that the owner approves the creation of a single-asset entity of the affected project if required by the lender to facilitate financing; (7) that, if selected for award, the owner will comply with the fair housing and civil rights requirements at 24 CFR 5.105(a) (general requirements) and will affirmatively further fair housing; (8) that there are no debarments, suspensions, or Limited Denials of Participation in Federal programs lodged against the applicant, PHA Executive Director, Board members, or affiliates; (9) that this Board Approval Form has been approved by the Board of Commissioners on the date noted below; and (10) that, if selected for an award, the PHA will comply with all provisions of HUD's Commitment to Enter into a HAP (CHAP), which shall indicate the HUD-approved terms and conditions for conversion of assistance, or will indicate to HUD within 15 days that it is refusing the terms of the CHAP and withdrawing from RAD participation.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 USC Sections 1001, 1010, 1012; 31 USC Sections 3729, 3802)

PHA Certification: By Preston Prince (Executive Director)

Signature:

October 27, 2015

Date:



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TO: Boards of Commissioners
Fresno Housing Authority
DATE: 10/22/2015
FROM: Preston Prince *P. Prince*
CEO/Executive Director
BOARD MEETING: 10/27/2015
AUTHOR: Scott Berry
Community Development Analyst
AGENDA ITEM: 7b
RE: Approval to Enter Contract with Real Estate Development Services (REDS)

Executive Summary

On July 30, 2015, the Agency posted a Request for Proposals (RFP) for Development Consultant Services. The RFP sought a firm to assist the Agency with any/all required housing development work on an as needed basis. Examples of such work are project feasibility consulting, site due diligence, entitlements processing, assistance in funding applications, financial consulting (from funding submission to closing), construction administration oversight, and lease up/stabilization. Though the Agency has staff to perform these functions, it is occasionally necessary to seek the assistance of a consultant due to capacity and time constraint issues.

The RFP was advertised in the local newspaper, and the eProcurement website notified 1,121 firms and/or individuals of the solicitation, of which 86 downloaded the documents; however, at the end of the response period, only one firm had submitted a proposal. Thus, the Agency decided to extend the RFP deadline and readvertise to increase competition and awareness of the RFP. By the new deadline of September 14, 2015, no additional proposals were submitted.

The outcome of the solicitation was that the Agency received a single proposal from Real Estate Development Services (REDS). The proposal was evaluated by Agency staff from the Development, Assisted Housing, and Human Resources Departments. It was also reviewed by staff members from Fresno County Public Works and Planning departments, and City of Fresno Development and Resources Management departments. The evaluation panel's average score was 87 out of 100, and the hourly rate proposed by REDS was deemed reasonable for said services.

Due to the lack of response to this solicitation, staff is justifying the award to REDS in accordance with 24 CFR 85.36(d)(4)(i)(D): "After solicitation of a number of sources, competition is determined inadequate", which is allowable under the regulations in HUD Handbook No. 7460.8 REV 2. Staff has adequate documentation pertaining to these regulations, and this solicitation, on file in the procurement department.

Recommendation

It is recommended that the Boards of Commissioners of the Fresno Housing Authority approve entering into contracts with REDS on an as needed basis.

Fiscal Impact

The specific fiscal impact will vary dependent on the specific project and tasks assigned. All work performed by REDS will be paid out of each development's specific budget and should any contract/task order exceed the CEO/Executive Director's purchasing authority it will be taken to the Boards for approval.

RESOLUTION NO. _____
BEFORE THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF FRESNO

**RESOLUTION APPROVING THE HOUSING AUTHORITY OF THE CITY OF FRESNO TO
ENTER A CONTRACT WITH REAL ESTATE DEVELOPMENT SERVICES (REDS) FOR
DEVELOPMENT CONSULTANT SERVICES**

WHEREAS, the mission of the Housing Authority of the City of Fresno (the Agency) includes the development and provision of affordable housing units within the boundaries of the City of Fresno; and

WHEREAS, the Agency occasionally requires Development Consultant Services on an as needed basis to plan, develop, construct, and manage housing developments; and

WHEREAS, the Agency posted a Request for Proposals (RFP) for Development Consultant Services on July 30, 2015; and

WHEREAS, REDS submitted a responsive and responsible proposal for Development Consultant Services prior to the solicitation deadline; and

WHEREAS, REDS' proposal was evaluated by internal staff and outside governmental development agencies and received 'Good' to 'Excellent' scores in all evaluation categories;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno approve and authorize Preston Prince, CEO/Executive Director, Tracewell Hanrahan, Deputy Executive Director, or their designees to enter a contract(s) with REDS for Development Consultant Services.

PASSED AND ADOPTED THIS 27th day of October, 2015. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Preston Prince, Secretary of the Boards of Commissioners

RESOLUTION NO. _____
BEFORE THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF FRESNO COUNTY

**RESOLUTION APPROVING THE HOUSING AUTHORITY OF FRESNO COUNTY TO
ENTER A CONTRACT(S) WITH REAL ESTATE DEVELOPMENT SERVICES (REDS) FOR
DEVELOPMENT CONSULTANT SERVICES**

WHEREAS, the mission of the Housing Authority of Fresno County (the Agency) includes the development and provision of affordable housing units within the boundaries of Fresno County; and

WHEREAS, the Agency occasionally requires Development Consultant Services on an as needed basis to plan, develop, construct, and manage housing developments; and

WHEREAS, the Agency posted a Request for Proposals (RFP) for Development Consultant Services on July 30, 2015; and

WHEREAS, REDS submitted a responsive and responsible proposal for Development Consultant Services prior to the solicitation deadline; and

WHEREAS, REDS' proposal was evaluated by internal staff and outside governmental development agencies and received 'Good' to 'Excellent' scores in all evaluation categories;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of Fresno County approve and authorize Preston Prince, CEO/Executive Director, Tracewell Hanrahan, Deputy Executive Director, or their designees to enter a contract(s) with REDS for Development Consultant Services.

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TO:	Boards of Commissioners Fresno Housing Authority	DATE:	10/22/2015
FROM:	Preston Prince  CEO/Executive Director	BOARD MEETING:	10/27/2015
AUTHOR	Emily De La Guerra Senior Manager	AGENDA ITEM:	7c
RE:	Update to the Agency Procurement Policy		

Executive Summary

Over the past year, Agency staff has been reviewing existing policies to ensure our internal regulations align with the most current state, local, HUD and federal laws and guidelines, as well as industry best practices. To that end, the Agency's Procurement Policy, most recently updated and adopted by the Boards of Commissioners in April 2012, was analyzed and several opportunities for improvements were identified. The proposed policy was circulated internally across several departments and has been reviewed by our attorneys at Baker, Manock & Jensen and Ballard Spahr.

The current, approved Procurement Policy was written based upon HUD's Procurement Handbook and 24 CFR 85.36 *Procurement*, which dictated federal procurement procedures. Just recently, the federal Office of Management and Budget (OMB) have updated these procedures in 2 CFR 200, *Procurement Standards*. The Agency has incorporated these updates into the proposed Procurement Policy, so that our internal practices are consistent with the most current federal standards. Staff has also taken this opportunity to incorporate strategic language changes into the policy to increase administrative efficiencies and economies in regards to purchasing; the most significant change being the demarcation of procurement practices based on funding source. In previous versions of the Agency policy, all expenditures regardless of funding source were regulated by HUD procurement rules per our Agency policy. In this proposed version, staff is recommending to separate the procedures depending on the funding source, which will allow more flexibility and efficiency across the Agency.

Attached is a summary of the major changes from the Agency's existing policy and the full text of the proposed Procurement Policy.

Recommendation

It is recommended that the Boards of Commissioners of the Housing Authorities of the City and County of Fresno adopt the proposed Agency Procurement Policy.

Fiscal Impact

None.

Background Information

Originally, the Boards of Commissioners approved the Agency Procurement Policy on December 18, 2002. In December 2009, the policy was appended to incorporate criteria specific to Capital Fund Stimulus Grant Funds received as part of the American Reinvestment and Recovery Act (ARRA). This criteria was removed from a subsequent revision because all ARRA funds had been expended. Most recently, the Boards approved the current policy on April 25, 2012, which has guided the Agency's purchasing and procurement practices since that time.

RESOLUTION NO. _____
BEFORE THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF FRESNO
RESOLUTION TO APPROVE THE ADOPTION OF THE AGENCY
PROCUREMENT POLICY

WHEREAS, the Board of Commissioners of the Housing Authority of the City of Fresno previously adopted Joint Resolution 2254 entitled "Resolution Approving the Adoption of the Agency Procurement Policy"; and,

WHEREAS, there is a need to revise the aforementioned Procurement Policy to conform with updated requirement from the Department of Housing and Urban Development, the Office of Management and Budget, the State of California, and the County of Fresno;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno hereby approves the attached revised policy titled "Agency Procurement Policy" and rescinds all other previous versions of this policy.

PASSED AND ADOPTED THIS 27th DAY OF October, 2015. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Preston Prince, Secretary of the Boards of Commissioners

RESOLUTION NO. _____
BEFORE THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF FRESNO COUNTY
RESOLUTION TO APPROVE THE ADOPTION OF THE AGENCY
PROCUREMENT POLICY

WHEREAS, the Board of Commissioners of the Housing Authority of Fresno County previously adopted Joint Resolution 2254 entitled "Resolution Approving the Adoption of the Agency Procurement Policy"; and,

WHEREAS, there is a need to revise the aforementioned Procurement Policy to conform with updated requirement from the Department of Housing and Urban Development, the Office of Management and Budget, the State of California, and the County of Fresno;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of Fresno County hereby approves the attached revised policy titled "Agency Procurement Policy" and rescinds all other previous versions of this policy.

PASSED AND ADOPTED THIS 27th DAY OF October, 2015. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Preston Prince, Secretary of the Boards of Commissioners

Significant Changes to the Agency Procurement Policy

Item	Existing Policy	Proposed Policy	Reason for Change	Page No.	Section No.
Funding Source	"It is the policy of the Fresno Housing Authority to follow the same procedures throughout the Agency. Therefore, funds from Section 8 administrative fees and non-program income shall be governed by this policy. Exceptions may only be granted upon the written approval of both the Chief Executive Officer and the Chief Administrative Officer."	"The Agency receives funds from federal, non-federal, and private funding sources. As such, the Agency shall develop procurement procedures designed to ensure compliance with applicable laws and regulations without imposing a higher standard than is necessary to ensure compliance."	Mirror PHA Best Practices. Allow for administrative flexibility and efficiencies.	5	Section 1.5.2
Exclusions	"The HUD procurement policy does not govern administrative fees earned under the Section 8 voucher program, the award of vouchers under the Section 8 program, the execution of landlord Housing Assistance Payments (HAP) contracts under that program, or non-program income, (e.g., fee-for-service revenue under 24 CFR Part 990). These excluded areas, however, are subject to applicable State and local requirements."	"This Policy does not govern direct payments for utility bills, postage, licenses, permits, purchases from other government agencies or non-profits where the agency provides goods or services not available in the private sector, travel expenses, conferences, professional association fees, stipends, public transportation, parking fees, publications, advertisements for employment, or solicitation notices. Furthermore, this Policy does not govern purchases or sales of real property, loan transactions and related documents, employment contracts, limited partnership agreements, administrative fees earned under the Section 8 voucher program, the award of vouchers under the Section 8 voucher program, the execution of landlord Housing Assistance Payment (HAP) contracts under that program, contracts signed on behalf of an affiliate entity, instrumentality, or as a fiscal agent acting on behalf of another entity, or procurements using non-federal funds."	Mirror PHA Best Practices. Allow for administrative flexibility and efficiencies.	5	Section 1.5.1
Single Quote: Micro Purchases	\$0-\$2,000 threshold	\$0-\$3,000 when federal funds are utilized, \$0-\$10,000 when non-federal funds are utilized	Federal limit increased by 2 CFR 200. Non-federal limit increased to allow flexibility and efficiency.	9	Section 3.3.2
Multiple Quote: Small Purchases utilizing Federal Funds	\$2,000-\$100,000 threshold	\$3,000-\$150,000 when federal funds are utilized, \$10,000-\$150,000 when non-federal funds are utilized.	Federal limit increased by 2 CFR 200. Non-federal limit increased to allow flexibility and efficiency.	9	Section 3.3.3

Agency Procurement Policy

Table of Contents

Article 1	General Provisions.....	5
Section 1.1	Purpose.....	5
Section 1.2	Compliance with Laws and Regulations	5
Section 1.3	Change in Law.....	5
Section 1.4	Definitions.....	5
Section 1.5	Applications.....	6
Section 1.5.1	Exclusions	6
Section 1.5.2	Funding Sources	6
Section 1.6	Public Access to Procurement Information.....	6
Article 2	Ethics in Public Contracting.....	7
Section 2.1	General.....	7
Section 2.2	Conflicts of Interest.....	7
Section 2.3	Gratuities, Kickbacks, and Use of Confidential Information	7
Section 2.4	Prohibition Against Contingent Fees	7
Article 3	Procurement Planning.....	8
Section 3.1	General.....	8
Section 3.2	Ensuring Reasonable Costs.....	8
Section 3.2.1	Independent Cost Estimate (ICE)	8
Section 3.2.2	Cost and Price Analysis (CPA)	8
Section 3.2.3	Petty Cash and Micro Purchases	8
Section 3.2.4	Small Purchases/Simplified Acquisition Threshold.....	9
Section 3.2.5	Sealed Bids.....	9
Section 3.2.6	Competitive Proposals.....	9
Section 3.3	Purchasing Methods Using Federal Funds.....	9
Section 3.3.1	Petty Cash Purchases	9

Section 3.3.2	Single Quote: Micro Purchases	10
Section 3.3.3	Multiple Quotes: Simplified Acquisition Threshold (SAT) / Small Purchase Procedures	10
Section 3.3.4	Sealed Bids/Invitations for Bids.....	10
Section 3.3.5	Competitive Proposals/Request for Proposals	12
Section 3.3.6	Request for Qualifications/Qualification Based Selections	14
Section 3.3.7	Non-competitive Proposals	14
Section 3.4	Purchasing Methods Using Non-Federal Funds	15
Section 3.4.1	Petty Cash Purchases	15
Section 3.4.2	Single Quote: Micro Purchases	15
Section 3.4.3	Multiple Quotes: Small Purchase Procedures.....	15
Section 3.4.4	Sealed Bids/Invitations for Bids.....	16
Section 3.4.5	Competitive Proposals/Request for Proposals	17
Section 3.4.6	Request for Qualifications/Qualification Based Selections	19
Section 3.4.7	Non-competitive Proposals.....	19
Section 3.5	Contract Modifications.....	20
Section 3.6	Cooperative Purchasing/Intergovernmental Agreements	20
Article 4	Solicitation and Advertising.....	20
Section 4.1	Method of Solicitation	20
Section 4.1.1	Petty Cash and Micro Purchases	20
Section 4.1.2	Small Purchases	20
Section 4.1.3	Sealed Bids and Competitive Proposals	21
Section 4.2	Time Frame	21
Section 4.3	Form	21
Section 4.4	Time Period for Submission of Bids	21
Section 4.5	Cancellation of Solicitations.....	21
Section 4.6	Credit (or Purchasing) Cards.....	22
Article 5	Bonding Requirements.....	23

Section 5.1	Assurances of Completion	23
Section 5.2	Bond Obtainment	23
Article 6	Contractor Qualifications and Duties	23
Section 6.1	Contractor Responsibility	23
Section 6.2	Suspension and Debarment	24
Section 6.3	Vendor Lists	24
Article 7	Contracting	24
Section 7.1	Contract Types	24
Section 7.2	Options	25
Article 8	Contract Clauses	25
Article 9	Contract Administration	25
Article 10	Specifications	25
Section 10.1	General	25
Section 10.2	Contents	26
Section 10.3	Limitations	26
Article 11	Appeals and Remedies	26
Section 11.1	General	26
Section 11.2	Informal Appeals Procedure	26
Section 11.3	Formal Appeals Procedure	27
Section 11.3.1	Bid Protest	27
Section 11.3.2	Contractor Claims	27
Section 11.3.3	Notification and Review by HUD	27
Article 12	Assistance to Small and Other Businesses	27
Section 12.1	Required Efforts	27
Section 12.2	Definitions	28
Article 13	Board Approval of Procurement Actions	28
Article 14	Delegation of Contracting Authority	29
Article 15	Documentation	29

Article 16	Disposition of Surplus Property	29
Article 17	Funding Availability	29

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Article 1 General Provisions

Section 1.1 Purpose

The purpose of this Procurement Policy (this “Policy”) is to establish a broad framework of policies and guidelines to ensure that the Fresno Housing Authority’s (the “Agency”) purchasing and contracting functions promote administrative flexibility and efficiency, while at the same time maintaining prudent internal controls and compliance with applicable statutes and regulations. The Agency shall maintain a procurement system of quality and integrity that (i) provides for the fair and equitable treatment of all persons or firms involved in purchasing with the Agency, (ii) ensures that supplies and services (including construction services) are procured efficiently, effectively, and at the most favorable prices available, (iii) promotes competition in contracting, and (iv) assures that the Agency’s purchasing actions are in full compliance with applicable federal standards, HUD regulations, state, and local laws.

Section 1.2 Compliance with Laws and Regulations

This Policy complies with the Annual Contributions Contract (“ACC”) between the Agency and the U.S. Department of Housing and Urban Development (“HUD”), applicable Federal Regulations, the procurement standards of the HUD Procurement Handbook for Public Housing Agencies, HUD Handbook 7460.8 Rev 2, and applicable State and local laws.

Section 1.3 Change in Law

In the event a law or regulation applicable to this Policy is modified or eliminated, or a new such law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede the inconsistent provision(s) of this Policy.

Section 1.4 Definitions

The term “procurement,” as used in this Policy, includes the procuring, purchasing, leasing, or renting of:

- Goods, supplies, equipment, and materials;
- Construction and maintenance services;
- Consultant services;
- Architectural and Engineering (“A/E”) services;
- Social Services; and
- Other services.

Section 1.5 Applications

This Policy applies to all procurement actions of the Agency except those procurement actions identified in Section 1.5.1 below.

Section 1.5.1 Exclusions

This Policy does not govern direct payments for postage, licenses, permits, purchases from other government agencies or non-profits where the agency provides goods or services not available in the private sector, travel expenses, food costs, conferences, professional association fees, stipends, public transportation, parking fees, publications, advertisements for employment, or solicitation notices. Furthermore, this Policy does not govern purchases or sales of real property, loan transactions and related documents, employment contracts, limited partnership agreements, administrative fees earned under the Section 8 voucher program, the award of vouchers under the Section 8 voucher program, the execution of landlord Housing Assistance Payment (HAP) contracts under that program, or contracts signed on behalf of an affiliate entity, instrumentality, or as a fiscal or management agent acting on behalf of another entity.

Section 1.5.2 Funding Sources

The Agency receives funds from federal, non-federal, and private funding sources. As such, the Agency shall develop procurement procedures designed to ensure compliance with applicable laws and regulations without imposing a higher standard than is necessary to ensure compliance.

1. When a resulting contract or procurement activity utilizes federal funds, federal procurement rules and regulations shall apply to the procurement in accordance with 2 CFR 200.317-326 Procurement Standards and HUD Procurement Handbook 7460.8 Rev 2.
2. When a resulting contract or procurement activity utilizes only non-federal funds, state law and local policy shall apply to the procurement.
3. When a resulting contract or procurement activity utilizes both federal and non-federal funds, the federal rules and regulations shall apply to the entire procurement unless the funds and scope of work can be separated. If the funds and scope of work can be separated, then the rules and regulations applicable to the source of funding may be applied.

Section 1.6 Public Access to Procurement Information

Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the California Public Records Act (California Government Code §6250 et seq.) and the Federal Freedom of Information Act (5 U.S.C. §552).

Article 2 Ethics in Public Contracting

Section 2.1 General

The Agency hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. To the best of the Agency's knowledge, this code of conduct is consistent with applicable Federal, State, and local law.

Section 2.2 Conflicts of Interest

No employee, officer, Board member, or agent of the Agency shall participate directly or indirectly in or in any way attempt to influence the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would arise when one of the persons listed below has a financial or any other type of interest in, or a tangible personal benefit from, a firm competing or being considered for the award of the contract:

- An employee, officer, Board member, or agent involved in making the award;
- His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, same or opposite sex domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
- His/her domestic partner;
- An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the above; or
- Other relationship or association which might cause a conflict of interest.

Section 2.3 Gratuities, Kickbacks, and Use of Confidential Information

No officer, employee, Board member, or agent of the Agency shall ask for or accept gratuities, favors, or anything of monetary value from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain or actual or anticipated personal gain of any other person. Individuals shall refer to the Agency's Conflict of Interest Policy for specific guidance regarding the acceptance of gratuities, favors, gifts and other similar items.

Section 2.4 Prohibition Against Contingent Fees

Contractors wanting to do business with the Agency must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

Article 3 Procurement Planning

Section 3.1 General

Planning is essential to managing the procurement function properly. Hence, the Agency will periodically review its record of prior purchases, as well as future needs, to:

- Find patterns of procurement actions that could be performed more efficiently or economically;
- Maximize competition and competitive pricing among contracts and decrease the Agency's procurement costs;
- Reduce Agency administrative costs;
- Ensure that supplies and services are obtained without any need for re-procurement, (e.g., resolving bid protests); and,
- Minimize errors that occur when there is inadequate lead time.
- Consideration should be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

Section 3.2 Ensuring Reasonable Costs

The Agency shall require assurance, before entering into a contract, that the price is reasonable based on competition in the market. In evaluating responses to solicitations, the Agency shall perform a price or cost analysis in connection with every procurement action, including contract modifications. The method and degree of analysis depends on the facts surrounding the particular procurement situation, and is detailed in Sections 3.2.1 - 3.2.6.

Section 3.2.1 Independent Cost Estimate (ICE)

For all purchases above the Micro Purchase threshold, as defined below, the Agency shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased. The ICE may be prepared by qualified Agency staff or by an independent consultant engaged for the purpose of preparing such an estimate.

Section 3.2.2 Cost and Price Analysis (CPA)

The Agency shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the instructions in this section.

Section 3.2.3 Petty Cash and Micro Purchases

No formal independent cost estimate or price analysis is required for petty cash or micro purchases. Rather, the execution of a contract by the Contracting Officer (through a Purchase Order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable, which may be based on the Contracting Officer's prior experience or other factors.

Section 3.2.4 Small Purchases/Simplified Acquisition Threshold (SAT)

Unless otherwise noted, a comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes are not obtained to establish reasonableness through price competition comparison, the Contracting Officer shall establish price reasonableness through other means, such as prior purchases of the same nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.

Section 3.2.5 Sealed Bids

Unless otherwise noted, the presence of adequate competition should generally be sufficient to establish price reasonableness. In the event that sufficient bids are not received, the bid received is substantially greater than the ICE, or the Agency cannot reasonably determine price reasonableness, the Agency must conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.

Section 3.2.6 Competitive Proposals

Unless otherwise noted, the presence of adequate competition should generally be sufficient to establish price reasonableness. In the event that sufficient bids are not received, the Agency must compare the price(s) received with the ICE. For competitive proposals where prices cannot be easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, the Agency must conduct a cost analysis consistent with Federal guidelines to ensure that the price paid is reasonable.

Section 3.3 Purchasing Methods Using Federal Funds

Section 3.3.1 Petty Cash Purchases

Purchases under \$100 may be handled through the use of a Petty Cash Account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, the Agency shall ensure that security is maintained and only authorized individuals have access to the account. These accounts should be reconciled and replenished periodically.

Section 3.3.2 Single Quote: Micro Purchases

These procedures regarding Micro Purchases apply to the procurement of goods and services that utilize federal funds. Purchases involving an expenditure of \$3,000 or less may be made without soliciting competitive quotations after obtaining one price quotation, if the price is considered reasonable. Vendor catalogs, as well as previous purchases, where applicable, of the same or similar item should be considered in determining price reasonableness. To the extent practicable, Micro Purchases must be distributed equitably among qualified sources. If practical, a quotation shall be solicited from an independent source before placing a repeat order.

Section 3.3.3 Multiple Quotes: Simplified Acquisition Threshold (SAT) / Small Purchase Procedures

These procedures regarding SAT/Small Purchases apply to the procurement of goods and services that utilize federal funds. For purchase amounts above the Micro Purchase ceiling, but not exceeding the SAT of \$150,000, the Agency may use Small Purchase Procedures. Under these Small Purchase Procedures, the Agency should solicit and receive a minimum of three quotes from qualified sources. Written documentation of each quote including, at a minimum, the company name, phone number and amount of the quote. Quotes may be obtained orally (either in person or by phone), by fax, email, in writing, or through e-procurement. An award shall be made to the qualified vendor that provides the best value to the Agency. If an award is to be made for reasons other than lowest price or three quotes cannot be obtained, documentation of those reasons shall be provided in the contract file. The Agency shall not break down requirements aggregating more than the Small Purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to permit use of the Small Purchase procedures or to avoid any requirements that applies to purchases that exceed the Micro Purchase threshold.

Section 3.3.4 Sealed Bids/Invitations for Bids

Sealed Bidding is a formally advertised and competitive selection process used to obtain contracts for goods and services awarded on the basis of lowest bid. Sealed Bidding is initiated by the Agency's issuance of an Invitation for Bids ("IFB"). Under sealed bids, the Agency publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the materials terms and conditions of the IFB, is the lowest in price. The procedure set forth in this section applies to the procurement of goods and services that utilize federal funds.

Sealed Bidding shall be used for all contracts that exceed the Small Purchase threshold and that are not Competitive Proposals or Non-competitive Proposals. Sealed Bidding is the Agency's preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed the Small Purchase threshold.

Section 3.3.4.1 Conditions for Using Sealed Bids

The Agency shall use Sealed Bidding if the following conditions are present:

- A complete, adequate, and realistic statement of work, specification, or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the work;
- The contract can be awarded in writing based on a firm fixed price; and,
- The contract will be awarded to the lowest priced responsive and responsible bidder.

If all four of the above criteria are not met, the Agency should consider using Competitive Proposals using a Request For Proposal.

Section 3.3.4.2 Solicitation and Receipt of Bids

Under the Sealed Bidding process, when the Agency issues an IFB, it shall include the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB should be solicited in a manner that provides fair and open competition and distributed to an adequate number of known suppliers within a sufficient response time prior to the date set for opening bids, as indicated in the IFB. The IFB must state the time and place for both the receiving of bids and the public opening of those bids. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

Section 3.3.4.3 Bid Opening and Award

Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids, and then made available for public inspection. If equally low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for choosing between similar bids shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, the award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

Section 3.3.4.4 Mistakes in Bids

Correction or withdrawal of bids may be permitted, where appropriate, prior to the time set for bid opening by written or telephonic notice received in the office designated in the IFB. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a non-prejudicial character was made, the nature of the mistake made, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid

if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the Agency or fair competition shall not be permitted.

Section 3.3.5 Competitive Proposals/Request for Proposals

Unlike Sealed Bidding, the Competitive Proposal method permits:

- Consideration of technical factors other than price;
- Discussion with offerors concerning offers submitted;
- Negotiation of contract price or estimated cost and other contract terms and conditions;
- Revision of proposals before the final contractor selection; and,
- The withdrawal of an offer at any time up until the point of award.

Award is normally made on the basis of the proposal that represents the best overall value to the Agency, considering price and other factors (e.g., technical expertise, past experience, quality of proposed staffing, etc.) set forth in the solicitation and not solely the lowest price. The Competitive Proposal procedure is appropriate for the procurement of consultants and contractors when the Agency desires to evaluate offerors on more than price. The procedure set forth in this section applies to the procurement of goods and services that utilize federal funds.

Section 3.3.5.1 Conditions for Use

Where conditions are not appropriate for the use of Sealed Bidding, Competitive Proposals may be used. Competitive Proposals are the preferred method for procuring professional services that will exceed the Small Purchase threshold. Construction services may only be procured by competitive proposals under very limited circumstances, as detailed within Section 7.2.B of HUD Procurement Handbook, 7460.8 Rev 2. Competitive proposals are normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement contract is awarded.

Section 3.3.5.2 Form of Solicitation

Other than A/E services, Competitive Proposals shall be solicited through the issuance of a Request for Proposal ("RFP"). The publicized RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any subfactors and price. Any response to publicized request for proposals must be considered to the maximum extent practical. A written mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established by the Agency before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. The Agency may assign

price a specific weight in the evaluation criteria or the Agency may consider price in conjunction with technical factors. In either case, the method for evaluating price shall be established in the RFP.

Section 3.3.5.2 Evaluation

The proposals shall be evaluated only on the criteria stated in the RFP. Where not apparent from the evaluation criteria, the Agency shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

Section 3.3.5.3 Negotiations

Negotiations shall be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the offerors. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between the Agency and offerors that are undertaken with the intent of allowing the offeror to revise its proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive procurement, they take place after establishment of the competitive range and are called discussions. Discussions are tailored to each offeror's proposal, and shall be conducted by the Contracting Officer and/or his/her designee(s), with each offeror within the competitive range. The primary object of discussions is to maximize the Agency's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The Contracting Officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of the Contracting Officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the Contracting Officer's judgment. The Contracting Officer may inform an offeror that its price is considered by the Agency to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that the Agency's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower their price) is prohibited.

Section 3.3.5.4 Award

Contracts shall be awarded in accordance with the terms of the solicitation. After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose proposal is most advantageous to the Agency.

Section 3.3.6 Request for Qualifications/Qualification Based Selections

The Agency must contract for A/E services using Qualification Based Selection ("QBS") procedures, utilizing a Request for Qualifications ("RFQ"). Sealed Bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, though architectural/engineering firms are potential sources. The RFQ method may also be used to procure development partners for mixed-finance projects pursuant to 24 CFR Part 905.

Section 3.3.7 Non-competitive Proposals

Section 3.3.7.1 Conditions for Use

Procurement by Non-competitive Proposals (sole-source) may be used only when the award of a contract is not feasible using Small Purchase Procedures, Sealed Bids, cooperative purchasing, or Competitive Proposals, and if one of the following applies:

1. The item is available only from a single source, based on a good faith review of available sources;
2. A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. HUD expressly authorizes the use of non-competitive proposals; or
4. After solicitation of a number of sources, competition is determined inadequate.

Section 3.3.7.2 Justification

Each procurement based on Non-competitive Proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the contract file, should include the following information:

1. Description of the procurement needed;
2. History of prior purchases and their nature (competitive vs. non-competitive);
3. The specific exception in 2 CFR 200.320(f)(1)-(4) which applies;

4. Statement as to the unique circumstances that requires an award by Non-competitive Proposal;
5. Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);
6. Statement as to efforts that will be taken in the future to promote competition for the requirement;
7. Signature by the Contracting Officer's supervisor or another higher ranking Agency official; and
8. Price Reasonableness. The reasonableness of the price for all procurements based on Non-competitive Proposals shall be determined by performing a cost or price analysis, as described in Section 3.2.2 et seq. of this Policy.

Section 3.4 Purchasing Methods Using Non-Federal Funds

Section 3.4.1 Petty Cash Purchases for Non-Federal Funds

Purchases under \$100 may be handled through the use of a Petty Cash Account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, the Agency shall ensure that security is maintained and only authorized individuals have access to the account. These accounts should be reconciled and replenished periodically.

Section 3.4.2 Single Quote: Micro Purchases for Non-Federal Funds

These procedures regarding Micro Purchases apply to the procurement of goods and services that utilize non-federal funds. Purchases involving an expenditure of \$10,000 or less may be made after obtaining one price quotation, if the price is considered reasonable. Vendor catalogs, as well as previous purchases, where applicable, of the same or similar item should be considered in determining price reasonableness. To the extent practicable, Micro Purchases must be distributed equitably among qualified sources and, if practical, a quotation shall be solicited from an independent source before placing a repeat order.

Section 3.4.3 Multiple Quotes: Small Purchase Procedures for Non-Federal Funds

These procedures regarding Small Purchases apply to the procurement of goods and services that utilize non-federal funds. Under these Small Purchase Procedures, the Agency should solicit and receive a minimum of three quotes from qualified sources. Written documentation of each quote including, at a minimum, the company name, phone number and amount of the quote. To the greatest extent feasible, and to promote competition, Small Purchases awards should be distributed among qualified sources. Quotes may be obtained orally (either in person or by phone), by fax, email, in writing, or through e-procurement. An award shall be made to the qualified vendor that provides the best value to the Agency.

If award is to be made for reasons other than lowest price or three quotes cannot be obtained, documentation of those reasons shall be provided in the contract file. The Agency shall not break down requirements aggregating more than the Small Purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to permit use of the Small Purchase procedures or to avoid any requirements that applies to purchases that exceed the Micro Purchase threshold.

Section 3.4.4 Sealed Bids/Invitations for Bids for Non-Federal Funds

Sealed Bidding is a formally advertised and competitive selection process used to obtain contracts for goods and services awarded on the basis of lowest bid. Sealed Bidding is initiated by the Agency's issuance of an Invitation for Bids ("IFB"). Under Sealed Bidding, the Agency publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price. The procedure set forth in this section applies to the procurement of goods and services that utilize non-federal funds.

Sealed Bidding shall be used for all contracts that exceed the Small Purchase threshold and that are not Competitive Proposals or Non-competitive Proposals. Sealed Bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed the Small Purchase threshold.

Section 3.4.4.1 Conditions for Using Sealed Bids

The Agency shall use Sealed Bidding if the following conditions are present:

- A complete, adequate, and realistic statement of work, specification, or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the work;
- The contract can be awarded in writing based on a firm fixed price; and,
- The contract will be awarded to the lowest priced responsive and responsible bidder.

If all four of the above criteria are not met, the Agency should consider using Competitive Proposals using a Request for Proposal (RFP).

Section 3.4.4.2 Solicitation and Receipt of Bids

Under the Sealed Bidding process, the Agency issues an IFB, which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB should be solicited in a manner that provides fair and open competition and distributed to an adequate number of known suppliers within a sufficient response time prior to the date set for opening bids. The IFB must state the time and place for both the receiving of bids and the public opening of those

bids. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

Section 3.4.4.3 Bid Opening and Award

Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids, and then made available for public inspection. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for choosing between similar bids shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

Section 3.4.4.4 Mistakes in Bids

Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a non-prejudicial character was made, the nature of the mistake made, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the Agency or fair competition shall not be permitted.

Section 3.4.4.5 Rejection of Bids

The Agency may reject any bid in its reasonable discretion. Rejection of any bid during the evaluation process shall be fully documented, including the reasons for the rejection.

Section 3.4.5 Competitive Proposals/Request for Proposals for Non-Federal Funds

The procedure set forth in this Section applies to procurement of contracts of more than \$150,000 that do not utilize federal funds. Unlike Sealed Bidding, the Competitive Proposal method permits:

- Consideration of technical factors other than price;
- Discussion with offerors concerning offers submitted;
- Negotiation of contract price or estimated cost and other contract terms and conditions;
- Revision of proposals before the final contractor selection; and,
- The withdrawal of an offer at any time up until the point of award.

An award is normally made on the basis of the proposal that represents the best overall value to the Agency, considering price and other factors (e.g., technical expertise, past experience, quality of proposed staffing, etc.) set forth in the solicitation and not solely the lowest price. This procedure is appropriate when the Agency desires to evaluate offerors on more than price.

Section 3.4.5.1 Conditions for Use

Where conditions are not appropriate for the use of Sealed Bidding, Competitive Proposals may be used. Competitive Proposals are the preferred method for procuring professional services that will exceed the Small Purchase threshold.

Section 3.4.5.2 Form of Solicitation

The RFP shall be in writing and include a statement of work, submission requirements, pricing instructions, the time and place of any pre-proposal conference, and any required forms. The RFP shall clearly identify all evaluation factors and their relative importance. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. The Agency may assign price with a specific weight in the evaluation criteria or may consider price in conjunction with technical factors; in either case the, the method for evaluating price shall be established in the RFP.

Section 3.4.5.2 Evaluation

The proposals shall be evaluated only on the criteria stated in the RFP. Where not apparent from the evaluation criteria, the Agency shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

Section 3.4.5.3 Negotiations

The Agency may negotiate the terms of the contract with the highest ranked respondent or may award the contract without further negotiation. If the Agency and the highest-ranked respondent fail to agree on a contract terms, the Agency may reject the proposal and enter into negotiations with the next highest-ranked respondent.

Section 3.4.5.4 Award

Contracts shall be awarded in accordance with the terms of the solicitation. After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose proposal is most advantageous to the Agency.

Section 3.4.6 Request for Qualifications/Qualification Based Selections for Non-Federal Funds

The Agency must contract for A/E services using Qualification Based Selection (“QBS”) procedures, utilizing a Request for Qualifications (“RFQ”). Sealed Bidding shall not be used for A/E solicitations. Under QBS procedures, competitors’ qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, though architectural/engineering firms are potential sources.

Section 3.4.7 Non-competitive Proposals

Section 3.4.7.1 Conditions for Use

The procedure set forth in this Section applies to procurement of contracts that do not utilize federal funds. Procurement by Non-competitive Proposals (sole-source) may be used only when the award of a contract is infeasible using Small Purchase Procedures, Sealed Bidding, cooperative purchasing, or Competitive Proposals, and if one of the following applies:

1. The item is available only from a single source, based on a good faith review of available sources;
2. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the public. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;
3. After solicitation of a number of sources, competition is determined inadequate.

Section 3.4.7.2 Justification

Each procurement based on Non-competitive Proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the Executive Director or Deputy Director, and/or their designee. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the contract file, should include the following information:

1. Description of the procurement need;
2. Statement as to the unique circumstances that require award by Non-competitive Proposals;
3. Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);

4. Statement as to efforts that will be taken in the future to promote competition for the requirement;
5. Signature by the Executive Director or Deputy Director, and/or their designee; and
6. Price Reasonableness. The reasonableness of the price for all procurements based on Non-competitive Proposals shall be determined by performing a cost or price analysis, as described in this Policy.

Section 3.5 Contract Modifications

A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were funded by federal sources and procured through Sealed Bidding, Competitive Proposals, Non-competitive Proposals, or for projects originally procured through Small Purchase Procedures if the amount of the contract modification will result in a total contract price in excess of the Simplified Acquisition Threshold.

Section 3.6 Cooperative Purchasing/Intergovernmental Agreements

The Agency may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common or shared supplies, equipment, goods or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. The Agency may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 2 CFR Part 200 or must be services provided by a governmental agency in its regular course of business.

Article 4 Solicitation and Advertising

Section 4.1 Method of Solicitation

The Method of Solicitation procedures is applicable to procurements utilizing either federal or non-federal funds, unless otherwise stated in the applicable section.

Section 4.1.1 Petty Cash and Micro Purchases

The Agency may contact only one source if the price is considered reasonable.

Section 4.1.2 Small Purchases

Quotes may be solicited orally, through fax, email, or by any other reasonable method.

Section 4.1.3 Sealed Bids and Competitive Proposals

Solicitation must be done publicly. The Agency must use one or more following solicitation methods, provided that the method employed provides for meaningful competition.

1. Advertising in newspapers or other print media of local or general circulation;
2. Advertising in various trade journals or publications (for construction); or
3. E-Procurement. The Agency may conduct its public procurements through the Internet using e-procurement systems. However, all e-procurements must otherwise be in compliance with 2 CFR Part 200, State and local requirements, and the Authority's Procurement Policy.

Section 4.2 Time Frame

For purchases exceeding the Small Purchase Threshold, the public notice should run not less than once each week for two consecutive weeks.

Section 4.3 Form

Notices and advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact person who can provide a copy of, and information about, the solicitation, and a brief description of the needed items(s).

Section 4.4 Time Period for Submission of Bids

A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the Executive Director or Contracting Officer may allow for a shorter period under extraordinary circumstances.

Section 4.5 Cancellation of Solicitations

An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:

1. The supplies, services or construction is no longer required;
2. The funds needed to pay for the supplies or services solicited are no longer available;
3. Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
4. Other similar reasons.

A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:

1. The supplies or services (including construction) are no longer required;
2. Ambiguous or otherwise inadequate specifications were part of the solicitation;
3. All factors of significance to the Agency were not considered;
4. Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
5. There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
6. For good cause of a similar nature when it is in the best interest of the Agency.

The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.

A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.

If all otherwise acceptable bids received in response to an IFB are at unreasonable prices, an analysis should be conducted to determine if there is a problem in either the specifications or the Agency's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either:

1. Re-solicit using an RFP; or
2. Complete the procurement by using the Competitive Proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of the Agency's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.

If problems are found with the specifications, the Agency should cancel the solicitation, revise the specifications and re-solicit using an IFB.

Section 4.6 Credit (or Purchasing) Cards

Credit card usage should follow the rules for all other Small and Micro Purchases. For example, the Contracting Officer may use a credit card for Micro Purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card.

When using credit cards, the Agency should adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards). The Agency shall establish and enforce a written policy for Agency credit card usage.

Article 5 Bonding Requirements

The standards under this section apply to construction contracts that exceed the Simplified Acquisition Threshold of \$25,000. There are no bonding requirements for small purchases or for competitive proposals. The Agency may require bonds for small purchases or competitive proposals when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

For construction contracts exceeding \$25,000, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

Section 5.1 Assurances of Completion

For construction contracts exceeding \$150,000, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:

1. A performance and payment bond in a penal sum of 100% of the contract price; or
2. Separate performance and payment bonds, each for 50 % or more of the contract price; or
3. A 20 % cash escrow; or
4. A 25 % irrevocable letter of credit.

Section 5.2 Bond Obtainment

Bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State where the work is to be performed. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular, or successors thereto, is mandatory.

Article 6 Contractor Qualifications and Duties

Section 6.1 Contractor Responsibility

The Agency shall not award any contract until the prospective contractor, (i.e., low responsive bidder, or successful offeror), has been determined to be responsible. A responsible bidder/offeror must:

- Have adequate financial resources to perform the contract, or the ability to obtain them;
- Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the bidder's/offeror's existing commercial and governmental business commitments;

- Have a satisfactory performance record;
 - Have a satisfactory record of integrity and business ethics;
 - Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
 - Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,
 - Be otherwise qualified and eligible to receive an award under applicable laws and regulations.
- The bidder/offeror must not be suspended, debarred or under a HUD-imposed Limited Denial of Participation (LDP).

If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

Section 6.2 Suspension and Debarment

Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD or by other Federal agencies (e.g., Department of Labor for violation of labor regulations) when necessary to protect the Agency in its business dealings.

Section 6.3 Vendor Lists

All interested businesses shall be given the opportunity to be included on vendor mailing lists. Any lists of persons, firms, or products which are used in the purchase of supplies and services (including construction) shall be kept current and include enough sources to ensure competition.

Article 7 Contracting

Section 7.1 Contract Types

Any type of contract that is appropriate for the procurement and will promote the best interests of the Agency may be used. In selecting a contract type, the Contracting Officer should consider the fairness of competition, type and complexity of the contract, urgency and need of the Agency, period of performance, the contractor's technical capability, financial responsibility and accounting systems, any subcontracting and the procurement history.

If federal funds are utilized in the procurement, the cost-plus-a-percentage-of-cost and percentage-of-construction-cost methods may not be used, and all solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and Agency.

Section 7.2 Options

Options for additional quantities or performance periods may be included in contracts, provided that:

- The option is contained in the solicitation;
- The option is a unilateral right of the Agency;
- The contract states a limit on the additional quantities and the overall term of the contract;
- The options are evaluated as part of the initial competition;
- The contract states the period within which the options may be exercised;
- The options may be exercised only at the price specified in or reasonably determinable from the contract; and
- The options may be exercised only if determined to be more advantageous to the Agency than conducting a new procurement.

Article 8 Contract Clauses

All contracts should identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by the Agency.

Additionally all federally funded contracts shall include contract language required by the HUD Procurement Regulations including, but not limited to, applicable contract provisions in 2 CFR Part 200, Appendix II, Forms HUD-5369, 5369-A, 5369-B, 5369, 5370, 5370-C, and 51915-A , as well as any forms/clauses as required by HUD for Small Purchases. The Agency shall select the applicable versions of one or more of the corresponding forms for such solicitations and contracts.

Article 9 Contract Administration

The Agency shall maintain a system of contract administration designed to ensure that contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters. For cost-reimbursement contracts that are funded by federal sources, costs are allowable only to the extent that they are consistent with the applicable cost principles referenced in HUD Handbook 2210.18.

Article 10 Specifications

Section 10.1 General

All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying Agency needs. Specifications shall be reviewed prior to issuing any

solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase.

Section 10.2 Contents

The statement of work will vary with the nature, purpose, size and complexity of the work procured. However, each statement of work should generally include: (i) detailed work and task requirements, (ii) end results and deliverables, including the criteria which a deliverable must meet to be considered acceptable, (iii) delivery schedules or period of performance, (iv) any reporting or compliance requirements, (v) a precise statement of the objectives, and (vi) other special considerations, including warranties, necessary classifications or licenses, procedural safeguards, testing procedures, etc.

Section 10.3 Limitations

The following types of specifications shall be avoided:

- Detailed product specifications;
- Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available);
- Brand name specifications (unless the specifications list the minimum essential characteristics and standards or an "or equal" designation to which the item must conform to satisfy its intended use).

Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur. Contractors retained by the Agency to develop or draft specifications or statements of work, shall be excluded from competing in the procurement.

Article 11 Appeals and Remedies

Section 11.1 General

It is Agency policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.

Section 11.2 Informal Appeals Procedure

The Agency shall adopt an informal bid protest/appeal procedure for solicitations and contracts valued at or below the Simplified Acquisition Threshold. Under these procedures, the bidder/contractor may request to meet with the appropriate Contracting Officer.

Section 11.3 Formal Appeals Procedure

A formal appeals procedure shall be established for solicitations and contracts valued above the Simplified Acquisition Threshold.

Section 11.3.1 Bid Protest

Any actual or prospective contractor may protest the solicitation or award of a contract for material violations of the procedures contained in this Policy. Mere disagreement with an award recommendation does not constitute proper grounds to protest. Any protest against a solicitation must be received before the due date for the receipt of bids or proposals, and any protest against the award of a contract must be received within ten (10) calendar days after the contract receives notice of the contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may, at his/her discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant.

Section 11.3.2 Contractor Claims

All claims by a contractor relating to performance of a contract shall be submitted in writing within 14 days to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of his/her rights to appeal to the next highest level of authority within the Agency. For procurements utilizing federal funds, contractor claims shall be governed by the Changes clause in the form HUD-5370.

Section 11.3.3 Notification and Review by HUD

The Agency will notify HUD of disputes arising out of procurement implicating federal funds, but only when required by the HUD Regulations. Consistent with the HUD Regulations, HUD will not review any disputes unless they arise out of violations of federal law or regulations, or violations of this protest and dispute procedure.

Article 12 Assistance to Small and Other Businesses

Section 12.1 Required Efforts

The Agency will take affirmative steps and encourage the use of Small Businesses, Minority-Owned Businesses, Women's Business Enterprises, Labor Surplus Area Businesses, Section 3 Business Concerns

and other individuals or firms located in or owned in substantial part by persons residing in the area of the Agency project, when possible, and shall enact an administrative regulation setting forth the same. Affirmative steps include: placing qualified businesses on solicitation mailing lists; direct solicitation when such businesses are potential sources; dividing contracts or solicitations when feasible; establishing delivery schedules to encourage participation; and using outside resources offered by the Small Business Commerce, U.S. Small Business Administration, and the Minority Business Development Agency of the U.S. Department of Commerce. Contractors shall be required to take the affirmative steps enacted in the administrative regulation when subcontracting is anticipated. The administrative regulation may also set forth goals for participation by Small Businesses, Minority-Owned Businesses, Women's Business Enterprises, Labor Surplus Area Businesses, and Section 3 Business Concerns in Agency contracts and subcontracting opportunities.

Section 12.2 Definitions

- A small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR Part 121 should be used to determine business size.
- A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
- A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.
- "Section 3 business concern" is as defined under 24 CFR Part 135.5.
- A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the Department of Labor in 20 CFR Part 654, Subpart A, and in the list of labor surplus areas published by the Employment and Training Administration.

Article 13 Board Approval of Procurement Actions

Other than approval of this Procurement Policy, approval by the Board of Commissioners is not required for non-real estate or construction related procurement actions, as permitted under State and local law. Rather, it is the responsibility of the Executive Director to make sure that all procurement actions are conducted in accordance with the policies contained herein and that adequate funds are available.

Article 14 Delegation of Contracting Authority

While the Executive Director is responsible for ensuring that the Agency's procurements comply with this Policy, the Executive Director may delegate all procurement authority as is necessary and appropriate to conduct the business of the Agency.

Further, and in accordance with this delegation of authority, the Executive Director shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described in this policy, consistent with Federal, State, or local law.

Article 15 Documentation

The Agency must maintain financial records and supporting documents sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

- Rationale for the method of procurement (unless self-evident from other documentation);
- Rationale of contract pricing arrangement (unless self-evident from other documentation);
- Reason for accepting or rejecting the bids or offers;
- Basis for the contract price;
- A copy of the contract documents awarded or issued by the Agency;
- If any contract modifications occur, the basis for such modifications and the price or cost analysis prepared justifying the modification; and
- Related contract administration actions.

The level of documentation should be commensurate with the value of the procurement.

Records are to be retained for a period of three years after final payment and all matters pertaining to the contract are closed.

Article 16 Disposition of Surplus Property

Property, other than real property, that is no longer necessary for the Agency's purposes shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

Article 17 Funding Availability

Before initiating any contract, the Agency shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.

DRAFT



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EXECUTIVE DIRECTOR'S REPORT

TO: Boards of Commissioners **DATE:** 10/22/2015
Fresno Housing Authority

FROM: Preston Prince *P. Prince* **BOARD MEETING:** 10/27/2015
Fresno Housing Authority

AUTHOR Staff **AGENDA ITEM:** 9

RE: Executive Director's Report – October 2015

Executive Summary

The Boards of the Fresno Housing Authority have established the four strategic goals as: Place, People, Public, and Partnership. In addition, the following have been outlined as the management goals: Sustainability, Structure, and Strategic Outreach. The following report demonstrates the efforts of the Executive Leadership and Staff to progress towards the realization of these goals.

PLACE

Overview

Fresno Housing seeks to develop and expand the availability of quality affordable housing options throughout the City and County of Fresno by growing and preserving appropriate residential assets and increasing housing opportunities for low-income residents.

The matrix below outlines the Development Pipeline and status of each project.

Development Project Overview

Name of Property	Status	Description/Type	Total Units
Parc Grove Commons Northwest	Permanent Financing	Southeast Corner of Fresno/Clinton Ave Multi-Family	148
Bridges at Florence	Permanent Financing	649 E. Florence Ave Senior Housing	34
City View @ Van Ness	Permanent Financing	802 Van Ness Ave Mixed-Use	45 Units/ 3,000 sf commercial
Kings River Commons	Permanent	2020 E. Dinuba Ave, Reedley, CA	60

	Financing	Multi-Family	
Southeast Fresno RAD	Stabilization	Cedar Courts I & II, Inyo Terrace Multi-Family	193
Orange Cove RAD	Stabilization	Kuffel Terrace I & II, Mountain View Multi-Family	90
Mendota RAD	Stabilization	Rios Terrace I & II, Mendota Apts. Multi-Family	124
Viking Village RAD	Stabilization	Multi-Family	40
Marion Villas	Under Construction	Marion & Ellis St, Kingsburg, CA Senior Housing	46
Fultonia West/Cedar Heights Scattered Site	Under Construction	541 N. Fulton St and 4532 E. Hamilton Ave Multit-Family	45
Trailside Terrace	Pre-Development Finance Closing November 2015	1233 & 1245 G St, Reedley, CA	55
Edison Plaza I	Pre-Development Finance Closing November 2015	Walnut/Edison West Fresno, CA	64
Firebaugh Gateway	Pre-Development Finance Closing November 2015	1238 & 1264 P St., Firebaugh, CA	30
Shockley Terrace	Pre-Development Received TCAC Award September 2015	2132 Locust St, Selma, CA	48
Lowell Neighborhood	Pre-Development Received TCAC Award September 2015	240-250 N. Calaveras Street and 146 N. Glenn Avenue, Fresno, CA	30

Edison Plaza II	Pre-Development Anticipated March 2016 Application	Walnut/Edison West Fresno	64
Magill Terrace	Pre-Development Anticipated March 2016 Application	401 Nelson, Fowler, CA	60
Memorial Village	Pre-Development Anticipated March 2016 Application	302 K St, Sanger, CA	55

Project Highlights

Marion Villas' anticipates construction to be completed November, 2015. Staff is working with the interior designer to furnish the community space and leasing activities are ongoing with FPI Management.

Staff is anticipating submission of a HUD Rental Assistance Demonstration (RAD) application for the Sanger Memorial Village project, pending board approval, in November 2015. The project proposes to demolish 35 existing units and construct 55 new units.

The Lowell Neighborhood Project (Fresno) and the Shockley Terrace project (Selma) received preliminary reservation awards from the California Tax Credit Allocation Committee on September 23, 2015. It is anticipated the projects will close on construction financing in early March 2016.

Development and Asset Management staff have been working on the permanent finance closing for Kings River Commons, which is anticipated to close October 23, 2015.

Staff is currently working to close financing on Firebaugh Gateway (Firebaugh), Fresno Edison Apartments (Fresno), and Trailside Terrace (Reedley). The projects are currently in the construction bidding process. Financing is scheduled to close in late November with construction planned to begin in early December.

PEOPLE

Overview

Fresno Housing works to respect community needs and knowledge – by listening, learning and researching – and respond to issues compassionately, intelligently, intentionally – by developing exceptional programs based on shared expectations.

Resident Services

Reading and Beyond Program

The Grade Level Reading program administered by Reading and Beyond returned to Parc Grove Commons, Villa Del Mar, Fairview Heights, and Granada Commons for the 2015-2016 school year. Services offered include; homework assistance, reading tutorials, computer and enrichment

activities. The services are designed to work hand-in-hand with the school; to enhance the long-term academic and development success of students.

Fresno Housing in partnership with Reading and Beyond is seeking funding to expand to additional properties in Fresno, Firebaugh, and Orange Cove in the upcoming year.

B3 Collaborative –Firebaugh Unified School District

As part of the Birth to Third Grade (B3) initiative, Fresno Housing Authority collaborated with Firebaugh-Las Deltas Unified School District to provide parents in Firebaugh with a literacy and parenting program. Abriendo Puertas (opening doors) began on September 22nd and will run 2 cohorts for 8-weeks. They will focus on parent/guardian engagement for individuals interacting with children 0-8 years of age. Participants learn why reading is important and are taught techniques to improve reading, comprehension, and enhance the child's retention. Firebaugh-Las Deltas Unified School District staff, in partnership with high-school students, provided childcare during the workshops. Upon completion of the program, parents will receive an Abriendo Puertas Certificate of Participation.

Kings River Commons-Reedley

California Telephone Access Program (CTAP)

During the month of September, Resident Services program provided residents with an informational workshop regarding California Telephone Access Program (CTAP) and application. CTAP provides phones at no cost to individuals needing assistive telecommunications equipment for poor to low hearing, vision, and/or mobility assistance. The mission of the program is to provide access to basic telephone service for Californians; who have difficulty using the telephone.

Resident Services Award Recipients 10/5/2015

Laquisha Chatman – PGC Resident Award Winner 2015 for the Determination and Perseverance Award

Laquisha Chatman is a stylish and quiet woman. She has been with Parc Grove Commons since Fresno Housing began resident services in June 2012. Though a quiet individual, Laquisha has plans for her family and her future. She graduated from Sunnyside High School in 2002 and began Fresno State University in the fall of the same year. Laquisha majored in nursing and already achieved a tremendous goal by entering college with a CNA license. In her sophomore year, Laquisha gave birth to her first son, Malachi. Laquisha's passion was learning and continued college courses after her child was born. She faced challenges of providing for her son and attending her classes. Laquisha made the difficult choice of postponing her college career to become a full-time mom.

Laquisha had two additional children, Imani – 4 years old and Joel – 2 years old, and they participate in all of the youth services provided at Parc Grove Commons. Laquisha is faithful and supportive of resident services and the Parc Grove community. She encourages her neighbors to attend workshops and often shares resources Fresno Housing provides with others. Laquisha can be counted on to assist with outreach and recruitment because she believes in educating people. Her focus is young people and helping at-risk youth move forward from challenges. Her dream is to graduate with her Bachelor of Science degree in Public Health and organize a non-profit enterprise centering on mentorship and capacity-building for young people.

Laquisha teaches her children to become people of character and integrity. At a young age, they understand an important characteristic of an individual is to motivate others towards success. Her children are kind and considerate. Laquisha lives what she believes. Her willingness to help share services and resources provided by resident services and her determination to improve herself.

Casandra Gomez Alvarado and Francisco Gomez Alvarado– PGC Resident Award Winners 2015 for the Academic Excellence Award

There is so much to say about this brother and his sister. Their story is the epitome of the Academic Excellence Award. Martha and her children, Francisco- 18 years old, Casandra – 17 years old, and younger sister, Nancy – 12 years old, moved to Parc Grove Commons in March 2015. Prior to becoming residents of Parc Grove, Martha's family faced many challenges. Within those challenges, Martha's bright stars were her children. Martha would do everything she could to make sure her children had every need met to succeed in life and they are succeeding.

Francisco graduated from Design Science High School, a magnet school in which students complete high school credits and community college units simultaneously, as the school's valedictorian with a 4.32 GPA. He was accepted to over six Ivy League universities and other prestigious colleges. He chose to attend University of Pennsylvania. He received numerous accolades, awards, and held leadership roles in high school. While a high school senior, he also tutored FCC students in Economics and served as a senator in FCC's student government. Currently, Francisco is a research assistant in the Department of Surgery at the University of Pennsylvania Hospital while attending school. He is a certified EMT and hopes to become a doctor of research in ophthalmology.

Francisco volunteered at Parc Grove Commons during the summer. He is a kind and respectful young man with immense promise. With all of his accomplishments, he remains humble. He is helpful and earnest. Francisco was willing to dress as Kasey the Kangaroo, the Children Services Network mascot, at National Night Out 2015 when the designated person couldn't make it to Parc Grove. There is nothing holding back Francisco. He is a champion.

Casandra is also a champion. She volunteered at Parc Grove Commons this summer. She was the 2nd valedictorian in her family when she graduated from Design Science High School with a 4.3 GPA at 17 years old. Casandra also applied to numerous colleges and universities. After carefully considering her acceptance letters, Casandra chose to attend UCLA. She wants to become a pediatrician. While volunteering at Parc Grove Commons, Casandra applied to the volunteer program at Valley Children's Hospital. She is an appreciative young lady with a strong and quiet presence.

Casandra graduated early because of the challenges her family faced. She wanted to assist her mom with daily necessities and prepare herself for college. Casandra is a helper. There is nothing she wouldn't do. She helped clean furniture and washes windows in the clubhouse, organized material for youth workshops, and chaperoned youth on field trips. Cassandra wiped tables, swept floors, and cleaned up milk spills in the summer meal program. She will become a doctor but she is already of the highest caliber of person and I am proud to have worked with her. She is a jewel.

Homeless Initiatives

Community Technology Alliance (CTA) is a non-profit organization providing technology solutions and support to entities working to end poverty and homelessness. CTA was granted software, services, training, and financial support from the Tableau Foundations and Interworks to ask the question: How might we utilize data to develop solutions for ending poverty and homelessness? To answer this question, CTA launched the National Homeless Data Fellowship, a project that will provide data enthusiast nationwide with training on Tableau's data analytics platform.

After completing the application process, the Fresno Housing Authority was selected to participate in the fellowship program alongside 10 other communities. We would like to congratulate our Quality Assurance Analysts for our Homeless Management Information System, Cassie Morgan (fellow) and Melissa Mikel (alternate). Both Cassie and Melissa will engage in an 11 month intensive training to develop, launch and utilize a collaborative reporting and data visualization system. Fellows will be tasked with developing a gallery of reports and dashboards for use in our community and in communities nationwide.

Cassie and Melissa will be committed to an in-person Tableau Fundamentals training in Chicago, an additional Tableau Advance virtual training, developing reports, and actively contributing to determining community needs for reporting. In return, they will have use of Tableau Desktop licenses and Tableau Interactor licenses for 5 community stakeholders, and a \$5,000 stipend payable to the Fresno Housing Authority.

PUBLIC

Overview

Fresno Housing seeks to build support for housing as a key component of vibrant, sustainable communities through public information, engagement, and advocacy that promotes affordable housing and supports the advancement of Fresno's low-income residents.

The efforts of the Boards and staff are ongoing and will be reported as outcomes are achieved.

PARTNERSHIP

Overview

Fresno Housing seeks to collaborate to strengthen its ability to address the challenges facing Fresno communities.

Fresno Housing is exploring several partnerships in the course of pre-development activities.

Project	Organization	Role
Museum and multi-family housing development concept (1857 Fulton Street, Fresno)	African American Historical and Cultural Museum of the San Joaquin Valley	Development partner and service provider.
Hmong Cultural Project – museum/cultural center,	Fresno Housing Authority Fresno Center for New	Planning partner, possible development partner and

communal/event center, housing and relocation site for Fresno Center for New Americans	Americans General Vang Pao Foundation	service provider
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MANAGEMENT GOALS

The goals of management include our efforts to stabilize, focus, and extend activities to meet the mandate of our mission through good decision-making related to Sustainability (staffing, finances, effectiveness, evaluation, technology, facilities); Structure (governance); and Strategic Outreach (communications, image, visibility, public affairs, policy).

Sustainability

Build and maintain an innovative, engaged, visible, and sustainable organization, committed to its mission of providing housing for low-income populations.

Fiscal Services

Budget and Internal Reporting

In keeping with the scheduled 2016 budget timeline, Agency managers successfully completed their budgets and returned them to the budgeting department for consolidation into the Agency budget. Staff are currently in the process of updating revenues, projecting interfund levels, and ensuring continuity and accuracy throughout the budgets at both the program and Agency levels. The first draft of the budget is due to be presented to the boards on Tuesday October 27th and we are currently on track to meet that deadline. All other departmental responsibilities, i.e. allocations and budget-to-actual analysis, continue as usual.

Administrative Services

Human Resources

The Human Resources department will be hosting the Annual Wellness Fair this month to kick off Open Enrollment for benefits and to provide employees the opportunity to visit a variety of local wellness vendors for more information about overall healthy living. Benefit information sessions will also be available for employees to attend to gain knowledge and ask questions regarding their benefit elections.

Aysha Hills and Andrew Gordillo participated in the Business & Liberal Arts Career & Internship Fair at CSU, Fresno to continue establishing positive relations with the university and recruit for open positions. In addition, members from the HR, IT and Accounting departments served on the Institute of Technology Program Advisory Committee to assist the vocational school in targeting their curriculum to the needs of area businesses.

California Housing Workers' Compensation Authority (CHWCA) representatives visited the Fresno Housing Authority to provide Workers' Compensation training to the HR department. This training provided the foundation and knowledge necessary to maintain compliance with regulations. The

HR department introduced a Cash for Culture Program developed by CHWCA's Risk Management team. This program was created to promote a positive safety culture by recognizing and rewarding Agencies and employees who take an active role in safety. Employees participate by submitting their safety ideas to CHWCA for a chance to win cash prizes at no cost to the Agency.

We are actively recruiting for positions within the Accounting and Administrative Services departments. We are excited to announce new employees that started with the Agency this past month. Robert Coulter, IT Systems and Project Manager; Sabrina Kelley, Resident Services Manager; Nerissa Richardson, Accounts Payable Coordinator; and Carolina Hernandez, Site Director for Building Neighborhood Capacity Program (BNCP).

IT Services

During the month of September, CMTi assisted Janice Huey with ongoing office moves for various staff members at the central office. Computers, phones and printers were all relocated during Agency off Fridays to minimize downtime for staff.

CMTi worked to install Comcast Internet service at the Cedar Courts Community Center. We installed a wireless network and public use computers at the facility for the residents to use.

We setup projector, screen, speakers and microphones for the United Way presentation at the Parc Grove Community Room. CMTi staff remained on site to assist with additional technical requests as needed.

CMTi worked with ATT and Janice Huey to complete the Internet service installation for the Boys & Girls Club office in Orange Cove. A wireless network was setup along with several public use computers.

We setup projector, screen, speakers and microphone for the Blended Occupancy Specialist Training hosted at the Cedar Courts Community Room. CMTi staff remained on site to assist with additional technical requests as needed.

CMTi worked with Comcast and Janice Huey to complete Internet service installation at the Mendota Boys & Girls Club office. We setup a wireless network and public use computers.

We worked with Janice Huey and the PND team to get analog phone lines installed at the Marion Villas project in Kingsburg. Once phone lines were connected to the Elevator and Fire Alarm systems, the Agency was able to move forward with final inspections of the facility.

Finally, CMTi setup a projector, screen, speakers and microphone for a Mental Health Training session at the Parc Grove Commons Community Room.

Structure

Maintain a committed, active, community-based Boards of Commissioners.

The efforts of the Boards and staff are ongoing and will be reported as outcomes are achieved.

Strategic Outreach

Heighten agency visibility, facilitate community dialogue about housing solutions; and build support for the agency and quality affordable housing.

The efforts of the Boards and staff are ongoing and will be reported as outcomes are achieved.