REQUEST FOR PROPOSALS
(RFP) # FY 2016-2017-001

INFLOW AND INFILTRATION STUDY AND ANALYSIS CONSULTANT COMPETITIVE NEGOTIATION ACT (CCNA)

EXHIBIT III - LOCAL VENDOR PREFERENCE QUALIFICATIONS & COMMUNITY BENEFIT PLAN

PREPARED BY:
CITY OF HALLANDALE BEACH
DEPARTMENT OF PUBLIC WORKS
PROCUREMENT DEPARTMENT

LOCAL VENDOR PREFERENCE
How a proposer qualifies for Tier 1, Tier 2 or Tier 3 LVP:

The City of Hallandale Beach Procurement Code, Section 23-6, Local Vendor Preference (LVP) may be granted by application of the guidelines below.

All proposers must provide the documentation/paperwork requested below in order for the Procurement Department to grant the LVP status. Please note that the paperwork/documentation being requested below is retroactive, must be dated, one (1) year prior to the bid/proposal due date.

In order to grant Local Vendor Preference the firm being requested as a Local Vendor must provide and perform work within the scope of this RFP. The points for each Tier are specified below. The type of business a firm is able to perform will be determined through what is stated on the Business Tax Receipt (BTR) which provides the category/type of business a firm is able to perform. In addition, the comments/descriptions on the BTR will be reviewed.

Please note that the submission of incomplete/incorrect information and/or omissions of detailed information as required per this section may deem the LVP preference from being granted.

Proposer must provide the following submittal to be granted Tier 1, 2 or 3 LVP:

In order to grant the Local City of Hallandale Beach Vendor preference, the firm must submit the specified paper work/documents stated below and must provide the submittal of the LVP labeled as Exhibit A with all the following requirements for the firm(s), letters a-d below. Firm must clearly label the LVP submittal "Local City of Hallandale Beach Vendor Preference", Exhibit A. The submittal must include:

a) The Tier applicability being required.

b) The name of the company that meets the Tier applicability.

c) Copy of the forms required to apply for the specific Tier preference.

d) The percentage (%) of the total project cost which will be provided and performed by the Local Vendor whose name is provided for letter b above. Exact type of service, or direct labor or a bona fide service that Local Vendor will provide to the project.

Tier 1 LVP:

A Tier 1 "local City of Hallandale Beach vendor" shall mean a resident which has a valid homestead from Broward County Property Appraiser's in the City's limits and the resident owns a business within the City limits with a valid business tax license issued by the City that authorizes the business to do business in the City and that authorizes the business to provide the goods, services or construction to be purchased.

Documentation to provide to receive LVP Tier 1:

Business Tax License (BTL) from Hallandale Beach:

The valid business tax license shall have been issued by the City at least one (1) year prior to the bid or proposal due date. The business must have a physical address located within the City limits. Post office boxes shall not be utilized for the purpose of establishing said physical address. Proof of business tax license must be submitted with response to the solicitation.

Homestead in Hallandale Beach:

Proof of the homestead must be submitted with the response to the solicitation.
A valid homestead from Broward County Property Appraiser's in the City's limits must be provided. The homestead shall have been issued by the County at least one (1) year prior to the bid or proposal due date.

Tier 2 LVP:

A Tier 2 "local City of Hallandale vendor" shall mean a business within the City limits that has a valid business tax license issued by the City that authorizes the business to do business in the City and that authorizes the business to provide the goods, services or construction to be purchased. The valid business tax license shall have been issued by the City at least one (1) year prior to the bid or proposal due date.

Documentation to provide to receive LVP Tier 2:

Business Tax License (BTL) from Hallandale Beach:

The business must have a physical address located within the City limits. Post office boxes shall not be utilized for the purpose of establishing said physical address. Proof of business tax license must be submitted with response to the solicitation. The valid business tax license shall have been issued by the City at least one (1) year prior to the bid or proposal due date.

Tier 3 LVP:

A Tier 3 "local City of Hallandale vendor" shall mean a resident which has a valid homestead from Broward County Property Appraiser's in the City's limits at least one (1) year prior to the bid or proposal due date. Additionally, the resident owns a business outside of the City limits. The valid Business Tax Receipt shall have been issued at least one (1) year prior to the bid or proposal due date. Post office boxes shall not be utilized for the purpose of establishing said physical address. Proof of the Business Tax Receipt must be submitted with response to the solicitation.

Documentation to provide to receive LVP Tier 3:

Homestead in Hallandale Beach:

Proof of the homestead must be submitted with the response to the solicitation. A valid homestead from Broward County Property Appraiser's in the City's limits must be provided with the submission. The homestead shall have been issued by the County at least one (1) year prior to the bid or proposal due date. Proof of homestead must be submitted with the response to the solicitation.

Business Tax Receipt (BTR) for the business from City business is conducting business:

Proof of the Business Tax Receipt from business outside City limits must be submitted with response to the solicitation. A valid Tax Receipt from the City in which the business is located must be provided with the submission. The Business Tax Receipt must have been issued at least one (1) prior to the bid or proposal due date.

Process to apply the Local Vendor Preference to Competitive proposal.

The Procurement Department will review the submission of Exhibit A by the proposer and review of the proper documentation that has been submitted for the requested LVP tier, as well as, all requirements for the LVP. If the complete information/documentation/paperwork has been provided by the proposer, and the Procurement Department will advise the evaluation committee to provide the following points to be awarded based on the tier applicability.

Evaluation Points – Local Vendor Preference

The points shall be awarded as follows:

Tier 1 Local Vendor Preference: If 100% through 50% of the Project Work submitted as a response to a solicitation will be provided and performed by a Tier 1 Local Vendor then the firm will receive, through the evaluation process, a total of ten (10) points.

Tier 2 Local Vendor Preference: If 49% through 20% of the Project Work submitted as a response to a solicitation will be provided and performed by a Tier 2 Local Vendor then the firm will receive, through the evaluation process, a total of five (5) points.

Tier 3 Local Vendor Preference: If 19% through less than 5% of the Project Work submitted as a response to a solicitation, will be provided and performed by a Tier 3 Local Vendor then the firm will receive, through the evaluation process, a total of two and half (2.5) points.

	Total project work to be performed	**Total Points awarded**
Tier 1 Local Vendor	100 % to 50%	10
Tier 2 Local Vendor	49% to 20%	5
Tier 3 Local Vendor	19% to less than 5%	2.5

The percentage of Tier 1, Tier 2 or Tier 3 local vendor participation will be calculated by the proposer's cost and/or expenditure percentage (%) of the Project Work to be provided and performed by a local Tier 1, Tier 2 or Tier 3 local vendor subcontractor for providing direct labor or a bona fide service, submitted and identified in the proposal.

Exemptions to Tier 1, Tier 2 and Tier 3.
The City will not count toward a proposer Tier 1, Tier 2 or Tier 3 local vendor participation any portion or portions of the local vendor subcontractor's work that is subcontracted back to as follows:

a) The proposer, either directly, or through any other company or firm owned or controlled by the proposer.
b) Any nonlocal business.
c) A Tier 1, Tier 2 or Tier 3 local vendor shall not be permitted to subcontract all or a majority of the sub contractual portion of the work to another nonlocal business. A Tier 1, Tier 2 or Tier 3 local vendor subcontractor shall be prohibited from engaging in a sub contractual agreement with the intent of collecting a broker's fee or commission. A Tier 1, Tier 2 or Tier 3 local vendor subcontractor shall also be prohibited from entering into a sub contractual agreement with a firm whose employees perform none of the direct labor or service activities specified in the contract.
d) Participation by a Tier 1, Tier 2 or Tier 3 local business shall not be considered and the Tier 1, Tier 2 or Tier 3 local vendor shall be disqualified if the owner of the Tier 1, Tier 2 or Tier 3 enters into an agreement with a nonlocal business with the intent of securing employment with that nonlocal business during the course of performing a City contract.

COMMUNITY BENEFIT PLAN (CBP)
(Bonus Points)

WHAT IS A CBP:

Please note that the submission of a CBP is encouraged but <u>not</u> required as detailed in this section.

CBP is a plan of action that firms must commit to in order to ensure that all projects in the City provide a form of tangible benefit to the community. As successful response must include a percentage commitment toward CBP activities. The CPB commitment must be an overall percentage (%) of the project cost.

If your firm wishes to submit a Community Benefit Plan (CBP) such CBP commitment must be include:

a. an overall percentage (%) of the project cost to be pledged for the project

<u>AND</u>

b. detailed information as to how the percentage (%) pledged will be achieved

CBPs are generally required to be a part of all City Capital Improvement Projects over $1 million. In addition, CBP are encouraged in non-CIP projects, as well as, CIP projects less than $1 million.

Accordingly, proposers must demonstrate and provide a proposed CBP which has identifiable and observable community benefits for the community surrounding the Project and the City of Hallandale Beach. A responsive CBP should include a well-defined approach that the selected firm will take to ensure the firm's Philanthropic participation in City-sponsored, Community based organizations and/or programs, such as the Police Athletic League (PAL), City's Food Pantry, Future Foundation and City's local transit Program (Minibus). Other eligible activities must include, community outreach, mentoring, training and/or apprenticeships, or any other types of identifiable ancillary benefits for the community.

Please note that the submission of a CBP is encouraged but <u>not</u> required as detailed in this section. <u>If</u> firm(s) wish to provide a pledge for the CBP, below is the information that must be submitted.

If your firm is providing a CBP, the CBP **<u>must</u>** be labeled as Exhibit B. The CBP commitment must include:

a. an overall percentage (%) of the project cost to be pledged for the project

AND

b. detailed information as to how the percentage (%) pledged will be achieved

How is a CBP applied – What is expected for Non-CIP and CIP less than $1 million

Please note that the submission of a CBP is encouraged but not required as detailed in this section.

- For Non-CIP projects or CIP projects less than $1 million, the City encourages firms to include Philanthropic participation in City-sponsored, Community based organizations and/or programs, such as the Police Athletic League (PAL), City's Food Pantry, Future Foundation and City's local transit Program (Minibus). Other eligible activities must include, community outreach, mentoring, training and/or apprenticeships, or any other types of identifiable ancillary benefits for the community.

- Points for these kinds of CBP will be awarded as Bonus Points in addition to the total 100 points.

- A successful response must include a percentage commitment toward CBP benefits. The CBP commitment must be an overall percentage (%) of the project cost.

What is the evaluation committee responsibilities during evaluation of the CBP:

The evaluation committee appointed to review proposals is to grant the assigned points stated in the evaluation criteria grid to those firms that best meets the CBP for each project.

What will the evaluation committee be looking for when reviewing the CBP:

The evaluation committee appointed to review proposals will be looking for written substantive, detailed information that addresses the two (2) main elements that apply to CBP, as detailed below.

A Guide to the City of Hallandale Beach

Community Benefit Program

October 2016

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PURPOSE

The purpose of this guide it to outline the City's Community Benefit Program, its origin, implementation, monitoring, reporting, and its evolution. The objective of the Community Benefit Program is to create a tangible sustainable community impact after a project is complete by capitalizing on the significant upswing in development in the City.

HOW THE COMMUNITY BENEFIT PROGRAM BEGAN?

The City of Hallandale Beach began the implementation of a Community Benefit Program (CBP) in 2011 with the Foster Park Community Center Project. That project was used as a pilot project to assess the effectiveness of such a program. The analysis of the project concluded that CBP was feasible in a City of our size. The Foster Park Community Center also provided great experience on ways to modify the program for future projects.

OBJECTIVE

The objective of the Community Benefit Program is to create a tangible sustainable community impact after a project is complete by capitalizing on the significant upswing in development in the City. The program seeks to accomplish the objective by demonstrating the following:

1. **Hallandale Beach Tax Dollars at work**. So that residents and local businesses can see that their tax dollars are not only going to build big buildings, but that their tax dollars are being directed to provide a tangible benefit to local stakeholders.
2. **Supports Economic Development**. By creatively involving residents and local businesses CBP becomes the vehicle to foster and support economic development within the City.
3. **Community Involvement & Ownership is formed**. Knowing that you or your family took part in building that new park or that new hotel creates a sense of ownership, and hopefully a sense of responsibility to see its success and preservation.

Overall, the major benefit of CBP is that it improves the quality of life for the City of Hallandale Beach residents, businesses, and entire Community.

DEFINITIONS

Community Benefit Plan: Community benefit plan means a plan that may be required for capital construction projects if it meets the feasibility threshold as established by policy. When a solicitation requires it, proposers must demonstrate and provide a proposed community benefit plan which has identifiable and observable community benefits for the project and the city. The benefits should include the approach for ensuring that both prime and subcontractors utilize local residents in every phase of the project of the city, community outreach, mentoring, training, apprenticeships, or any other types of identifiable ancillary benefits for the community. The city manager may only waive this requirement if the highly technical nature of the work makes the community benefit component unfeasible.[1]

Feasibility Threshold. A Community Benefit Plan is required for inclusion within City issued formal solicitations of City Capital Improvement Projects over $1 Million, unless otherwise preempted pursuant to State Statute Section 255.0991. CBPs are encouraged for all City non-Capital Projects, as well as Capital Improvements Projects less than $1 Million, in which a formal solicitation is issued. The City Manager may only waive this requirement if the highly technical nature of the work makes the community benefit component unfeasible.

Hallandale Opportunity Project (HOP): is a Workforce Development Initiative for the City of Hallandale Beach which has oversight of the City's Community Benefit Program and manages projects and programs that support residents, prepare for careers, and strengthen the workforce for employers.

Local City Vendor: Local vendor as defined by the City's Code of Ordinances Section 23-3 is as follows:

> **Tier 1:** A tier 1 "local city vendor" shall mean a resident which has a valid homestead from the county property appraiser's in the city's limits and the resident owns a business within the city limits with a valid business tax license issued by the city that authorizes the business to do business in the city and that authorizes the business to provide the goods, services or construction to be purchased. The valid business tax license shall have been issued by the city at least one year prior to the bid or proposal due date. The business must have a physical address located within the city limits. Post office boxes shall not be utilized for the purpose of establishing said physical address. Proof of business tax license must be submitted with response to the solicitation. Proof of the homestead must be submitted with the response to the solicitation. The homestead shall have been issued by the county at least one year prior to the bid or proposal due date.

[1] *The definition of Community Benefit Plan is codified in City Code of Ordinance Section 23-3.*

Tier 2: A tier 2 "local city vendor" shall mean a business within the city limits that has a valid business tax license issued by the city that authorizes the business to do business in the city and that authorizes the business to provide the goods, services or construction to be purchased. The valid business tax license shall have been issued by the city at least one year prior to the bid or proposal due date. The business must have a physical address located within the city limits. Post office boxes shall not be utilized for the purpose of establishing said physical address.

Tier 3: A tier 3 "local city vendor" shall mean a resident which has a valid homestead from the county property appraiser's in the city's limits at least one year prior to the bid or proposal due date. Proof of homestead must be submitted with the response to the solicitation. Additionally, the resident owns a business outside of the city limits. The valid business tax license shall have been issued at least one year prior to the bid or proposal due date. Post office boxes shall not be utilized for the purpose of establishing said physical address.

Local Workforce: Local Workforce shall be defined as any worker that is directly working on the project, either during construction or in operations after construction, who resides within the City as a renter or homesteaded property owner. Those classified as local workforce shall be provided with not only work directly on the project, but also provided the opportunity to generate a tangible sustainable impact after the project is complete. This may include, but not be limited to, participation in an apprentice program, mentorship program, training, long term employments beyond the term of the project, etc.[2]

[2] *Definition of Local Workforce adopted via City Resolution 2016-166*

STEP 1: WHEN IS COMMUNITY BENEFIT PLAN REQUIRED?

CITY PROJECTS

During the adoption of the Section 23-3 of the City's Code of Ordinances, the City Commission established the feasibility threshold to determine when a Community Benefit Plan is required for certain City projects and when it is optional. The threshold established requires the inclusion of a CBP for all City funded Capital Improvement Projects over $1 Million. CBPs are encouraged for all non-Capital Projects, as well as Capital Improvements Projects less than $1 Million. As required under the ordinance, the policy implementing the Community Benefit Program (CBP) has been adopted within the Procurement Departments Standard Operating Procedure.

CITY ISSUED FORMAL SOLICITATIONS

Within all Request for Proposals, the City requires all responses to include a percentage commitment toward CBP benefits. The CBP commitment must be an overall percentage (%) of the project cost (contract cost). This percent commitment creates a fair and equitable objective evaluation of the proposed CBP in the evaluation process. The points assessed by the percent commitment is calculated during the solicitation process.

For projects over a certain monetary threshold (supplies and services, and construction of public buildings, where the estimated cost is greater than $50,000.00; and consultants and professional services where the estimated cost is greater than $25,000) the City will issue a formal solicitations via Request for Proposal/Qualification or an Invitation to Bid. The solicitation will set forth whether a CBP is required or encouraged.

Upon release of the solicitation the City's Procurement Department will advertise the solicitation via a public notice, which will include a general description of the supplies or services being solicited, state where documents may be obtained, and bond information. The notice shall be published in a newspaper of general circulation if required by Florida Statute and/or funding requirements, the City's web page and the City's e-procurement site, Demandstar.com. Vendors can register on the City's Vendor Self-Service system to receive an email notification for the release of solicitations.

Vendor Self-Service: www.cohb.org/vendors

The solicitation will set forth the deadline to submit a response. The formal solicitation process is as follows:

- Proposals will be submitted sealed to the Office of the City Clerk and identified with the solicitation information on the envelope.

- Corrections or withdrawal of proposals before the submittal deadline may be permitted if mistakes discovered before the submittal deadline may be modified by the proposer and received in the City Clerk's office prior to the time of proposal submittal deadline.

- No proposals will be accepted after the hour and date specified in the solicitation document.

- All solicitations require the scheduling of a pre-proposal public meeting. These pre-proposal meetings are held to explain the project, timeline, and terms and conditions to prospective proposers. The bid/proposal meetings is normally held between 7-10 business days from date of release of solicitation.

- After the pre-proposal conference, any information that may cause revisions to the scope of services will require the release of an addendum. Addendums are released as soon as possible after the pre-proposal meeting.

- After receipt of proposals the Procurement Department conducts reference checks. The reference check requests consist of e-mails sent to the references provided by the solicitor. The references are due within 5 business days after the City's request.

- The packages containing the proposals received are sent to the evaluation committee within 3-5 business days from receipt of proposals. This time frame allows the Procurement Department to review proposals for Local Vendor Preference.

- The evaluation committee may take between 2 to 6 weeks to evaluate proposals received in response to an RFP. This process timeline includes any meetings that are held with the evaluation committee, oral presentations, clarifications, etc.

- Firms meeting the Minimum Qualification Requirements criteria will have their proposal evaluated and scored according to the evaluation criteria set forth in the solicitation. An Evaluation Committee may select no fewer than three (3) of the highest ranked proposers for oral interviews/presentations.

- Through the bid process, once proposals are received, a tabulation of all price proposals received will be provided to the Project Manager and Department Director. This will include the reference check information.

  Through the RFP process, once the rating sheets are finalized and the firms are ranked accordingly, the project manager will prepare an agenda item for City Commission award of the RFP.

How is the CBP rated in a City Formal Solicitation?

Firms meeting the Minimum Qualification Requirements criteria will have their proposal evaluated and scored according to the evaluation criteria set forth within the RFP/RFQ. The following Table 1 provides an example of a rating criteria for a Construction Project whose estimated cost will be over $1 Million.

Table 1: Proposal Evaluations over $1 Million

NUMBER	CRITERIA LISTED	MAXIMUM POTENTIAL POINTS
1.	Firm's Qualifications and Experience	20
2.	Project Team's/Staff's Experience/Qualifications	10
3.	Past Performance (References)	10
4.	Proposer's Approach to the Project	15
5.	Financial Resources	10
6.	Local City of Hallandale Beach Vendor Preference*	(2.5-10)
7.	Community Benefit Plan	25
	TOTAL POINTS	100

*depending on tier level of the Local City of Hallandale Beach Vendor Preference the points may be 2.5, 5 or 10.

Rating the CBP:

The evaluation committee appointed to review proposals will grant the assigned points stated below and in the evaluation criteria grid of the RFP/RFQ to those firms that best meets the CBP for each project.

The firm's response/proposal must: (1) clearly stipulate the CBP percent (%) commitment/pledge for the project, **AND** (2) it must provide details as to how that percent (%) commitment will be achieved. Based on the firm's detailed explanation of how the CPB will be accomplished is how the Evaluation Committee will evaluate and score the points in addition to the percentage (%) pledged.

For projects in which a CBP is required (Contracts over $1 Million) points will be assessed pursuant to the following guidelines:

Total Project Work to be Pledged to CBP	Points Awarded
100%- 50%	25
49% - 20%	20
19% - 5%	15
4%-0%	0

For projects in which a CBP is encouraged bonus points may be provided. The following Table 2 provides an example of a rating criteria for a project whose estimated cost will be less than $1 Million.

Table 2: Proposal Evaluations Under $1 Million

NUMBER	CRITERIA LISTED	MAXIMUM POTENTIAL POINTS
1.	Firm's Qualifications and Experience	30
2.	Project Team's/Staff's Experience/ Qualifications	15
3.	Past Performance (References)	10
4.	Proposer's Approach to the Project	25
5.	Financial Resources	10
6.	Local City of Hallandale Beach Vendor Preference	(2.5-10)
	TOTAL POINTS	100
BONUS	Community Benefit Plan	15

For projects in which a CBP is encouraged (Contracts under $1 Million) **bonus** points may be assessed pursuant to the following guidelines:

Total Project Work to be Pledged to CBP	Points Awarded
100%- 50%	15
49% - 20%	10
19% - 5%	2.5
4%-0%	0

Example of how the above is applied:

The City releases a RFP for a project whose **contract value** is estimated to be over $1 Million. Contractor A submits a response proposal and meets the minimum qualifications set forth in the RFP. Within Contactor A's proposal, that firm commits to ensuring that their Community Benefit Plan will equate to at least 25% of the Project Cost. Contractor A will receive 20 points under that evaluation criteria, due to the fact that the CBP commitment is between 49% and 20%. Each member of the evaluation committee will award 20 points for Contractor A under the Community Benefit Plan evaluation criteria.

The same calculation applies for project under $1 Million; however, in a project with an estimated contract value less than $1 Million, Contractor A would receive 10 points, due to the fact that CBP commitment is between 49% and 20%. Those points are awarded as bonus points above the 100 possible points.

After Oral Presentations, the Evaluation Committee may award higher or lower points than the one stated above based on the firm's detailed explanation of how the CPB will be accomplished. For example, Contractor A above pledged a 25% CBP commitment. During oral presentations, Contractor A could not provide a detailed explanation of how Contractor plans on achieving that commitment. As a result, the Evaluation Committee may award less points for the evaluation criteria. Conversely, if Contractor A provides an extremely thorough and detailed plan on how they will achieve the 25% commitment, the Evaluation Committee may award more than the 20 points provided for above. However, the Evaluation Committee shall not award greater than the maximum points provided for under that specific evaluation criteria.

Firms must clearly stipulate the CBP percent commitment/pledge for the project within their response proposal. Failure to clearly stipulate the percentage will result in 0 points.

Invitation to Bid

Unlike a RFP where the proposals are evaluated and receive points based on rating criteria, an Invitation to Bid (ITB) requires the City award the bid to the lowest responsive responsible bidder. As a result, as a **minimum qualification** for all eligible low bid projects, a minimum of a 20% CBP commitment is required in order to be eligible for consideration of the bid.

State and Federal Funded Projects

Pursuant to State Statute Section 255.0991, the state has preempted any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill does not

prohibit the application of a local preference in a competitive solicitation for construction services in which less than 50 percent of the cost will be paid from state-appropriated funds.

DEVELOPMENT AGREEMENT – MAJOR DEVELOPMENT PROJECTS

Pursuant to the City of Hallandale Beach Zoning and Land Development Code, the City and Developers enter into Development Agreements (DA) for major development projects. The DA provides the terms and conditions for the major development. Within each DA, the City negotiates with the Developer to include a CBP commitment identifying goals and measurements of the goals to be achieved with the project. Those goals may include a percent commitment for utilization of local vendors and local workforce during the construction of the project, and if applicable, local workforce for the permanent placement once the project is completed.

STEP 2: IMPLEMENTATION OF A COMMUNITY BENEFIT PLAN (CBP)

City contracts and Development Agreements that have a Community Benefit Plan shall be monitored by the Hallandale Opportunity Project. The Hallandale Opportunity Project (HOP) serves as the Workforce Development Initiative for the City of Hallandale Beach. HOP has oversight of the City's Community Benefit Program and manages projects and programs that support residents to prepare for careers and strengthen the workforce for employers. It administers workforce development funds and coordinates providers of job training and education programs to meet the needs of residents and employers.

CITY CONTRACTS

Contracts - Community Benefit Plan: City contracts in which a Community Benefit Plan is included as part of the solicitation process shall be included as part of the contract with the City. The CBP shall set forth the percent commitment and deliverables as to how the Firm will achieve their percent commitment for CBP.

DEVELOPMENT AGREEMENTS

Development Agreements – Community Benefit Plan: After negotiating the terms and/or executing the Development Agreement (DA), a meeting is scheduled between the Developer and the Hallandale Opportunity Project Administrator to review the DA terms. From this meeting, the City's CBP template (attached as Exhibit A) will be reviewed and any related questions from the Developer will be discussed to ensure the intentions of the DA and the integrity of the program are kept.

Developer utilizes the City's template (Exhibit A) as a guide to establish their Community Benefit Plan, i.e. the specific deliverables or plan, on how the Developer will meet their commitment set forth in the DA. The Developer will work with the HOP Administrator to finalize the plan. Once finalized, the HOP Administrator will present to the City Manager for approval.

CALCULATION OF A COMMUNITY BENEFIT PLAN PERCENT COMMITMENT

Where a contract has a Community Benefit Plan percent commitment, the calculation of the Community Benefit Plan commitment shall be the overall percentage (%) of the contract cost, or as otherwise may be defined in the agreement, i.e. direct construction cost.

For example, Contractor A committed to 25% CBP in their request for proposal submission. The contractor's CBP commitment in the contract includes:

- Local vendor/subcontractor utilization

- Local workforce utilization
- Other

Therefore, when determining if the contactor met their 25% CBP, as committed in the RFP, that percent calculation would be the total financial sum of the components above. Contactor or developer shall be required to submit reports on a monthly or quarterly basis, as set forth in the agreement, verifying the information and providing updates on the status of the CBP implementation and progress.

LOCAL VENDORS

Applying the Local Vendor Tiers: The intent of the Local Vendor tiered system is to provide a greater benefit to Tier 1 vendors (those individuals who both live and work in the city, followed by those businesses who are located in the City, followed by individuals who reside in the City). Therefore, the following tiered percentage calculation will be utilized in calculating the CBP commitment for vendor utilization, for City contracts/projects only. This tiered system does not apply to Development Agreements.

Tier 1: 100% dollar value
Tier 2: 75% dollar value
Tier 3: 50% dollar value

The following Table 3 provides an example of how to calculate Local Vendor participation based on the above tiered percent calculation is as follows:

Table 3: Tiered Local Vendor Calculation

Local Vendor Participation							
	Non-Tiered CBP				Tiered CBP (100/75/50)		
	Tier 1	Tier 2	Tier 3	Non-Tier	$ amt of %	% allocation	Tier
General Condition (GC)		$ 3,206,135.40			$ 2,404,601.55	75%	Tier 2
General Contractor		$ 535,521.80			$ 401,641.35	75%	Tier 2
Electric				$ 246,580.00	$ -	0%	Non Local
Earthwork				$ 432,982.75	$ -	0%	Non Local
Demolition		$ 1,853,224.45			$ 1,389,918.34	75%	Tier 2
Landscape				$ 311,761.86	$ -	0%	Non Local
Fencing				$ 73,485.00	$ -	0%	Non Local
Low Voltage			$ 321,300.84	$ 343,699.16	$ 160,650.42	50%	Tier 3 *Partial
Field House		$ 278,971.00			$ 139,485.50	75%	Tier 2
Paving				$ 17,264.00	$ -	0%	NonLocal
Striping				$ 7,896.50	$ -	0%	Non Local
Concrete				$ 233,112.50	$ -	0%	Non Local
Vertical Construction	$ 60,000.00			$ 4,839,238.00	$ 60,000.00	100%	Tier 1 *Partial
Total	$ 60,000.00	$ 5,873,852.65	$ 321,300.84	$ 6,506,019.77	$ -	0%	
Total all Tiers	**$ 12,761,173.26**				$ 4,556,297.16		
			Total CBP	$ 6,255,153.49		Total CBP Tiered	$ 4,556,297.16
			CBP %	47.53%		CBP % of Contract	35.70%

With the example above, the above CBP percentage for Local City Vendor utilization would be 35.7%.

CBPs which include a local vendor component shall be required to submit a report identifying the projects workforce utilization. The following Table 4 is an example of a Local Vendor utilization form.

Table 4: Vendor Utilization Form

VENDOR Utilization Form

Prime/Developer	ABC Developer, Inc.		**Report Month/Year**	July-16
Project	HB Crystal Tower		**Project Start Date**	June-16
Total Project Costs	1,000,000.00		**CBP Goal**	10%

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UTILIZATION DATA

Local Type *(Tier-I, II, III)*	**Business Name**	**Description**	**Contract Start Date**	**Contract End Date**	**ORIGINAL Contract Amount**	**REVISED Contract Amount**	**Amount Paid To-Date**	**Percentage Utilized**
Tier-1	*Sample Plumbing, Inc.*	*Plumbing*	*4/1/2016*	*9/30/2016*	*30,000.00*	*n/a*	*15,000.00*	50%
			Total Local Contracts		**30,000.00**	**0.00**		50%
			Total Local Paid				**$15,000.00**	
			Current CBP Progress				**1.5%**	

CERTIFICATION

The undersigned parties signing below attests that all of the above data is true and correct and hereby authorize verification of the above information via financial records, subcontractor agreements, payroll records, human resources records and other documentation. The undersigned understands that any willful misstatements or misrepresentation may result in immediate termination of contract and/or prosecution under applicable federal/State/Local laws.

REPRESENTATIVE - **ABC Developer, Inc.** DATE

LOCAL WORKFORCE

The intent of the CBP is to create a sustainable tangible impact to the Community after the project is complete. Local Workforce is any worker that is directly working on the project, either during construction or in operation after construction, who resides within the City as a renter or homesteaded property owner. Those classified as local workforce shall be provided with not only work directly on the project, but also provided the opportunity to generate a tangible sustainable impact after the project is complete. This may include, but not be limited to, participation in an apprentice program, mentorship program, training, long term employments beyond the term of the project, etc.

CBPs which include a local workforce component shall be required to submit a report identifying the projects workforce utilization. The following Table 5 is an example of a workforce utilization report.

Table 5: Workforce Utilization Report

WORKFORCE Utilization Form

Prime/Developer	ABC Developer, Inc.	**Report Month/Year**	July-16	
Project	HB Crystal Tower	**Project Start Date**	June-16	
Total Project Workforce	200	**CBP Goal**	30	15%

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UTILIZATION DATA

Resident Name	Address	Job Classification	Job Start Date	Job End Date	Rate of Pay	HOURS WORKED this Period	ACTUAL WAGES PAID this Period	HOURS WORKED To-Date	ACTUAL WAGES PAID To-Date
John Brown	*123 NW Foster Road*	*Skilled Laborer*	*6/1/2016*		*14.50*	*160.0*	*2,320.00*	*320.0*	*4,640.00*
			Avgerages		**$14.50**	**160.00**	**2,320.00**	**320.00**	**4,640.00**
TOTAL Project Workforce	**# of LOCAL Workforce**	**Current CBP Progress**	**Totals**		**14.50**	**160.00**	**2,320.00**	**320.00**	**4,640.00**
200	20	10%							

CERTIFICATION

The undersigned parties signing below attests that all of the above data is true and correct and hereby authorize verification of the above information via financial records, subcontractor agreements, payroll records, human resources records and other documentation. The undersigned understands that any willful misstatements or misrepresentation may result in immediate termination of contract and/or prosecution under applicable federal/State/Local laws.

REPRESENTATIVE - **ABC Developer, Inc.** DATE

OTHER COMMUNITY BENEFIT PLAN ACTIVITIES

In addition to local workforce and local vendor utilization, proposers may provide a proposed "Other CBP activities" which has identifiable and observable community benefits to the City of Hallandale Beach such as community outreach, mentoring, training, apprenticeships, or any other types of identifiable ancillary benefits for the community.

CBPs which include other CBP activities shall be required to submit a report identifying such activities and their fiscal impact. The following Table 6 is an example of Other CBP Activities report.

Table 6: Other CBP Activities Report

Other CBP Activities Form

Prime/Developer	ABC Developer, Inc.	**Report Month/Year**	July-16
Project	HB Crystal Tower	**Project Start Date**	June-16
Total Project Costs	1,000,000.00		

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UTILIZATION DATA

CBP Activity	Goal	Per Costs	Total Costs	Completed (Y / N)	Narrative
Summer Interns	*3 Summer Interns*	*3,500.00*	*10,500.00*		
		TOTAL	**10,500.00**		

CERTIFICATION

The undersigned parties signing below attests that all of the above data is true and correct and hereby authorize verification of the above information via financial records, subcontractor agreements, payroll records, human resources records and other documentation. The undersigned understands that any willful misstatements or misrepresentation may result in immediate termination of contract and/or

REPRESENTATIVE - **ABC Developer, Inc.** DATE

CONTRACTUAL LANGUAGE REQUIREMENT FOR CONTRACTOR AND ALL SUBCONTRACTORS

Illustration A:

There are several organizational tiers involved in construction projects. The City contractually requires the contracting entity, whether the Developer or Construction Manager, to provide a CBP commitment. However, it is rare nor the intention of the program to fulfill the entire CBP commitment through that one contracting entity. Therefore, all the tiers (see Illustration A) must participate in the commitment for success of the project and to achieve the CBP's overall goal to create a "sustainable tangible impact to the Community after the project is complete."

The definition of CBP with the Code of Ordinance includes the language which reinforces this concept of not only the participation of the contractor but the subcontractor as well:

> *The benefits should include the approach for ensuring that both prime and subcontractors utilize local residents in every phase of the project of the city, community outreach, mentoring, training, apprenticeships, or any other types of identifiable ancillary benefits for the community.*

As a result, the following language (or similar language to be negotiated) the following language shall be included in all subcontractor agreement between the Construction Manager and subcontractors:

> *[Insert Contractor name] requires that all subcontractors commit to supporting the City of Hallandale Beach Community Benefit Program. Subcontractors will be required to commit TBD% of their total contract value to hiring local Hallandale Beach vendors and residents. A list of local vendors and residents that your firm intends to hire MUST be submitted with your company's bid documents by completing Exhibit XX.*

> *The following information MUST be included in Exhibit XX and submitted with the bid package:*

- *Local Vendors: company name, address, phone, contact, copy of business tax license, scope of work and value.*

- *Local Residents: resident name, address, phone, copy of driver's license, scope of work, pay rate, projected hours assigned to project.*
- *Acknowledgment: an authorized company official must sign and have notarized Exhibit XX to acknowledge that you understand and commit to the requirements of the described Community Benefit Plan.*

STEP 3: OVERSIGHT OF THE COMMUNITY BENEFIT PROGRAM

HALLANDALE OPPORTUNITY PROGRAM (HOP)

The Hallandale Opportunity Project (HOP) is the City's vehicle to oversee CBP and provide a single point of contact for all CBP-related matters. Under the HOP umbrella, you have the following:

- **HOP Administrator** – *provides oversight to HOP staff and providers to ensure objectives and the City's needs are met.*
- **HOP Analyst** – *provides data collection, analysis and reporting; in addition to assisting residents and businesses with receiving HOP services*
- **HOP Provider(s)** – *provides the necessary and specific HOP services, per City contract, which may include: job skills training, job placement and/or business development.*

REPORTING

Reporting is one of the mechanisms for accountability, as it relates to CBP. Depending on the frequency stated in the Development Agreement or City Contract, the reporting on CBP matters may be either quarterly or monthly. This allows HOP staff to track the progress towards meeting commitments and provide any necessary technical support. HOP has three (3) CBP Reporting Forms that each serve a specific purpose:

a. Vendor Utilization Form
b. Workforce Utilization Form
c. Other CBP Activities Form

A quarterly CBP Report will be provided to the City Commission.

MONITORING

Monitoring of CBP is conducted periodically and categorically for quality control and to ensure that all aspects of the overall project were working cohesively and effectively. Monitoring is conducted by both, HOP staff and third party independent agency.

The monitoring component would involve review of documents, records and correspondence that relates to local vendor and workforce utilization, job/skills training, and other CBP activities. The monitoring of CBP outcomes will serve as support for funding to the responsible party.

NON-COMPLIANCE

City Contracts: Non-compliance on the CBP commitment is considered a failure to fulfill the requirements within the contract with the City and therefore may be a breach of contract. Said failure may result in being listed as a deficient vendor, thereby prohibiting the vendor from providing quotes or responses to formal solicitations to the City for a period of one (1) year from the project's completion.

Penalties for Development Agreements: Development Agreements (DA) contain language which requires a certain percent commitment CBP (DA is approved during the major development approval process). In addition, a Developer's Community Benefit Plan must be approved by the City Manager prior to issuance of the Building Permit. The building permit will not be issued until such time as the CBP is approved by the City Manager.

Failure to meet their CBP commitment as set forth in the DA, may result in:

- Developer payment of funds to cover the costs of job skills training for residents.
- Developer payment of funds to cover a percentage of the Hallandale Opportunity Project (HOP) annual budget.
- If required, a dispute resolution meeting to give parties an ability to come together and work out solutions, thereby avoiding litigation.

Exhibit A - *Community Benefit Plan Template*

I. Project Overview

A summary description of project.

1. *Subject to change, based on costs released with building permits*:

    a. Total Construction Costs:
    b. Total Direct Hard Construction Costs:
    c. Total Construction Workforce:

II. Goals

1. **Local Workforce** = __ (#) of initial construction jobs, including general laborers & specialized trades.
2. **Local Vendors** = _____ ($) of direct hard construction costs.

III. CBP Contacts and Partners

Contact	Name, Title	Phone	Emails
Developer			
General Contractor			

IV. PRE-CONSTRUCTION

1. **Strategies for Local Workforce Goal**

    a. Collaboration with HOP Initiative **-** The Developer will collaborate with the City's HOP initiative to identify residents that can transition into the labor force on the Project. Including the opportunity to augment the HOP initiative with construction related training to help prepare residents for specific jobs during the construction phase.

i. Developer will provide an updated construction timeline to HOP Administrator within 30-days after building permit issuance, to include bidding schedule and broken down by trade/discipline.

ii. DEVELOPER shall identify the number of qualified employees needed to provide a sufficient pool of qualified resident candidates for Project by xx/xx/xxxx.

iii. Within 30-days after building permit issuance, Developer's GC and subcontractors will provide a list of the various jobs and their qualifications that will need to be filled during the construction of the Project and will reach out to a local labor staffing firms first who are working with local residents when needing to hire for those positions.

b. Job Fair **–** Developer will coordinate with the HOP to host, sponsor and manager a job fair for local residents. The Developer's GC and subcontractors anticipated to work on the Project must be invited. Developer will cover the costs associated with the job fair.

c. Local Workforce & GC/Subcontractor Matchmaking – During the preconstruction phase and throughout Project as the need arises, an initiative will focus on facilitating a match between GC/subcontractors on the Project and viable labor candidates from the community. The Developer team will support this effort by participating in the on-going HOP database referrals and hosted job fairs and will require all Project subcontractors to participate. Subcontractors shall subsequently have pre-scheduled one-on-one interviews with qualified candidates that match the skills needed for the subcontractor's scope of work.

2. Training

a. The GC will also make available on-the-job internships for those student residents the HOP administrator refers and GC deems as meeting qualifications of the training opportunity. GC to provide qualifications of OJT/internships within 30 days after building permit issuance.

b. Per Development Agreement, Developer agrees to fund the $x,xxx training expense for each position remaining to be filled to meet the __% workforce goal.

c. After 12-months of construction, Developer shall meet with HOP Administrator to determine if there was a sufficient or insufficient pool of

qualified local workforce. Payment of **2-b** (above) to be provided to City within 30 days of HOP Administrator certifying an insufficient pool of qualified resident candidates.

V. Strategies for Local Vendor Goal

1. **Recruitment**
   - **a.** Local vendors shall include both goods and services that make up the Project's *"direct hard construction costs"*, **per executed Developer Agreement.**

   - **b.** Developer shall use commercially reasonable efforts to contract with companies identified on a list provided to Developer by the City in collaboration with the Chamber of Commerce that are owned by City residents or located within the City for goods and services, where such companies are qualified and competitive, in order to promote job growth in the City.

   - **c.** *"Commercially reasonable effort"*, for the purposes of evaluating this CBP, shall be defined per City guidance.

   - **d.** Accountability and Contract Language - all trade subcontractors that bid and are awarded contracts on the Project will be required to commit to best efforts to hire a specified percentage of local residents.

     - **i.** Developer will impose accountability measures by adding specific language in the bid documents as well as subcontract agreements that clearly states goals for local hire participations.

     - **ii.** Subcontractors who are price competitive and demonstrate in their bid submissions they are in fact hiring local residents or using local vendors will be looked upon favorably and the GC will give those subcontractors preference in the bid selection process.

     - **iii.** Subcontractors that are not willing to support this initiative in good faith will not be considered.

     - **iv.** If awarded the contract, the successful vendor will be required to submit monthly reports specifying the status of local hiring along with their pay applications.

     - **v.** Developer will require all of its GC's subcontractors to use their best efforts to ensure that a pre-set percentage of their workforce on the Project includes Hallandale Beach and vendors.

b. Sample language in Contracts or Bid Documents

Developer will require that all subcontractors commit to supporting the City of Hallandale Beach Community Benefit Program. Subcontractors will be required to commit to best efforts to hiring local Hallandale Beach vendors and residents who are properly qualified and price competitive. A list of local vendors and residents that subcontractor firm intends to hire MUST be submitted with its company's bid documents by completing Exhibit XX.

The following information MUST be included in Exhibit XX and submitted with the bid proposals:

i. *Local Vendors: company name, address, phone, contact, copy of business tax license, scope of work and value.*

ii. *Local Residents: resident name, address, phone, copy of driver's license, scope of work, pay rate, projected hours assigned to Project.*

iii. *Acknowledgment: an authorized company official must sign and have notarized Exhibit XX to acknowledge that you understand and commit to the requirements of the described Community Benefit Plan.*

e. Bid Analysis Meeting - After bids have been received an analysis of the competitive only trade bids will be performed. The goal is to ensure that bids are complete, inclusive of scope and to identify any discrepancies amongst bidders.

i. Results of the analysis will be captured in a bid leveling worksheet for a side-by-side comparison of bidders.

ii. A review meeting with individual bidding firms will ensue to confirm scope coverage and address any deficiencies.

f. Local Vendor to GC/Subcontractor Matchmaking – During the preconstruction phase and throughout Project as the need arises, an initiative will focus on facilitating a match between the GC/subcontractors on the Project and viable labor candidates from the community. The Developer team will support this effort by sourcing the updated HOP database referrals and HOP/Chamber of Commerce hosted local vendor fairs and will require the Project's GC and subcontractors to participate. GC/Subcontractors shall subsequently have pre-scheduled one-on-one interviews with qualified local vendors that match the capacity needed for any available scope of work.

g. Vendor Fairs - The Hallandale Opportunity Project (HOP) and Chamber of Commerce will host and manage a vendor fair in month/year and invite local businesses to attend and meet with Developer, its General Contractor (GC) and subcontractors anticipated to work on the Project.

i. Developer will pay its fair share of the costs for participating in the HOP and Chamber of Commerce hosted Job Fair event as determined by the HOP Administrator.

ii. The Developer team will participate and support the HOP, Chamber of Commerce, and local community organizations to identify vendors that are interested in working on the Project.

2. Capacity Building

a. Subcontractor Coaching, Internships, and Mentoring **–** Developer will require its GC to implement a training program during the construction phase focusing on local vendors and residents working on the Project.

i. Through ongoing communication with firms and residents, Developer's GC will identify class topics that can be readily applied to their current Projects and further help build capacity.

ii. Classes are generally held in a lunch and learn format on the Project site to lessen impact to their daily operations.

iii. This forum specifically provides opportunity to discuss "what is working/what is not working" related to their effort on the Project.

iv. There will be no cost to the participants for this program as it will be implemented during the term of Project.

4. CBP Reporting & Monitoring

a. A key deliverable during the construction phase will be the on-going monitoring of local vendors and labor on the job site. Developer will have a process in place with its general contractor of tracking and validating participation including requiring subcontractors to submit CBP quarterly reports to HOP Administrator. Our goal is to ensure accountability and transparency as we deliver measurable results.

d. The first reporting qualifier shall begin after the issuance if the first building permit for the principal building and conclude three months (3) after the issuance of the certificate of occupancy.

a. Reporting may include certified payroll information only if available through the selected and agreed upon 3rd Party Labor Staffing Firm, that includes: name and address of each employee; job classification, start date, end date, rate of pay; daily and weekly number of hours worked; deductions made; and actual wages paid, hourly wage, and average hours per week.

b. Reporting shall include Local Vendor Name, Local Tier (I, II, III), start date, end date, total contract(s) value, payments, % of contract utilized.

c. CBP Reporting Forms to be provided by the HOP Administrator.

d. The City has contracted 3rd Party Monitoring Firm who will conduct quarterly reviews of CBP activities and reporting/updates submitted to the City.

VI. City Will Provide

1. **Local Workforce**
   a. Promote job opportunities on City Social Media, Departments & partners.
   b. Provide HOP staff to assist with coordinating job fairs.
   c. Provide Developer with a list of HOP participants who are residents of Hallandale Beach.

2. **Local Vendors**
   a. Provide Developer list of local vendors within Hallandale Beach w/business tax receipts.
   b. Promote vendor opportunities on City Social Media, Departments & partners.
   c. Provide HOP staff to assist with coordinating vendor fairs.