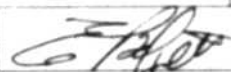


**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	CONSTRUCTION LOAN AGREEMENTS FOR NEW CONSTRUCTION	TYPE AGENDA ITEM	CONSENT
DATE REQUESTED	JULY 28, 1998	DATE SUBMITTED/REVISED	JULY 17, 1998
BRIEFINGS/WHO?	NO	CONSEQUENCES IF DEFERRED	DISBURSEMENT OF FUNDS WITHHELD
DEPARTMENT/DIVISION	COMMUNITY AFFAIRS/INTERGOVERNMENTAL RELATIONS	AUTHORIZED BY TITLE	KAREN JACKSON SIMS DIRECTOR, COMMUNITY AFFAIRS
CONTACT PERSON TELEPHONE/EXTENSION	KAREN JACKSON SIMS 3720	PRESENTER/TITLE TELEPHONE/EXTENSION	KAREN JACKSON SIMS 3720
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER "REPORT OR "DISCUSSION, "FORM OF MOTION, OR "OTHER ACTION REQUIRED:

AUTHORIZATION FOR CHAIRMAN TO EXECUTE FIVE CONSTRUCTION LOAN AGREEMENTS FOR RECONSTRUCTION OF HOMES IN ACCORDANCE WITH RESOLUTION R-96-227 IN THE AMOUNTS OF: \$49,000, \$45,000, \$38,500, \$37,222, AND \$46,000.

ENABLING/REGULATING AUTHORITY
FEDERAL/STATE LAW(S), ADMINISTRATIVE RULING(S), MANATEE COUNTY COMP PLAN/LAND DEVELOPMENT CODE, ORDINANCES, RESOLUTIONS, POLICY.)

COMPREHENSIVE PLAN, 9 1 1 1 AND 9 1 1 10
PROCUREMENT CODE ORDINANCE 84-02
MANATEE COUNTY ORDINANCE 93-44 (STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM)
RESOLUTION 97-78 (SHIP LOCAL HOUSING ASSISTANCE PLAN)
RESOLUTION 96-227 (CONTRACTOR SELECTION BY RECIPIENT)
RESOLUTION 97-229 (HOME RECONSTRUCTION GRANT ACCEPTANCE)

BACKGROUND/DISCUSSION

- SEPTEMBER 10, 1996 MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED RESOLUTION R-96-227 PROVIDING AUTHORIZATION FOR THE EXECUTION OF CONTRACTS AWARDED IN ASSOCIATION WITH THE ALTERNATIVE PROCUREMENT PROCEDURES FOR REHABILITATION AND NEW CONSTRUCTION PROJECTS
- MAY 21, 1997, A MEMORANDUM WAS RECEIVED FROM MANATEE COUNTY ATTORNEY'S OFFICE RECOMMENDING THE USE OF THE CONSTRUCTION LOAN AGREEMENT AND CONTRACTOR'S ACKNOWLEDGMENT AND CONSENT FORM IN PLACE OF THE CONSTRUCTION CONTRACT PREVIOUSLY USED
- ON JUNE 3, 1997 THE BOARD OF COUNTY COMMISSIONERS APPROVED THE "CONSTRUCTION LOAN AGREEMENT" AND THE "CONTRACTOR'S ACKNOWLEDGMENT AND CONSENT FORM" FOR UTILIZATION ON NEW CONSTRUCTION PROJECTS UNDER THE HOUSING REPLACEMENT STRATEGY
- ON JUNE 3, 1997 THE BOARD OF COUNTY COMMISSIONERS ADOPTED RESOLUTION R-97-78 ACCEPTING THE MANATEE COUNTY LOCAL HOUSING ASSISTANCE PLAN FOR THE EXPENDITURE OF SHIP PROGRAM FUNDS FOR FISCAL YEARS 1997-2000
- ON JUNE 17, 1997 BOCC APPROVED THE FIRST HOUSING REPLACEMENT APPLICANT UTILIZING THE NEW CONSTRUCTION AGREEMENT, WHILE ENCUMBERING THE LAST OF THE HOME I FUNDING
- ON OCTOBER 28, 1997 THE BOARD OF COUNTY COMMISSIONERS ADOPTED RESOLUTION R-97-229 ACCEPTING THE HOME II GRANT AWARD FROM THE FLORIDA HOUSING FINANCE CORPORATION FOR THE RECONSTRUCTION OF SUBSTANDARD AND DETERIORATED HOUSING AS NOTED IN THE GRANT APPLICATION, MATCH FOR THE RECONSTRUCTED UNITS WOULD BE PROVIDED THROUGH THE SHIP PROGRAM AND/OR PRIVATE FINANCING
- FUNDING FOR CONSTRUCTION OF NEW HOUSING UNDER THE HOUSING REPLACEMENT STRATEGY COMES FROM SHIP AND HOME GRANT PROGRAMS ANY GAP FINANCING THAT MAY BE REQUIRED IS PROVIDED BY LOCAL LENDING INSTITUTIONS, NON-PROFITS OR FAMILY MEMBERS THE ATTACHED CONTRACTS ARE THE SAME AS THE LAST AGREEMENT APPROVED FOR THE HOME I/SHIP HOUSING REPLACEMENT PROGRAM
- CONTRACTS ARE PROVIDED TO THE BOCC AT THIS TIME AS RESOLUTION R-96-227 REQUIRES BOARD APPROVAL FOR EXPENDITURES OVER \$25,000
- THE CONTRACT AMOUNTS INCLUDE \$140,722 SHIP FUNDS, \$ 60,000 HOME FUNDS AND \$ 15,000 HOUSING GENERAL FUNDS

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? INDICATE "NO" OR "YES" @ RIGHT. (IF "NO," PROCEED TO 1) BELOW; AND IF "YES," PROCEED TO 2) BELOW)

YES

1) IF "NO" TO ABOVE.

A) PLEASE EXPLAIN BELOW: (SEE ALSO FOLLOWING SECTION 1B) RE: CONTRACT, AGREEMENT, LEASE, ETC.:

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT:

1997

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

CONSTRUCTION LOAN DOCUMENTS (RLS 96-599) HAVE BEEN FULLY REVIEWED

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (IF COMMENTS WERE VERBAL, SO INDICATE.)

ALL COMMENTS/SUGGESTIONS HAVE BEEN ADDRESSED

<p>ATTACHMENTS: (LIST IN ORDER AS ATTACHED)</p> <ol style="list-style-type: none"> 1) RESOLUTION R-96-227 2) CONSTRUCTION LOAN AGREEMENTS W/ CONTRACTOR'S ACKNOWLEDGMENT AND CONSENT FORMS FOR APPLICANTS 3) CONSTRUCTION AGREEMENTS BETWEEN CONTRACTOR AND OWNERS 	<p>INSTRUCTIONS TO BOARD RECORDS:</p> <p>RETURN FULLY EXECUTED CONSTRUCTION LOAN AGREEMENTS W/ CONTRACTOR'S ACKNOWLEDGMENT AND CONSENT FORM TO NANCY RAGLAND, CAIR, EXT 6907</p>
<p>COST \$215,722</p>	<p>SOURCE (ACCT# & NAME)</p> <p>SHIP 115 9003804 534000 /9003805 9125 \$140 722</p> <p>HOME 119 9004201 534000/900420 1 9104 \$60 000</p> <p>GEN FUND DEMOLITION 001 0015700 534000 \$15 000</p>
<p>COMMENTS MORTGAGE LOAN DOCUMENTS WILL BE EXECUTED FOR ALL FUNDING</p>	<p>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A</p>

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING AND REPLACING R-96-111, PROVIDING FOR INCOME ELIGIBLE RECIPIENTS OF MANATEE COUNTY AFFORDABLE HOUSING REHABILITATION PROGRAM TO SOLICIT BIDS FROM LICENSED CONTRACTORS AND PROVIDES FOR RECIPIENTS OF NEW CONSTRUCTION/REPLACEMENT HOUSING TO SELECT THE CONTRACTOR OF THEIR CHOICE TO CONSTRUCT A HOME WHICH MOST SUITS THEIR NEEDS AND AUTHORIZES THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY AFFAIRS TO EXECUTE CONTRACTS FOR SMALL PURCHASES AS DEFINED IN THE PROCUREMENT CODE AND PROVIDES FOR PAYMENT FOR COMPLETION OF WORK.

WHEREAS, the Board of County Commissioners has on this date adopted Resolution R-96-227 allowing qualified housing assistance applicants to solicit proposals from licensed contractors for housing rehabilitation and select the contractor of their choice as approved by the Department of Community Affairs/Intergovernmental Relations for new construction/replacement housing; and

WHEREAS, the Board finds that allowing homeowners to secure bids from contractors for rehabilitation will expedite the application for housing rehabilitation for Manatee County very low and low income families; and

WHEREAS, the Department of Community Affairs/Intergovernmental Relations will monitor the contractor selections for price reasonableness and contractor's ability to perform the work; and

WHEREAS, the Department of Community Affairs/Intergovernmental Relations will maintain current market material costs and labor costs to determine the price reasonableness when rehabilitation is involved; and

WHEREAS, the eligible applicant will receive a loan or grant for the construction of new and/or replacement housing from Manatee County and/or leveraged financing through a local mortgage lender; and

WHEREAS, the Department of Community Affairs/Intergovernmental Relations shall review and approve the contractors price and ability to complete the job specified. County approval shall be in writing, in a form as designated by the Purchasing Director or his/her designee.

NOW, THEREFORE, BE IT RESOLVED, that:

A. REHABILITATION

1) To assist in the timely completion of the affordable housing activities, there is hereby authorized and established in connection with the previously approved Florida Housing Finance Agency's, HOME Grant and State Housing Initiative Partnership (SHIP) Program, the utilization of alternative procurement procedures for all housing rehabilitation programs; including but not limited to the SHIP Program, for the purpose of expediting the processing of housing assistance applications.

2) Eligible and prospective applicants can obtain a list of licensed contractors through the Manatee County Building Department.

3) Applicants shall be approved as eligible very low or low income households for affordable housing activities.

4) Applicants will be responsible for obtaining construction quotes from at least three (3) contractors. The contractors' quotes must be in writing on the Contractor's Bidders Form provided by the Department of Community Affairs/Intergovernmental Relations. All contractors shall comply with the local codes and state regulations. Each quote must comply with the specifications prepared by the Department of Community Affairs/Intergovernmental Relations.

5) The Contractor shall furnish all labor, materials, tools and equipment necessary for the rehabilitation of the subject property in accordance with specifications and contractors proposal.

6) In the event a grantee attempts to obtain three quotes but informs County staff that efforts to that effect were unavailing, County staff shall investigate the matter and make a recommendation to the Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee based upon that investigation. The Director or his/her designee shall thereupon make a final determination as to whether the procedures set forth in this Resolution have been complied with.

7) Grantee must select the lowest, most responsive and responsible quote. If, in the opinion of County staff, the lowest quote received by the grantee is considered to be not responsive or responsible, the matter shall be referred to the Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee, for a final determination. If it is determined, for instance, that the contractor cannot or is not willing to perform the work without causing undue hardship to grantee in such matters as scheduling, then the quote may be determined to be not responsive.

8) The County must review and approve quotes and specifications prior to the County and Contractor entering into a contract for work under this program. County approval shall be in writing, in a form as designated by the Purchasing Director or his/her designee, and communicated to the Finance Director, Office of the Clerk of the Circuit Court.

9) The County must approve all work performed hereunder before payment is made for the work. Approval shall be evidenced in writing in a format approved by the Director of Finance and executed by the Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee, in accordance with the program requirements.

10) The Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee shall be the administrator of this grant program. As such, the Director or his/her designee is hereby authorized to implement this Resolution through adoption and use of administrative and ministerial means and tools as are necessary to complete the program in a timely manner, including but not limited to, the execution of contracts for small purchases of \$25,000 or less on behalf of Manatee County for the performance of said construction. Those purchases greater than \$25,000.00 are to be approved on a Board of County Commission agenda.

Any questions or disputes involving the question of whether procedural aspects of this Resolution have been complied with shall be the decision of the Director of Community Affairs and Intergovernmental Relations department or his/her designee

B. NEW CONSTRUCTION/REPLACEMENT HOUSING

1) The applicant will be responsible for selecting the contractor of their choice to construct a house most suitable for their needs. The applicant shall be encouraged, but not required to obtain price quotes for comparison.

2) Eligible and prospective applicants will be furnished a listing of contractors and housing plans which they may choose from if so desired.

3) Applicants shall be approved as eligible very low or low income households for affordable housing activities.

4) All contractors shall comply with the local codes and State regulations.

5) All contractors shall furnish all labor, materials, tools, and equipment necessary for the construction of the subject property in accordance with the plans and specifications submitted.

6) The Department of Community Affairs/Intergovernmental Relations will review and approve the plans and specifications submitted by the contractor.

7) The County must approve all work performed hereunder before payment is made for the work. Approval shall be evidenced in writing in a format approved by the Director of Finance and executed by the Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee, in accordance with the program requirements.

8) The Director of the Department of Community Affairs/Intergovernmental Relations or his/her designee shall be the administrator of this grant program. As such, the Director or his/her designee is hereby authorized to implement this Resolution through adoption and use of administrative and ministerial means and tools as are necessary to complete the program in a timely manner, including but not limited to, the execution of contracts for small purchases of \$25,000 or less on behalf of Manatee County for the performance of said construction. Those purchases greater than \$25,000.00 are to be approved on a Board of County Commission agenda.

Any questions or disputes involving the question of whether procedural aspects of this Resolution have been complied with shall be the decision of the Director of Community Affairs/Intergovernmental Relations department or his/her designee.

ADOPTED with a quorum present and voting this 10th day of September, 1996.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: John Decker

Chairman

ATTEST:

R.B. SHORE
Clerk of the Circuit Court

R.B. Shore
Clerk of the Circuit Court

Dunkin

SHIP 25,000
Home 12,000
Demo 3,000
Private 2,000

Wright

SHIP -31,000
Home -12,000
DEMO -3,000
Ø

Bennett - 4,000
SHIP
Home 12,000
DEMO -3,000
Ø

Kendrick

SHIP 30,000
Home 12,000
DEMO -3,000
Private -20,000

Kelvin Brown

SHIP 35,000
Home 12,000
DEMO -3,000
Private -10,000