



**HOUSING COMMISSION AGENDA**

**Special Meeting: April 11, 2019**

**Time: 8:00 a.m.**

**HACA Board Room, 22941 Atherton Street, Hayward, CA 94541**

*The public is welcome at all Housing Commission meetings. If you wish to speak on a matter NOT on the Agenda, please file a Public Comment card with the Commission Clerk. Upon recognition by the Chairperson during Public Comment, state your name, comments and/or questions. Anyone wishing to address the Commission on an agenda item or on business introduced by the Housing Commission may do so when the Chairperson calls for comments on the agenda item. Please be brief and limit your comments to the specific subject under discussion. NOTE: Only matters within the Housing Commission's jurisdiction may be addressed. To allow the opportunity for all to speak, a time limit of 3 minutes has been set for public speakers wishing to address the Housing Commission. The Chairperson has the discretion to further limit this time if warranted by the number of speakers.*

*The Housing Commission Secretary of the Housing Authority of the County of Alameda has, on Thursday, April 4, 2019, duly distributed this Agenda to the Clerk of the Board of Supervisors for posting in the office of the Alameda County Administration Building and has posted it on the bulletin board of the Housing Authority of the County of Alameda.*

*AMERICANS WITH DISABILITIES: In compliance with the Americans with Disabilities Act, if special assistance to participate in this meeting is needed, please contact the Housing Authority office at (510) 727-8511. Notification at least 48 hours prior to the meeting will enable the Housing Authority to make reasonable arrangements.*

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**MINUTES**  
**March 13, 2019**



22941 Atherton Street, Hayward, CA 94541  
Tel. 510.538.8876 TDD 510.727.8551 Fax 510.537.8236 www.haca.net

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**HOUSING COMMISSION MINUTES  
REGULAR MEETING: MARCH 13, 2019  
HACA BOARD ROOM, 22941 ATHERTON STREET, HAYWARD, CA 94541**

**SUMMARY ACTION MINUTES**

**1. CALL TO ORDER/ROLL CALL**

**Call to Order**

Chairperson Gerry called the meeting to order at 8:03 a.m.

**Roll Call**

Present: Cmr. Ballew, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Olson and Patz

Excused: Cmr. Buckholz, Finley, and Gacoscos

Christine Gouig, Executive Director, introduced and welcomed newly-appointed commissioners, Shawn Kumagai, appointed by the City of Dublin, Sara Lamnin, appointed by the City of Hayward and Peggy McQuaid, appointed by the City of Albany. Commissioners Kumagai, Lamnin and McQuaid spoke briefly about their background. Ms. Gouig also welcomed Councilmember Yang Shao from the City of Fremont. She indicated that the City of Fremont recently appointed him to the Housing Commission and that his appointment will be submitted to the Alameda County Board of Supervisors for final approval.

**2. APPROVAL OF THE MINUTES OF THE JANUARY 9, 2019 HOUSING COMMISSION MEETING**

Recommendation: Approve the minutes of the January 9, 2019 Housing Commission meeting as presented.

Motion/Second: Patz/Ballew.

7 ayes; 1 abstention: Cmr. Olson. Motion passed. **APPROVED AS RECOMMENDED.**

**3. PUBLIC COMMENT**

Tom Silva, a landlord participating in the Section 8 program, commented on the negative impact that the reduction in the Fair Market Rents is having on the Section 8 landlords. Chairperson Gerry commented that it is important to support landlords who are willing to participate in the Section 8 program.

4. **NEW BUSINESS**

4-1. **RESOLUTION NO. 02-19: APPROVING REVISIONS TO HACA'S HEAT ILLNESS PREVENTION PROGRAM**

Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann reported that Cal/OSHA and the federal Occupational Safety and Health Administration have added additional requirements with regard to the prevention of heat illnesses. She described the additional requirements and stated that staff is proposing amendments to HACA's Heat Illness Prevention Program in order to incorporate these requirements and update other sections of the Heat Illness Prevention Program. Ms. Freckmann summarized the proposed amendments and recommended that the Housing Commission adopt the resolution to approve these revisions.

Recommendation: Adopt Resolution No. 02-19 approving revisions to HACA's Heat Illness Prevention Program as presented.

Commission Discussion: Cmr. Olson and Ms. Freckmann discussed the role of CHWCA, HACA's workers' compensation administrator. Cmr. Hannon asked if the Housing Inspectors are subject to the program and Ms. Freckmann indicated that they are. Cmr. Hannon and Ms. Freckmann discussed the training requirements for the contracted Housing Inspectors. Cmr. Kumagai asked if the training program is developed by Cal/OSHA and Ms. Freckmann indicated that staff develops and facilitates the training for this program. Cmr. Kumagai also asked if there have been any incidents of heat related injuries and Ms. Freckmann indicated that there hadn't.

Motion/Second: Hannon/Olson.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

4-2. **RESOLUTION NO. 03-19: APPROVING AMENDMENT TO THE JOINT POWERS AGREEMENT CREATING THE CALIFORNIA HOUSING WORKERS' COMPENSATION AUTHORITY**

Christine Gouig introduced this item. Ms. Gouig provided the Housing Commission with an overview of the California Workers' Compensation Authority (CHWCA), HACA's workers' compensation administrator and the Joint Powers Agreement (JPA) that created it. Ms. Freckmann presented the staff report. She reported that in November 2018, CHWCA's Executive Committee conducted a review of CHWCA's governing documents and is proposing to amend the JPA, which requires approval of two-thirds of the CHWCA members. She gave a brief summary of the proposed revisions and recommended that the Housing Commission adopt the resolution to approve the amendments to the JPA.

Recommendation: Adopt Resolution No. 03-19 approving amendment to the joint powers agreement creating the California Housing Workers' Compensation Authority.

Commission Discussion: Cmr. Hannon thanked staff for providing a copy of the JPA with the tracked changes.

Motion/Second: Hannon/Ballew.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-3 ACTION: APPROVAL OF THE ANNUAL PUBLIC HOUSING AGENCY PLAN FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 -- PUBLIC HEARING REQUIRED**

Christine Gouig introduced this item. Ms. Gouig reported that the U.S. Department of Housing and Urban Development (HUD) requires that housing authorities submit a Public Housing Agency Plan (PHA Plan) annually. She explained that the PHA Plan is a guide to a housing authority's goals, initiatives and plans for the upcoming fiscal year. Oscar Macias, Administrative Analyst, presented the staff report. Mr. Macias reported that staff has prepared a draft of HACA's PHA Plan for the fiscal year beginning July 1, 2019. He described the components of HACA's PHA Plan and summarized HACA's proposed plans, goals and initiatives for the upcoming fiscal year. Mr. Macias reported that staff held a telephone meeting with HACA's Resident Advisory Board (RAB) to discuss the proposed PHA Plan and that the RAB did not recommend any changes. He recommended that the Housing Commission conduct a public hearing to accept comments on the PHA Plan and if no comments from the public are received, approve the proposed PHA Plan and authorize staff to submit it to HUD.

Public Hearing:

Chairperson Gerry opened the public hearing at 8:28 a.m. No comments from the public were received. Chairperson Gerry closed the public hearing at 8:32 a.m.

Recommendation: Approve the proposed annual Public Housing Agency Plan for the fiscal year beginning July 1, 2019 and authorize staff to submit plan to HUD.

Commission Discussion: Cmr. Lamnin asked how the PHA Plan is made publicly available and Mr. Macias described the various ways that the public can access the PHA Plan. Cmr. Olson asked if staff had evaluated the latest proposed federal budget and if there would be any impact on the initiatives in the PHA Plan. Ms. Gouig indicated that this would not be reflected in the PHA Plan but would be factored in to the preparation of HACA's operating budget for the coming fiscal year. Ms. Gouig gave a brief update on the status of the federal budget.

Motion/Second: Hannon/Lamnin.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-4. ACTION: AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH THE MARIN HOUSING AUTHORITY AND AUTHORIZE CONTRACT WITH NAN MCKAY & ASSOCIATES FOR CONDUCTING ANNUAL RECERTIFICATIONS**

Christine Gouig introduced this item. Ms. Gouig explained that HACA's Procurement Policy requires that procurement actions exceeding \$150,000 be brought to the Housing Commission for award. She reported that HACA needs to contract with a vendor to assist staff with the backlog of late annual recertifications. Ms. Gouig described the annual recertification process and explained that these must be conducted annually for all Section 8 program participants to verify their eligibility for the program. She indicated that HACA's conversion to Tenmast, HACA's new housing and financial software, was a factor in the delays with the recertifications.

Jennifer Cado, Senior Administrative Analyst, presented the staff report. Ms. Cado described the challenges and issues with HACA's conversion to the new software system. She also described the impact that the late recertifications had on HACA's score for the Section Eight Management Assessment Program (SEMAP) that HUD uses to measure HACA's performance in the administration of the Section 8 Program. Ms. Cado reported that Nan McKay & Associates (Nan McKay) has been an industry leader for many years, that the Marin Housing Authority recently procured a contract with Nan McKay for their recertifications and that staff would like to enter into an intergovernmental agreement with the Marin Housing Authority to enable HACA to utilize their procurement to award a contract to Nan McKay.

Recommendation: Authorize an intergovernmental agreement with the Marin Housing Authority and award contract to Nan McKay and Associates for annual recertifications.

Commission Discussion: Cmr. Gerry and Ms. Cado discussed how Nan McKay would process HACA's recertifications. Cmr. Hannon and Ms. Cado talked about some of the steps that Tenmast has taken to mitigate some of the issues with HACA's software conversion and transition. Cmr. Hannon and Ms. Gouig talked about HACA's staffing and Ms. Gouig indicated that the work Nan McKay will do will be done remotely. Ms. Gouig praised staff for working through the many challenges during the software conversion process. Cmr. Lamnin asked if the software challenges will still be an issue once staff is caught up with the recertifications and Ms. Cado indicated that staff has worked out most of the issues so once the recertifications are caught up, there should not be any issues moving forward. Cmr. Kumagai and Ms. Gouig discussed staffing and the funding for this project. He commended staff for utilizing an intergovernmental agreement. Cmr. Kumagai and Ms. Cado discussed the impact on the program participants. Ms. Cado indicated that the program participants will not be penalized for the late recertifications. Cmr. Ballew and Ms. Gouig discussed Housing Assistance Payments and funding for the Section 8 program. Cmr. Ballew asked about automating this process and allowing participants to complete this process online. Ms. Gouig indicated that housing authorities have been discussing this but none have been able to completely automate this process. Cmr. Ballew asked if HACA's software can handle an automated process and Ms. Gouig indicated that it cannot but housing industry software companies are aware that this is something housing authorities want. Cmr. McQuaid and Ms. Gouig discussed what happens when there is a decrease as a result of a recertification.

Motion/Second: Hannon/McQuaid.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-5. ACTION: HOUSING INSPECTION SERVICES CONTRACT AWARD**

Christine Gouig presented the staff report. Ms. Gouig described HACA's housing inspection processes and requirements and indicated that some of the housing inspections are contracted out to a vendor that HACA has been under contract with for many years. She reported that the contract for housing inspections has expired and that staff issued a Request for Proposals (RFP) for housing inspection services. She further reported that staff received two (2) proposals in response to the RFP, described the evaluation process and recommended that the Housing Commission award the contract for housing inspection services to I Sterling, Inc.

Recommendation: Award a contract to I Sterling, Inc. for Housing Quality Standards inspection services and authorize the Executive Director to execute the contract and any and all documents that may be required.

Commission Discussion: Cmr. Hannon and Ms. Gouig discussed the quarterly HQS inspection reports that staff provide to the Commission. Cmr. Hannon asked if HACA charges owners for re-inspections. Ms. Gouig stated that HACA does not charge a re-inspection fee but will hold Housing Assistance Payments if landlord does not complete required repairs. Cmr. Kumagai and Ms. Gouig discussed Sterling's experience and the rates quoted in their proposal.

Motion/Second: Hannon/McQuaid.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-6. ACTION: APPROVE AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES**

Christine Gouig, Executive Director, introduced this item. Ms. Gouig reported that HACA has been working with HACA and Alameda County Behavioral Health Care Services (BHCS) for many years on developing programs that serve the homeless mentally ill. She indicated that HACA entered into a Memorandum of Understanding (MOU) with BHCS for this purpose and that amendments to the MOU have been brought forward to the Housing Commission through the years. Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor reported that BHCS received funding in 2018 resulting in the need to do a 3<sup>rd</sup> amendment to the MOU. He explained that because BHCS was under a deadline to commit the funding, HACA signed the 3<sup>rd</sup> amendment to the MOU with the intent of bringing the amended MOU to the Housing Commission for approval at its next meeting. He explained that due to an oversight the 3<sup>rd</sup> amendment was not presented. Mr. Taylor recommended that the Housing Commission approve the amended MOU and authorize the Executive Director to execute future amendments to enable BHCS to quickly make changes to their programs as needs are identified. Ms. Gouig indicated that she will notify the Housing Commission of any future amendments to the MOU.

Recommendation: Authorize Executive Director to execute the amendment to the Memorandum of Understanding with Alameda County Behavioral Health Care services and authorize the Executive Director to execute future amendments.

Commission Discussion: Cmr. Lamnin and Mr. Taylor discussed how BHCS's programs create housing opportunities. Ms. Gouig described HACA's roles and BHCS roles in these programs.

Motion/Second: Patz/Olson.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-7. ACTION: HACA SCHOLARSHIP COMMITTEE APPOINTMENTS**

Daniel Taylor presented the staff report. Mr. Taylor reported that HACA provides an opportunity for participants of the Family Self-Sufficiency (FSS) Program and the tenants of HACA's instrumentality, Preserving Alameda County Housing, Inc., with the opportunity to apply for a scholarship for eligible expenses related to their education. He explained that the scholarship applications are reviewed and recommendations for award are made by the HACA Scholarship Committee. Mr. Taylor reported that Cmr. Buckholz, Gacoscos and Patz served on last year's committee and recommended that the Housing Commission appoint members to the 2019 HACA Scholarship Committee. After a brief discussion, the Housing Commission recommended the appointment of Cmr. Bukholz, Gacoscos, Kumagai, McQuaid and Patz to the 2019 HACA Scholarship Committee.

Recommendation: Approve the appointment of Cmr. Bukholz, Gacoscos, Kumagai, McQuaid and Patz to the 2019 HACA Scholarship Committee.

Motion/Second: Patz/Hannon.

Ayes: All. Motion passed. **APPROVED AS RECOMMENDED.**

**4-8. INFORMATION: QUARTERLY INVESTMENT PORTFOLIO REPORT FOR THE QUARTER ENDED DECEMBER 31, 2018**

Cathy Leoncio, Finance Director, presented the staff report.

Commission Discussion: Cmr. Gerry and Ms. Leoncio discussed the average interest rates for the funds in HACA's portfolio. Cmr. Lamnin, Ms. Leoncio, and Ms. Gouig discussed the Local Agency Investment Fund (LAIF) and unfunded pension liability. Cmr. Kumagai asked how staff decides on the funds to invest in. Ms. Leoncio stated that investments are made in accordance with HACA's Investment Policy and indicated that she would provide an update at a future Commission meeting.

**4-9. INFORMATION: BUDGET STATUS REPORT**

Cathy Leoncio presented staff report.

Commission Discussion: Cmr. Kumagai and Ms. Leoncio discussed the net deficit and Ms. Leoncio explained the factors that are considered in the calculation of this deficit.



**4-10. INFORMATION: PROGRAM ACTIVITY REPORT**

Daniel Taylor presented the staff report. Mr. Taylor described the Family Self-Sufficiency (FSS) program and its goals and initiatives. He summarized the FSS Program highlights for 2018 and talked about the Homeownership Program.

Commission Discussion: Cmr. Gerry encouraged the Housing Commissioners to attend the various FSS events. Cmr. Hannon commented on the data for Portability and indicated that he was surprised to see the number of participants porting into the Bay Area given the high rental market.

**5. COMMISSIONER REPORTS**

None.

**6. COMMITTEE REPORTS**

None.

**7. COMMUNICATIONS**

Christine Gouig announced that HUD presented HACA with two awards. She reported that one award is for HACA's "High Performer" rating and the other is for the successful completion of an audit conducted by HUD's Office of the Inspector General. Ms. Gouig stated that there were no findings from that audit. The awards were passed around to the Housing Commission and the public.

Ms. Gouig also announced that the 2019 National Association of Housing and Redevelopment Officials (NAHRO) Washington conference is in April and talked about the attendance of one Housing Commissioner. Commissioner Olson indicated he would like to attend.

Melissa Taesali, Executive Assistant, reported on the various options for Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) device training for staff.

Ms. Gouig announced that she would be returning from Washington, D.C. on April 10, the date of the next Housing Commission meeting. The Housing Commission agreed to move the April meeting to April 11.

**8. ADJOURNMENT**

There being no further business to discuss, Chairperson Gerry adjourned the meeting at 9:35 a.m.

Respectfully Submitted,

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Melissa Taesali  
Executive Assistant

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Christine Gouig  
Executive Director/Housing Commission Secretary

**Approved:** 

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Mark Gerry  
Housing Commission Chairperson

# **NEW BUSINESS**

**April 11, 2019**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: April 11, 2019

Subject: Section 8 HCV Payment Standards

Exhibits Attached: Resolution No. 04-19

Recommendation: Adopt the Attached Resolution Approving the Proposed Payment Standards for the HCV Program

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**BACKGROUND**

A housing authority's payments to landlords to subsidize the rents of Section 8 Housing Choice Voucher (HCV) Program participants are called "Housing Assistance Payments" (HAP). A formula determines the total HAP funding that HUD provides annually to each housing authority. Congress may or may not appropriate sufficient funds to fund 100% of that formula.

A housing authority must manage the HAP funds that it receives from HUD to pay landlords enough so that families can afford modest housing and yet not run out of money before the end of the year. If a housing authority sets the rents that families are allowed to pay too low for its market area, families won't be able to find suitable housing and/or will have to pay too much of their income (i.e., more than 30% - 40%) for rent. If the housing authority sets rents too high, it may run out of HAP funds and will have to reduce the size of its program, possibly having to terminate participating families unless HUD provides additional shortfall funding.

The rents that a housing authority allows participating families to pay are determined, in large part, by HUD. Every year, HUD publishes "fair market rents" for each market area in the United States to be effective October 1 of that year (October 1 is the beginning of the federal fiscal year [FFY]). Fair market rent (FMR) is the rent, including the cost of utilities (except telephone, internet and cable TV), that are paid in the market area to rent privately owned, decent, safe and sanitary rental housing that is *modest* (i.e., non-luxury and pegged at the 40<sup>th</sup> percentile of rents in the market area). It is not intended that the FMRs enable a participating family to rent every type of unit in a community.

After HUD publishes the FMRs, every housing authority must then adopt one or more "payment standard" schedules based on those FMRs. A county housing authority like HACA may either adopt a single payment standard for its entire FMR area or a separate payment standard for each city. HACA adopts payment standards by city and groups together those with the same payment standards.

The payment standard serves as a cap on HAP payments. It establishes the **maximum gross rent** (i.e., rent plus a utility allowance) that will be used by the housing authority to compute the monthly HAP that it will pay the landlord on behalf of the Section 8 family. However, HUD regulations require the housing authority to conduct a ‘rent reasonableness’ review of the requested rent based on comparisons to similar units in the same general neighborhood, and some units rent for less than the payment standard as a result.

The housing authority may establish the payment standard amount for a unit size at any level between 90% and 110% of the published FMR for that unit size. This is called the “basic range.”

**DISCUSSION and ANALYSIS**

As staff discussed at your September 2018 meeting, HUD published the 2019 FMRs for the Alameda County/Contra Costa County HUD FMR Metro Area in August. The FMRs were 8.7% - 9.8% lower than the previous year’s final FMRs for all bedroom sizes. At your meeting, you authorized staff to maintain our current payment standards and participate in a rent study with the other seven housing authorities in our FMR Metro Area to be used by HUD to reevaluate the FMRS. On March 14, 2019, HUD issued revised FMRs for us based on the rental market survey. Unfortunately, the revised FMRs are still decreased from last year as illustrated below; in general, the survey results provided only a ¼ percent increase over the FMRs that HUD published in August 2018:

<b>Revised FFY 2019 FMRs By Unit Bedrooms</b>					
Year	Studio	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2018 FMR	\$1,540	\$1,855	\$2,329	\$3,219	\$3,946
FY 2019 FMR	\$1,409	\$1,706	\$2,126	\$2,925	\$3,587
\$ Decrease	\$131	\$149	\$203	\$294	\$359
% Decrease	-8.5%	-8.0%	-8.7%	-9.1%	-9.1%

Staff has analyzed current Section 8 program data, including: 1) gross rents currently being paid by Section 8 participants, paying close attention to those that moved in the previous year, 2) the number of “over-housed” families (that is, families living in a unit larger than their voucher size), 3) the number of families whose rent exceeds the current payment standard (where the tenant pays the overage), 4) the number of families whose rent exceeds 30 percent of their adjusted monthly income, 5) proposed increases in the utility allowances, and 6) the impact on the total tenant rent portion of current participants.

After a thorough analysis of its data, staff has determined that HACA’s current payment standards are generally adequate to cover the current average gross rents for 97% of participants living in units where the number of bedrooms matches the number of bedrooms the family qualifies for. This, coupled with the fact that HACA is in shortfall and doesn’t have the funds to increase the payment standards without additional shortfall funding from HUD, leads staff to recommend that HACA maintain its current payment standards except where we must reduce them to remain within the basic range.

Cities/Bedroom Sizes with decreases are (percentages are rounded):

Cities	Bedroom Size	Current Pymt Std	New Pymt Std	\$ Decrease From Current Pymt Std	% Decrease From Current Pymt Std
Dublin and Pleasanton	Studio	\$1,579	\$1,549	\$30	2%
	One Bedroom	\$1,895	\$1,876	\$19	1%
	Two Bedroom	\$2,390	\$2,338	\$52	2%
	Three Bedroom	\$3,319	\$3,217	\$102	3%
Fremont, Newark and Union City	Studio	\$1,550	\$1,549	\$1	<1%
	Two Bedroom	\$2,347	\$2,338	\$9	<1%
	Three Bedroom	\$3,258	\$3,217	\$41	1%

**Impact on Tenants**

Tenants in the regular HCV program who live in units where the payment standard decreases will be held harmless from the decreased payment standard until their second annual recertification after the decreased payment standard becomes effective. At that point, if the payment standard has not increased to at least the original level, the tenant will have to pay the amount over the payment standard or move from the unit.

Tenants in Project-Based Voucher (PBV) units are not impacted by a reduction in the payment standards. PBV rents are capped at 110% of the FMR minus the utility allowance so there is no overage for the tenant to pay—tenants always pay 30% of their adjusted income for rent. HACA will need to adjust rents down for PBV projects in Dublin, Pleasanton, Fremont and Union City, as shown above (there are no PBV projects in Newark).

**RECOMMENDATION**

Staff recommends that your Housing Commission adopt the attached Resolution approving the payment standards shown below.

**PAYMENT STANDARDS BY CITY**

City	Unit Size by Bedrooms							
	Studio	1	2	3	4	5	6	7
Albany	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Castro Valley (u)	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Dublin	<b>\$1,549</b>	<b>\$1,876</b>	<b>\$2,338</b>	<b>\$3,217</b>	\$3,714	\$4,271	\$4,828	\$5,386
Emeryville	\$1,521	\$1,826	\$2,303	\$3,198	\$3,579	\$4,116	\$4,652	\$5,190
Fremont	<b>\$1,549</b>	\$1,861	<b>\$2,338</b>	<b>\$3,217</b>	\$3,646	\$4,194	\$4,740	\$5,288
Hayward	\$1,492	\$1,792	\$2,260	\$3,138	\$3,552	\$4,085	\$4,617	\$5,150
Newark	<b>\$1,549</b>	\$1,861	<b>\$2,338</b>	<b>\$3,217</b>	\$3,646	\$4,194	\$4,740	\$5,288
Pleasanton	<b>\$1,549</b>	<b>\$1,876</b>	<b>\$2,338</b>	<b>\$3,217</b>	\$3,714	\$4,271	\$4,828	\$5,386
San Leandro	\$1,492	\$1,792	\$2,260	\$3,138	\$3,552	\$4,085	\$4,617	\$5,150
San Lorenzo (u)	\$1,492	\$1,792	\$2,260	\$3,138	\$3,552	\$4,085	\$4,617	\$5,150
Union City	<b>\$1,549</b>	\$1,861	<b>\$2,338</b>	<b>\$3,217</b>	\$3,646	\$4,194	\$4,740	\$5,288

**HACA AGENDA ITEM NO.: 4-1.**

These payment standards would become effective July 1, 2019, and remain in effect until October 1, 2019, when HUD usually issues new FMRs and we establish new payment standards based on those FMRs. Staff will reevaluate the payment standards at that time with the goal of increasing them if possible.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 04-19**

**APPROVING BENEFIT PAYMENT STANDARDS FOR THE HOUSING CHOICE VOUCHER PROGRAM**

**WHEREAS**, the U. S. Department of Housing and Urban Development (“HUD”) requires the Housing Authority of the County of Alameda (“HACA”) to adopt one or more payment standard schedules for its Housing Choice Voucher program based on the Fair Market Rents (“FMRs”) published by HUD; and

**WHEREAS**, HUD further requires that such payment standards be set within 90 percent to 110 percent of the FMRs (known as the “basic range”); and

**WHEREAS**, HUD published FMRs for the Alameda County/Contra Costa County HUD FMR Metro Area on March 14, 2019; and

**WHEREAS**, HACA now desires to adopt payment standards within the basic range based on the March 14, 2019 FMRs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby adopt the payment standards presented at this meeting with an effective date of July 1, 2019 for annual re-examinations and move-ins with an effective date of July 1, 2019 or later.

**PASSED, APPROVED, AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on the 11<sup>th</sup> day of April 2019 by the following vote:

**AYES:**

**NAYS:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Christine Gouig  
Executive Director/Housing Commission Secretary

\_\_\_\_\_  
Mark Gerry  
Housing Commission Chairperson

**Adopted:** \_\_\_\_\_

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: April 11, 2019

Subject: Utility Allowance Schedule

Exhibits Attached:           - Resolution No. 05-19  
                                      - Proposed 07/01/2019 Utility Allowance Schedule

Recommendation:           Adopt the attached Resolution

Financial Statement:        Estimated \$752,112 increase in Section 8 program costs for HACA FY 2020-2021 and subsequent fiscal years

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**BACKGROUND**

HACA’s Section 8 Program subsidy is applied against the family’s rent and any utilities paid for by the family. The amount of the HACA utility subsidy is determined by our utility allowance schedule. The utility allowance schedule is based on the typical cost of essential utilities and services paid for by energy-conserving households that occupy housing of similar size and type in HACA’s jurisdiction. It is not meant to be an exact reimbursement of a household’s actual utility costs.

HUD requires that housing authorities review their utility allowance schedules at least annually and revise them if utility rates have changed, either up or down, **by 10% or more**. As some rates have changed by more than this amount, staff has developed a revised utility allowance schedule for your approval.

**DISCUSSION AND ANALYSIS**

**Gas and Electricity**

The utility allowances for gas and electric service are based on the PG&E residential rates. The underlying methodology for analyzing gas and electric rates follows that of an outside consultant retained by HACA in 2001, 2002 and 2004 except as otherwise noted.

**Gas:** Since rates fluctuate from month to month and year to year, HACA incorporates a floating 12-month rate average into its calculations. Gas rates increased by less than 1% last year and only 2% this year. However, the gas cooking rate for studio apartments over the years has incrementally increased to the point where it now exceeds 10% so a \$1 increase is required. The proposed gas utility allowance schedule reflects increases from \$0-\$1.



**Electricity:** Electricity rates increased by 8.4% last year and 5.6% this year. The proposed electricity utility allowance schedule reflects increases from \$0-\$13.

**Other Utilities**

**Water:** Water rates increased by 5% last year and 5% this year. The proposed water utility allowance schedule reflects increases from \$4-\$16.

**Sewer:** Sewer rates increased by less than 1% last year and 9% this year. Consequently, the current HACA allowances for sewer are not changed on the schedule.

**Garbage:** Garbage rates increased by 3.8% last year and 3% this year. Consequently, the current allowances for garbage are not changed on the schedule.

**Tenant-Supplied Stove or Refrigerator:** No increase is proposed over the current \$9 per month allowance.

**Cost Impact**

The new utility allowances are applied as we do annual recertifications so the impact for the upcoming 2019-2020 fiscal year rolls out over the course of the year. However, for the 2020-2021 fiscal year forward the \$752,112 increase in program costs shown above is the actual full cost for the year.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 05-19**

**APPROVING UPDATE TO THE UTILITY ALLOWANCE SCHEDULE**

**WHEREAS**, the U. S. Department of Housing and Urban Development (“HUD”) requires that housing authorities review their utility allowance schedules at least annually and revise them if utility rates have changed by 10% or more; and

**WHEREAS**, rates for some utilities have changed by at least 10%;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby adopt the utility allowance schedule presented at this meeting with an effective date of July 1, 2019 for annual re-examinations and move-ins with an effective date of July 1, 2019 or later.

**PASSED, APPROVED, AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on the 11<sup>th</sup> day of April 2019 by the following vote:

**AYES:**

**NAYS:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Mark Gerry  
Housing Commission Chairperson

\_\_\_\_\_  
Christine Gouig  
Executive Director/Housing Commission Secretary

**Adopted:** \_\_\_\_\_

**Housing Authority of Alameda County  
Section 8 Utility Allowance Schedule  
Effective 07/01/2019 for Re-examinations and Move-Ins Effective 07/01/2019 or Later**

<b>Single Family Homes</b>	<b>Studio</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>	<b>6 BR</b>
Electric Heating	25	25	48	65	117	126	145
Gas Heating	20	25	32	38	43	55	63
Electric Cooking	3	5	6	7	7	9	10
Gas Cooking	3	4	4	4	4	4	5
Electric Hot Water	25	28	50	73	76	76	86
Gas Hot Water	10	14	17	24	28	31	36
Refrigerator (If tenant-supplied)	9	9	9	9	9	9	10
Stove (If tenant-supplied)	9	9	9	9	9	9	10
Water	40	57	73	89	113	129	148
Sewer	28	28	28	28	28	28	32
Trash	29	29	29	49	49	78	90
Other Electric	27	37	51	63	72	79	91

<b>Attached Homes</b>	<b>Studio</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>	<b>6 BR</b>
Electric Heating	21	21	28	39	47	73	84
Gas Heating	15	20	22	26	30	31	36
Electric Cooking	3	5	6	7	7	9	10
Gas Cooking	3	4	4	4	4	4	5
Electric Hot Water	25	28	54	72	76	75	86
Gas Hot Water	10	14	17	24	29	33	38
Refrigerator (If tenant-supplied)	9	9	9	9	9	9	10
Stove (If tenant-supplied)	9	9	9	9	9	9	10
Water	33	47	60	73	93	107	123
Sewer	24	24	24	24	24	24	28
Trash	29	29	29	49	49	78	90
Other Electric	27	37	51	63	72	79	91

**HOUSING AUTHORITY OF ALAMEDA COUNTY**

**AGENDA STATEMENT**

Meeting: April 11, 2019

Subject: Resolution Hiring Retiree Under Exception to the 180-Day Wait Rule

Exhibits Attached: - Certification of Compliance for Post-Retirement Employment  
- Resolution No. 06-19

Recommendations: Adopt Resolution Approving Post-Retirement Employment to be Provided by Retiree Under Exception to the 180-Day Wait Rule

Financial Statement: Estimated \$29,500

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**BACKGROUND**

Governor Brown signed into law the California Public Employees' Pension Reform Act (C-PEPRA), which took effect on January 1, 2013. This legislation comprehensively revised how public agency retirement system benefits are accrued and administered.

Among many changes, C-PEPRA created a provision known as the 180-Day Wait Rule to govern how public entities employ retired annuitants. The Rule requires retired annuitants to wait at least 180 days before being brought back as an employee, contract employee, temporary employee or independent contractor. However, the statute delineating the Rule, Government Code Section 7522.56, also provides some exceptions when:

- The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed; and
- The appointment has been approved by the governing body of the employer in a public meeting; and
- The retiree annuitant certifies in writing to the employer upon accepting an offer of employment or contract for services to be performed that the retiree is in compliance with the requirements of Government Code Section 7522.56.

The Alameda County Employees' Retirement Association (ACERA), the pension system operated by Alameda County for the county and certain participating employers, including the Housing Authority, follows this procedure.

**DISCUSSION and ANALYSIS**

The Housing Authority currently has one Finance Director position; a single incumbent classification. The current incumbent, Cathy Leoncio, will retire effective March 30, 2019.

The Finance Director position is critically important to Housing Authority operations and the Housing Authority would experience extreme difficulty in operating without someone in the position. Therefore, staff proposes to retain Ms. Leoncio in the Finance Director position in the capacity of an independent contractor through our temp agency until her replacement is on board and for a brief time after. Staff is working with a recruitment firm, Avery and Associates, and hopes to have a new Finance Director selected and in place by July 1.

Ms. Leoncio will assist with: the FY 2019/20 budget preparation and process, provision of information and financial analysis for our upcoming negotiations with SEIU Local 1021, all financial reporting to HUD and oversight of internal accounting, budgeting and financial planning and analysis. In addition, Ms. Leoncio will overlap with her replacement for a short time to provide orientation and training.

The estimated cost for Ms. Leoncio for an approximately 4-month period is \$79,000. This includes her hourly rate and the fee to the temp agency. However, two and one-half of those months are already included in our current fiscal year budget as Ms. Leoncio's salary and will be paid from salary savings. The net cost, therefore, is about \$29,500. As Ms. Leoncio will not be a Housing Authority employee during this time, no benefits are paid.

Ms. Leoncio has completed the Certification of Compliance Form for purposes of establishing that she has met the requirements for the exception to the 180-Day Wait Rule for the performance of services in the capacity as Finance Director. Attached is the Certification of Compliance Form for your reference.

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**RECOMMENDATION**

Staff recommends that your Housing Commission adopt the attached resolution approving the post-retirement employment to be provided by retiree Ms. Catherina Leoncio under the Exception to the 180-Day Wait Rule. The form of resolution was provided to staff by ACERA's counsel.



**CERTIFICATION OF COMPLIANCE  
FOR POST-RETIREMENT EMPLOYMENT AND/OR  
CONTRACT FOR SERVICES**

**NOTICE:**

ACERA retirees cannot serve, be employed by, or be employed through a contract directly by any ACERA employer without reinstatement from retirement, except as permitted by state law. The information provided in response to Part A, below, will assist the employing department to determine the retiree's eligibility to return as an annuitant or contract employee.

**RETIREE INFORMATION:**

Last Name: <b>LEONCIO</b>	First Name: <b>CATHERINA</b>	MI:	SSN: XXX-XX-XXXX	Expected Break In Service*: 16 days
Date of Retirement: 3/30/19	Desired Date of Return as Annuitant: 4/16/19			

\*The expected break in service is the number of calendar days between the date of retirement and the expected date of return as a retired annuitant as contract employee or contractor.

<b>PART A: BREAK IN SERVICE INFORMATION (to be completed by retiree):</b>		<b>CIRCLE ONE:</b>
1. Did you or will you receive any unemployment insurance compensation within the 12 months prior to the expected date of reemployment or starting date for contract for services?	<b>YES – not eligible</b>	
2. Is your expected break in service at least 180 days as a general member?	<b>NO – continue to #2</b>	
Break in service is anticipated to be 16 days.	<b>YES – go to Part B</b>	
3. If you answered "NO" to question 2, were you given any retirement incentive (e.g., a "golden handshake" such as an additional year of service) upon retirement?	<b>NO – state # of days</b>	
4. Name and address of employer(s) prior to ACERA retirement, if any:	<b>YES – stop and notify HR</b>	
Housing Authority of the County of Alameda 22941 Atherton Street Hayward, CA 94541	<b>NO – continue to #4</b>	

<b>PART B: TERMS OF POST-RETIREMENT SERVICE (to be signed by retiree):</b>		<b>Please initial your acknowledgment:</b>
There is a limit of 960 hours of employment per fiscal year. Post-retirement employment shall not exceed a total of 960 hours each fiscal year for all services to any ACERA employers.	I have read and understand this:	<i>u</i>
Limits on hourly rate of pay. The rate of pay for the employment or services to be performed shall not be less than the minimum hourly rate nor greater than the maximum hourly rate as set forth on a published pay schedule for other employees performing comparable duties. Hourly rate for post-retirement employment shall be: \$83.36	I have read and understand this:	<i>u</i>

No service credit or other retirement benefits. The retiree will not acquire any service credit or retirement benefits under such reemployment without reinstatement to active service and suspension of retirement benefits.	I have read and understand this: <i>u</i>
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I certify that my answers to the questions in Part A are true and correct to the best of my knowledge. I also understand that my re-employment or services provided as a retired annuitant or contract employee must be in compliance with California Government Code Section 7522.56. Initials: *u*

I further understand that reemployment or providing services to employer must be in compliance with the terms of post-retirement service listed in Part B of this form. Initials: *u*

Name of ACERA employer prior to retirement:	Housing Authority of the County of Alameda
Name of employer who made offer to return as retired annuitant or contract employee:	Housing Authority of the County of Alameda
Retiree Signature: <i>Charla Freckmann</i>	Date: 4/2/19
Employer Representative Signature: <i>Charla Freckmann</i>	Date: 4/2/19
Employer Representative Name: Charla Freckmann	Title: Human Resources Manager

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 06-19**

**RESOLUTION APPROVING EXCEPTION TO THE 180-DAY WAIT PERIOD RULE**

**WHEREAS**, in compliance with Government Code section 7522.56, the Housing Authority of the County of Alameda Housing Commission must provide the Alameda County Employees' Retirement Association (ACERA) this certification resolution when hiring a retiree before one-hundred and eighty (180) days has passed since his or her retirement date; and

**WHEREAS**, Catherina Leoncio retired from the Housing Authority of the County of Alameda in the position of Finance Director, effective March 30, 2019; and

**WHEREAS**, section 7522.56 generally requires that post-retirement employment commence no earlier than 180 days after the retirement date, which would be October 1, 2019, without this certification resolution; and

**WHEREAS**, section 7522.56 provides for an exception to the 180 day wait period; and

**WHEREAS**, the exception in section 7522.56 states that the exception shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the Housing Authority of the County of Alameda Housing Commission, the Housing Authority of the County of Alameda and Catherina Leoncio certify that Catherina Leoncio has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the Housing Authority of the County of Alameda Housing Commission hereby appoints Catherina Leoncio as an interim appointment retiree annuitant to the vacant position of Finance Director under Government Code section 2122(h), with an effective date to be determined within the 180 day waiting period; and

**WHEREAS**, the employment shall be limited to nine-hundred and sixty (960) hours per fiscal year; and

**WHEREAS**, the compensation paid to retiree cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties divided by 173.333 to equal the hourly rate for the period of this exception under section 7522.56; and

**WHEREAS**, according to the Housing Authority's management salary range table, the maximum base hourly rate for this position is \$83.36; and

Housing Authority of the County of Alameda  
Resolution No. 06-19: Approving Exception to the 180-Day Wait Period Rule  
April 11, 2019  
Page 2

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**WHEREAS**, the hourly rate paid to Catherina Leoncio will be \$83.36 per hour for the period of this exception; and

**WHEREAS**, after this 180 day waiting period exception the Housing Authority may offer to increase the hourly rate of pay if it continues to employ Ms. Leoncio; and

**WHEREAS**, Catherina Leoncio has not and will not receive any other benefit incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate;

**NOW, THEREFORE, BE IT RESOLVED**, by the Housing Commission of the Housing Authority of the County of Alameda that it hereby certifies the nature of the appointment of Catherina Leoncio as described herein and that this appointment is necessary to fill the critically needed position of Finance Director for the Housing Authority of the County of Alameda and no current staff member is qualified to perform the duties of the Finance Director.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 11th day of April 2019 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

---

Mark Gerry  
Housing Commission Chairperson

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Christine Gouig  
Executive Director/Housing Commission Secretary

**Adopted:** \_\_\_\_\_



**HOUSING AUTHORITY OF ALAMEDA COUNTY**

**AGENDA STATEMENT**

Meeting: April 11, 2019

Subject: Amendment to Procurement Policy to Adopt 2 CFR 200.318

- Exhibits Attached:
- Letter from HUD
  - Resolution 07-19 Amending Procurement Policy
  - Attachment A: Revisions to HACA’s Procurement Policy

Recommendation: Adopt a Resolution Amending the Housing Authority’s Procurement Policy

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**BACKGROUND**

For fiscal year 2018, the federal Office of Management and Budget (OMB) implemented certain provisions of the National Defense Authorization Act for all federal grant recipients. These provisions deal with procurement by grant recipients when using federal funds. Specifically, they specify increased cost thresholds for various types of purchases. Usually, higher thresholds do not become effective until implemented by the Federal Acquisition Regulation (FAR) and Uniform Guidance. However, to allow maximum flexibility for grant recipients, OMB granted an exception under its authority in 2 CFR 200.318 and HUD has issued a letter (attached) to housing authority executive directors authorizing use of the increased thresholds. HUD has directed us to document changes based on this exception in our general procurement procedures.

**DISCUSSION AND ANALYSIS**

The attached pages document the changes to our Procurement Policy adopted by your Commission in 2015. They add citations referencing 2 CFR part 200.318 and include non-substantive additions and deletions of text. Key changes are the maximum dollar amounts for each type of procurement method as shown below:

**Petty Cash Purchases.** Purchases of \$50 or less 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. This is the same as in our current Policy.

**Small Purchase Procedures.** For any amount above the Petty Cash ceiling, but not exceeding \$250,000, the Agency may use small purchase procedures. Under small purchase procedures, the Agency shall obtain a reasonable number of quotes (preferably three). The current limit is \$150,000 but 2 CFR part 200.318 increases it to \$250,000.

**Micro Purchases.** Purchases of less than \$10,000 (formerly \$3,000), also known as Micro Purchases, require only one quote provided the quote is considered reasonable based on Agency staff research and knowledge of the market.

**Sealed Bid.** Sealed bidding is the preferred method for procuring construction, supplies and non-complex service contracts that are expected to exceed \$250,000 (formerly \$150,000).

**Cost Estimate.** For all purchases above the Micro Purchase threshold (\$10,000, formerly \$3,000), the Agency shall prepare an Independent Cost Estimate (ICE) prior to solicitation. The Agency uses the ICE as its guide when procuring goods and services and compares the quotes it receives to the ICE.

The amended Policy also includes conforming references to \$250,000 rather than \$150,000 in clauses that deal with bid protests and advertising.

Staff recommends your Commission approve the amended Procurement Policy presented at this meeting.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

MAR 12 2019

Dear Executive Director:

I am writing to give you an update about the implementation of statutory changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance. By a June 20, 2018, Memorandum for Chief Financial Officers and Heads of Small Executive Agencies (M-18-18) (<https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf>), OMB has implemented provisions of the National Defense Authorization Act (NDAA) for FY 2018 (Pub. L. No. 115-91 enacted on December 12, 2017). Specifically, section 806 of the NDAA raised the micro-purchase threshold from \$3,500 to \$10,000, and section 805 of NDAA raised the simplified acquisition threshold from \$100,000 to \$250,000 for all grant recipients (Nonfederal entities, as defined in 2 CFR 200.69 (e.g., PHAs)).

Pursuant to 2 CFR 200.67 and 200.88, these higher thresholds are typically not effective until implemented in the Federal Acquisition Regulation (FAR) and Uniform Guidance (2 CFR Part 200). In order to allow maximum flexibility for grant recipients, OMB granted an exception under its authority in 2 CFR 200.102 to allow all grant recipients, except where prohibited by statute (e.g., state law with lower simplified acquisition thresholds), to use these higher thresholds effective June 20, 2018. PIH is applying this exception to all grant recipients (e.g. PHAs), and grant recipients should document any change based on this exception in accordance with 2 CFR 200.318 in their general procurement standard procedures.

Should you have any questions on the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance, please send your inquiry to your local Field Office. Thank you for your continued commitment to providing housing to those most in need.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominique Blom".

Dominique Blom  
General Deputy Assistant Secretary  
for Public and Indian Housing

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 07-19**

**APPROVING AMENDMENT TO THE HOUSING AUTHORITY’S PROCUREMENT POLICY**

**WHEREAS**, in 2007, the U.S. Department of Housing and Urban Development (“HUD”) released its *Procurement Handbook for Public Housing Agencies*; and

**WHEREAS**, the Housing Authority of the County of Alameda (“HACA”) developed a new Procurement Policy based on the handbook and approved by the HACA Housing Commission on October 8, 2008; and

**WHEREAS**, through an interim rule published on December 14, 2014, federal agencies, including HUD, adopted 2 CFR part 200, *Uniform Administrative Requirements*, for federal financial assistance programs; and

**WHEREAS**, on October 14, 2015, the HACA Housing Commission approved amendments to HACA’s Procurement Policy incorporating 2 CFR part 200, *Uniform Administrative Requirements*, to conform to the new rule; and

**WHEREAS**, on March 1, 2019, HUD issued a letter to housing authorities advising them of the Office of Management and Budget’s implementation of statutory changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance and authorizing housing authorities to incorporate such changes into their procurement procedures; and

**WHEREAS**, HACA is desirous of implementing the changes authorized by HUD;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission does hereby approve the amendments to HACA’s Procurement Policy as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this \_\_\_\_\_ day of \_\_\_\_\_ 2019 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Christine Gouig  
Executive Director/Housing Commission Secretary

\_\_\_\_\_  
Mark Gerry  
Housing Commission Chairperson

**Adopted:** \_\_\_\_\_

# **BUDGET STATUS** **REPORT**

**Housing Authority of Alameda County  
HOUSING CHOICE VOUCHER  
Administrative Budget Status Report FYE June 30, 2019  
February 2019**

<b>FY 2019 - HCV OPERATING BUDGET</b>	<b>Budgeted @ 2/28/2019</b>	<b>Actual @ 2/28/2019</b>	<b>OVER (UNDER)</b>	<b>PROJECTED 6/30/2019</b>	<b>SCH. NO.</b>	<b>2018 BUDGET</b>	<b>2019 BUDGET</b>	<b>DIFFERENCE</b>
<b>INCOME</b>								
Investment Income	334	51	(283)	76	A1	500	500	0
Misc. Income	218,345	218,040	(306)	294,059	A1	326,000	327,518	1,518
Grant Income	0	0	0	0				0
Administrative Fee Income	4,630,705	4,688,703	57,998	7,104,232	A	6,634,582	6,946,058	311,476
<b>TOTAL INCOME</b>	<b>4,849,384</b>	<b>4,906,793</b>	<b>57,409</b>	<b>7,398,368</b>		<b>6,961,082</b>	<b>7,274,076</b>	<b>312,994</b>
<b>EXPENSES</b>								
<b>Administration</b>								
Salaries	(2,646,060)	(2,674,739)	(28,679)	(4,090,777)	B-1&2	(3,759,964)	(3,969,090)	(209,126)
Other Admin.	(1,130,367)	(975,712)	154,655	(1,463,568)	C-1&2	(1,593,691)	(1,695,551)	(101,860)
<b>Total</b>	<b>(3,776,428)</b>	<b>(3,650,451)</b>	<b>125,977</b>	<b>(5,554,345)</b>		<b>(5,353,655)</b>	<b>(5,664,641)</b>	<b>(310,986)</b>
<b>General</b>								
Insurance	(149,674)	(103,261)	46,413	(154,892)	E	(224,697)	(224,511)	186
Employee Benefits	(1,508,254)	(1,513,986)	(5,732)	(2,270,979)		(2,143,179)	(2,262,381)	(119,202)
Miscellaneous	0	0	0	0		0	0	0
<b>Total</b>	<b>(1,657,929)</b>	<b>(1,617,248)</b>	<b>40,681</b>	<b>(2,425,871)</b>		<b>(2,367,876)</b>	<b>(2,486,893)</b>	<b>(119,017)</b>
<b>Total Routine Expenses</b>	<b>(5,434,356)</b>	<b>(5,267,699)</b>	<b>166,657</b>	<b>(7,980,217)</b>		<b>(7,721,531)</b>	<b>(8,151,534)</b>	<b>(430,003)</b>
<b>Capital Expenditures</b>								
	0	0	0	0	D2	0	0	0
<b>TOTAL EXPENSES</b>	<b>(5,434,356)</b>	<b>(5,267,699)</b>	<b>166,657</b>	<b>(7,980,217)</b>		<b>(7,721,531)</b>	<b>(8,151,534)</b>	<b>(430,003)</b>
<b>Income (Deficit)</b>						<b>(760,449)</b>	<b>(877,458)</b>	
<b>NET INCOME (DEFICIT)</b>	<b>(584,972)</b>	<b>(360,906)</b>	<b>224,067</b>	<b>(581,849)</b>		<b>(760,449)</b>	<b>(877,458)</b>	<b>(117,010)</b>

Unrestricted Net Position @ 6/30/18  
 Budgeted Income (Deficit) FYE 6/30/19  
 Projected Unrestricted Net Assets @ 6/30/19

\$ (7,764,393)  
 (877,458)  
\$ (8,641,852)

	Op. Res w/o GASB 68- pension	GASB 68 - Pension	Total
UNP @ 6/30/17	1,144,448	(7,569,654)	(6,425,207)
Loss @ 6/30/18-unaudited	(219,165)	(1,120,022)	(1,339,187)
UNP @ 7/1/18-unaudited	925,282	(8,689,676)	(7,764,393)
Budgeted Loss @ 6/30/19	(877,458)	(1,100,000)	(1,977,458)
Est. UNP @ 6/30/19	47,824	(9,789,676)	(9,741,852)

# **PROGRAM ACTIVITY** **REPORT**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: April 11, 2019

Subject: Programs Activity Report

Exhibits Attached: Section 8 Contract and Housing Assistance Payments (HAP) Report; Section 8 Average Contract Rent Report; Landlord Rental Listing Report; FSS Program Monthly Report

Recommendation: Receive Report

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**SECTION 8 HOUSING CHOICE VOUCHERS (HCV)**

- **Lease-Up:** As of April 1, 2019, the Section 8 HCV program had 5,951 units under contract. This number includes HACA vouchers and portability clients for which we are being billed by the receiving housing authority, but excludes portability clients for which we are billing the initial housing authority. We continue to reduce the number of vouchers as required by the HUD shortfall team.
- **HCV Program Utilization:** As of April 1, 2019, the average HAP subsidy was \$1,657 and the average tenant-paid rent portion was \$521 for an average Contract Rent of \$2,178. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.
  - ❖ As of April 1, 2019, HACA had 138 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority's jurisdiction).
  - ❖ As of April 1, 2019, HACA billed other housing authorities for 513 incoming portability contracts.
  - ❖ As of March 27, 2019, 226 of PACH's 230 project-based voucher (PBV) units are leased. One additional unit is expected to be leased before April 1<sup>st</sup>. These are HACA's former public housing units converted under HUD's Section 18 or Rental Assistance Demonstration programs and transferred to PACH, HACA's instrumentality.
- **Section 8 Contract Reports:** Copies of the Contract Reports are attached. The Section 8 Contract and HAP Report includes HACA certificates, HACA vouchers and portability clients for which we are billing the initial housing authority. The Section 8 Average Contract Rent Report includes HACA vouchers and portability clients for which we are billing the initial housing authority.



**HACA AGENDA ITEM NO.: 4-6.**

- **Landlord Rental Listings:** As of March 27, 2019, there were 38 active properties listed. Five new landlords were added to the Section 8 program in February. New landlords added in March will be included in next month's report.
- **HCV Housing Quality Standards (HQS) Abatements:** First quarter 2019 HAP abatement information will be included in next month's report.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Contract and HAP Report for the month of March 2019**

City	Certificates		Vouchers		MARCH 2019 TOTAL		MARCH 2018	MARCH 2017
	Number	HAP*	Number	HAP**	Number	HAP		
		based on avg		based on avg				
		\$1,741		\$1,667				
Albany	0	\$0	15	\$25,005	15	\$25,005	18	23
Castro Valley	6	\$10,446	220	\$366,740	226	\$377,186	214	206
Dublin	4	\$6,964	402	\$670,134	406	\$677,098	398	351
Emeryville	5	\$8,705	143	\$238,381	148	\$247,086	154	157
Fremont	23	\$40,043	1,031	\$1,718,677	1,054	\$1,758,720	1,061	1,067
Hayward	45	\$78,345	1,908	\$3,180,636	1,953	\$3,258,981	1,982	1,996
Newark	5	\$8,705	209	\$348,403	214	\$357,108	211	212
Pleasanton	4	\$6,964	213	\$355,071	217	\$362,035	206	117
San Leandro	10	\$17,410	1,304	\$2,173,768	1,314	\$2,191,178	1,358	1,407
San Lorenzo	2	\$3,482	189	\$315,063	191	\$318,545	202	203
Union City	3	\$5,223	702	\$1,170,234	705	\$1,175,457	731	751
<b>TOTALS</b>	<b>107</b>	<b>186,287</b>	<b>6,336</b>	<b>10,562,112</b>	<b>6,443</b>	<b>10,748,399</b>	<b>6,535</b>	<b>6,490</b>

\* Based on an average March Housing Assistance Payment (HAP) of \$1,741 per certificate contract

\*\*Based on an average March Housing Assistance Payment (HAP) of \$1,667 per voucher contract

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Average Contract Rent Report for the Month of March 2019

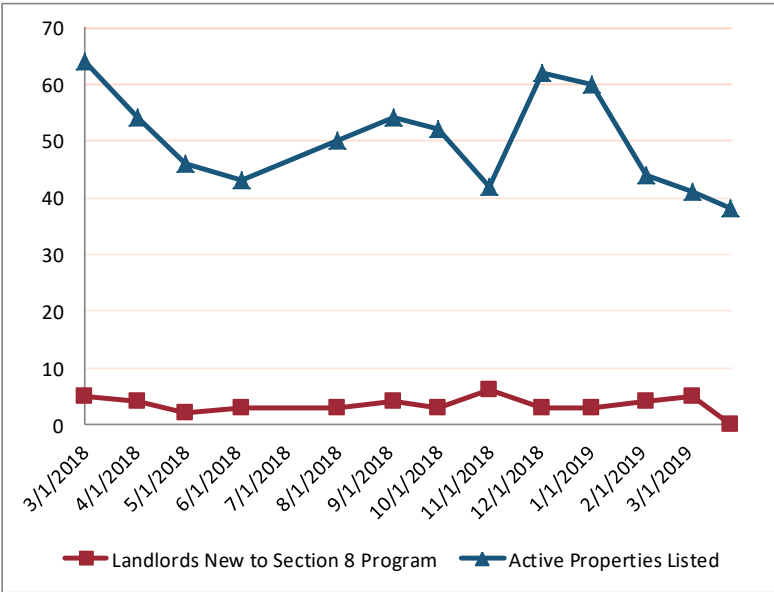
City	Number of HAP Contracts (HCV Only)	Average Contract Rent	Average HAP Paid by HACA	Average Rent Paid by Family	Average Family-Paid Rent as a Percentage of Average Contract Rent
Albany	15	\$1,697	\$1,318	\$379	22%
Castro Valley	220	\$2,206	\$1,705	\$501	23%
Dublin	402	\$2,000	\$1,553	\$447	22%
Emeryville	143	\$1,755	\$1,247	\$499	28%
Fremont	1,032	\$2,354	\$1,842	\$513	22%
Hayward	1,908	\$2,107	\$1,599	\$507	24%
Newark	209	\$2,575	\$1,897	\$678	26%
Pleasanton	213	\$1,808	\$1,396	\$411	23%
San Leandro	1,304	\$2,135	\$1,610	\$524	25%
San Lorenzo	189	\$2,355	\$1,766	\$589	25%
Union City	702	\$2,402	\$1,837	\$565	24%

\*Some rents may vary by \$1 due to rounding

## Landlord Rental Listing Report

### Monthly

	3/1/2018	4/2/2018	5/1/2018	6/4/2018	8/1/2018	9/4/2018	10/1/2018	11/1/2018	12/3/2018	1/2/2019	2/4/2019	3/4/2019	3/27/2019
<b>Landlords New to Section 8 Program</b>	5	4	2	3	3	4	3	6	3	3	4	5	0
<b>Active Properties Listed</b>	64	54	46	43	50	54	52	42	62	60	44	41	38





**To:** Christine Gouig, Executive Director  
**From:** Daniel Taylor, Special Programs Manager  
**Re:** **FSS Program Summary**  
**CC:** Linda Evans, Phyllis Harrison, Mary Sturges, Vannessa Kamerschen  
**Date:** March 25, 2019

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<b>Program Summary</b>	<b>March 2019</b>
Total Clients Under Contract:	196
MDRC:	100
Graduates:	4
Escrow Disbursed:	\$71,797.12
Ports In:	0
Ports Out:	1
Terminations:	0
New Contracts:	3

### **Workshop**

On Saturday, March 16, 2019, the FSS team hosted a *Vision Board* workshop. Debora Jackson, Life Coach, presented the workshop. The goal of the workshop was to help participants develop a visual tool to bring focus to their life goals, which leads to a higher success rate of goal achievement. Participants were introduced to five benefits of creating and using vision boards:

1. Goal clarification
2. Energy focus
3. Encouragement to take action
4. Establishment of new habits that lead to goal achievement
5. Increased awareness of opportunities related to personal goals

Twenty-one (21) FSS participants attended. The FSS team received a lot of positive feedback from participants in attendance.

### **Housing Choice Voucher (HCV) Homeownership Program**

On Wednesday, March 20, 2019, the FSS team held a Housing Choice Voucher (HCV) homeownership program information session for FSS participants. The purpose of the session was to explain how to use a voucher to purchase a home and receive monthly assistance in meeting homeownership expenses. Thirty-three (33) participants attended.

**Case Management Referrals = 14**

**Job Referrals = 111**

# **ATTACHMENT**

## **A**

## PROCUREMENT POLICY

Adopted: 10/8/2008

### 5.0 PROCUREMENT METHODS

- 5.1 **Petty Cash Purchases.** Purchases of \$50 or less 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 shall be reconciled and replenished periodically.
- 5.2 **Small Purchase Procedures.** ~~In accordance with 2 CFR 200.318, f~~For any amounts above the Petty Cash ceiling, but not exceeding ~~\$250,000~~ \$150,000, the Agency may use small purchase procedures. Under small purchase procedures, the Agency shall obtain a reasonable number of quotes (preferably three); however, for purchases of less than ~~\$10,000~~ \$3,000 (except for a construction procurement, subject to the Davis Bacon Act, which is set at \$2,000), also known as Micro Purchases, only one quote is required provided the quote is considered reasonable. To the greatest extent feasible, and to promote competition, small purchases should be distributed among qualified sources. Quotations for Small Purchases (QSP), or quotes, may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Award shall be made to the responsive and responsible vendor that submits the lowest cost to the Agency. If award is to be made for reasons other than lowest price, documentation 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: (1) permit use of the small purchase procedures or (2) avoid any requirements that applies to purchases that exceed the Micro Purchase threshold.

Contracts and orders for supplies, services and equipment in excess of ~~\$10,000~~ \$3,000 shall require an additional signature by the Finance Director or the Executive Director. If the signatories are not available the Accountant may substitute for the Finance Director and the Deputy Director for Programs may substitute for the Executive Director. Individual contracts in excess of \$25,000 but less than ~~\$250,000~~ \$150,000 shall be brought to the Housing Commission, at the next available monthly meeting, as an information item.

- 5.3 **Sealed Bids.** Sealed bidding, also known as Invitation for Bids (IFB), shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this Policy. Under sealed bids, the Agency publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming with all the material terms and

## PROCUREMENT POLICY

Adopted: 10/8/2008

conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed ~~\$250,000~~ ~~\$150,000~~.

- 5.3.1 Conditions for Using Sealed Bids.** The Agency shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; three or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.
- 5.3.2 Solicitation and Receipt of Bids.** An IFB is issued that 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 must state the time and place both for receiving the bids and the public bid opening. 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.
- 5.3.3 Bid Opening and Award.** Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids, which shall then be 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 doing this 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.
- 5.3.4 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 nonjudgmental character was made, the nature of the mistake, 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



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**5.6 Cooperative Purchasing/Intergovernmental Agreements.** The Agency may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, 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 intergovernmental 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 §200.317 through §200.326.

### 6.0 INDEPENDENT COST ESTIMATE (ICE)

**6.1 General.** For all purchases above the Micro Purchase threshold (~~\$3,000~~ **\$10,000**), 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.

### 7.0 COST AND PRICE ANALYSIS (CPA)

**7.1 General.** The Agency shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the following instructions.

**7.1.1 Petty Cash and Micro Purchases.** No formal cost or price analysis is required. 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.

**7.1.2 Small Purchases.** 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, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.

**7.1.3 Sealed Bids.** The presence of adequate competition should generally be sufficient to establish price reasonableness. Where

## PROCUREMENT POLICY

Adopted: 10/8/2008

sufficient bids are not received, and when the bid received is substantially more than the ICE, and where 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.

- 7.1.4 Competitive Proposals.** The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, the Agency must compare the price 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.
- 7.1.5 Contract Modifications.** A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of ~~\$250,000~~ \$150,000.

## 8.0 SOLICITATION AND ADVERTISING

### 8.1 Method of Solicitation.

- 8.1.1 Petty Cash and Micro Purchases.** The Agency may contact only one source if the price is considered reasonable.
- 8.1.2 Small Purchases.** Quotes may be solicited orally, through fax, e-procurement, or by any other reasonable method.
- 8.1.3 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.
- 8.1.3.1** Advertising in newspapers or other print mediums of local or general circulation.
- 8.1.3.2** Advertising in various trade journals or publications (for construction).

## PROCUREMENT POLICY

Adopted: 10/8/2008

- 8.1.3.3 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 §200.317 through §200.326, State and local requirements, and the Agency's procurement policy.
- 8.2 **Time Frame.** For purchases of more than ~~\$150,000~~ **\$250,000**, the public notice should run not less than once each week for two consecutive weeks.
- 8.3 **Form.** Notices/ advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact that can provide a copy of, and information about, the solicitation, and a brief description of the needed items(s).
- 8.4 **Time Period for Submission of Bids.** A minimum of 21 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the Executive Director may allow for a shorter period under extraordinary circumstances.
- 8.5 **Cancellation of Solicitations.**
- 8.5.1 An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:
- 8.5.1.1 The supplies, services or construction is/are no longer required;
- 8.5.1.2 The funds are no longer available;
- 8.5.1.3 Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
- 8.5.1.4 Other similar reasons.
- 8.5.2 A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
- 8.5.2.1 The supplies or services (including construction) are no longer required;
- 8.5.2.2 Ambiguous or otherwise inadequate specifications were part of the solicitation;

## PROCUREMENT POLICY

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- 8.6 Credit (or Purchasing) Cards.** Credit card usage should follow the rules for all other small 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 shall use the following reasonable safeguards:

Use of credit cards shall be limited to authorized Agency business travel (including meals and related travel expenses not covered by a per diem), payment for gasoline for an official Agency vehicle, conference registration, workshop and internet-based seminar fees, and payment for materials, goods, and supplies, subject to the Micro Purchase limit, without approval by the Executive Director.

Without exception, the credit card may not be used at any time for personal expenses or purchases, even if the employee subsequently reimburses the Agency, unless approved by the Executive Director. Personal use of an Agency credit card constitutes an unauthorized use of funds, and shall be deemed a violation of this Policy and may be subject to discipline, up to and including termination.

## 9.0 BONDING REQUIREMENTS

- 9.1 General.** The standards under this section apply to construction contracts that exceed ~~\$250,000~~ \$150,000. There are no bonding requirements for small purchases or for competitive proposals. The Agency may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

**9.1.1 Bid Bonds.** For construction contracts exceeding ~~\$250,000~~ \$150,000 offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

**9.1.2 Payment Bonds.** For construction contracts exceeding ~~\$250,000~~ \$150,000, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:

**9.1.2.1** A performance and payment bond in a penal sum of 100% of the contract price; or

**9.1.2.2** Separate performance and payment bonds, each for 50% or more of the contract price; or

## PROCUREMENT POLICY

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- 14.1 General.** All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying the Agency's 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. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.
- 14.2 Limitation.** The following types of specifications shall be avoided:
- 14.2.1** 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);
- 14.2.2** Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use).

Nothing in this Policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

## 15.0 APPEALS AND REMEDIES

- 15.1 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.
- 15.2 Informal Appeals Procedure.** The Agency shall adopt an informal bid protest/appeal procedure for contracts of ~~\$150,000~~ **\$250,000** or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contract Officer.
- 15.3 Formal Appeals Procedure.** A formal appeals procedure shall be established for solicitations/contracts of more than ~~\$150,000~~ **\$250,000**.
- 15.3.1 Bid Protest.** Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the

## PROCUREMENT POLICY

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- 16.3.5 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 DOL in 20 CFR §654, Subpart A, and in the list of labor surplus areas published by the Employment and Training Administration.

### 17.0 BOARD APPROVAL OF PROCUREMENT ACTIONS

- 17.1 **Authority.** In addition to this Procurement Policy, approval by the Commission is required for procurement activities exceeding ~~\$150,000~~ **\$250,000**, as permitted under State and local law. It is the responsibility of the Agency Executive Director to make sure that all procurement actions are conducted in accordance with the policies contained herein. All procurements that exceed ~~\$150,000~~ **\$250,000** must have approval from the Commission prior to award and/or contract execution.

### 18.0 DELEGATION OF CONTRACTING AUTHORITY

- 18.1 **Delegation.** While the Executive Director is responsible for ensuring that the Agency's procurements comply with this Policy, the Executive Director may delegate in writing all procurement authority as is necessary and appropriate to conduct the business of the Agency. The Executive Director herein delegates procurement authority, unless specified elsewhere in this Policy, to the Procurement Analyst.
- 18.2 **Procedures.** 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 Section 3.0 herein, consistent with Federal, State, or local law.

### 19.0 DOCUMENTATION

- 19.1 **Required Records.** The Agency must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:
- 19.1.1 Rationale for the method of procurement (if not self-evident);
  - 19.1.2 Rationale of contract pricing arrangement (also if not self-evident);
  - 19.1.3 Reason for accepting or rejecting the bids or offers;