

**City of Oakland**  
**Housing and Community Development**



**NEIGHBORHOOD STABILIZATION  
PROGRAM  
REQUEST FOR PROPOSALS**

**DECEMBER 23, 2008**

## I. Summary and Background

During the last year, communities across the country have been severely impacted by mortgage foreclosures and declining property values. In response, the U.S. Department of Housing and Urban Development (HUD) developed and funded the Neighborhood Stabilization Program (NSP) to help revitalize and stabilize particularly impacted communities. The purpose of NSP is to provide targeted assistance to state and local governments to acquire and redevelop abandoned and/or foreclosed homes and residential properties that might otherwise become sources of blight within their communities. Information about the NSP is located in the October 6, 2008 issue of the Federal Register and can be accessed via the following link:

<http://www.hud.gov/utilities/intercept.cfm?/offices/cpd/communitydevelopment/programs/neighborhoodspg/nsnotice.pdf>

Through the NSP, HUD has allocated \$3.92 billion in Community Development Block Grant (CDBG) monies to communities and states nationwide, \$8.25 million of which was allocated to the City of Oakland. The plan for distributing these funds is included in the Substantial Amendment to the Consolidated Annual Action Plan submitted to HUD on December 1 by the City of Oakland. The complete Amendment can be accessed via the following link <http://www.oaklandnet.com/government/hcd/policy/docs/NSPSubAmend.pdf>. In the submission the City proposed to allocate the funds through a competitive process to organizations to help stabilize communities with acquisition and rehabilitation of properties to significantly reduce blight, restore stability, and revitalize and strengthen targeted neighborhoods.

The City of Oakland has identified over 4,000 homes that were fully foreclosed and taken back by lenders between January 2007 and October 2008. These foreclosures have been most heavily concentrated in several census block groups in West Oakland and East Oakland, where there are multiple foreclosed homes on nearly every block. Many foreclosed properties are now becoming targets for vandalism and theft, including the removal of copper piping, appliances, cabinets and other items. If left unchecked, these properties will become magnets for crime, causing further declines in property values that could accelerate the foreclosure problem in a downward spiral.

While some foreclosed properties are reselling relatively quickly, in neighborhoods that were already dealing with problems of crime and relatively weaker housing markets foreclosed homes are not moving as quickly. These neighborhoods are thus plagued by a combination of high rates of subprime lending, high foreclosure rates, and high risk of abandonment as homes remain vacant and unsold for many months.

In determining the target areas, the City relied on data provided by HUD including rates of subprime lending, predicted foreclosure rates, unemployment rates and vacancy rates. HUD's data was available at the Census block group level and included "risk scores" ranging from a low of 1 to a high of 10. Given the limited amount of NSP funds and the intent of the program to revitalize impacted neighborhoods, which requires concentrated investment, the City has chosen to target NSP funds to block groups with a risk factor of 10 and any adjacent block groups with a factor of 9. Areas with a risk factor of 10 differ from those with a risk factor of 9 primarily on the basis of higher percentages of housing units vacant for 90 days or longer, which indicates

that properties are remaining on the market for long periods of time, creating a greater risk of blight and a downward pressure on overall home prices in the neighborhood.

See maps attached to this document for detailed identification of areas of need.

## II. Request For Proposals

The Community and Economic Development Agency (CEDA), Community Development Block Grant (CDBG) Unit is sponsoring a Request for Qualifications/Proposals (RFQ/P) to select an organization or group of organizations to provide the acquisition, rehabilitation, marketing and sale of properties in the target areas of West Oakland and East Oakland that have been foreclosed upon and have been vacant for 90 days. Housing units must be purchased at below market-rates. The services are meant to remove blight and to provide decent housing to low and moderate income homebuyers. The City will also make available mortgage assistance to assist income-eligible buyers to purchase the rehabilitated homes.

The City must be able to demonstrate to HUD that the agency receiving these funds is able to develop and supervise a viable financial and construction plan for a successful rehabilitation and sale of the project sites. The agency must possess a full range of general real estate and housing development/rehabilitation knowledge, the ability to obtain bonding and adequate financing and insurance for the project and required permits and licenses and coordinate and monitor construction activity. The agency must also possess the ability to participate in a systematic approach to providing pre and post purchase counseling with the City identified provider that will lead to buyers ready and willing to purchase project sites or housing not in the program.

The RFQ/P describes the areas of expertise and the information required from the responding organizations to be considered for selection to provide the needed services. This RFP is competitive; therefore, successful proposals will thoroughly and concisely address and document the following topics:

- Areas of Greatest Need; target areas in East and West Oakland;
- Capacity of the applicant to administer the funds;
- The long-term viability of the proposed project;
- Ability to demonstrate 25% of the units developed will be used to house individuals or families whose income is at 50% AMI or below;
- Readiness to proceed;
- Demonstrated qualifications and experience
- Ability to complete the project within the federally specified timeframe;
- Ability to leverage additional resources; and
- The comprehensive scope of the proposed project(s).

### Low Income Targeting

The City of Oakland intends to invest a *minimum* of \$2.1 million of NSP funds available through the Comprehensive Neighborhood Revitalization Fund in the creation of housing opportunities for households whose incomes do not exceed 50 percent of area median income. Oakland's Permanent Access to Housing Strategy (PATH) is a roadmap for ending homelessness in the City over the next fifteen years. PATH is a companion to EveryOne Home, the Alameda Countywide Homeless and Special Needs Housing Plan. EveryOne Home is a coordinated and collaborative effort by Alameda County and the cities of Oakland and Berkeley to create a comprehensive plan for providing housing and supportive services to homeless people in Alameda County and to those people living with serious mental health illness, chemical dependency, HIV/AIDS and other disabling conditions.

Oakland encourages supportive housing proposals consistent with PATH for the expenditure of NSP funds. Proposals for this portion of the NSP should demonstrate an understanding of the costs and services involved in supportive housing developments. Oakland expects to fund at least 10 units and up to 25 units of supportive housing through NSP funding.

**Funds Available** **\$7,125,000**

**(25% of funds must be used for serving individuals/families 50% at Area Median Income)**

**\$2,100,000**

### **Process and Timeline**

**Applications must be received at CDBG's office located at 250 Frank Ogawa Plaza, Suite 5313, no later than 12:00 noon on Thursday, January 29, 2009. Applications submitted after this deadline will be accepted.**

There will be a mandatory orientation meeting to review the NSP RFP process and requirements with prospective applicants on ~~Tuesday~~ **Wednesday**, January 14, 2009 in City Hall Hearing Room 2, One Frank H. Ogawa Plaza, Oakland. The meeting will be at 10:00 a.m. to 12:00 noon. This meeting will provide information on the City's employment and contracting programs, provide any updates and answer any questions on the NSP RFP.

**IN ORDER TO BE ELIGIBLE TO SUBMIT AN APPLICATION, PROSPECTIVE APPLICANTS ARE REQUIRED TO ATTEND THE MEETING AND MUST BE PRESENT FOR THE ENTIRE LENGTH OF THE MEETING. PROSPECTIVE APPLICANTS SHOULD BRING THEIR APPLICATION PACKETS WITH THEM TO THE MEETING.**

Applicants should review the entire RFP package, as the application includes a certification that they will comply with all requirements. Prior to the application deadline, please check the Housing and Community Development website regularly for any updates, corrections or posted questions and answers regarding this RFP at <http://www.oaklandnet.com/government/hcd/>

Applicants must submit an original and one copy of a complete proposal with all the required supporting materials.

Once the staff review is complete and a final decision has been made, a staff report will be prepared for presentation, first to the City Council's Community and Economic Development Committee and then the full City Council. Final approval is by the City Council is expected in late February, 2009.

# PROGRAM REQUIREMENTS

## 1. Eligibility Criteria

### a. Eligible Applicants:

- Applicants can be individuals, partnerships, corporations, developers or community land trusts.
- Applicants must demonstrate credit worthiness, financial capacity, and relevant past experience to undertake acquisition, rehabilitation and resale of homes. For rental projects, applicants must also demonstrate capacity to manage and maintain such properties as required by the program.
- Applicants without the necessary experience **must** enter into joint venture agreements reviewed and approved by the City with experienced developers.

### b. Eligible Properties:

- Single-family and multi-family residential structures.
- Properties must be (a) foreclosed (b) vacant for at least ninety (90) days prior to purchase.
- “Foreclosed” means that pursuant to applicable state and local laws, the mortgage or tax foreclosure process has been completed. Title must have been transferred from the former homeowner. Funds may not be used for foreclosure prevention activities or for acquisition of properties that have not been foreclosed upon.
- Properties must be located in areas with a high concentration of foreclosure activity as determined by the Community and Economic Development Agency’s Housing and Community Development Division.

### c. Eligible uses of Funds:

- *Homeownership activities.* Funds must be used to benefit households whose income does not exceed one hundred percent (100%) of area median income.
- *Rental activities.* Funds must be used to benefit households whose income does not exceed fifty percent (50%) of area median income.
- *Acquisition.* Properties acquired under this program must be purchased at a discounted price below the current market value of the property, taking into account its current condition, of at least five percent (5%), as determined by a City-approved appraisal. For the program as a whole, the average discount must be at least 15% (the average program-wide discount may be reduced to 10% if the City adopts an appraisal methodology that takes into account the estimated carrying costs to the mortgagee that owns the property if it were not to sell the property to the City or a subrecipient).
- *Rehabilitation.* Funds may be used for the costs of rehabilitating properties to comply with State and local code requirements and all applicable property standards (see below) necessary to ensure housing safety, quality, and habitability. The City’s guidelines for “Eligible Repairs” under the Home Maintenance and Improvement Program (HMIP) will apply to all assisted single-family homes. Rehabilitation may include improvements to increase the energy efficiency or conservation of such homes and properties or provide a renewable energy source or sources for such homes and properties. All work must be done

under the supervision of a licensed general contractor in good standing with Contractors State License Board (CSLB).

- Related Soft Costs. Funds may be used for related soft costs such as permits and fees, architectural and engineering fees, appraisal fees, title and escrow fees, marketing and sales costs, etc. The City will allow developers to receive a developer fee not to exceed 10% of the overall project costs per HUD regulations.
- Ineligible Costs. Funds may not be used to provide improvements or finishes above standard quality. Funds may not be used to cover the costs of boarding up properties, mowing lawns, or otherwise maintaining the property in a static condition.

## 2. Property Standards

### a. Local Codes

- Upon completion, properties must meet all applicable building codes, housing and planning standards.

### b. Rehabilitation Standards

- Properties must be rehabilitated in conformance with the Performance Standards and Specifications for the Housing Rehabilitation Programs of the City of Oakland.

### c. Lead-Based Paint

- Properties must comply with all applicable Federal standards for abatement of Lead-Based Paint Hazards.

### d. Accessibility to Persons with Disabilities

- Accessibility to persons with disabilities to the extent required under applicable provisions of Section 504 of the Housing Rehabilitation Act of 1973, including compliance with Federal Uniform Accessibility Standards. Information regarding Section 504 Information can be accessed via the following link:  
[www.hud.gov/offices/fheo/disabilities/sect504.cfm](http://www.hud.gov/offices/fheo/disabilities/sect504.cfm)

## 3. Affordability Requirements

### a. Ownership Properties.

- Properties must be sold at a price at or below the total cost of acquisition and rehabilitation, including a reasonable developer fee as determined by the City.
- Properties must be occupied by households as their principal residence. Renting of such properties will not be permitted.
- Properties must be sold to households with incomes at or below 100 percent of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. **SEE THE CITY'S WEBSITE FOR A TABLE OF AREA MEDIAN INCOME LIMITS:**  
<http://www.oaklandnet.com/government/hcd/policy/docs/IncomeLimits2008.pdf>
- Properties will be subject to limitations on resale. Purchasers will be permitted to resell properties based upon the CPI from date of purchase to date of sale.

- Properties must be resold to households with incomes not to exceed 100 percent of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. In the event that the restricted price is not affordable to such households, the City may, on a case by case basis, permit the home to be resold to a household with an income not to exceed 120 percent of area median income.
  - These restrictions shall remain in place for at least 15 years from the date of each sale. If a household remains in the home for 15 years, the restrictions shall expire.
- a. Rental Properties.
- Units must be rented to households with incomes not to exceed 50 percent (50%) of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.
  - Rents may not exceed 30% of 50% of area median income, less a reasonable allowance for tenant-paid utilities. Rents will be set in accordance with the guidelines for “Low HOME units” under the federal HOME program.
  - These restrictions shall remain in place for a minimum 15 years. Additional years are strongly recommended.
  - Assisted rental projects will be subject to annual monitoring and physical inspection by the City.

### **Disbursement of Funds**

For acquisition and rehabilitation, funds will be disbursed only for costs actually incurred. Payment for construction costs will be made on a progress payment basis, subject to approval of each draw request by the City. The City will retain ten percent (10%) of the amount budgeted for construction as a performance retention, to be released upon recordation of a Notice of Completion, release of all liens, and satisfactory compliance with any other City requirements, including City contracting programs. Additionally, the City will retain an amount equal to the portion of the developer fee to be paid upon receipt and approval of a cost certification.

### **Monthly Updates**

Upon selection by the City, borrower must provide written monthly updates to City staff. Monthly updates will allow City staff to anticipate upcoming approvals needed and to stay informed about efforts to move the project forward on schedule.

### **California Environmental Quality Act (CEQA)**

Prior to recommendation to the City Council, projects must be assessed in accordance with the California Environmental Quality Act (CEQA).

### **National Environmental Policy Act (NEPA)**

The project must be assessed in accordance with the National Environmental Policy Act of 1960 (NEPA) prior to funding.

### **State Historic Preservation Review (SHPO)**

The project must be assessed In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36

CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD).

#### *Choice-Limiting Actions Prohibited During NEPA Review*

Applicants must refrain from undertaking activities that would have an adverse environmental impact or would otherwise limit the choice of reasonable alternatives between the time of application submittal and when the City has completed its environmental review process. Such activities include acquiring, rehabilitating, converting, leasing, repairing or constructing property, any kind of site preparation, or committing or expending HUD or non-Federal funds for program activities with respect to any project eligible under this RFP. If the applicant has entered into a purchase agreement or contract for any of the above activities prior to applying for this RFP, work may continue pursuant to that contract. But amendments to the contract or new contracts may not be entered into. CDBG funds may not be used to reimburse an applicant for project related costs incurred after the applicant has submitted the application for funding and before the completion of the City's environmental review process for NEPA except for activities that are excluded and not subject to federal environmental review requirements, and for certain relocation costs.

#### **Federal Funding Requirements**

Applicants will be required to comply with applicable federal statutes and laws, including, but not limited to:

- Section 3 of the U.S. Housing Act of 1968, as amended
- Equal Opportunity and related requirements in 24 CFR Section 982.53
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Architectural Barriers Act of 1968
- Fair Housing Act of 1988
- National Environmental Protection Act (NEPA )
- Federal prevailing wage requirements (Please note that projects will be required to meet the higher of Federal or State prevailing wage requirements).

#### **Lead-Based Paint**

The use of lead-based paint on City/Agency funded projects is prohibited. Testing and abatement of lead-based paint in rehabilitation projects may be required. Projects typically must follow the federal guidelines, which require notification to prospective residents of potential lead-based paint hazards, among other requirements.

#### **Required City Contracting Programs**

Applicants must comply with the following City of Oakland Employment and Contracting programs:

- 20% Local and Small Local For Profit and Not For Profit Business Enterprise Program (4/2004)
- 50% Local Employment Program (4/2004)

- 15% Oakland Apprenticeship Program (5/2000)
- Payment of Prevailing Wages
- City of Oakland Living Wage Ordinance
- City of Oakland Equal Benefits Ordinance
- Electronic Certified Payroll Submittals

More information can be found at the City of Oakland's website at <http://cces.oaklandnet.com/cceshome/>. Submission of documentation regarding the above requirements and a meeting with Contract Compliance will be required prior to loan closing and construction start. The use of contractors that appear on the federal government's list of suspended and debarred contractors is expressly prohibited.

### **Insurance**

During development, developers must obtain comprehensive general liability and property (hazard) insurance coverage of at least \$2 million. The City/Agency also requires property damage or builder's risk insurance in an amount equal to 100% of the replacement cost of the structure, with a lender's loss payable endorsement in favor of the City/Agency. Construction contractors will be required to obtain liability and builders risk insurance in an amount equal to \$2 million. Automobile insurance, professional liability, workers compensation, and employer's liability coverage are also required.

### **Payment and Performance Bonds**

General contractors will be required to provide payment and performance bonds equal to 100% of the construction contract amount.

### **Applications Become Public Records**

Applicants should understand that, under the California Public Records Act and the City's Sunshine Ordinance, all documents that they submit in response to this NOFA are considered public records and will be made available to the public upon request following the application deadline.

### **Limitation on Campaign Contributions**

The Oakland Campaign Reform Act prohibits parties doing business or seeking to do business with the City of Oakland or the Redevelopment Agency from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion of, or termination of, negotiations. Applicants are required to submit the *Acknowledgement of Campaign Contributions Limits* form.

### **Nondiscrimination**

All applicants must agree not to discriminate on the basis of race, color, ancestry, national origin, religion, sex, sexual preference, age, marital status, family status, source of income, physical or mental disability, Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis.

*The City reserves the right to suspend, amend or modify the provisions of this RFP, to reject all proposals, to negotiate modifications of proposals, or to award less than the full amount of funding available.*

# SELECTION CRITERIA

- Applicant's experience with acquisition, rehabilitation, marketing, and sale of affordable ownership housing.
- Applicants experience with City of Oakland contracting and employment programs.
- Ability to leverage outside funding for the project.
- Areas of Greatest Need; target areas in East and West Oakland;
- Capacity of the applicant to administer the funds;
- The long-term viability of the proposed project;
- Priority will be given to proposed projects in which 525% of the units developed will be used to house individuals or families whose income is at 50% AMI or below;
- Readiness to proceed;
- Demonstrated qualifications and experience
- Ability to complete the project within the federally specified timeframe;
- Preference for deeper income targeting;
- Preference for projects with affordable terms limits longer than 15 years; and
- The comprehensive scope of the proposed project(s).

In addition to the above, the following apply for Rental Projects

- Experience with acquisition, rehabilitation and management of affordable rental housing;
- Experience with rental regulation agreements and tenant certifications.

# PROPOSAL APPLICATION REQUIREMENTS

City of Oakland  
Community and Economic Development Agency  
250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
Attn: CDBG Programs

**Applications must be received in CDBG's office no later than 12 noon on Thursday, January 29, 2009. Applications received after this deadline will not be accepted.**

## APPLICATIONS SHOULD INCLUDE THE FOLLOWING

1. A narrative description of the program proposed by the Applicant which meets the Program Description provided above. It should include the following:
  - How many units
  - Rental or ownership units
  - Per unit cost
  - Total Request
  - Target Area
2. A budget for the proposed program per unit and total project, including both sources and uses of funds and indicating the amount and source of any non-City funds. Describe assumptions regarding rehabilitation costs for rental and ownership. There should be separate budgets for rental and ownership projects. Rental projects need to include operating costs in the budget. Please provide budgets in Excel format, not PDF.
3. A schedule for the proposed program
4. Evidence of Experience

Acquisition/Rehabilitation: The development entity applying for funding must have experience successfully completing at least three housing development projects. Must show evidence of at least one of the completed projects similar to the project for which funding is being sought.

Developers must submit the following information concerning all completed projects to show they meet or exceed minimum experience requirements.

- The type of project developed (Number of units, funding sources, total development cost, new construction or rehabilitation ownership or rental).
- Location of project.
- Date of project start and completion.
- List of staff members involved in the development of the project.
- The income level of the households that were served.

- Name, title, and telephone number of staff member of local governing body most familiar with the project.
- Whether project was on time and on budget (relative to schedule and budget at start of construction)
- Affordability restrictions addressed

5. Evidence of Capacity (for Acquisition/Rehabilitation)

*Developer Project Management:* Experience with 3 similar projects is required.

- Submit resumes and job descriptions of key staff.
- Please show experience with at least 3 completed projects similar to the project proposed.
- Please show that the lead staff person assigned has completed one project from start to finish, which should be of the same general type and complexity as the project being proposed.

6. Evidence of Project Team Capacity

*Consultants and Other Team Members:* Development team members must show experience with 3 similar projects.

- Provide a list of any other members of the project team, aside from the lead developer.
- Provide resumes for key staff of the project team. If rental units are being developed, need to provide property management information.

*General Contractor (if selected):* Experience with 3 similar projects required. Designation of a general contractor is not required with the RFQ/P application submission. Upon designation of a general contractor, the following information must be submitted as part of the City approval process.

- Please demonstrate experience with similar construction types, e.g. steel or wood frame, podium construction.
- If this project is unusually complex, please demonstrate experience with a project of similar complexity.
- Please show experience with prevailing wage/Davis-Bacon requirements. Experience in this area is desirable. If contractor has been involved with a previous project partially financed by the City or Agency, previous performance will be considered.
- Please show experience with local hiring programs. Experience in this area is desirable. If contractor has acted on a previous project partially financed by the City or Agency, previous performance will be considered.
- Please demonstrate that the contractor has the financial capacity to take on the project.
- Please show that the on-site construction supervisor has the experience required of the contractor.

*Joint Venture Agreement (if applicable):* If the applicant is a Joint Venture, a Joint Venture Agreement is required, clearly describing the roles and responsibilities of each partner, who is the lead partner, or if the responsibilities are approximately equally shared between the partners.

## 7. Certifications

Complete and submit the Certifications provided.

## **CERTIFICATIONS**

Applicant hereby certifies:

### **1. Truth of Application**

That the information submitted in the Loan Application and any supporting materials is true, accurate, and complete to the best of its knowledge. Applicant acknowledges and understands that if facts and/or information herein are found to be misrepresented, it shall constitute grounds for the default of the loan for which application is being made.

### **2. No Conflicts of Interest**

That, to the best of its knowledge, no "covered person" (as defined below) associated with the City has or will obtain a financial interest or benefit from this loan or the Project, or has or will obtain an interest in any contract, subcontract or agreement with respect to the loan, the Project or the proceeds thereunder, either for themselves or those with whom they have immediate family or business ties, during that covered person's tenure with the City or for one year thereafter. A "covered person" for purposes of this paragraph includes any employee, agent, consultant, officer, or elected or appointed official of the City who, with respect to activities assisted with HUD funds, (a) exercises or have exercised any functions or responsibilities, or (b) is in a position to participate in a decision making process, or (c) is in a position to gain inside information. No officer, employee, agent, or consultant of Applicant or Applicant's affiliates may occupy a Project Unit.

Applicant warrants and represents, to the best of its present knowledge, that no public official of City who has been involved in the making of this loan, or who is a member of a City board or commission which has been involved in the making of this loan, has or will receive a direct or indirect financial interest in this loan or the Project in violation of the rules contained in California Government Code Section 1090, et seq., pertaining to conflicts of interest in public contracting. Applicant shall exercise due diligence to ensure that no such official will receive such an interest. If Applicant, a general partner of Applicant, or an affiliate of Applicant or Applicant's general partner is a nonprofit corporation, Applicant warrants and represents, to the best of its present knowledge, that any such public official of City who is an employee or a noncompensated director or officer of said nonprofit corporation has disqualified himself or herself from participating in City's decision to make this loan.

Applicant further warrants and represents, to the best of its present knowledge and excepting any written disclosures as to these matter already made by Applicant to City, that (1) no public official of City who has participated in decision making concerning this loan or the Project or has used his or her official position to influence decisions regarding this loan or the Project, has an economic interest in Applicant or the Project, and (2) neither the Project nor the loan will have a direct or indirect financial effect on said official, the official's spouse or dependent children, or any of the official's economic interests. Applicant agrees to promptly disclose to City in writing any information it may receive concerning any such potential conflict of interest. Applicant's attention is directed to the conflict of interest rules applicable to governmental decision making contained in the Political Reform Act (California Government Code Section 87100, et seq.) and its implementing regulations (California Code of Regulations, Title 2, Section 18700, et seq.).

### **3. No Use of Suspended/Disbarred Contractors**

That Applicant its principal and its contractors:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this Application been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction

or contract under a public transaction; or violation of Federal or State antitrust statutes or commissions of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- (c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the subsection (b) above; and
- (d) Have not within a three-year period preceding this Application had one or more public transactions (Federal, State, or local) terminated for cause or default.

If Applicant is unable to certify as to any of the above statements, Applicant has attached a written explanation to this Agreement.

**4. Choice-Limiting Actions During NEPA Review Are Prohibited**

That the applicant acknowledges that any choice limiting actions or actions that have environmental consequences as defined in the *Program Description and Requirements* section will not be undertaken during the period between application submittal and the completion of the City's environmental review process.

**5. Applicant Will Abide by Program Rules**

That if Applicant is successful in receiving funds as a result of this Application, it will abide by all applicable rules and regulations governing the program.

**6. Applications are Public Records**

That Applicant acknowledges that the information submitted as part of this application may be made available to the public pursuant to a request under the California Public Records Act and the City of Oakland's Sunshine Ordinance.

Applicant Name(s):

\_\_\_\_\_

Signature/Date:

\_\_\_\_\_

ATTENTION: CONTRACTORS DOING BUSINESS  
WITH THE CITY OF OAKLAND

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**IMPORTANT NOTICE OF CAMPAIGN CONTRIBUTION  
REPORTING REQUIREMENTS**

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The Oakland Campaign Reform Act prohibits contractors doing business or seeking to do business with the City of Oakland, the Oakland Redevelopment Agency or the Oakland Unified School District from making campaign contributions to Oakland candidates **between commencement of negotiations and either 180 days after completion of, or termination of, contract negotiations.**

Effective July 27, 1999, if you are a contractor doing business with, or submitting a proposal to do business with, the City of Oakland or the Oakland Redevelopment Agency, you are required pursuant to the City's Campaign Reform Act to sign and date the attached ACKNOWLEDGEMENT OF CAMPAIGN CONTRIBUTION LIMITS FORM at the time you formally submit a bid, proposal, qualification or contract amendment.<sup>1</sup>

The attached ACKNOWLEDGEMENT must be received at the same time the bid, proposal, qualification or contract amendment is submitted. **Contracts may not be awarded to any contractors who have not signed this certification.** In addition, failure to file this form with any proposal or submittal subject to section 3.12.140 of the Oakland Campaign Reform Act, or filing a false acknowledgement, shall subject you to the criminal and civil enforcement provisions contained in the Act. The Oakland Public Ethics Commission is charged with enforcement of the provisions of the Act.

The City Clerk shall keep an updated list of current contractors available for inspection. The Campaign Reform Act, Oakland Municipal Code section 3.12, is available for your review at the City Clerk's Office, One Frank Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA. You may also access the Campaign Reform Act on the City's website at: [www.oaklandnet.com](http://www.oaklandnet.com).

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<sup>1</sup> The attached ACKNOWLEDGEMENT is required for contractors seeking to do business with the City of Oakland and Oakland Redevelopment Agency. For contracts with the Oakland Unified School District, please contact the Oakland Unified School District.

## Contractor Acknowledgement of City of Oakland Campaign Contribution Limits

To be completed by City Representative prior to distribution to Contractor

City Representative \_\_\_\_\_ Phone \_\_\_\_\_ Project Spec No. \_\_\_\_\_

Department \_\_\_\_\_ Contract/Proposal Name \_\_\_\_\_

This is an  Original  Revised form (check one). If Original, complete all that applies. If Revised, complete Contractor name and any changed data.

Contractor Name \_\_\_\_\_ Phone \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_, State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Submission (check one)  Bid  Proposal  Qualification  Amendment

**Majority Owner** (if any). A majority owner is a person or entity who owns more than 50% of the contracting firm or entity.

Individual or Business Name \_\_\_\_\_ Phone \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_, State \_\_\_\_\_ Zip \_\_\_\_\_

**The undersigned Contractor's Representative acknowledges by his or her signature the following:**

The Oakland Campaign Reform Act limits campaign contributions and prohibits contributions from contractors doing business with the City of Oakland and the Oakland Redevelopment Agency during specified time periods. Violators are subject to civil and criminal penalties.

I have read Oakland Municipal Code Chapter 3.12, including section 3.12.140, the contractor provisions of the Oakland Campaign Reform Act and certify that I/we have not knowingly, nor will I /we make contributions during the period specified in the Act.

I understand that the contribution restrictions also apply to entities/persons affiliated with the contractor as indicated in the Oakland Municipal Code Chapter 3.12.080.

If there are any changes to the information on this form during the contribution-restricted time period, I will file an amended form with the City of Oakland.

\_\_\_\_\_  
Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Signer

\_\_\_\_\_  
Position

To be Completed by City of Oakland after completion of the form

Date Received by City: \_\_\_\_/\_\_\_\_/\_\_\_\_ By \_\_\_\_\_

Date Entered on Contractor Database: \_\_\_\_/\_\_\_\_/\_\_\_\_ By \_\_\_\_\_