

REGULAR MEETING AGENDA - ORANGE COUNTY HOUSING FINANCE TRUST

WEDNESDAY, MARCH 16, 2022 - 10:00 A.M.

MEETING WILL BE HELD VIA TELECONFERENCE/VIDEOCONFERENCE ONLY

DOUG CHAFFEE

Chairman

STEPHEN FAESSEL

Vice Chairman

DON BARNES

Director

LISA A. BARTLETT

Director

JAMEY FEDERICO

Director

SHARI FREIDENRICH

Director

FRED JUNG

Director

DAVID PENALOZA

Director

ED SACHS

Director

Trust Manager

Adam Eliason

Trust Counsel

Jacqueline Guzman

Clerk of the Trust

Robin Stieler

GUIDANCE FOR PUBLIC ACCESS TO REDUCE RISK OF COVID-19: On September 16, 2021, Governor Gavin Newsom signed into law Assembly Bill 361 authorizing a local legislative body to hold public meetings via teleconferencing and make public meetings accessible telephonically or electronically to all members of the public due to the State of Emergency resulting from the threat of Novel Coronavirus (COVID-19). To ensure the safety of the Commissioners and staff, and for the purposes of limiting the risk of COVID-19, in-person public participation at this meeting of the Commission will not be permitted. This meeting will be held via Zoom. Members of the public can listen to and participate in the live meeting by accessing the following:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89116985470?pwd=ZnJFUkx2SFN0TzJKbms4S2JRMUIXZz09>

Passcode: 879988

Or One tap mobile :

US: +16699009128,,89116985470# or +12532158782,,89116985470#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 891 1698 5470

Members of the public may address the Commission regarding any item in one of two ways:

1. **Real-time Comment** – To provide a real-time public comment during the meeting, please access the Zoom information identified above. Speakers will be recognized by the Commission Chair at the time the agenda item is to be considered. If attending virtually via Zoom, use the hand-raise icon to be called on for public comment, and if calling in via telephone, dial *9. A speaker's comments shall be limited to three minutes. Anyone causing disruption can be removed from the meeting at the discretion of the Chair.
2. **Written Comment** – The Commission is also accepting public comments to be submitted by emailing them to aeliason@ochft.org. The comments will be distributed to all of the Directors and read into the record. If you wish to comment on a specific agenda item,

please identify the item in your email. General public comments will be addressed during the general public comment item on the agenda. In order to ensure that staff has the ability to provide comments to the Directors in a timely manner, please submit your comments by 12:00 p.m. on March 15, 2022. Public comments will be made available to the public upon request. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206

Except as otherwise provided by law, no action shall be taken on any item not appearing in the agenda. When addressing the Orange County Housing Finance Trust, please state your name for the record prior to providing your comments.

*All supporting documentation is available for public review online at:
www.OCHFT.org and in the office of the Clerk of the Board of Supervisors located in the
Hall of Administration Building, 333 W. Santa Ana Blvd., 10 Civic Center Plaza, Room 465,
Santa Ana, California 92701 during regular business hours,
8:00 a.m. - 5:00 p.m., Monday through Friday.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT CALENDAR ITEMS (1):

1. Approve Orange County Housing Finance Trust minutes from the February 16, 2022, meeting

DISCUSSION ITEMS (Items 2-4):

At this time, members of the public in attendance may ask the Board to be heard, and emails received by members of the public will be read into the record on the following items as those items are called.

2. Receive and file State funding advocacy update from Townsend Public Affairs
3. Approve the Trust Procurement Policy
4. Adopt Resolution finding that, due to the proclaimed state of emergency arising from the novel coronavirus (COVID-19), meeting in person presents imminent risks to the health and safety of attendees, and the emergency continues to directly impact the ability of the members to meet safely in person

HOUSING TRUST MANAGER REPORT (Item 5):

5. Oral Report from the Housing Trust Manager

PUBLIC COMMENTS:

At this time members of the public may address the Trust, and emails received by deadline will be read into record on any matter not on the agenda but within the jurisdiction of the Trust. The Trust or Chair may limit the length of time each individual may have to address the Trust, and emails received are to be read.

DIRECTOR COMMENTS:

ADJOURNED:

NEXT MEETING: April 13, 2022, at 10:00 a.m.

Agenda Item 1

Minutes – February 16, 2022

**REGULAR MEETING SUMMARY ACTION MINUTES
ORANGE COUNTY HOUSING FINANCE TRUST**

WEDNESDAY, FEBRUARY 16, 2022, 10:00 A.M.

DOUG CHAFFEE
Chairman

STEPHEN FAESSEL
Vice Chairman

DON BARNES
Director

LISA A. BARTLETT
Director

JAMEY FEDERICO
Director

SHARI FREIDENRICH
Director

FRED JUNG
Director

DAVID PENALOZA
Director

ED SACHS
Director

Trust Manger
Adam Eliason

Trust Counsel
Jacqueline Guzman

Clerk of the Trust
Robin Stieler

ATTENDANCE: Directors Barnes, Chaffee, Faessel, Federico, Freidenrich, Jung, Penaloza, Sachs
(All Members participated via Zoom)

ABSENT: Director Bartlett

PRESENT: Trust Counsel
Clerk of the Trust

Jacqueline Guzman
Robin Stieler

CALL TO ORDER

The Clerk called the meeting to order at 10:08 a.m.

PLEDGE OF ALLEGIANCE

Chairman Chaffee led the pledge of allegiance

ROLL CALL

The Clerk called the roll and confirmed quorum

CONSENT CALENDAR (None)

DISCUSSION ITEMS (Item 1):

1. Adopt Resolution finding that, due to the proclaimed state of emergency arising from the novel coronavirus (COVID-19), meeting in person presents imminent risks to the health and safety of attendees, and the emergency continues to directly impact the ability of the members to meet safely in person.
ON THE MOTION OF DIRECTOR JUNG, SECONDED BY DIRECTOR SACHS, BY A VOTE OF 6 TO 1, WITH DIRECTORS CHAFFEE, FAESSEL, FEDERICO, JUNG, PENALOZA AND SACHS VOTING YES, DIRECTOR BARNES VOTING NO AND DIRECTORS BARTLETT AND FREIDENRICH BEING ABSENT, THE BOARD APPROVED ITEM AS RECOMMENDED

HOUSING TRUST MANAGER REPORT (Item 2)

2. Oral Report from the Housing Trust Manager
NO ACTION; TRUST MANAGER HAD NO ORAL REPORT TO PRESENT AT MEETING

PUBLIC & TRUST COMMENTS:

PUBLIC COMMENTS: None

DIRECTOR COMMENTS

Director Barnes – Oral re: Voting no on Agenda Item #1; Board of Supervisors and cities hold their meetings in-person and provide opportunities for the public to participate in meetings; criticism for not being transparent and allowing the public to participate in meetings; no reason why the Trust cannot meet in person and be compliant with safety protocols in place for individuals to attend and participate in the Trust’s meetings

ADJOURNED: 10:17 a.m.

NEXT MEETINGS: March 16, 2022 at 10:00 a.m.

DOUG CHAFFEE
Chair, Orange County Housing Finance Trust

ROBIN STIELER
Clerk of the Orange County Housing Finance Trust

Agenda Item 2

State Funding Advocacy Update

REQUEST FOR ORANGE COUNTY HOUSING FINANCE TRUST (TRUST) BOARD ACTION

MEETING DATE: March 16, 2022

SUBJECT: Receive and file State funding advocacy update from Townsend Public Affairs.

RECOMMENDED ACTION:

RECEIVE AND FILE STATE FUNDING ADVOCACY UPDATE FROM TOWNSEND PUBLIC AFFAIRS.



Adam B. Eliason, Manager

BACKGROUND:

Attachment A is a memo summarizing funding advocacy efforts from Townsend Public Affairs to date. The Trust Board will receive a full update at the meeting and a representative of Townsend Public Affairs and will be available to answer any questions from the Board.

ATTACHMENT:

Attachment A – Memo from Townsend Public Affairs - OCHFT Lobbying Update



MEMORANDUM

To: Orange County Housing Finance Trust

From: Townsend Public Affairs
Christopher Townsend, President
Cori Takkinen, Vice President
Eric O'Donnell, Senior Associate

Date: March 10, 2022

Subject: Advocacy Update

Townsend Public Affairs (TPA) is currently working diligently with the Orange County Housing Finance Trust (Housing Trust) staff on a state and federal advocacy strategy to secure funding in Sacramento and Washington DC. This strategy will evolve over the next several months and TPA will work closely with the Housing Trust to update this strategy as necessary.

State Budget Opportunities –

The current focus of our advocacy efforts is to secure legislative directed funding through the State Budget. TPA has worked with the Housing Trust to develop a State budget ask for \$30 million in funding for the Housing Trust, to help facilitate the construction of over 900 affordable and permanent supportive units by 2025.

TPA worked to secure Assemblymember Daly as the sponsor of the request and has since received support from a majority of the Orange County Delegation. TPA is working with the entire Orange County Delegation to finalize support, obtain final signatures, and submit the budget request letter by the deadlines set by the Assembly and Senate.

Federal Budget Opportunities –

In anticipation of the FY 22 budget being signed the week of March 7, TPA is starting to work with the Housing Trust on a federal community project funding request for FY 23. TPA will coordinate with the Housing Trust to create our federal community project funding request and will begin meetings with Members of the federal Orange County delegation to advocate for this request.

State Capitol Office • 925 L Street • Suite 1404 • Sacramento, CA 95814 • Phone (916) 447-4086 • Fax (916) 444-0383
Federal Office • 600 Pennsylvania SE • Suite 207 • Washington, DC 20003 • Phone (202) 546-8696 • Fax (202) 546-4555
Southern California Office • 1401 Dove Street • Suite 330 • Newport Beach, CA 92660 • Phone (949) 399-9050 • Fax (949) 476-8215
Central California Office • 744 P Street • Suite 308 • Fresno, CA 93721 • Phone (949) 399-9050 • Fax (949) 476-8215
Northern California Office • 300 Frank Ogawa Plaza • Suite 204 • Oakland, CA 94612 • Phone (510) 835-9050 • Fax (510) 835-9030

Agenda Item 3
Trust Procurement Policy

REQUEST FOR ORANGE COUNTY HOUSING FINANCE TRUST (TRUST) BOARD ACTION

MEETING DATE: March 16, 2022

SUBJECT: Approve the Trust Procurement Policy.

RECOMMENDED ACTION:

APPROVE THE TRUST PROCUREMENT POLICY.



Adam B. Eliason, Manager

BACKGROUND:

Since its inception, the Orange County Housing Finance Trust has been following the County of Orange procurement policies and procedures in areas where the Trust has not adopted policies and procedures for itself. As procurement issues arise, the Trust staff has worked closely with the County of Orange purchasing staff through an approved Memorandum of Understanding.

However, at the advice of our independent auditor, a Trust procurement policy has been drafted for consideration. The County's procurement policy is extensive and includes significant amount of detail on issues that do not relate to the Trust. The proposed procurement policy streamlines the Trust's procurement process while maintaining the necessary safeguards to protect public resources.

The basic template for the proposed Trust procurement policy is based on the procurement policy of the Orange County Fire Authority (OCFA). For the most part, the proposed procurement policy is the same as OCFA's policy, with a few exceptions, which are not relevant to the Trust's operations. Of note, the Trust Manager is the individual responsible for overseeing procurement for the Trust.

The proposed procurement policy allows for the Trust Manager to make purchasing decisions up to \$10,000 and reserves all other purchasing decisions for the Board. Furthermore, it allows

Trust staff to follow a less formal Request for Quotation for purchases between \$10,000 and \$50,000 for commodity goods and services, rather than a pursuing a more formal Invitation for Bid (IFB) or Request for Proposal (RFP) process. An IFB or RFP process would be required for all purchases over \$50,000.

The proposed procurement policy was reviewed by Trust Counsel and by County purchasing staff to ensure that the policy complied with all applicable laws and public agency procurement best practices.

Staff recommends approval of this agenda item.

ATTACHMENTS:

Attachment A – Procurement Policy

Orange | Housing County | Finance Trust

PROCUREMENT POLICY

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1 PURPOSE

The purpose of this policy is to provide a guide for staff involved in the procurement process for the Orange County Housing Finance Trust (“OCHFT” or “Trust”). The purpose of this policy is to simplify, clarify, and centralize the requirements governing the Trust’s procurement.

This Procurement Policy is intended to be a living document and may be updated from time to time as policies are amended.

2 GENERAL PROVISIONS

Trust procurement policies apply to all contracts for the procurement of supplies and services, as well as every expenditure of federal, state, and local public funds irrespective of the source of funds. The policies also apply to contracts which do not involve an obligation of funds.

The policies are not applicable to grants and loans awarded by the Trust.

3 ETHICS AND STANDARDS OF CONDUCT IN PROCUREMENT

3.1. Ethics

The Trust Manager, as well as all those involved in Trust procurement, shall discharge their duties in accordance with high ethical standards by practicing their profession with integrity, honesty, truthfulness and adherence to the absolute obligation to safeguard the public trust. OCHFT subscribes to, and accepts as its own, the Standards of Procurement Practice adopted by the California Association of Public Procurement Officials (CAPPO):

- To regard public service as a sacred trust, giving primary consideration to the interests of the public agency that employs us.
- To purchase without prejudice, seeking to obtain the maximum value for each dollar expended.
- To avoid unfair practices, giving all qualified vendors equal opportunity.
- To honor our obligations and require that obligations to our public agency be honored.
- To accord vendor representatives courteous treatment, remembering that these representatives are important sources of information and assistance in solving our purchasing needs.
- To refuse to accept any form of commercial bribery, and prevent any appearance of so doing.
- To be receptive to counsel from our colleagues, and to cooperate with them to promote a spirit of teamwork and unity.
- To conduct ourselves with fairness and dignity, and to demand honesty and truth in the purchasing process.
- To strive for greater knowledge of purchasing methods and of the materials we purchase.
- To cooperate with all organizations and individuals involved in activities designed to enhance the development of the purchasing profession, remembering that our actions reflect on the entire purchasing profession.

3.2. Standards of Conduct for All Parties Involved in Procurement

These standards establish a framework of expectations for Trust employees and other individuals involved in all phases and aspects of the procurement and contracting life cycle including acquisition planning, the solicitation phase, proposal evaluation, supplier selection, and the post award administration. These procurement standards are founded on applicable federal and California law.

Conflict of Interest. No employee, officer, or agent shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer, or agent involved in making the award;
2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin; nephew, niece, husband, wife, father-in-law, brother-in-law, sister-in-law, stepfather, stepmother; stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
3. His/her partner; or
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

Understand and fully comply with the standards and your responsibilities and avoid any actual or perceived conflict of interest throughout the procurement process. There are several conflict of interest laws, including Government Code § 1090 and the California Political Reform Act, which apply to procurement. These laws are grounded on the notion that government officials owe paramount loyalty to the public and decisions must be unbiased. Employees and other individuals are prohibited from participating in the making of a contract in which they have a financial interest. The law prohibits the same party from being on both sides of a contract. Individuals and contractors may not participate in the making of a contract and then bid or propose to do the work on that contract at a later date.

Avoid actual and perceived conflicts of interest throughout the entire procurement process. Do not seek or accept any favors, gifts or benefits that are not offered routinely to the general public from contractors, suppliers, vendors, firms or persons representing any of these entities, or other parties that are doing business, or seeking to do business, with the Trust. Do not use your job to obtain benefits, directly or indirectly, for yourself or anyone else.

Conduct all Trust business in an honest and impartial manner. Consistent with the requirements of law, policy and common sense, maintain appropriate confidentiality in both written and oral communications. Resolve issues effectively and ethically, while refraining from exercising any pressure on staff that could be perceived as trying to apply inappropriate influence.

Act for the benefit of the Trust. Ensure public money is spent solely for the benefit of the public and is consistent with applicable federal, State and local laws, regulations policies and procedures.

Failure to adhere to applicable federal and California law, and these Standards of Conduct is subject to disciplinary action up to and including termination, and or referral to appropriate enforcement agencies. Consultants, contractors or other individuals are subject to applicable laws and contractual requirements.

This written standards of conduct covering conflicts of interest and governing the actions of employees engaged in the selection, award and administration of contracts complies with requirements in 2 CFR Part 200, § 200.318, general procurement standards applicable for federally funded and pass through agency purchases.

4 PROCUREMENT AUTHORITY

Procurement derives its authority from federal, state, and local laws. State laws that are applicable to the Trust procurement activities are found in the Government Code, the Civil Code, the Business and Professions Code, the Labor Code and the Public Contract Code.

4.1. Board Authorized Purchases

All local authority rests with the OCHFT Board of Directors unless it is delegated by statute or board action. When delegated, these authorities are further defined by contracts, resolutions, policies, or other board actions. The approved budget appropriation is the authorization by the Board to purchase services and materials for operations during the fiscal year.

4.2. Chief Procurement Officer Authority

The Chief Procurement Officer for Trust is the Trust Manager. Centralized procurement requires that all procurement activities are completed under a single authority within the organization with the goal of procuring needed supplies, services and equipment of quality, within the required time and at the best value in a manner consistent with legal requirements, good business practices and proper fiscal control. The Trust Manager has the authority to award and sign contracts that do not exceed the amount defined in Section 5, *Procurement Thresholds*. Contracts that exceed management authority may be executed by the Trust Manager upon approval of the OCHFT Board of Directors.

4.3. Contract Signature Authority

Only the Trust Manager and Trust Board Chair may execute procurement agreements. (Procurement agreements are written contracts that bind the Trust and a supplier to a purchasing obligation).

5 PROCUREMENT THRESHOLDS

All authority rests with the Trust's Board of Directors unless it is delegated by statute or board action.

The procurement of products and services is accomplished through a variety of procedures as defined in this policy. The procedures are designed to address the differences in complexity, risk and value of each purchase. It is the Trust's policy to develop maximum competition for all purchases. The splitting of purchases into smaller blocks to avoid or otherwise circumvent the thresholds for source selection and solicitation requirements is prohibited.

5.1. Commodity and Services Purchases (non-construction)

Small purchase less than \$10,000

For purchases that are less than \$10,000, competitive written quotes from multiple sources are not required. The purchase can be made so long as it is determined that the written quote received is reasonable. This does not restrict the Trust from requesting additional written quotes when it is in the best interest of the Trust.

Small purchases over \$10,000 and less than \$50,000

For purchases of materials and services within this range, a simple competitive solicitation process, such as a Request for Quotations (Section 6.1), is required. Insofar as it is practical, no less than three businesses are to be solicited to submit quotations, with the contract award made to the responsive and responsible bidder submitting the quotation which is most advantageous to the Trust that conforms in all material respects to the solicitation. Results of the solicitation and records on the process utilized will be maintained as public records. This does not preclude the Trust from utilizing more restrictive procedures if, and when required by federal or state law (i.e. Public Works), where federal or state funds are involved in the contract to be awarded, or when the Trust Manager determines it is in the best interest to of the Trust to do so.

Purchases greater than \$50,000

For purchases of materials and services greater than \$50,000, a formal competitive solicitation process is required. Trust staff will determine the formal solicitation process. The formal procurement process can be done through a sealed Invitation for Bid (IFB) or a Request for Proposal (RFP) process (Section 7).

Contract Splitting

Contracts may not be split to avoid the \$50,000 threshold; including proposed successor contracts that contain substantially the same scope of work. Splitting purchases to avoid the threshold limits is a violation of Board policy.

5.2. Public Works/Public Projects

The Trust shall not engage in the procurement of Public Works.

6 INFORMAL SOLICITATIONS

Use of the informal solicitations is determined by the dollar threshold of the purchase as described in Section 5.

6.1. Request for Quotations

A request for quotations (RFQ) is an informal bid process used primarily for commodity purchases that fall within the Small Purchase Threshold. Quotations must be submitted in a written format and may be solicited via email. Whenever practicable, no less than three suppliers must be notified of the RFQ.

The RFQ must include clear concise specifications with a description of the physical or functional characteristics of the commodity or equipment desired and be written to encourage maximum and fair competition. Unless only one brand of commodity or equipment is acceptable due to compatibility or other restrictive requirements, brand names will only be used for providing descriptive information and not be used to restrict competitive bidding.

Award is based on price and is made to the lowest responsive and responsible bidder able to meet the Trust's requirements. In the event of a tie, preference will be given to firms having a legitimate place of business within Orange County.

6.2. Request for Information

A request for information (RFI) is an informal method of obtaining information from suppliers that may have unique or critical knowledge about a product or service that the Trust is researching. The RFI method is not intended to result in a contract award but is designed to allow for the collection of current or state-of-the-art industry information that may then be used to develop specifications or a scope of work to be used in a future solicitation. An RFI may also be used during the planning stage of a procurement activity as the first step in the vendor selection process, and a qualification step prior to a Request for Proposal (RFP) or Invitation for Bid (IFB), as described in Section 7.

An RFI is typically used to:

- Compile detailed information about potential suppliers and their capabilities or category/product
- Advise potential suppliers that you intend to source this product or service competitively
- Gather information to further the future solicitation
- Qualify suppliers to a shorter list that will be invited to submit bids or proposals

Responses to requests for information notices are not offers and cannot be accepted to form a binding contract.

7 FORMAL COMPETITIVE SOLICITATION PROCESS

For purchases of materials, equipment, and services which are anticipated to be greater than \$50,000, a formal competitive solicitation process is required. The formal procurement process can be done through a sealed Invitation for Bid (IFB) or a Request for Proposal (RFP) process. Trust staff will determine the formal solicitation process. IFBs and RFPs will be issued by the Trust and will include all contractual terms and conditions applicable to the procurement.

An IFB or RFP may be cancelled, or any or all bids or proposals rejected in whole or in part, as may be specified in the solicitation when it is in the best interest of the Trust to do so.

7.1. Invitation for Bids (IFB)

The sealed IFB method is used when it is determined that there is no substantive difference among the products or services that meet the specifications and the only difference among responsive bids is price. Award shall be made to the lowest responsive and responsible bidder whose bid conforms in all material respects to requirements and criteria set forth in the invitation for bids when utilizing the IFB method.

Specifications

Clear, concise specifications must be included in the bid documents. The specifications are a description of the physical or functional characteristics of the commodity, equipment, or service desired. Specifications shall be written to encourage maximum and fair competition. A statement of the desired purpose should be included in specifications and contain only those characteristics essential to the final performance of the product or services. Unless only one brand of commodity or equipment is acceptable due to compatibility or other restrictive requirements, any brand name used in the specifications will be used only for the purpose of establishing descriptive information and will not be used to restrict competitive bidding.

Request for Qualifications

A Request for Qualifications is used to qualify firms for a specific project requiring specialized skills such as consulting services. This procurement method can also be used when professional assistance is needed to provide specifications and details for a project with an undefined scope of services. It can also be used for pre-qualifying one or more firms offering professional services when anticipated future needs require the availability of the firm(s) as needed for services of the same or similar discipline. This can be the first step in a two-step solicitation process. A request for qualifications may be cancelled, or any or all statements of qualifications rejected in whole or in part, when it is in the best interest of the Trust to do so.

Two-Step Process

A prequalification Process may be conducted prior to the issuance of an IFB, as the first step in a two step-solicitation process, in order to establish a list of qualified bidders. Qualification criteria may include: financial capacity/stability, company history, capacity to perform, relevant experience, and any other criteria relevant to services or items being sought by the Trust. Prequalification requirements will constitute the minimum requirements necessary to fulfill the contract. In the event a prequalification process is used, only bids submitted from prequalified bidders will be accepted.

Public Notice

IFBs are electronically posted on the Trust's web site. Notice of the IFB shall be made available for public inspection no less than fourteen (14) days prior to the date set for the opening of bids. A shorter time may be deemed necessary for a particular procurement as determined in writing by the Trust Manager.

Pre-bid Conference

When it is in the best interest of the Trust, a pre-bid conference may be conducted. If a pre-bid conference is conducted, it shall be not less than seven days before the bid due date and time, unless the Trust Manager makes a written determination that the specific needs of the procurement justify a shorter time. The purpose of the pre-bid conference is to clarify any questions which may exist on the part of the bidders regarding the specifications or scope of work, prior to the bid due date.

Solicitation Amendment.

The solicitation amendment is issued to do any or all of the following:

- Make a correction in the solicitation;
- Correct defects or ambiguities;
- Provide additional information or instructions; or
- Extend the offer due date and time if the Trust Manager determines that an extension is in the best interest of the Trust.

If a solicitation is changed by a solicitation amendment, the amendment will be posted to the Trust's web site. It is the responsibility of the offeror to obtain any solicitation amendments and acknowledge receipt of amendment as specified in the solicitation amendment.

Late Bids

A bid is late if it is received at the location designated in the IFB after the time and date set for bid opening. A late bid shall be rejected. Bidders submitting bids that are rejected as late shall be so notified.

Bid Opening

Bids shall be opened publicly at the time designated in the IFB. A secure web-based system or other appropriate media will be used in lieu of a public bid opening, provided that the accuracy, confidentiality, and reliability is maintained. The name of each bidder and the amount of each bid, as well as other relevant information, as deemed appropriate by the Purchasing Manager, shall be recorded. Unless otherwise determined, this record shall be open to public inspection. In the event no attendees are present for bid opening, the sealed bids shall be opened by the department and a "bid" or "no bid" may be recorded on the tabulation. The bids shall not be available for public inspection until after a notice of intent to award is issued. After a notice of intent to award is issued or, in the absence of a notice of intent to award, after final execution of the contract, the bids shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law. If the bidder designates a portion of its bid as confidential, it shall isolate and identify in writing the confidential portions.

Bid Acceptance and Bid Evaluation

Bids shall be unconditionally accepted without alteration or correction. Bids shall be evaluated based on the requirements set forth in the IFB, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. The IFB shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the IFB.

A summary page including details of all bids received, the staff recommendation for award, and any other pertinent information will be maintained in the bid file available for public record. These details will be provided in the staff report should the item require Board approval.

Correction or Withdrawal of Bids; Cancellation of Awards

Correction, clarification, or withdrawal of erroneous bids before or after award shall be permitted by the Trust Manager under the following circumstances:

- a. Where there is a mistake clearly evident from examining the bid document, such as an extension of unit pricing or errors in addition, the bidder should be permitted to correct the error and the bid remain valid;
- b. Where a bidder alleges a material mistake of fact and there is reasonable proof a mistake was made and the intended bid cannot be ascertained with reasonable certainty, the bidder shall be permitted to withdraw the submitted bid without penalty; and,
- c. Where a bidder fails to supply information requested in the IFB due to oversight, the bidder should be permitted the opportunity to furnish the information. This shall be permitted so long as the information does not affect the bidders' submitted price, specifications or substantive obligations and does not affect the position of the bid relative to others properly submitted.

Where a bidder committed errors in judgment, the Trust will not permit withdrawal of the submitted bid without penalty, unless it is determined to be in the best interest of the Trust.

Nothing in this Section is intended to prohibit the Trust from accepting a voluntary reduction in price or more favorable terms from a successful bidder after award, provided that such is not conditioned on a modification or deletion of any conditions required in the IFB which would result in a contract less favorable to the Trust.

Contract Award

The contract shall be awarded by appropriate notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to requirements and criteria set forth in the invitation for bids.

- a. Authority. The Trust Manager has the authority to award and sign contracts up to the amount identified in Section 5. Contracts that authority are to be executed by the Trust Manager upon approval of the Board of Directors.
- b. Public record. After the Trust issues a notice of intent to award, or in the absence of a notice of intent to award upon final contract execution, the bids shall be available for public inspection, except to the extent that the withholding of information is permitted or required by law.
- c. Encumbrance of funds. Except in cases of emergency, or in cases where specific authority has been first obtained from the Board of Directors, the Trust Manager shall not issue any purchase orders for supplies or equipment unless there exists an unencumbered appropriation in the Trust Budget against which said purchase is to be charged.
- d. Procurement of recycled material. Recycled products shall be used whenever practicable when they are of comparable quality, of equivalent price and appropriate for the intended use. Recycled products shall be procured in accordance with Public Contract Code, § 22150, et seq.
- e. Low tie bids. If there are two or more low responsive bids from responsible bidders which are identical in price, all other evaluation criteria, and that meet all the requirements set forth in the IFB, preference shall be given to the firm having a legitimate place of business within Orange County. In the event that the low tie bids each have places of business within Orange County, award may be made by random selection in a manner prescribed by the Trust Manager.

7.2. Request for Proposals (RFP)

The competitive sealed RFP method is utilized to obtain the best value for goods and/or services through a process involving several possible sources. RFPs are issued with the intent of providing a competitive process from which the respondent best meeting the needs of the Trust, and providing the best overall value may be selected. RFPs are generally used on larger and more complicated projects where additional criteria besides price are considered in selecting the source. An important difference between the RFP and IFB process relates to the finality of initial offers. Under the RFP method, changes in the nature of a proposal, and in prices, may be negotiated after proposals are opened. The RFP process allows the Trust to describe a need and the key criteria which will be used in evaluating proposals while outlining the terms and conditions under which the respondent will operate or supply

their goods and services. The process provides for full competition among proposals and allows for negotiation with the offeror or offerors to obtain the best services or commodities at the best price.

Specifications

Another important difference between the RFP and IFB method is that the RFP might not contain a detailed specification, but may instead convey a description of a challenge or desired outcome as a result of the solicitation. This description may be written specifically or it may be generic. The RFP allows for the offerors to submit proposals for their solution to the requirement described by the Trust. This process of providing a description rather than a specification allows the Trust to use the capability of the offerors so that expertise does not have to be developed in house.

Two-Step Process

A prequalification process may be conducted prior to the issuance of the RFP, as the first step in a two step-solicitation process, to establish a list of qualified offerors. Qualification criteria may include: financial capacity/stability, company history, capacity to perform, relevant experience, and any other criteria relevant to services or items being sought by the Trust. Prequalification requirements will constitute the minimum requirements necessary to fulfill the contract. In the event a prequalification process is used, the only proposals submitted from prequalified offerors will be considered.

Public Notice

RFPs are electronically posted on the Trust's web site. Notice of the RFP shall be made available for public inspection no less than fourteen (14) days prior to the date set for the opening of proposals. A shorter time may be deemed necessary for a particular procurement as determined in writing.

Pre-Proposal Conference

When it is in the best interest of the Trust, a pre-proposal conference may be conducted. If a pre-proposal conference is conducted, it shall be not less than seven days before the offer due date and time, unless the Trust Manager makes a written determination that the specific needs of the procurement justify a shorter time. The purpose of the pre-proposal conference is to clarify any questions which may exist on the part of the proposers regarding the specifications or scope of work, prior to the offer due date.

Solicitation Amendment

The solicitation amendment is issued to do any or all of the following:

- Make a correction in the solicitation;
- Correct defects or ambiguities;
- Provide additional information or instructions; or
- Extend the offer due date and time if the Trust Manager determines that an extension is in the best interest of the Trust.

If a solicitation is changed by a solicitation amendment, the amendment will be posted to the Trust's web site. It is the responsibility of the offeror to obtain any solicitation amendments and acknowledge receipt of amendment as specified in the solicitation amendment.

Receipt of Proposals

Proposals shall not be opened publicly. No proposals shall be handled as to permit disclosure of the contents of any proposal to competing offerors. Proposals shall be open for public inspection after final execution of the contract, except to the extent that the withholding of information is permitted or required by law. If the offeror designates a portion of its proposal as confidential, it shall isolate and identify in writing the confidential portions.

Late Proposals

A proposal is late if it is received at the location designated in the request for proposals after the time and date set for receipt of proposals. Late proposals shall be rejected. Offerors submitting proposals that are rejected as late shall be so notified.

Evaluation Criteria

The RFP shall state the criteria to be used in the evaluation of the proposals and shall include their relative importance. Pricing is one of the criteria evaluated. The point value given to pricing should be as high as possible without undermining the intent to achieve best value. The actual point value could vary between a service RFP and a commodity RFP. In no case should the point value of price be less than 25 percent of the total points available, unless otherwise approved by the Board of Directors for specific RFPs.

Selection Committee

A selection committee shall be appointed to evaluate the proposals and make a recommendation based on the criteria set forth in the request for proposals. The evaluation committee shall be comprised of at least three (3) members who have no conflict of interest with the selection process. Members of the evaluation committee shall be selected based on their qualifications and expertise related to the subject matter. Proposals can only be evaluated on the criteria set forth in the solicitation and no other factors or criteria may be used in the evaluation.

Evaluation Scores

Evaluators shall score proposals individually. The initial score sheets containing the evaluators notes and comments shall remain in the possession of the individual evaluators, and at no time shall this information become part of the permanent procurement file. Based upon the individual evaluator scores, a proposal summary page will be developed which specifically includes details of all proposals (along with their respective rankings), the evaluation committee's recommendation for award, and any other pertinent information (staff estimate) when appropriate. This summary page will be maintained in the procurement file and included in the staff report should the item seek Board approval.

Interviews

When the total contract value is anticipated to exceed \$1,000,000, the evaluation committee must conduct interviews with the responsible offerors who have submitted proposals determined to be acceptable and within a competitive range. All offerors shall be given fair and equitable treatment and all portions of the interview will be recorded either in written or digital media and kept as part of the

procurement file. For contracts valued under \$1,000,000, the Trust Manager may elect, but is not required to, conduct formal interviews with the offerors.

Discussions and Negotiations

Discussions and/or negotiations may be conducted with one or more offerors. Each Offeror shall be accorded fair and equal treatment in conducting negotiations and there shall be no disclosure of any information derived from proposals submitted by competing offerors.

- a. Concurrent negotiations. Negotiations may be conducted concurrently with offerors for the purpose of determining source selection and/or contract award.
- b. Exclusive negotiations. Exclusive negotiations may be conducted with the offeror whose proposal is determined in the source selection process to be most advantageous to the Trust. Exclusive negotiations may be conducted subsequent to concurrent negotiations or may be conducted without requiring previous concurrent negotiations. Exclusive negotiations shall not constitute a contract award nor shall it confer any property rights to the successful offeror. If exclusive negotiations are conducted and an agreement is not reached, the Trust may enter into exclusive negotiations with the next highest ranked offeror without the need to repeat the formal solicitation process.

Proposal Revisions Post Interview and Negotiations

After interviews and/or negotiations, and prior to any award, the evaluation committee may request revisions to proposals in the form of a Best and Final Offer (BAFO). Late best and final offers will not be accepted. If no best and final offer is received by the stated due date and time, the offeror's initial offer will serve as their best and final offer.

Contract Award

Contract award shall be made the responsible offeror whose proposal is determined in writing to be the most advantageous to the Trust taking into consideration the evaluation criteria set forth in the request for proposals as concurred by the Trust Manager, and approved by the Board. The contract file shall contain the basis on which the award is made.

8 SOLE SOURCE

Sole source procurement shall be avoided except when no reasonable alternative exists. However, the Trust Manager may determine, after conducting a good faith review of available sources, that there is only one viable source for a required material or service, a contract may be awarded without competition. In the event that a sole source contract is awarded by the Trust Manager in accordance with the procurement thresholds found in Section 5, the Trust Manager shall report to the Board the following as part of any sole source contract award:

- a. A detailed description of the type of contract;
- b. A detailed description of services/commodities to be provided by the vendor;
- c. Why the recommended vendor was the only one capable of providing the required services/commodities and include back-up information to support the justification;

- d. List of other sources that were contacted and explain in detail why they cannot fulfill the Trust's requirements;
- e. How the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available; and,
- f. How the Trust would accomplish this particular task if the recommended vendor could not provide the product or service.

This same information shall be provided as part of the staff report to the Board for any sole source contract before the Board.

A record of sole source procurements shall be maintained as a public record.

9 PROCUREMENT INVOLVING THE TRUST MANAGER

In the event that the Trust Manager intends to respond to a Trust solicitation, the Trust Board Chair shall coordinate with the County of Orange to provide procurement services in accordance with this policy. In no case shall the Trust Manager respond to a solicitation in which the Trust Manager or Trust staff participated in preparing. The Trust Manager shall not make any contract awards to the Trust Manager or Trust staff, regardless of the procurement threshold found in Section 5.

10 SUSTAINABLE PROCUREMENT

The Trust encourages procurement that takes into account the economic, environmental and social impacts of the Trust's spending. Whenever practicable, procurements should be planned in such a way that allows the Trust to meet its needs for goods and services while achieving value for money on a whole-life basis in terms of generating benefits not only to the organization, but also to society and the economy, while remaining within the carrying capacity of the environment.

Consistent with the requirements of PCC §22150-22154 of the PCC, the Trust promotes the use of recycled/recyclable supplies and materials, reusable products, and products designed to be recycled. The use of such materials or products to the maximum extent practicable, financially feasible, and allowable within the specifications is encouraged provided that the performance or operational effectiveness of the product or material is not detrimentally affected, or that health and safety is not negatively impacted by the use of such products or materials.

10.1. Sustainable Procurement Guidelines

1. Waste prevention, recycling, market development and use of recycled/recyclable materials through lease agreements, contractual relationships and purchasing practices with suppliers, contractors, businesses and other governmental agencies is encouraged.
2. Adopt waste prevention, recycling and use of recycled supplies/materials as a priority of the Trust.
3. Generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed.
4. Procure recycled material when practicable

11 PROTESTS

Throughout the solicitation and contracting process, Trust staff and stakeholders are to follow procurement best practices to avoid or mitigate potential protests. However, any actual or prospective bidder (aka “interested party”) who is aggrieved in connection with the solicitation or award of a contract may file a protest with the Trust Manager.

The Trust Manager has the authority to settle and resolve protests and contract claims. All protests must be in writing and include the name, address, telephone number, email and signature of the of the interested party; the solicitation or contract number; a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and the form of relief requested.

Protests concerning solicitations should be filed not less than five (5) working days before the solicitation due date. Protests concerning contract awards shall be filed no later than seven (7) days after issuance of the intent to award. The Trust Manager, without waiving the Trust's right to dismiss the protest for lack of timeliness, may consider a protest that is not filed timely. The Trust Manager shall give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties. Material submitted by a protestor shall not be withheld from any interested party except to the extent that the withholding of information is permitted or required by law.

While a protest is in progress, the Trust may proceed with the solicitation or the contract unless the Trust Manager determines there is a reasonable probability that the protest will be sustained or that the stay of procurement is not contrary to the substantial interests of the Trust. The Trust Manager shall issue a written decision to the protestor within 14 days, including an explanation of the basis of the decision and a statement of the available appeals process. If the protest is sustained, in whole or part, the Trust Manager shall implement a remedy appropriate to the circumstances.

A protestor may appeal the decision of the Trust Manager to the Trust Board of Directors within seven (7) days from the date the decision is issued. The appeal shall contain all the information originally set forth in the protest, a copy of the decision of the Trust Manager; and the specific factual or legal error in the decision of the Trust Manager that forms the basis of the appeal. A decision by the Trust Board of Directors shall be final.

12 STAFF REPORTS

Staff reports must be submitted for contract awards requiring approval by the Board of Directors. The staff report should contain at a minimum the following sections: Summary, Recommended Action, Background, and Attachments (if needed). Sole source contract award staff reports shall contain the information found under Section 8.

The Summary section briefly describes the purpose of the report. The Recommended Action specifies terms such as duration, amount, and renewal conditions that must be adhered to upon execution of the contract. The Background should consist of a detailed description of the items or services to be provided, the solicitation method, analysis of the evaluation, and anticipated results of the action. Attachments should include a summary page containing details of all bids received, the staff

recommendation for award, and any other pertinent information as well as the Contract (if any) that will be awarded.

Any contract resulting from the solicitation must be attached to the staff report and approved by Trust legal counsel in advance.

Agenda Item 4

Resolution to Meet Virtually

REQUEST FOR ORANGE COUNTY HOUSING FINANCE TRUST (OCHFT) BOARD ACTION

MEETING DATE: March 16 ,2022

SUBJECT: Adopt Resolution finding that, due to the proclaimed state of emergency arising from the novel coronavirus (COVID-19), meeting in person presents imminent risks to the health and safety of attendees, and the emergency continues to directly impact the ability of the members to meet safely in person.

RECOMMENDED ACTION:

ADOPT RESOLUTION FINDING THAT, DUE TO THE PROCLAIMED STATE OF EMERGENCY ARISING FROM THE NOVEL CORONAVIRUS (COVID-19), MEETING IN PERSON PRESENTS IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES, AND THE EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF THE MEMBERS TO MEET SAFELY IN PERSON.



Adam B. Eliason, Manager

SUMMARY:

Adoption of the attached resolution will allow the Board of Directors to make certain findings in order to continue meeting virtually.

DISCUSSION:

The Orange County Housing Finance Trust (Trust) previously decided to meet virtually due to the COVID-19 proclaimed state of emergency. Pursuant to AB 361, the Trust may meet either in-person or virtually but must make certain findings monthly to continue meeting virtually. If adopted, the resolution allows the Board to continue to meet virtually.

ATTACHMENT: Attachment A Resolution

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ORANGE COUNTY HOUSING FINANCE TRUST
MARCH 16, 2022

WHEREAS, California Government Code section 54953 authorizes local agencies to use teleconferencing without complying with certain requirements during a proclaimed state of emergency; and

WHEREAS, this Board reviewed and considered the circumstances of the current state of emergency due to COVID-19 on February 4, 2022 and found that meeting in person would present imminent risk to the health and safety of its attendees; and

WHEREAS, on February 4, 2022, this Board decided that it would meet virtually in accordance with Government Code section 54953 and adopted its regular meeting calendar accordingly; and

WHEREAS, on February 16, 2022, this Board reconsidered the circumstances of the current state of emergency due to COVID-19 and found that meeting in person would present imminent risk to the health and safety of its attendees; and

WHEREAS, in order to meet virtually, this Board must also make certain findings no later than every 30 days; and

WHEREAS, this Board has presently reviewed and considered the circumstances of the State of Emergency due to COVID-19; and

WHEREAS, this Board has determined that it wishes to meet virtually until the declared State of Emergency is lifted; and

NOW, THEREFORE, BE IT RESOLVED that

1. The Board of Directors finds that the State of Emergency would present imminent risks to the health or safety of attendees and will continue to meet virtually in accordance to its regular meeting calendar.