



## Legislation Text

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File #: 20-936, Version: 1

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### Memorandum

**Date:** October 6, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Crystal Markytan, Social Services Director

**Subject:** Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services; and a) Approve Intergovernmental Agency Agreement between County of Lake and Regional Housing Authority for HOME Loan Program Services-Program Income, from October 1, 2020 to September 30, 2023, in the amount of \$88,823, b) Approve Intergovernmental Agency Agreement between County of Lake and Regional Housing Authority for HOME Loan Program Services-18-HOME-12585, from October 1, 2020 to September 30, 2023, in the amount of \$69,901, and c) Authorize the Chair to sign both Agreements

**Executive Summary:** (include fiscal and staffing impact narrative):

In 2017 Lake County issued a request for proposals from qualified consultants to administer the County's Owner Occupied Rehabilitation (OOR) and First-Time Homebuyer (FTHB) programs. Two proposals were received in response to the RFP, and Regional Housing Authority's (RHA) proposal was selected for award. During the 2-year term of RHA's contract they issued three OOR loans and four FTHB loans, and also prepared a grant application on behalf of Lake County for \$500,000 in HOME Investment Partnerships Program (HOME) funds that was later awarded by the State Department of Housing & Community Development (HCD) in 2019. RHA's contract has since expired and staff recommends engaging RHA's services once again to resume the County's OOR and FTHB programs. Both Agreements are necessary to operate the HOME Program in Lake County. Separate Agreements allow us to easily track our Program Income spending separately from the new grant funds issued by HCD. Additionally, Program Income funds must be expended prior to utilizing the new funding for more loans. Both Agreements will operate under the new set of guidelines issued by HCD in the Standard Agreement with Lake County.

The OOR program provides loans to low-income homeowners residing in the unincorporated areas of the county for the purpose of making repairs to their homes. This includes: correcting health and safety hazards, updating homes to current building codes, and extending the useful life of the homes. The home must have sufficient equity to cover the loan and any other debt on the property. The FTHB program provides loans to income-eligible homebuyers to purchase a home in the unincorporated areas of the county. A small down payment is required and the County loan must be

coupled with a first mortgage. For both programs, eligible participants must be earning at or below 80% of the area median income (AMI), adjusted for family size as defined annually by HCD.

RHA's services are specialized in nature and there is a lack of consultants that provide program implementation services for OOR and FTHB programs for Lake County. The HOME program allows the County to contract with RHA as a "sub recipient" whereby RHA is held to the same requirements as the County under the HOME Standard Agreement. In exchange, the County is not required to go out to bid for sub recipient contracts. For reference, RHA is under contract as a sub recipient to provide HOME Program services to Butte County, Yuba County, and the cities of Gridley, Colusa, Live Oak, Yuba City and Marysville.

The cost of services has not increased since the original proposal and Agreement in 2017. Under the new set of Agreements, the County, through RHA, will issue a total of ten OOR loans and five FTHB loans. There is currently a waiting list for both programs left over from the 2017 contract.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \$158,724\_\_ Amount Budgeted: \$158,724\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Infrastructure   | <input type="checkbox"/> Not applicable      |
| <input checked="" type="checkbox"/> Economic Development    | <input type="checkbox"/> Disaster Recovery           | <input type="checkbox"/> County Workforce | <input type="checkbox"/> Technology Upgrades |
| <input type="checkbox"/> Community Collaboration            | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake       | <input type="checkbox"/> Revenue Generation  |
|   |  |   | <input type="checkbox"/> Cost Savings        |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested? 38.2(2) Not in the public interest because the unique nature of the goods or services precludes competitive bidding

How long has Agreement been in place? 2017-2019

When was purchase last rebid? 2017

Reason for request to waive bid? The services provided under this Agreement are very unique and there are not many vendors who are suitable or willing to provide services. Additionally, entering into a sub recipient agreement with RHA eliminates the need for procurement under the guidelines from HCD.

**Recommended Action: Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services.**

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