

The vice chairman thereupon declared said motion carried and said resolution adopted.

After review, discussion and consideration, the vice chairman introduced the following resolution:

RESOLUTION NO. 3156

RESOLUTION AUTHORIZING THE WRITE-OFF OF CONVENTIONAL HOUSING COLLECTION LOSSES FOR THE PERIOD ENDING DECEMBER 31, 2010

WHEREAS, the Housing Authority of the City of Durham has determined that it has exerted all efforts to collect monies owed from former residents; and

WHEREAS, the property management staff has notified each former resident of the amount owed; and

WHEREAS, the regulations of the U.S. Department of Housing and Urban Development require a housing authority to write off any and all monies owed that cannot be collected.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Durham approves the write-off of rents, utilities, repair charges, and late fees owed as per the listing of delinquent accounts shown in the amount of **\$4,469.89** for the period ending December 31, 2010.

This resolution shall take effect immediately.

Done this 9th day of February 2011.

Commissioner Lofton moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Robinson and unanimously carried by the Board. The "Ayes" and "Nays" were as follows:

AYES

David J. Haley
Barbara F. Lofton
George K. Quick
John S. Ramsey
Isaac A. Robinson

NAYS

None

The vice chairman thereupon declared said motion carried and said resolution adopted.

There being no further business before the meeting, it was on motion duly made and seconded adjourned at 5:25 p.m.

Vice Chairman

ATTEST:

(SEAL)

Secretary

Durham Housing Authority
Durham, NC

MINUTES OF THE FINANCE COMMITTEE
February 09, 2011

Attendees: George Quick, Committee Member
John Ramsey, Committee Member
Isaac Robinson, Board Member
Eric Pristell, The Banks Law Firm
Dallas J. Parks, CEO
Willie "Sonny" McMahand, COO
Jeffrey G. Causey, CFO
Tammy Atkins, Senior Property Manager

The meeting was called to order by Mr. Quick at 5:27 p.m.

HUD Operating Subsidy Update

Mr. Causey provided information to the Committee regarding changes in the amounts that HUD is distributing for Operating Subsidy. According to the most recent information received, HUD has reduced payments to a 92% proration amount. Preliminary projections indicate that this funding level, if extended through the rest of the year, will result in a loss of approximately \$833,000 for DHA and will cause the AMPs as a whole to experience a deficit of approximately \$263,000.

Staff has initiated steps to freeze vacant positions in anticipation of funding cuts. Staff is waiting for Congress to take action regarding the Federal budget before pursuing additional actions.

Affordable Housing Properties Loan Update

Mr. Causey updated the Committee members on the status of the loans related to the affordable housing properties, Edgemont Elms and Preiss-Steele Place. Mr. Parks indicated he was hopeful a meeting the following week could be scheduled with the City.

Procurement Policy Amendments

Mr. Causey presented information to the Committee regarding proposed revisions to the Procurement Policy. The Committee discussed the substantive change of setting a threshold of \$25,000 triggering the use of public solicitation methods. Other changes were language changes. The proposed changes are planned to be presented at the February 2011 Board meeting.

HUD Greensboro Reviews

Mr. Causey presented an update regarding reviews of procurements by the HUD Greensboro office. No discussion occurred regarding this item.

HCV Utilization Report

Mr. Causey provided the February 2011 report. The Committee discussed voucher payment standards, fair market rents, and the impact on the ability of program participants to secure appropriate housing.

Other Business

Mr. McMahan presented information to the Committee regarding fraud recovery for the past five years. Mr. Ramsey suggested it might be helpful to include information regarding the percent of outstanding debt that is actually collected.

There being no further business, the meeting was adjourned at approximately 6:24 p.m.

The next committee meeting is set for Wednesday, March 9, 2011, at 5:15-p.m.

Respectfully submitted,

Jeffrey G. Causey

Durham Housing Authority
Durham, NC

MINUTES OF THE DEVELOPMENT COMMITTEE

February 10, 2011

Attendees: John Ramsey, Committee Chairman
David Haley, Committee Member
Eric Pristell, Attorney
Dallas Parks, CEO
Jeffrey Causey, CFO
Sonny McMahan, COO
Jack Preiss, Citizen
Vickie Ellis, Capital Improvements/Strategic Plan Administrator
Shannon McLean, Director of Development/Real Estate Strategies
Brenda Tillman, Program Specialist for Development/Real Estate Strategies
Theresa Hopkins, Administrative Assistant for Development/Real Strategies

The meeting was called to order by Mr. Ramsey at 12:03 p.m.

Public Comments:

Jack Preiss expressed concern about DHA being more visible in the community and playing a more active role on housing related committees. He felt that the agency would have more of a significant impact if they served and participated on more committees. He also discussed the proposed upcoming financial cuts to housing programs. Mr. Parks stated that none of the funding cuts has been finalized yet and that they were only being proposed. Mr. Parks also stated that a senior staff member, Rhega Taylor, represents DHA on the Durham Affordable Housing Coalition Board. He also stated that he and other staff members attend meetings as well. Mr. Haley noted that the Board of Commissioners will be well represented in Washington in May.

HOPE VI

DHA and the Banks Law Firm have prepared all required documentation for the Edgemont homeownership evidentiary submission. DHA is waiting for the Sub-Recipient Agreement to be executed by the Community Housing Development Organization and the City, as well as the CHDO's Promissory Note for its construction financing. The City of Durham's Community Development Department is proposing to change the structure of its financial commitment. An agenda item was originally scheduled to go before City Council on February 21st regarding changing the financial structure. However, it was not scheduled for this month. The City has not decided whether or not it will change the financing structure.

DVI received an equity payment of \$5,000.00 for Mainstreet Townhomes.

The U. S. Department of Housing and Urban Development has not signed off on the Partial Releases for the disposition of the four parcels being sold to Scientific Properties and Habitat for Humanity. Mrs. McLean stated that additional information may be required and that HUD may require that the homes be sold to low-income families; if so, the purchase agreements will have to be amended.

Edgemont Elms

A parking lot evaluation and survey were required for the project. The survey has been completed; and the parking lot evaluation should be completed this week.

Choice Neighborhoods Initiative

There was not an update on the Choice Neighborhoods Initiatives Planning grant. Staff is currently developing a Request for Qualifications for a Master Planner.

Goley Pointe

An application was submitted to the North Carolina Housing Finance Agency Supportive Housing Development Program. Funds in the amount of \$600,000 were requested to assist with the development of Goley Pointe Phase II. There was also a brief discussion regarding DVI being classified as an affiliate or an instrumentality. Mrs. McLean stated that the Banks Law Firm is researching this information. Mr. Pristell commented that DVI could be classified as either one and that he is still researching the matter.

1010 Worth Street

Mrs. McLean stated that 1010 Worth Street was not approved for sale in the Revitalization Plan that was submitted to HUD. If the agency decides to sale the property, the Revitalization Plan has to be amended. Mr. Haley stated that he would check the dwelling to see if it is structurally sound before we move further.

Development Strategies

A document was developed to evaluate all the public and affordable housing communities. The properties will be grouped into one of four categories (1) keep as is, (2) demolish, (3) dispose of, and (4) renovate. After they have been ranked in the categories, they will be ranked within the categories. Mr. Parks stated that he would like to begin this year. He also stated that the deadline for submitting a 4% tax credit application is in July.

The meeting was adjourned at 12:30 p.m. The next committee meeting is scheduled for Thursday, March 10, 2011, at 12:00 p.m.

Respectfully submitted,

Shannon McLean

HOUSING AUTHORITY OF THE CITY OF DURHAM

MEMORANDUM

TO: Board of Commissioners

FROM: Dallas J. Parks, Chief Executive Officer

DATE: February 23, 2011

SUBJECT: Resolution Approving 2010 Public Housing Assessment System Management Assessment Sub-System Certification

I. STATEMENT OF ISSUE

The Housing Authority of the City of Durham (DHA) has completed its Management Assessment Sub-System certification for Fiscal Year 2010 and is required to submit it electronically to the U. S. Department of Housing and Urban Development (HUD) no later than 60 days after the fiscal year end.

Public Housing Assessment System (PHAS) rule 24 CFR Part 902 Subpart F PHAS Scoring 902.60 Data Collection (d) (1) requires that The Management Operations Certification shall be approved by Board resolution, and signed and attested to by the Executive Director (E.D.).

II. BACKGROUND

PHAS assists the delivery of services in public housing and enhances trust in the public housing system among public housing agencies (PHAs), public housing residents, HUD, and the general public. PHAS is a management tool for effectively and fairly measuring the performance of a PHA in essential housing operations, including rewards for high performers and consequences for poor performers.

PHAS is comprised of assessments of four major operational areas – Physical (PASS), Financial (FASS), Resident Satisfaction (RASS), and Management (MASS).

The PASS score is based on the inspections completed by the Real Estate Assessment Center (REAC). All public housing units, building, sites, and common areas will be independently inspected according to the Uniform Physical Conditions System.

The FASS score is submitted by the housing authority and later certified by the Independent Auditor's report.

The RASS score is based on the outcome of the resident responses to the Resident Satisfaction Survey, as well as DHA's effort to promote the survey, and is certified in the Public and Indian Housing Information Center.

The MASS components Vacancy Unit Turnaround Time, Capital Fund, Work Orders, Annual Inspections of Dwelling Units and Systems, Security, and Economic Self-Sufficiency are submitted by the housing authority and is later certified by HUD officials after a field review is completed.

An estimated score is as follows:

PHAS Indicator	2010 Projected PHA Score	Maximum Score
Physical	22	30
Management	26	30
Financial	28	30
Resident Satisfaction	9	10
TOTAL	85	100

The PHAS score designation status is estimated as a Standard Performer.

III. RECOMMENDATION

It is recommended that the Board of Commissioners consider and approve the resolution for the 2010 PHAS Certification.

RESOLUTION NO: _____

**RESOLUTION APPROVING 2010 PUBLIC HOUSING ASSESSMENT SYSTEM
MANAGEMENT ASSESSMENT SUB-SYSTEM CERTIFICATION**

WHEREAS, the Housing Authority of the City of Durham has implemented systems to account for Vacancy Rate, the Unit Turnaround, Capital Fund, Work Orders, Annual Inspections of Units and Systems, Security, and Economic Self-Sufficiency indicators; and

WHEREAS, the U. S. Department of Housing and Urban Development requires a housing authority to submit its Management Assessment Sub-System certification no later than 60 days after the housing authority's fiscal year end; and

WHEREAS, the Board of Commissioners of the Housing Authority of the City of Durham certifies that to its knowledge, there is no evidence to indicate seriously deficient performance that casts doubt on its capacity to preserve and protect its public housing developments and operate them in accordance with federal laws and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Durham approves the Public Housing Assessment System Management Assessment Sub-System certification for fiscal year 2010, as attached.

This resolution shall take effect immediately.

Done this 23rd day of February 2011.

RECORDING OFFICER'S CERTIFICATION

I, Dallas J. Parks, the duly appointed Secretary of the Housing Authority of the City of Durham, do hereby certify that this resolution was properly adopted at the regular meeting of the Board of Commissioners of the Housing Authority of the City of Durham held on February 23, 2011.

(SEAL)

BY: _____
Dallas J. Parks, Secretary

**Public Housing Assessment
System (PHAS) Management
Operations Certification**

**U.S. Department of Housing
and Urban Development**
Real Estate Assessment Center

OMB No. 2535-0106
(exp. 3/31/2006)

Public reporting burden for this collection of information is estimated to average 1.8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is collected to implement section 502 of the National Affordable Housing Act of 1990, as amended, which established specific indicators to assess the management performance of public housing agencies (PHAs) in all major areas of management operations. PHAs will complete the PHAS Certification form HUD-50072 and electronically submit it to HUD. If a PHA does not have this capability in-house, the PHA should consider utilizing local resources, such as the library or another local government entity that has Internet access. In the event local resources are not available, a PHA may go to the nearest HUD Public Housing program office and assistance will be given to the PHA to transmit this PHAS certification. The information is used by HUD as a component of PHAS to assess all major areas of PHA's management operations, designate PHAs as troubled and PHAs troubled with respect to the program for assistance from the Capital Fund under Section 9, enter into a Memorandum of Agreement (MOA) with troubled PHAs and PHAs troubled with respect to the program for assistance from the Capital Fund under Section 9, and report annually to Congress on the status of troubled PHAs and PHAs troubled with respect to the program for assistance from the Capital Fund under Section 9. This information is required for HUD to lend itself to fulfill statutory requirements of the 1990 Act. The information collected does not to confidentiality.

Instructions: A PHA/AME's electronic responses to this certification must be the PHA/AME's actual data; e.g., prior to any adjustments to the indicators. Round percentages to the nearest two decimal points.

PHA/AME Name	For FY Ending	Submission Date
HOUSING AUTHORITY OF THE CITY OF DURHAM	12/31/2010	

Project name(s) if AME
N/A

The management functions for the following sub-indicator (s) have been assumed by an RMC, and the RMC certification will be completed and submitted to HUD (enter sub-indicator numbers or N/A):

Sub-Indicator #1: Vacant Unit Turnaround Time

V12400	Total number of turnaround days.	26402
V12500	Total number of vacancy days exempted for Capital Fund.	182
V12600	Total number of vacancy days exempted for other reasons.	1079
V12700	Total number of vacant units turned around and lease in effect in the PHA's immediate past fiscal year.	451
V12800	Average number of calendar days units were in down time.	5.07
V12900	Average number of calendar days units were in make ready time.	12.3
V13000	Average number of calendar days units were in lease up time.	38.35
V13100	Average unit turnaround days. [READ ONLY]	55.75

Sub-Indicator #2: Capital Fund

CF10000	Do you have any open Capital Fund programs (e.g., CGP, Hope VI,) (Y/N)? Open = any program that does not have a pre-audit end date or that received a pre-audit end date during the fiscal year being assessed. Component #1 and #2 (please circle yes or no) Yes No	Yes
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Component #1: Unexpended Funds Over Three Federal Fiscal Years (FFYs) Old

CF10050	Total funds authorized over 3 FFYs old that do not have a pre-audit end date or that received a pre-audit end date during the fiscal year being assessed.	\$ 3034692
CF10100	Total funds expended over 3 FFYs old that do not have a pre-audit end date or that received a pre-audit end date during the fiscal year being assessed.	\$ 3034692
CF10200	Unexpended funds to be recaptured.	\$ 0
CF10300	Unexpended funds approved by HUD over 3 FFYs old.	\$ 0
CF10400	Unexpended funds with time extensions due to reasons outside of PHA control.	\$ 0
CF10500	Adjusted total unexpended funds. [READ ONLY]	\$ 0

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Component #2: Timeliness of Fund Obligation

CF11100	Total funds authorized for grants older than 2 FFYs old.	\$	6329088
CF11200	Total funds obligated over 2 FFYs old.	\$	6329088
CF11300	Unobligated funds approved by HUD over 2 FFYs old.	\$	0
CF11400	Unobligated funds with time extensions due to reasons outside of PHA control.	\$	0
CF11500	Adjusted total unobligated funds.	[READ ONLY] \$	0

Component #3: Adequacy of Contract Administration

CF11700	The date of the last HUD/Army Corps of Engineers on-site inspection and/or audit related to contract administration (include A-133 Audit).	(mm/dd/yyyy)	7/10/2009
CF11800	The number of findings related to contract administration.		0
CF11900	The number of findings related to contract administration that have been corrected by the PHA.		0
CF12000	The number of findings related to contract administration that the PHA is in the process of correcting.		0

Component #4: Quality of the Physical Work

CF12200	The date of the last HUD/Army Corps of Engineers on-site inspection and/or audit related to the quality of physical work.	(mm/dd/yyyy)	7/10/2009
CF12300	The number of findings related to the quality of physical work.		0
CF12400	The number of findings related to the quality of physical work that have been corrected by the PHA.		0
CF12500	The number of finding related to the quality of physical work that the PHA is in the process of correcting.		0

Component #5: Adequacy of Budget Controls

CF12700	Total amount of Capital Funds expended during the PHA fiscal year being assessed.	\$	6074303
CF12800	The amount of Capital Funds expended on approved work items not subject to budget revisions during the PHA fiscal year being assessed.	\$	0
CF12900	The amount of Capital Funds expended under budget revisions with prior HUD approval during the PHA fiscal year being assessed.	\$	0
CF13000	The amount of Capital Funds expended under budget revisions not requiring prior HUD approval during the PHA fiscal year being assessed.	\$	6074303

Sub-Indicator #3: Work Orders

Component #1: Emergency Work Orders

W10000	Total number of emergency work orders.		502
W10100	Total number of emergency work orders completed / abated within 24 hours.		502
W10200	Percentage of emergency work orders completed / abated within 24 hours.	[READ ONLY]	100 %

Component #2: Non-Emergency Work Orders

W10500	Total number of non-emergency work orders.		22889
W10600	Total number of calendar days it took to complete non-emergency work orders.		76803
W10700	Average number of days PHA has reduced the time it takes to complete non-emergency work orders over the past three years.		1.07
W10800	Average completion days.	[READ ONLY]	3.36

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Sub-Indicator #4: Annual Inspection of Dwelling Units and Systems

Component #1: Annual Inspection of Dwelling Units

A10000	The total number of ACC units.		1851
A10100	The sum of units exempted where the PHA made two documented attempts to inspect and is enforcing the lease.		0
A10200	Vacant units exempted for Capital Fund.		0
A10300	Vacant units exempted for other reasons.		14
A10400	Total number of units inspected using the Uniform Physical Condition Standards (UPCS).		1837
A10550	Total number of units inspected that did not require repairs.		650
A10600	The number of units where necessary repairs were completed to comply with UPCS either during the inspection, issued work orders for the repairs, or referred the deficiency to the current year's or next year's Capital Fund program.		1331
A10700	Adjusted units available.	[READ ONLY]	1837
A10800	Percent of units inspected by PHA.	[READ ONLY]	100 %

Component #2: Annual Inspection of Systems including Common Areas and Non-Dwelling Space

A11100	Total number of projects.		17
A11200	Total number of projects exempted from the inspection of systems.		0
A11300	The total number of projects where all systems were inspected in accordance with the UPCS.		17
A11400	Total number of buildings.		443
A11500	Total number of buildings exempted from the inspection of systems.		2
A11600	The total number of buildings where all systems were inspected in accordance with the UPCS.		441
A11700	The number of buildings and projects where necessary repairs were completed to comply with the UPCS either during the inspection, issued work orders for the repairs, or referred the deficiency to the current year's or next year's Capital Funds program.		458
A11800	Percentage of projects inspected.	[READ ONLY]	100 %
A11900	Percentage of buildings inspected.	[READ ONLY]	100 %

Sub-Indicator #5: Security

Component#1: Tracking and Reporting Crime-Related Problems

S10000	The date that the Board adopted current policies to track crime and crime-related problems. (mm/dd/yyyy)		7/12/2006
S10100	The date that the PHA implemented the current procedures to track crime and crime-related problems.	(mm/dd/yyyy)	7/12/2006
S10200	The date that the PHA implemented a current cooperative system for tracking and reporting crime to local police authorities.	(mm/dd/yyyy)	7/12/2006
S10300	The number of crimes that the PHA can document it reported to local police authorities.		62
S10400	Percentage of developments where PHA can document it tracks crime and crime-related problems.		100 %

Component#2: Screening of Applicants

S10500	The date the Board adopted current screening policies that reflect the applicable criteria. (mm/dd/yyyy)		7/12/2006
S10600	The date the PHA implemented current screening procedures that reflect the applicable criteria.	(mm/dd/yyyy)	7/12/2006
S10700	PHA can document that current screening procedures result in successfully denying admission to applicants who meet the applicable criteria. (Please circle yes or no) Yes No		Yes
S10800	The total number of applicants denied who met the applicable criteria.		121

Public Housing Assessment System (PHAS) Management Operations Certification

U.S. Department of Housing and Urban Development
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Component#3: Lease Enforcement

S10900	The date the Board adopted current eviction procedures that reflect the applicable criteria. (mm/dd/yyyy)	7/12/2006.
S11000	The date the PHA implemented current eviction procedures that reflect the applicable criteria.	(mm/dd/yyyy) 7/12/2006
S11100	PHA can document that current eviction screening procedures resulted in the eviction of residents who meet the applicable criteria. (Please circle yes or no)	Yes
S11200	The total number of evictions as a result of the applicable criteria.	35

Component#4: Drug Prevention and/or Crime Reduction Program Goals

S11350	The number of HUD-funded drug prevention and/or crime reduction programs.	1
S11450	The number of non HUD-funded drug prevention and/or crime reduction programs that the PHA requests to be assessed.	0
S11550	The number of documented program goals that are related to drug prevention and/ or crime reduction.	4
S11600	The number of goals the PHA can document it met under the implementation plan(s) for any and all of these programs.	4
S11700	Percentage of goals that the PHA can document it met under implementation plan(s) for any and all of these programs. [READ ONLY]	100 %

Sub-Indicator #6: Economic Self-Sufficiency

E10000	The number of HUD-funded economic self-sufficiency programs.	4
E10100	The number of non HUD-funded economic self-sufficiency programs that the PHA requests to be assessed.	0
E10200	The number of documented program goals that are related to economic self-sufficiency.	39
E10300	The number of goals the PHA can document it met under the implementation plan(s) for any and all of these programs.	39
E10400	Percentage of goals that the PHA can document it met under implementation plan(s) for any and all of these programs. [READ ONLY]	100 %

Adjustments for Physical Condition and/or Neighborhood Environment

Please enter project number and name and indicate which area the adjustment for Physical Condition and/or Neighborhood Environment applies for a project. (Check all that apply)

Project No.	Project Name	Site	Common Areas	Building Exteriors

Please attach additional sheets as necessary for additional projects.

Public Housing Assessment System (PHAS) Management Operations Certification

U.S. Department of Housing and Urban Development
 Real Estate Assessment Center

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I certify that, as of the submission date, the above sub-indicators, under Public Housing Assessment System indicator #3 Management Operations are true and accurate for the fiscal year indicated. I further certify that, to my present knowledge, there is no evidence to indicate seriously deficient performance that casts doubt on the PHA's capacity to present and protect its public housing developments and operate them in accordance with Federal law and regulations. Appropriate sanctions for intentional false certification will be imposed, including suspension or debarment of the signatory.

A Board Resolution approving this certification is required. I further certify that Board Resolution number _____ approving this certification was passed on (mm/dd/yyyy) _____.

Executive Director (signature) X DALLAS J. PARKS	Date (mm/dd/yyyy) X
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HOUSING AUTHORITY OF THE CITY OF DURHAM

MEMORANDUM

TO: Board of Commissioners

FROM: Dallas J. Parks, Chief Executive Officer

DATE: February 23, 2011

SUBJECT: Resolution Approving Amendments to the Procurement Policy for the Housing Authority of the City of Durham

I. STATEMENT OF ISSUE

In February 2010, the Board approved a *Procurement Policy for the Housing Authority of the City of Durham*. As part of regular reviews and ongoing projects, changes and revisions to that policy have been identified and are proposed for adoption by the Board.

II. BACKGROUND

In response to a U.S. Department of Housing and Urban Development (HUD) Comprehensive Monitoring Review conducted in 2009, the Durham Housing Authority (DHA) adopted a new procurement policy in February 2010. This policy was reviewed and approved by HUD in March 2010.

Since adoption of the policy, DHA staff identified several minor revisions to the policy. DHA also retained the services of a consultant to assist in the development of Standard Operating Procedures for the procurement function. As part of that work, the consultants reviewed the policy and proposed several changes.

All of these changes – both staff identified and consultant recommended – were submitted to The Banks Law Firm for review. Based on the comments received, some modifications were made to the proposed changes.

The proposed changes to the policy are included in Attachment A to the Resolution. In addition, an Executive Summary is attached to this document which explains the proposed changes.

III. RECOMMENDATION

It is recommended that the Board of Commissioners consider and approve the resolution to revise the Procurement Policy for the Housing Authority of the City of Durham.

Durham Housing Authority

Procurement and Disposition Policy

Executive Summary of Proposed Changes, Revisions and Amendments

February 2011

This summary document is intended to help guide readers in the review of the document entitled "Proposed Changes, Revisions and Amendments" regarding the Durham Housing Authority(DHA) Procurement Policy. Most of the information in this document concerns revisions proposed by TAG Associates, Inc. (TAG), whether they were ultimately included in the proposed revisions or not.

Article I

Section B.

TAG recommended the inclusion of additional wording regarding the applicability of State and local law. The Banks Law Firm (BLF) did provide an advisory note that certain State laws do not apply to DHA.

Article IV

TAG recommended the inclusion of new language before the start of Section A. This language specifies that all requests for procurement shall be written or communicated electronically. Please note that a formal request for procurement process is a new process for DHA.

Article IV

Section C

Section C provides an overview of the sealed bidding process. TAG proposed adding language specifying sealed bids (Invitation for Bid or Request for Proposal/Qualifications) will be used for procurements in excess of \$25,000. Current State law does not require a threshold that is set so low. However, DHA may opt to use \$25,000 as the threshold for the use of sealed bidding methods. Staff has proposed language to establish the \$25,000 threshold unless the CEO authorizes an exception.

Language was also added regarding the requirement for a non-collusive certification, which reflects current practice.

Section C.2

Language added specifying advertising is to occur at least 10 days prior to bid/proposal due dates/opening.

Section C.3

Language added indicating bids will be opened at the time, date and place indicated in the procurement document. New language was also added indicating two DHA employees will be present for the opening and the bid tabulation will be made available via the DHA website.

Section C.4.b

Added language indicating withdrawal of a bid will preclude an offeror from resubmitting for the same procurement action.

Section D

Language cleaned up.

Section D.1

Language cleaned up.

Section D.2

Language cleaned up.

Section D.3

Title changed. Removed language regarding evaluation plan when criteria are not apparent. Language revised to remove reference to the head of the Evaluation Committee. DHA has changed processes and no head of the Evaluation Committee is named. The evaluation report is prepared by staff. Removed language regarding evaluation of price/cost effectiveness (moved to different section).

Section D.4

Rewritten to focus specifically on cost/price evaluation.

Section D.5

Rewritten to refer to the Evaluation Report generated at conclusion of evaluation process. Indicates proposals are to be ranked on technical evaluation results. Highest ranked proposal within competitive range (explained in Section D.6) will be selected for award pending any additional negotiation and or best and final offer process.

Section D.6

Language cleaned up.

Section D.12

Language cleaned up.

Section F

Added language regarding compliance with contract provisions.

Article VI**Section A.2**

Added language to make this section consistent with the \$25,000 threshold for small purchases to use public solicitation processes.

Section A.3

Added language specifying advertising is to start at least 10 days prior to the due date/opening. This language was added to be consistent with Article IV, Section C.2.

Section B

Added language specifying advertising is to start at least 10 days prior to the due date/opening. This language was added to be consistent with Article IV, Section C.2 and Article VI, Section A.3. Also adjusted the threshold to refer to \$25,000.

Article XIV [NOTE: These comments pertain to language proposed by TAG but not included in the proposed revisions.]**Section C**

TAG proposed adding a new item, C.3, which referenced a preference for procurement of items made available through the NC Department of Correction based on NCGS 148-70. According to BLF, those provisions were removed during the 2007-2008 session of the General Assembly. Therefore, staff is not proposing to include this language.

TAG also proposed adding a new item, C.4, which references a preference for North Carolina products. While TAG did not cite a basis for this, BLF had indicated it appears this is based on NCGS 143-59. BLF indicates DHA is not bound by this statutory requirement. However, DHA may elect to comply. Due to the additional administrative burden required for compliance and the perceived position of HUD regarding local preferences, staff does not recommend this change.

RESOLUTION NO. _____**RESOLUTION APPROVING AMENDMENTS TO THE PROCUREMENT POLICY FOR THE HOUSING AUTHORITY OF THE CITY OF DURHAM**

WHEREAS, the Housing Authority of the City of Durham adopted a Procurement Policy in February 2010; and

WHEREAS, consultants and staff have identified changes and revisions to said Procurement Policy during the past year as indicated in Attachment A to this Resolution; and

WHEREAS, as a matter of sound business practice the Housing Authority of the City of Durham should, from time to time, update policy documents to fully incorporate any changes and amendments made, to revise said policies with regulatory and legal updates issued by relevant agencies like the U.S. Department of Housing and Urban Development, and to incorporate appropriate industry best practices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners finds as follows:

1. That the proposed additions and deletions to the Procurement Policy, as set forth in Attachment A, are hereby adopted;
2. That this action is contingent upon receipt of approval from the U.S. Department of Housing and Urban Development;
3. That this resolution shall take effect March 1, 2011.

Done this 23rd day of February 2011.

RECORDING OFFICER'S CERTIFICATION

I, Dallas J. Parks, the duly appointed Secretary of the Housing Authority of the City of Durham, do hereby certify that this resolution was properly adopted at the regular meeting of the Board of Commissioners of the Housing Authority of the City of Durham held on February 23, 2011.

(SEAL)

BY:

Dallas J. Parks, Secretary

ATTACHMENT A

Durham Housing Authority

Procurement and Disposition Policy

Proposed Changes, Revisions and Amendments

February 2011

Underline text to be added. Strikethrough text to be removed.

Article I

Section B. Application

This Policy applies to all procurement actions of DHA, regardless of the source of funds, except as noted under the "Exclusions," section in Article I, Section D below. However, nothing in this Policy shall prevent DHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law. When both Federal funds (including HUD funds) and non-Federal funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if it is possible and necessary. If it is not possible to separate the funds, HUD procurement requirements shall be applied to the entire project provided that such requirements are the most stringent applicable requirements.

The DHA must conduct its purchasing activities in accordance with applicable State of North Carolina and local laws. In some cases, the state or local law or regulation may be more stringent than the federal regulations. In general, the DHA must comply with whichever is more stringent.

Article IV

(new language to be inserted before Section A)

All requests for procurement shall be through a written or electronic request. Verbal requests are not satisfactory except in an emergency situation and any such request must be followed up with a written or electronic confirmation from the initiating individual or department.

Section C. Sealed Bids

Sealed bidding shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals. Under sealed bids, DHA will publicly solicit bids and award firm fixed-price contracts (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$100,000. However, DHA may elect to use competitive proposals for construction contracts. In addition, the preferred method for procuring contracts above \$25,000 in the small purchase range is the use of sealed bids unless an exception is authorized in writing by the Chief Executive Officer. DHA requires that all bidders or offerors certify that each bid or offer is submitted competitively and without collusion.

Section C.2

Solicitation and Receipt of Bids. DHA will publicize each upcoming procurement through a variety of means such as e-procurement systems, trade journals, or local newspaper advertising at least 10 days prior to opening. An IFB will be issued which includes a description of the supplies or services to be purchased, the specifications and all contractual terms and conditions applicable to the procurement, any unique technical information, time and place for receipt of bids and the public bid opening, time and place of site inspections or pre-bid conferences, a form for stating the bid price, other required forms, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

Section C.3

Bid Opening and Award. Bids shall be opened publicly at the time, date and place identified in the procurement document. At least two employees will be at the opening. DHA shall read aloud the names of bidders and the prices received. All bids received shall be recorded on an abstract (tabulation) of bids, and then made available for public inspection including posting on the DHA website. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method, unless otherwise provided in State or local law. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

Section C.4.b

Withdrawal of a bid after bid opening is permissible if there is an obvious error in the bid such as a math error, but the mistake must be readily apparent from the bid itself. A bidder may be permitted to withdraw a low bid if a mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident. A bidder may also be permitted to withdraw a low bid if the bidder submits written evidence that clearly and convincingly demonstrates that a mistake was made. DHA will require written supporting evidence before allowing withdrawal by the bidder. If DHA allows withdrawal, the bid bond will be returned to the bidder upon verification of the error. In cases of alleged mistakes or requests for withdrawal, the decision to allow a correction or withdrawal should only be made after consultation with DHA's legal counsel. If a bid is withdrawn, a subsequent resubmission is not allowed unless the procurement is cancelled, advertised and solicited at a later date.

Section D

Unlike sealed bidding, the competitive proposal method permits:

- consideration of technical factors in addition to or other than price;
- discussion with ~~offerors concerning offers submitted~~ an offeror concerning the offer they submitted;
- negotiation in writing of contract price or estimated cost and other contract terms and conditions;
- revision of proposals before the final contractor selection (minor errors which do not include threshold items); and
- the withdrawal of an offer at any time up until the point of award.

Award is normally made on the basis of the proposal that represents the best overall value to DHA, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

1. **Conditions for Use.** Where conditions are not appropriate for the use of a sealed bidding process (e.g. when definitive specifications are not available or when factors other than price need to be evaluated in order to provide DHA the best value), competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the small purchase threshold.
2. **Form of Solicitation.** Other than A/E or Developer services in which an RFQ may be used, competitive proposals shall be solicited through the issuance of a RFP. The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any subfactors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. DHA may assign price a specific weight in the evaluation criteria or DHA may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.
3. **Technical Evaluation.** The proposals shall be evaluated only on the criteria stated in the RFP. ~~Where not apparent from the evaluation criteria, DHA shall establish an Evaluation Plan for each RFP.~~ Generally, all RFPs shall be evaluated by an Evaluation Committee established by the Chief Executive Officer or Contracting Officer. The Evaluation Committee shall be required to disclose any potential conflicts of interest and may be required to sign a statement regarding non-disclosure of proprietary or trade secret information included in proposals. Each Evaluation Committee member should initially score each proposal independently against the evaluation criteria established in the RFP, not comparatively against the other proposals. Each member shall provide a written explanation for his or her numerical score. ~~The Contracting Officer or designee shall evaluate the price/cost effectiveness factor. An evaluation report, summarizing the results of the technical evaluation shall be prepared by the head of the Evaluation Committee~~ Chief Executive Officer, Contracting Officer, or designee prior to award of a contract.
4. **Cost/Price Evaluation.** ~~The Contracting Officer for the procurement shall complete completion the evaluation of cost effectiveness. This evaluation shall be undertaken by one with experience and capacity with price analysis and evaluation. The Contracting Officer or designee shall evaluate the price/cost of submitted proposals. The Contracting Officer or designee should obtain assistance from individuals with experience and capacity to analyze and evaluate the prices submitted.~~
5. **Price and Technical Evaluation Report.** ~~The proposals must be ranked according to the technical and price evaluation scores taken together as specified in the RFP. Upon completion of the technical and cost/price evaluations, the Contracting Officer or designee will prepare an Evaluation Report that summarizes the results of the evaluations. Proposals will be ranked according to the results of the technical evaluation. The highest ranked proposal within the competitive range will be selected for additional negotiation (if necessary), best and final offer (if necessary), and award.~~
6. **Competitive Range.** DHA shall establish the competitive range for the proposals. Any proposal which has a reasonable change chance to meet DHA's objectives, should be included to maximize the potential competition among the proposals. Any proposal scored within the competitive range is eligible for an interview if DHA has decided to use interviews. Any submitter of a proposal not within the range shall be sent a letter as to the reason the proposal was unacceptable or otherwise not within the competitive range (e.g. technical grounds, failure to abide by RFP requirements, excessive price, etc.). The decision as to the competitive range and which proposals qualify, along with the basis for such determination, shall be in writing and made part of the procurement file.

12. **Architect/Engineer (A/E) Services.** DHA shall contract for A/E services using QBS procedures, utilizing a RFQ. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation and in accordance with NCGS 143-64.31. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, though architectural/engineering firms are potential sources. Additionally, for A/E services in the amount of \$30,000 or less, pursuant to NCGS 143-64.32 DHA may exempt itself from the requirements of NCGS 143-64.31 by announcing its intention to do so at a public meeting of the Board, stating the reasons for doing so and the associated circumstances and placing such decision and its reasoning in writing as part of the meeting minutes.

Section F

DHA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an intergovernmental agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the intergovernmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. DHA may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 24 CFR 85.36. The DHA procurement files shall contain a copy of the intergovernmental agreement and documentation showing that cost and availability were evaluated before the agreement was executed, and these factors are reviewed and compared at least annually with those contained in the agreement. All commodities and contractual services covered by these contracts must be purchased in accordance with the instructions and terms of the contracts.

Article VI

Section A.2

Small Purchases. Quotes may be solicited orally, through fax, or by any other reasonable method. However, pursuant to NCGS 143-129, purchases of apparatus, supplies, materials or equipment in excess of \$90,000 must utilize a public solicitation process as indicated in NCGS 143-129, unless one of the exceptions indicated in NCGS 143-129(e) applies. In addition, DHA requires small purchases in excess of \$25,000 to use a public solicitation process, including the issuance of an IFB/RFP document, advertising, and the acceptance of sealed bids/proposals.

Section A.3

Sealed Bids and Competitive Proposals. Solicitation must be done publicly. DHA must use one or more following solicitation methods, provided that the method employed provides for full and open competition. All advertising should be at least once and at least 10 days prior to submission deadline.

Section B

For purchases of more than ~~\$25,000~~ \$100,000, the public notice should run at least once each week for two consecutive weeks. Advertisements should commence at least 10 days prior to solicitation deadline.

HOUSING AUTHORITY OF THE CITY OF DURHAM

MEMORANDUM

TO: Board of Commissioners

FROM: Dallas J. Parks, Chief Executive Officer

DATE: February 23, 2011

SUBJECT: Resolution Authorizing Submission of the Durham Housing Authority's Section Eight Management Assessment Program Self-Certification to the Department of Housing and Urban Development

I. STATEMENT OF ISSUE

Each year DHA is required to complete and submit its Section Eight Management Assessment Program (SEMAP) rating and certification for the previous fiscal year.

II. BACKGROUND

SEMAP was implemented by HUD in October 1998, to objectively measure Public Housing Agencies' (PHAs') performance and administration of the Housing Choice Voucher (HCV) program. SEMAP includes 14 key indicators that measure a PHA's management factors in the operation of the tenant-based rental assistance program. A housing authority may be rated as a high, standard, or troubled performer.

Each housing authority that administers a Housing Choice Voucher program is required to annually submit a SEMAP certification to HUD within 60 calendar days after the end of its fiscal year, according to 24 CFR 985.101.

Each SEMAP indicator has an assigned point value (Attachment #1). A housing authority self-certifies to each of the indicators and HUD verifies the self-certification through annual audits, submission of documents, and through a tenant reporting database system called the PIH Information Center (PIC), maintained by HUD.

The HCV Program staff has audited tenant files and conducted quality control inspections to determine the present program performance and to prepare the certification form. The overall SEMAP score is based on the cumulative scores of

all 14 indicators. Attachment 1 is a table containing the SEMAP indicators, maximum points available for each indicator, and points assigned based on the self-assessment certification.

For Fiscal Year 2010, DHA achieved a total of 125 points. Therefore, the Authority's overall SEMAP rating is 86%. Housing authorities that achieve 61-89% are rated as standard performers.

III. RECOMMENDATION

It is recommended that the Chief Executive Officer or designee is authorized to execute the SEMAP Self-Certification and submit it electronically with a Board-approved resolution to the Greensboro HUD office.

RESOLUTION NO. _____**RESOLUTION AUTHORIZING SUBMISSION OF THE DURHAM HOUSING AUTHORITY'S SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM SELF-CERTIFICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, on October 13, 1998, the U.S. Department of Housing and Urban Development established the Section Eight Management Assessment Program to objectively measure a public housing agency's performance standards in key Section Eight tenant-based program areas; and

WHEREAS, the U.S. Department of Housing and Urban Development has established 14 performance indicators that address key areas in the management of the Section Eight Housing Choice Voucher program; and

WHEREAS, a self-certification completed by the Housing Choice Voucher program staff determined DHA obtained 125 out of a possible 145 scoring 86% as indicated in Attachment A; and

WHEREAS, 24 CFR 985.101 requires a housing authority administering a Housing Choice Voucher tenant-based assistance program to submit annually a Section Eight Management Assessment Program Certification within 60 days after the end of its fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Durham, as follows:

1. That the Chief Executive Officer or his designee is hereby authorized and directed to prepare a Section Eight Management Assessment Program Certification attesting that there is no evidence to indicate seriously deficient performance in the operation of the Housing Authority's Housing Choice Voucher Program; and
2. That the Chief Executive Officer or his designee and Chairperson of the Housing Authority are hereby authorized to execute said Certification on behalf of the Housing Authority of the City of Durham, and to submit same, along with a copy of this resolution, to the Greensboro office of the U.S. Department of Housing and Urban Development.
3. This resolution shall take effect immediately.

Done this 23rd day of February 2011.

RECORDING OFFICER'S CERTIFICATION

I, Dallas J. Parks, the duly appointed Secretary of the Housing Authority of the City of Durham, do hereby certify that this resolution was properly adopted at the regular meeting of the Board of Commissioners of the Housing Authority of the City of Durham held on February 23, 2011.

(SEAL)

BY: _____
Dallas J. Parks, Secretary

Attachment A

SEMAP SELF-CERTIFICATION AND ANALYSIS JANUARY 1, 2010 THROUGH DECEMBER 31, 2010 DURHAM HOUSING AUTHORITY FYE 12/31			
#	INDICATOR	Points Possible	Points Earned (Via Self-Evaluation)
1	Selection from Wait List	15	15
2	Reasonable Rent	20	20
3	Determination of Adj. Income	20	0
4	Utility Allowance Schedule	5	5
5	HQS Quality Control Inspections	5	5
6	HQS Enforcement	10	10
7	Expanding Housing Opportunities	5	5
8	Payment Standards	5	5
9	Annual Reexaminations	10	10
10	Correct Tenant Calculations	5	5
11	Pre-Contract Inspections	5	5
12	Annual HQS Inspections	10	10
13	Lease-up	20	20
14	Family Self-Sufficiency	10	10
	Deconcentration Bonus	5	0
SEMAP SCORE AND EVALUATION			
		Possible	Earned
TOTAL POINTS		145	125
Percentage: (Points Earned/Points Possible)		86%	
Performance Evaluation:		Standard Performer	

HOUSING AUTHORITY OF THE CITY OF DURHAM

MEMORANDUM

TO: Board of Commissioners

FROM: Dallas J. Parks, Chief Executive Officer

DATE: February 23, 2011

SUBJECT: Resolution to Consider and Approve the 2011 Shelter Plus Care Updated Memorandum of Understanding with the Durham Center

I. STATEMENT OF ISSUE

In 2002, the Durham Housing Authority (DHA) received an initial grant award to administer a Shelter Plus Care (S+C) program. Funding for Shelter Plus Care projects is awarded competitively through the U.S. Department of Housing and Urban Development's Continuum of Care process to eligible applicants. The original grant expired and our renewal application was selected for funding in 2011.

II. BACKGROUND

Shelter Plus Care (S+C) is a federally funded program, which provides long-term rental assistance to homeless persons with disabilities. Appropriate supportive services designed to enable persons to achieve and maintain independent living must be available to the participants. The value of the services must equal the amount of housing assistance over the period of the grant.

The primary target populations are homeless people who have: serious mental illness; and/or chronic problems with alcohol, drugs, or both; and/or Acquired Immune Deficiency Syndrome (AIDS) or related diseases. This program provides rental assistance for a variety of housing choices, accompanied by a range of supportive services funded by other sources.

Our program is entitled "Home Again." The purpose of the *Home Again* program is to provide a safe and secure living environment for homeless persons with disabilities and to enable clients to better manage their mental illness. The DHA provides the rental assistance administration and The Durham Center, the participating service agency, provides the supportive services.

Shelter Plus Care grants are renewed for a one year period, and the funding is used to provide rental assistance. DHA administers rental assistance to 13 program participants and will expand its program based on the funding provided. Currently, DHA works in concert with The Durham Center to administer the Shelter Plus Care Program. Accordingly, DHA will enter into a new Memorandum of Understanding for the grant renewal period.

The purpose for the Memorandum of Understanding is to define the relationship of the parties involved in the administration of the grant. The aim is also to provide standard concepts, definitions and procedures to enable efficient administration and the collection of reporting of performance data that is required in order to manage the grant.

The goals of the Shelter Plus Care Program are to assist homeless individuals and their families to:

- Increase their housing stability
- Increase their skills and/or income
- Obtain greater self-sufficiency

III. RECOMMENDATION

It is recommended that the Board of Commissioners consider and approve the resolution for the adoption of the Memorandum of Understanding for the operation of the Shelter Plus Care program.

RESOLUTION NO. _____**RESOLUTION TO CONSIDER AND APPROVE THE 2011 SHELTER PLUS CARE UPDATED MEMORANDUM OF UNDERSTANDING WITH THE DURHAM CENTER**

WHEREAS, the Housing Authority of the City of Durham, has been awarded a Shelter Plus Care housing grant from the U.S. Department of Housing and Urban Development; and

WHEREAS, the project name for this grant is *Home Again*; and

WHEREAS, the purpose of *Home Again* is to provide rental assistance for at least 12 units of permanent supportive housing during the one year grant period; and

WHEREAS, *Home Again* will provide stable permanent housing and access to supportive services for homeless individuals and families with disabilities; and

WHEREAS, The Durham Center has agreed to provide primary supportive services through its contract providers to participants in *Home Again* during the grant period and to obtain services from outside agencies for participants in *Home Again*, on an as-needed basis; and

WHEREAS, *Home Again* will provide tenant-based rental assistance to ensure that participants are not paying more than 30% of their adjusted monthly income for housing costs; and

WHEREAS, the Housing Authority of the City of Durham will manage all housing related issues, including housing inspections, determination of rent reasonableness, and disbursement of housing assistance payments to participating landlords; and

WHEREAS, the Housing Authority of the City of Durham has executed a Memorandum of Understanding, attached as Exhibit A; and

WHEREAS, the Housing Authority of the City of Durham and The Durham Center recognize that *Home Again* will provide permanent housing only during the grant period and will work together to help participants' access permanent housing that is not dependent on a time-limited grant prior to the end of the grant period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of Durham, as follows:

1. The Memorandum of Understanding is revised, as shown in Exhibit A, is approved.
2. That all motions, orders, resolutions, and parts thereof in conflict with this resolution are hereby repealed, and all other acts of the Housing Authority of the City of Durham that are in conformity with the purposes and intent of this resolution are hereby ratified, confirmed, and approved; and
3. This resolution shall take effect immediately.

Done this 23rd day of February 2011.

RECORDING OFFICER'S CERTIFICATION

I, Dallas J. Parks, the duly appointed Secretary of the Housing Authority of the City of Durham, do hereby certify that this resolution was properly adopted at the regular meeting of the Board of Commissioners of the Housing Authority of the City of Durham held on February 23, 2011.

(SEAL)

BY: _____
Dallas J. Parks, Secretary

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DURHAM CENTER
AND
THE HOUSING AUTHORITY OF THE CITY OF DURHAM**

1. Background

The "Home Again" Shelter Plus Care Program (S+C) is funded by a grant from the United States Department of Housing and Urban Development (HUD). The Program is designed to provide both affordable housing and a full range of services to homeless individuals who are mentally ill, have chronic alcohol and drug problems, and/or have AIDS or related disorders. The Program is jointly administered by the Housing Authority of the City of Durham (the "Authority") and The Durham Center (the "Provider").

2. Purpose of Memorandum of Understanding

One service provider has committed to participate in the "Home Again" Shelter Plus Care Program to provide necessary service to the target population. The purpose of this Memorandum of Understanding (MOU) is to clearly identify the services to be provided and the responsibilities of the Provider and the Authority.

3. Scope of Services

Provider shall provide services as described in the Provider's Commitment letter, as set forth in Attachment A.

The Authority shall administer all grant requirements and administer rental assistance to eligible participants. The Provider shall be responsible for participant intake, referral, and service delivery.

4. Indemnity and Insurance

Provider shall indemnify the "Authority", its officers and employees, against any and all liability for injury and damage caused by any negligent or willful act or omission of Provider or any of Provider's employees or volunteers in the performance of the duties specified in this MOU. Provider shall have General Liability, Worker's Compensation,

Automobile, and Professional Insurance coverage as required and appropriate. Proof of coverage will be provided upon request of the Authority.

5. Record Keeping and Reporting

Provider agrees to maintain on a current basis documentation of matching service contributions, eligibility and occupancy records, as may be applicable, complete and current monthly service logs, application logs, and all related documents and records to assure proper accounting of funds and performance under the terms of this MOU. Provider agrees to participate in the local and national evaluation of the Shelter Plus Care Program using a data collection system developed by (HUD) respectively provided to the Provider.

6. Compliance with Federal Regulations

Provider agrees to comply with all applicable requirements which are now, or which may hereafter be, imposed by HUD for the Shelter Plus Care Program, including, but not limited to, the requirements of 24 CFR part 85 (administrative requirements as detailed in OMB Circular A-102, and OMB Circular A-87), and 24 CFR part 24 (the use of debarred or suspended contractors). Provider will also comply with the requirement to maintain a Drug-free Workplace, pursuant to Section 401 of the McKinney Act and the Drug-free Workplace Act of 1988, and will comply with all statutes and regulations applicable to the delivery of Provider's services.

7. Nondiscrimination and Equal Opportunity

Provider agrees that no person shall, on the grounds of race color, religion, national origin, sex, sexual orientation, handicap, ancestry, familial status, or age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program participating in "Home Again" Shelter Plus Care or funded in whole or in part with funds made available to Provider pursuant to this MOU.

8. Term

The term of this MOU is March 1, 2011 thru February 28, 2012.

9. Amendment

This MOU may be amended with the written agreement of both the Authority and the Provider.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this twenty fourth day of February, 2011.

BY:

Dallas J. Parks, CEO, Housing Authority of the City of Durham

Date

BY:

Ellen S. Holliman, Area Director, The Durham Center

Date