



# NEW YORK CITY HOUSING AUTHORITY

## REQUEST FOR PROPOSAL FOR A PROJECT-BASED VOUCHER PROGRAM

### NEW YORK CITY HOUSING AUTHORITY'S COORDINATOR

The New York City Housing Authority's coordinator ("NYCHA's Coordinator") for ALL matters concerning this Request for Proposals ("RFP") is:

Mr. Meddy Ghabaee  
Supply Management Department - Procurement  
New York City Housing Authority  
90 Church Street, 6<sup>th</sup> Floor  
New York, New York 10007  
Telephone: (212) 306-4539  
E-mail address: [Meddy.Ghabaee@nycha.nyc.gov](mailto:Meddy.Ghabaee@nycha.nyc.gov)

References in this RFP to NYCHA's Coordinator shall include Mr. Ghabaee's designee, if applicable.

## Table Of Contents

Page

<b>I. OVERVIEW</b> .....	1
A. Introduction.....	1
B. Overview of Services.....	1
C. RFP Timetable.....	1
<b>II. PROGRAM OVERVIEW, BACKGROUND AND FEDERAL REQUIREMENTS</b> .....	2
A. Program Administration.....	2
B. Purpose.....	2
C. Funding.....	2
D. Description of PBV Program.....	3
E. Cap on Number of PBV Units per Projects.....	3
F. Occupancy and Vacancy of PBV units.....	3
G. Ineligible Units.....	4
H. Rent Limits.....	4
I. Federal Requirements.....	4
<b>III. OFFER OF PROJECT BASED VOUCHERS</b> .....	5
A. Number of PBV Units Available.....	5
B. Project Eligibility.....	5
C. Limit on Number of Projects.....	6

D. PBV Voucher Award.....	7
E. Pre-Award Conditions.....	7
F. Post Award Conditions.....	7
G. Affirmative Action.....	8
<b>IV. SCOPE OF SERVICES.....</b>	<b>8</b>
<b>V. PAYMENT FOR SERVICES.....</b>	<b>8</b>
<b>VI. COMMITMENT LETTER.....</b>	<b>9</b>
<b>VII. RFP PROCEDURES.....</b>	<b>9</b>
A. General Information- Communication with NYCHA.....	9
B. Modifications; Negotiations.....	9
C. Withdrawal of Proposals.....	10
D. Postponement or Cancellation of RFP or Rejection of All Proposals .....	10
E. Costs Incurred by Proposers.....	11
F. Confidential Information.....	11
G. Public Announcements.....	11
H. NYCHA Discretion.....	11
I. Proposal Packaging and Submission Requirements.....	12
J. Proposal Content Requirements- Proposal Part I.....	13
K. Proposal Part II- Specific Responses to RFP.....	15
L. Proposal Part III- Exceptions to the terms of this RFP.....	16

M. Proposal Part IV- Additional Brochures and Attachments(optional) .....	16
<b>VIII. CRITERIA FOR NYCHA EVALUATION OF PROPOSALS.....</b>	<b>16</b>
A. Minimum Qualifications Requirements.....	16
B. Owner Experience.....	16
C. Owner Background.....	17
D. Management Team.....	17
E. Supportive Services.....	18
F. Site Requirements.....	18
G. Financial Feasibility.....	19
H. Scoring Criteria.....	19
I. Exceptions to this RFP.....	21
J. Award Of Agreement(s).....	22

## Exhibits

1. Exhibit A      Hyperlink to HAP-AHAP Contracts
2. Exhibit B      Bid/Proposal Face Sheet
3. Exhibit C      Confirmation of VENDEX Compliance
4. Exhibit D      Doing Business Data Form
5. Exhibit E      Non-Collusive Bidding Certification
6. Exhibit F      Unit Count and Square Footage Spreadsheet
7. Exhibit G      Project-Based Section 8 Application

The above-referenced exhibits are attached to this RFP and are incorporated herein by reference.

## SECTION I

## OVERVIEW

### A. Introduction

The New York City Housing Authority (“**NYCHA**”) is the largest public housing authority in North America. NYCHA’s Public Housing Program consists of 178,914 apartments in 334 developments. NYCHA provides housing to approximately 621,212 New Yorkers served by NYCHA’s Public Housing and Section 8 Programs combined.

NYCHA is issuing this Request for Proposals (“**RFP**”) for the purpose of inviting interested Owners/Developers (“**Proposers**”) to submit proposals to use Project-Based Vouchers (“**PBVs**”) for their rental units to support the preservation or creation of affordable supportive housing for the disabled, victims of domestic violence, veterans and seniors (each, a “**Proposal**”). Project-Based Vouchers may be awarded for a new construction or a substantial rehabilitation project.

### B. Overview of Services

NYCHA is making available Project-Based Vouchers to support the preservation or creation of affordable housing opportunities within the five Boroughs of the City of New York. Project-Based Vouchers may be awarded for a new construction project or a substantial rehabilitation project. Project-Based Vouchers may be awarded to multiple eligible applicants up to the maximum number available. Under this program, a contract will be awarded for a period up to fifteen years, with one fifteen year renewal term. The project based subsidy will be attached to the units listed on the Contract and not to the individual tenant. NYCHA reserves the right to award all, none, or a portion of the vouchers applied for under Project Based Voucher (PBV) assistance. NYCHA, by issuing this RFP, seeks Proposals from owners/developers who will commit units of rental housing to receive assistance through project based vouchers, as detailed more fully within **Section II** of this RFP (collectively, the “**Services**”). NYCHA intends to enter into one or more agreements (the “**Agreement(s)**”) with the selected Proposers (the “**Selected Proposer(s)**” or the “**Developer/Owner(s)**”) to provide the Services. The term (“**Term**”) of the awarded Agreement(s) shall be an initial 15 years with an option to renew for up to 15 years.

### C. RFP Timetable

- i. The release date of this RFP is **Friday, January 24, 2014** (the “**Release Date**”).
- ii. A Proposers’ conference (“**Proposers’ Conference**”) will be held **on February 10, 2014 at 10:00 a.m.**, in Ceremonial Room, located on the 5th floor at 90 Church Street, New York, New York 10007. Although attendance is not mandatory at the Proposers’ Conference, it is strongly recommended that all interested Proposers attend. NYCHA additionally recommends that prospective Proposers submit, via facsimile or e-mail, written questions in advance of the Proposers’ Conference to NYCHA’s Coordinator

by no later than **12:00 p.m. on February 7, 2014**. Questions submitted in writing must include the firm name and the name, title, address, telephone number, fax number and e-mail address of the individual to whom responses to the Proposer's questions should be given. Proposers will be permitted to ask additional questions at the Proposers' Conference. Final questions deadline will be **February 18, 2014, no later than 2:00pm**. All questions and answers will be provided to all firms that received a copy of this RFP.

- iii. Proposals must be received by NYCHA no later than **2:00 p.m. on February 28, 2014** (the "**Proposal Submission Deadline**"). Proposers should refer to **Section VI (I)** of this RFP for details on Proposal packaging and submission requirements.
- iv. The anticipated award date of the Agreement(s) to the Selected Proposer(s) is on or about **June 2, 2014**.

## **SECTION II      PROGRAM OVERVIEW, BACKGROUND AND FEDERAL REQUIREMENTS**

### **Program Overview: PROJECT-BASED VOUCHER**

#### **A. Program Administration**

The Project-Based Voucher (PBV) Program is administered through HUD regulations and the policies outlined in NYCHA's Administrative Plan. The Code of Federal Regulations Title 24, Part 983, which outlines the primary governing regulations of the PBV program, is available for review online at [www.gpoaccess.gov](http://www.gpoaccess.gov). The Housing Authority's Administrative Plan is available for review at <http://nyc.gov/nycha>.

#### **B. Purpose**

The purpose of the PBV Program is to encourage property owners to attach Project-Based Voucher assistance to rental property in order to preserve and increase the number of housing units serving low-income persons in the community.

#### **C. Funding**

Housing Authorities may use up to 20% of their voucher funding allocation for a PBV program. Funding for project-based assistance comes from funds already obligated by HUD to a Housing Authority's Housing Choice Voucher Program. This funding is subject to annual federal reauthorization.

## D. Description of PBV Program

Under this PBV Program, NYCHA will provide assistance to selected rehabilitated or new construction housing developments (as defined by HUD). HUD defines PBV housing developments as follows:

- i. **Rehabilitated housing** is housing that exists on the proposal selection date, but whose designated PBV units do not substantially comply with the HQS on that date, and are developed, pursuant to an Agreement between NYCHA and the owner for use under the PBV program.
- ii. **New construction housing** is housing that does not exist on the proposal selection date and is developed after the date of selection pursuant to an Agreement between NYCHA and the owner for use under the PBV program.

HUD-established HQS specifications are described in the Code of Federal Regulations, Chapter 24, Section 982.401. All PBV assisted units must meet HQS and other requirements before rental assistance can commence.

Upon completion of a successful Housing Quality Standards inspection, NYCHA and the property owner will enter into a Housing Assistance Payments (HAP) contract for specified units for a term of up to 15 years. The HAP contract establishes the initial rents for the units and describes the responsibilities of the Housing Authority and the owner. Rental assistance (which is based on each household's income) is provided while the units are occupied by eligible individuals or families referred from NYCHA's Section 8 waiting list. HAP contract renewal after the initial term may occur at the sole option of the Housing Authority for such period (not exceeding 15 years) as the Housing Authority determines appropriate to continue housing opportunities and to achieve long-term affordability of the assisted housing. All HAP contracts and subsequent renewals are contingent upon the future availability of appropriated HUD funds for the HCV Program.

## E. Cap on Number of PBV Units per Project

Assistance may not be provided in more than twenty-five percent (25%) of units in a project unless the project is designated for the elderly or families with disabilities, and/or is for families receiving supportive services for which it can be up to 100% of the units.

## F. Occupancy and Vacancy of PBV Units

Project-based units must be leased only to families eligible for Section 8 assistance for the term of the HAP contract. For rehabilitation projects, designated PBV units that are occupied on the proposal selection date must be occupied by a family eligible for Section 8 PBV assistance. If the family is not eligible, the unit cannot be selected for PBV assistance.



PBV units that are vacant at the time of project selection or become vacant at any time during the term of the PBV HAP contract will be filled with eligible applicants from the Housing Authority Section 8 waiting list. The owner and tenant of a Project-Based unit must notify NYCHA immediately if a tenant will be moving from a PBV unit. The Housing Authority will notify applicants from its Section 8 waiting list and refer interested individuals/families to the owner for selection once an applicant is approved by the owner, the owner will refer them back to NYCHA for final eligibility determination.

## G. Ineligible Units

Certain special housing types are NOT eligible for project-based assistance. These include transitional housing, owner-occupied units, shared housing, public housing, Section 202 housing, Section 236 housing (exception made for units subsidized with Section 236 interest reduction payments) and units occupied by families who are not eligible for participation in the PBV program. Please see 24 CFR 983.53 for a complete list of ineligible properties.

## H. Rent Limits

The units that will be listed on the project-based contract will have rents limits. HUD regulations must be followed at the time that the rents are set for the initial rental and any subsequent rent increase that is requested by the Owner/Developer. The gross contract rent (including utility allowance) may not exceed 110% of Fair Market Rent (FMR) for both initial rent and annual adjustments and must be rent reasonable in relation to rents charged in the private market for comparable unassisted units.

<b>Fair Market Rents at 110% (Including Utilities)</b>							
<b>Effective 2014</b>							
<b>Studio</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>	<b>6 BR</b>	<b>7 BR</b>
1279	1337	1584	2037	2283	2625	2967	3310

## I. Federal Requirements

Certain other Federal requirements also apply to PBV assistance, including, but not limited to:

- i. Fair Housing. Non-discrimination and equal opportunity. See 24 CFR 5.105(a) and section 504 of the Rehabilitation Act. Selected projects are subject to Fair Housing reviews which may include review of marketing and outreach plans and reasonable accommodation policies.
- ii. Environmental Review. See 24 CFR parts 50 and 58 and 24 CFR part 983.58.

- iii. Eligibility Restrictions. Prohibition on use of debarred, suspended, or ineligible contractors. See CFR 5.105(c) and 24 CFR, part 24.

In addition to the above, the following applies for new construction or rehabilitated housing:

- iv. The project will be subject to a HUD subsidy layering review, in accordance with HUD subsidy layering regulations (24 CFR 4.13) to prevent excess subsidy.
- v. Labor Standards. Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and other federal laws and regulations pertaining to labor standards applicable to an Agreement covering nine or more assisted units.

Section 3 of the Housing and Urban Development Act of 1968

In addition to i-v above, the following applies for rehabilitated housing only:

- vi. Uniform Relocation Act. A displaced person must be provided relocation assistance at the levels described in and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and implementing regulations at 49 CFR part 24.

### **III. OFFER OF PROJECT BASED VOUCHERS**

#### **A. Number of PBV Units Available**

The Housing Authority will make Project Based Vouchers available for rehabilitated or new construction projects depending on available funding.

#### **B. Project Eligibility**

In order to be considered under this RFP, all projects submitted must meet the conditions stated below:

- i. Proposed project must be located within the 5 boroughs of New York City.
- ii. Owner/Developer may request to project-base no more than 25% units at a proposed project (there is no minimum requirement). If the proposed project is designated for the elderly or families with disabilities, and/or is for families receiving supportive services the Owner/Developer may request to project-based up to 100% of the units.
- iii. Proposed project must be a planned new construction project or an undergoing substantial rehabilitation (see previous definitions).

- iv. Construction or rehabilitation for the proposed project must **not** have started at time of selection for PBV (and cannot start until all post-award conditions are met and an Agreement is signed).
- v. New construction or rehabilitation projects must provide a detailed plan for its construction and permanent financing which identifies the committed financing and anticipated remaining funding sources, including the status and commitment timeline for each source.
- vi. Proposed project must be located in a census tract with a poverty rate of no more than 20%. An exception to this requirement is possible if certain other conditions exist, i.e., there has been an overall decline in poverty rate over the past five years; the area is undergoing significant revitalization; new market rate units are being developed that would positively impact the poverty rate; and other conditions. Poverty rate, minority concentration and other characteristics of the neighborhood and census tract where the project is/will be located may apply. See 24 CFR Section 983.57 Site Selection Standards.
- vii. Owner/Developer must have site control or evidence to indicate that the needed approval/documentation for site control is likely to be obtained and will not delay the project.
- viii. Owner/Developer must provide evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, or evidence to indicate that the needed rezoning is likely to be obtained and will not delay the project.
- ix. The Project must meet all applicable requirements of the HUD Project-Based and Housing Choice Voucher program regulations. For more information see: <http://portal.hud.gov/hudportal/HUD?src=/hudprograms/projectbased>
- x. Due to the above conditions and requirements, owner/developer should be aware of the significant lead time necessary to secure all required approvals prior to commencement of construction.
- xi. Execution of an Agreement to enter into a Housing Assistance Payments contract (HAP) is contingent upon completion of all of the above requirements.

## C. Limit on Number of Projects

Owner/Developer can submit only one proposal for consideration under this RFP. Each application must be for a single project. A project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

## D. PBV Voucher Award

Proposals that meet the program requirements outlined in section II.B. Will be evaluated and ranked according to the rating and selection factors described below and in section VIII (2) of this RFP. A ranking list will be prepared according to points awarded to each proposal. In order to be awarded project based vouchers, an application must score at least 70 points.

The project applications scoring the highest points will be **conditionally** awarded project-based vouchers up to the amount requested on the proposal. After awarding the highest scoring application(s), the Housing Authority may conditionally award the next highest ranking applications with project-based vouchers up to the amount requested until all vouchers available for the program have been assigned. If the Housing Authority determines that an application is eligible for PBV funding but cannot be fully funded at the amount requested by the owner/developer, the owner will be given the opportunity to receive partial funding.

Before selecting projects, the Housing Authority will determine that each application is responsive to and in compliance with the Housing Authority's written selection criteria as stated in this RFP, and in conformity with HUD program regulation and requirements at 24 CFR part 983. The Authority may request additional documentation as needed to determine an applicant or project's eligibility or qualifications. NYCHA may, at its discretion, select none of the proposals submitted and reserves the right to postpone or cancel the final award of the proposals at its convenience.

## E. Pre-Award Conditions

Prior to project selection, NYCHA must conduct:

Site and Neighborhood Review. Before proposal selection, NYCHA will conduct an inspection of the proposed PBV site. Site selection standards include 1) An assessment of the physical attributes and appropriateness of the site for the proposed units; and 2) An assessment of whether the project is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities as stated in NYCHA's Administrative Plan. Owners/developers may be asked to submit additional information to help facilitate this site review.

## F. Post Award Conditions

For the selected project(s), the following items must be completed before NYCHA and the owner can execute an Agreement (AHAP) or Housing Assistance Payments (HAP) contract.

- i. Environmental Review. PBV activities are subject to HUD environmental regulations in 24 CFR parts 50 and 58. NYCHA must obtain documentation of environmental clearance from the Responsible Entity who conducted or approved the environmental review (see 983.58).

- ii. Determination of initial contract rent. NYCHA will determine the amount of initial rent to owner according to 24 CFR Section 983.303, paragraph (c). If the project is a NYCHA-affiliated property, the rent will be determined by an independent agency.
- iii. Subsidy layering review. New construction PBV projects or existing PBV projects in need of rehabilitation that utilize tax credits or other governmental housing assistance from federal, state or local agencies are subject to a subsidy layering review (see 24 CFR 983.55) to prevent excessive public assistance for the project. Owners/developers will be required to submit a list of documents to NYCHA which will then be submitted to HUD for the review.

## **G. Affirmative Action**

NYCHA is an Equal Opportunity Business Enterprise which promotes competitive solicitations and does not discriminate on the basis of race, color, religion, creed, national origin, sex, disability, age or sexual orientation. The Housing Authority encourages Minority, Small, Women- or Disabled-owned Business Enterprises to respond to this solicitation.

## **SECTION IV. SCOPE OF SERVICES**

Under the agreement resulting from this Request for Proposals, the Proposer must perform the following Services:

- i. Commit new or rehabilitated rental units to be part of this program, in which selected units will receive a Section 8 Project Based Voucher for up to a fifteen year term, with an additional fifteen year renewal at both parties' option. Should a selected tenant leave the rental unit, the assistance will remain with the unit.
- ii. The terms and condition of the program will be in compliance with the Sample Agreement and Contract found at

[http://www.nyc.gov/html/nycha/downloads/pdf/Project\\_Based\\_AHAP.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/Project_Based_AHAP.pdf)  
[http://www.nyc.gov/html/nycha/downloads/pdf/Project\\_Based\\_HAP.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/Project_Based_HAP.pdf)

## **SECTION V. PAYMENT FOR SERVICES**

The Owner/Developer shall be compensated for Services performed in accordance with the terms and conditions of the Agreement, the terms and conditions are defined in the AHAP Contract. Compensation shall consist of a monthly rental subsidy.

## SECTION VI. COMMITMENT LETTER

After the developer/owner's proposal is approved the Housing Authority will issue a commitment letter, which will be followed by the AHAP Contract, once all terms and conditions are met.

## SECTION VII. RFP PROCEDURES

### A. General Information - Communications with NYCHA

- i. From the Release Date of this RFP until NYCHA awards the Agreement, the only contact the Proposer may have with NYCHA regarding this RFP is with NYCHA's Coordinator. The Proposer should rely only on representations, statements or explanations contained in this RFP, in documents that NYCHA provides to the Proposer, and in such formal written addenda as may be issued by NYCHA prior to the Proposal Submission Deadline. The Proposer must not rely on any material, whether written or oral, that the Proposer receives from any other source.
- ii. It is the Proposer's responsibility to ensure that it has a complete and thorough understanding of all requirements, expressed or implied, regarding what NYCHA expects from the Proposer, as set forth in this RFP, prior to submitting its Proposal. By submitting a Proposal, the Proposer covenants that it will not make any claims for or have any rights to damages because of any misinterpretation or misunderstanding of the Scope of Services, as described in **Section IV** of this RFP, or because of any misinformation or lack of information concerning this RFP.

### B. Modifications; Negotiations

- i. On or before the Proposal Submission Deadline, a Proposer may submit a modified complete Proposal to replace all or any section of a previously submitted Proposal. NYCHA personnel will not insert pages or otherwise modify the Proposer's Proposal. The Proposer has the full responsibility for ensuring that its final Proposal has been submitted in desired form by the Proposal Submission Deadline. The front cover of a modified Proposal must identify it as a modified Proposal and must include the date on which it is submitted.
- ii. NYCHA reserves the right to issue addenda to correct, modify or amend this RFP (including any Scope of Service requirements and/or terms or conditions) prior to the Proposal Submission Deadline, by sending written notification to each

party to whom a copy of this RFP has been delivered. NYCHA will advise such parties regarding any clarifications or revisions it makes to this RFP. If, in NYCHA's sole judgment, additional time is required for Proposers to respond, NYCHA may grant an extension of time to all Proposers.

- iii. NYCHA reserves the right to communicate with any of the Proposers, but it is not obligated to do so. NYCHA may discuss the Proposals of any Proposers concurrently or sequentially, as NYCHA may determine to be in its best interest. No Proposer has any rights against NYCHA arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.
- iv. A Proposer must comply with all requests for information and, if requested by NYCHA, appear for discussions. If a Proposer fails to do so within the time period given (or within any time extension that NYCHA may grant), NYCHA may deem the failure to be an act of non-conformance with the RFP requirements, which will permit NYCHA to award the Agreement to another Proposer or to solicit new Proposals. In furtherance and not in limitation of the foregoing, before a final award is made, NYCHA may require a Proposer to produce more detailed information concerning the professional background of those persons who own and manage such Proposer, a report on the financial background of such Proposer, and/or information concerning the nature and status of any past, pending or threatened charges or actions (including lawsuits, criminal or disciplinary actions, administrative proceedings by any governmental or regulatory agency or bankruptcy action) against such Proposer or any of its partners, directors, officers, employees or shareholders, as the case may be.

## C. Withdrawal of Proposals

- i. **Prior to Proposal Submission Deadline.** A Proposer may withdraw its Proposal from consideration at any time prior to the Proposal Submission Deadline by notifying NYCHA's Coordinator in writing of its desire to withdraw the Proposal.
- ii. **After Proposal Submission Deadline.** Proposers may not withdraw their Proposals for a period of 120 calendar days following the Proposal Submission Deadline, unless written permission is granted by NYCHA's Bid Release Board.

## D. Postponement or Cancellation of RFP or Rejection of All Proposals

NYCHA reserves the right to postpone or cancel this RFP, to reject any and all Proposals, to re-advertise for new Proposals and/or not to award any Agreement pursuant to this RFP, if NYCHA deems it in its best interest to do so.

## E. Costs Incurred by Proposers

NYCHA is not liable for any costs that a Proposer incurs in preparing its Proposal, for any work performed in connection therewith, or for travel expenses related thereto (including, without limitation, expenses related to attending the Proposers' Conference). NYCHA's receipt of a Proposal from a Proposer in no way obligates NYCHA to that party.

## F. Confidential Information

- i. Certain information that NYCHA may furnish in connection with this RFP may be labeled as confidential and should be treated as proprietary information of NYCHA by each recipient of this RFP. By the Proposer's receipt of this RFP, the Proposer agrees not to (a) disclose any part or all of such confidential information furnished to the Proposer pursuant to this RFP to any party, including, without limitation, any law firm or any corporate or government office, except to the extent essential to the preparation of the Proposal, and to secure from any party to whom a disclosure is made under this provision a commitment not to disclose such information to any other party, or (b) use such information for any purpose other than to prepare a response to this RFP.
- ii. A Proposer must clearly designate in its Proposal those portions of the Proposal, if any, that the Proposer believes are trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Proposer. To the extent the law permits (i.e., Section 89 of the New York State Public Officers Law), NYCHA will use reasonable efforts to hold the designated portions of the Proposal in confidence.

## G. Public Announcements

Any party receiving this RFP shall not make news releases or other public announcements relating to this RFP without the prior written approval of NYCHA.

## H. NYCHA Discretion

NYCHA, in its sole discretion, may waive what it considers to be non-material non-conformance by a Proposer with the requirements of this RFP.



- i. Minority, Women, and Small Business Enterprise (“M/W/SBE”) Subcontracting Requirements. Proposers are referred to Sections R and II of the NYCHA General Terms and Conditions.

## I. Proposal Packaging and Submission Requirements

- i. Each Proposer is required to submit one (1) signed original and six (6) copies of its Proposal package. The original signed hard-copy must be clearly labeled as such. If there are any differences between the original and any of the copies (or the electronic copy of the Proposal), the material in the hard copy original will prevail.
- ii. Each original Proposal must be signed by a principal or officer of the Proposer, who is duly authorized to commit the Proposer to fulfilling the Proposal. If a joint venture is submitting a Proposal, the original Proposal must be signed by a principal or officer of each member of the joint venture and a detailed description of the form of the joint venture must be included. The copies may have original signatures or photocopies of the signatures. All Proposals and accompanying materials (i.e., CD-ROMs and/or Flash drives) shall become the property of NYCHA and will not be returned to the Proposers.
- iii. The Proposer must include its complete return address on the outer envelope or wrapper enclosing any materials submitted in response to this RFP. Such outer envelope or wrapper should be sealed and addressed as follows:

FROM: Proposer’s Name  
Proposer’s Address

TO: New York City Housing Authority  
90 Church Street, 6<sup>th</sup> Floor  
New York, New York 10007  
Attn: Meddy Ghabaee  
RFP Coordinator  
Proposal Submission Deadline: **2:00 pm, February 28, 2014**  
NYCHA RFP FOR A PROJECT-BASED VOUCHER PROGRAM

- iv. Proposals may be mailed or hand delivered to NYCHA at the above address and must be **RECEIVED** by NYCHA no later than 2:00 p.m. on the Proposal Submission Deadline date. Hand delivered Proposals will be accepted **ONLY** between the hours of 9:00 a.m. and 4:00 p.m., Mondays through Fridays, excluding the holidays observed by NYCHA, as listed below, or 9:00 a.m. and 2:00 p.m. on the Proposal Submission Deadline date. NYCHA will not accept Proposals transmitted via facsimile or e-mail. NYCHA observes the following holidays:

New Year’s Day;

Martin Luther King Day;  
Lincoln's Birthday;  
President's Day;  
Memorial Day;  
Independence Day;  
Labor Day;  
Columbus Day;  
Election Day;  
Veteran's Day;  
Thanksgiving Day; and  
Christmas Day.

- v. NYCHA encourages Proposers to prepare and reproduce Proposals on recycled paper. Paper shall be deemed "recycled" if it contains a minimum content of 50 percent waste paper. Proposals meeting this threshold shall bear the legend on the bottom of the cover, "Printed [Reproduced] on Recycled Paper."

## J. Proposal Content Requirements- Proposal Part I

**"PROPOSAL PART I - REQUIRED DOCUMENTS."** The Proposer must demonstrate, to the satisfaction of NYCHA, that it has the skill and experience, as well as the necessary personnel and financial resources, to provide the required Services in a satisfactory and timely manner. The following documents must be included in this section of the Proposer's Proposal, in the order shown below:

- i. A table of contents.
- ii. A cover sheet with all the information requested below:
- iii. The Proposer's name and address.
- iv. The name, title, and telephone number of the individual authorized to commit the Proposer and its resources to an Agreement with NYCHA. Explain this person's position in the Proposer's organization.
- v. The name, title and telephone number of the individual to be contacted regarding the content of the Proposer's Proposal, if it is different from the person named in sub-paragraph (b), immediately above.
- vi. A statement that the Proposal will remain in effect for 120 calendar days from the date of the Proposal Submission Deadline.
- vii. An organization outline or chart identifying the names, titles and reporting relationships of key personnel who will be assigned to perform the Services, and a

résumé for each such person, including training, education and prior experience. The foregoing information must also be provided for any subcontractor that the Proposer proposes to utilize.

- viii. The Proposal must contain a narrative description of the Proposer's experience in completing services of similar size and scope.
- ix. Proof of the Proposer's legal existence as a business entity; if the Proposer was not organized under the laws of the State of New York, proof that the Proposer is qualified to do business in New York; and, if the Proposer is conducting business under an assumed name, a copy of the certificate required to be filed pursuant to the General Business Law of the State of New York. If the Proposer is a joint venture, provide information regarding the percentage of profit and loss allocable to each member of the joint venture.
- x. Two business references pertinent to the Scope of Services with contact information (company name, address, short description of the nature of reference, contact name and telephone number) and copies of the Proposer's audited financial statements for its most recent two (2) fiscal years. If the Proposer is a joint venture, provide this information with respect to each member of the joint venture.
- xi. Documentation that demonstrates the Proposer's ability to satisfy the Minimum Qualifications Requirements, as defined in Section VII of this RFP.
- xii. A completed **Exhibit C** (Confirmation of Vendex Compliance) certifying that the Proposer has completed and submitted a VENDEX application to the Mayor's Office of Contract Services ("MOCS"). Information regarding VENDEX is available on the MOCS website accessible at:  
<http://www.nyc.gov/html/mocs/html/home/home.shtml>  
The VENDEX application is intended to collect information from Proposers who seek to do business with NYCHA.

**ALL PROPOSERS MUST HAVE A VENDEX APPLICATION COMPLETED AND SUBMITTED ON OR BEFORE THE PROPOSAL SUBMISSION DEADLINE TO BE CONSIDERED FOR AN AGREEMENT.**

- xiii. A completed Doing Business Data Form ("DBDF"), attached hereto as **Exhibit D**. Pursuant to Local Law 34 of 2007, amending New York City's ("City") Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, Proposers responding to this RFP should complete one (1) DBDF and return it with their Proposal, and should do so in a separate envelope. (If the responding Proposer is a proposed joint venture, the entities that

comprise the proposed joint venture must each complete a DBDF). If the City determines that a Proposer has failed to submit a DBDF or has submitted a DBDF that is not complete, the Proposer will be notified by NYCHA and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a completed DBDF to NYCHA. Failure to do so will result in a determination that the Proposal is non-responsive to this RFP. Receipt of notification is defined as the day notice is e-mailed or faxed (if the Proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered. To assist Proposers in completing the DBDF, **Exhibit D** also includes the Questions and Answers about the Doing Business Data Form.

- xiv. A completed Non-Collusive Bidding Certification in the form attached hereto as **Exhibit E**.

## **K. PROPOSAL PART II - SPECIFIC RESPONSES TO RFP**

This section must include a narrative that describes the Proposer's approach and plans for accomplishing the Scope of Services, including proposed methodologies and any other information that the Proposer determines is relevant. If portions of the Scope of Services will be performed by a subcontractor or allocated between members of a joint venture, the Proposer should describe its plans in this regard. If a topic in this RFP is not addressed in the Proposal, state that the Proposal does not contain a submission on this topic. This section must include the following:

### **Organization of Submitted Materials**

All proposals (NYCHA's application form and supporting documents) must be legible and organized. All proposals must be bound by use of a binder or similar cover device. Applications submitted in loose-leaf style or held together by a paper clip or binder clip will NOT be accepted.

### **Required Information:**

- i. Basic project information: Development Name, address, e-mail address and contacts (**Exhibit G**).
- ii. Project description: housing type, total # of units, total # of PBV units, bedroom sizes, # of buildings, and floor plans. (**Exhibit F**).
- iii. Budget Narrative.
- iv. Listing of amenities and services.
- v. Estimated date of completion or availability for occupancy.
- vi. Photos for each building or site.
- vii. Proposed contract rents for each unit type and utility responsibilities.
- viii. Rent comparability information.
- ix. Identity of the owner and other principal parties, certification and disclosure.
- x. Evidence of financing or lender interest.

- xi. Tenant selection criteria and plan.

## **L. PROPOSAL PART III - EXCEPTIONS TO THE TERMS OF THIS RFP**

The Proposer must clearly identify and explain in this part of its Proposal, under a heading entitled “Exceptions,” any exception that it may take to any of the terms and conditions of this RFP. If the Proposer does not have any exceptions, the Proposer must affirmatively state as such.

## **M. PROPOSAL PART IV - ADDITIONAL BROCHURES AND ATTACHMENTS (OPTIONAL)**

This section of the Proposal may include articles, pre-printed brochures, and other material not specifically prepared for the Proposer’s Proposal in response to this RFP, but that the Proposer believes will help NYCHA to evaluate the Proposer’s qualifications and Proposal. This section of the Proposal must be bound separately from the other materials prepared for the Proposal.

## **SECTION VIII. CRITERIA FOR NYCHA EVALUATION OF PROPOSALS**

### **A. Minimum Qualifications Requirements**

NYCHA will consider only those Proposers who are able to meet the minimum qualifications as outlined below.

### **B. Owner Experience**

NYCHA will evaluate the relevant previous experience and qualifications of the Owner in owning/developing affordable multifamily real estate. The proposed Owner (individual, corporation, or in the case of a limited partnership, the general partner(s) of the Ownership entity) must demonstrate prior ownership experience in affordable multi-family rental housing projects.

Describe 3 projects within the last 10 years that exhibit the Owner’s experience in affordable multi-family real estate, focusing on the experience most relevant to this RFP. For each project, provide the following information:

- i. Project Name and location.
- ii. Brief description of the project (indicate if new construction or rehabilitation and indicate financing sources and amounts).
- iii. Owner Entity or Developer Team members.
- iv. Dates during which services were performed.

- v. Describe the services performed and your firm's role.
- vi. Brief description of community.
- vii. Population type and income levels served.
- viii. Type of local/state/federal funding or rental assistance (if applicable).
- ix. Physical description (number of units, number of buildings/stories, square footage, site acreage).

## C. Owner Background

Provide the following:

- i. Identify the Respondent's ownership status as a for-profit or nonprofit Owner. Provide a complete disclosure of all entities and individuals comprising the Owner.
- ii. Provide complete organizational charts that clearly show all principals of the Owner. (Any change to the Respondent's Owner status after the submission of the Project Proposal is not permissible without NYCHA's express consent.)
- iii. Provide a summary list of the Owner's current portfolio of properties.
- iv. Indicate whether the Owner has ever experienced a foreclosure or bankruptcy.
- v. If the Owner or Management Team has previous experience with the low-income housing tax credit program, or HUD or other federal or state programs, describe any unresolved audit findings.

The minimum qualifications to receive a passing evaluation are:

- i. A complete disclosure of ownership status and organizational structure.
- ii. Owner has demonstrated at least three continuous years of prior ownership experience in at least three multifamily rental housing projects of similar size (number of dwelling units) to the proposed project.
- iii. Owner has not experienced a foreclosure or bankruptcy in the last three years.
- iv. Owner or Management Team does not have any unresolved compliance agency audit findings.

## D. Management Team

Respondent must demonstrate the experience and capabilities of the Management Team in managing affordable multifamily rental properties. Describe 3 projects within the last 5 years that exhibit the Management Team's experience in multi-family real estate, focusing on the experience most relevant to this RFP.

Submit a proposed management plan that will be evaluated on the basis of its completeness, sound policies and procedures, demonstration of coordination with the Service Provider and Owner, and demonstration that the housing units will be managed in accordance with professional standards and approaches.

The minimum qualifications to receive a passing evaluation are:

- i. The proposed Management Team must demonstrate prior experience in the management of at least three affordable multi-family rental housing properties of similar size (number of dwelling units) and scope to the proposed project over the last five years.
- ii. Have a complete management plan that demonstrates sound policies and procedures and demonstrates that the Existing Housing Units will be managed in accordance with professional standards and approaches recognized in the industry.

## **E. Supportive Services Plan**

A detailed supportive plan will include such items as:

- i. Anticipated Resident Needs and Program Goals;
- ii. Implementation and Monitoring Plan for Services,
- iii. Programs and Activities;
- iv. Staffing; Experience of the service provider
- v. Budget and Source of Funds; and
- vi. Coordination with and Commitment of Community Resources.

This list is provided as guidance and is not considered to be exhaustive.

## **F. Site Requirements**

Respondent must provide the following:

- i. Evidence of site control including option agreements, sales contracts or proof of current ownership.
- ii. Documentation of zoning status.

The minimum qualifications to receive a passing evaluation are:

- i. Evidence of site control (e.g., option agreements, sales contract, deed, etc.). Contracts must be executed prior to execution of this Agreement, including the legal description of the property and must provide legal control of the site to the proposed General Partner or proposed limited partnership. Site control must be in place through the term of the Agreement.
- ii. Documentation establishing that the property is appropriately zoned or in the process of being rezoned for the intended use (include expected timing of rezoning completion).

## G. Financial Feasibility

NYCHA will conduct a financial review to ensure that all developments have appropriate financing. Respondent must provide the following:

- i. A 15-year operating budget and pro forma for the operation of the units covered by the Project Proposal
- ii. Proof of funding sources (e.g. letters of interest or commitments) for all proposed funding sources.
- iii. Certification identifying whether the units are currently receiving rental assistance or operating subsidy from any source (local, state, or federal sources as well as other public or private sources including other project-based assistance, rent supplement and/or tenant-based voucher programs).

The minimum qualifications for a passing evaluation are:

- i. A determination that the Project Based Rental Assistance is needed and the Existing Housing Units would not be receiving more subsidy than is needed to ensure feasibility.
- ii. Confirmation that the costs funded do not exceed the maximum per unit limits.
- iii. The projected cash flows provide reasonable assumptions given current economic conditions.

**Note:** If sources and uses change prior to closing, NYCHA shall perform a final review. In the event financial feasibility analysis changes throughout the commitment and is not deemed satisfactory to NYCHA's underwriting requirements, NYCHA may cancel the commitment.

## H. SCORING CRITERIA

Proposals will be evaluated by an RFP Evaluation Committee consisting of selected NYCHA personnel. The evaluation will be determined by total points given to each Proposer in each of the below categories.

The following criteria will be utilized to evaluate each proposal submitted; award of points for each criteria will be based upon the documentation that the proposer submits:



**SCORING CRITERIA FOR NEW CONSTRUCTION UNITS OR REHABILITATED UNITS:**

<b>CRITERIA</b>	<b>MAXIMUM POINTS</b>
1. Supportive Services Plan	15
2. Site Location	15
3. Site Design	10
4. Development Experience	15
5. Owner Experience	15
6. Management Experience	15
7. Project Feasibility/Readiness to begin Construction or rehabilitation	15
<b>TOTAL MAXIMUM POINTS:</b>	<b>100 points</b> (Minimum points required for voucher award: 70 percent of available points)
<b>1. SUPPORTIVE SERVICES PLAN</b>	
<b>POINTS</b>	
A detailed supportive plan will include such items as: Anticipated Resident Needs and Program Goals; Implementation and Monitoring Plan for Services, Programs and Activities; Staffing; Experience of the service provider Budget and Source of Funds; and Coordination with and Commitment of Community Resources This list is provided as guidance and is not considered to be exhaustive.	15
<b>2. SITE LOCATION</b>	
Project is located outside an area of high low-income concentration with proximity of public transportation, shopping and health facilities.	15
<b>3. SITE DESIGN</b>	
Good design, especially utilizing “green,” environmentally sustainable building principles will be scored higher. * Project Amenities: If a family housing development, the site plan provides for laundry facilities, recreational facilities on site or such facilities exist within ¼ mile of the project site. If a senior housing development, in addition to the above, units should have access to exterior in form of balconies or first floor patios and interior common area function room.	10
<b>4. DEVELOPMENT EXPERIENCE</b>	

NYCHA will take into consideration the number of years and number of affordable units that the applicant has developed as primary or co-sponsor in the past	15
<b>5. OWNER EXPERIENCE</b>	
Applicant has 15 or more years' experience in owning affordable rental housing.  A lower number of points will be given to those owners with less years of experience.	15
<b>6. MANAGEMENT EXPERIENCE</b>	
Applicant has 15 or more years' experience in managing and maintaining affordable rental housing.  A lower number of points will be given to those owners with less years of experience.	15
<b>7. PROJECT FEASIBILITY/READINESS TO COMMENCE CONSTRUCTION</b>	
New construction or rehabilitated housing has a significant percentage of finance sources committed and there is detailed plan identifying the remaining funding, including an explanation of the status and commitment timelines for each source.  The Housing Authority will assign points by reviewing the construction and permanent financing committed at the time of application – or deemed by NYCHA to be highly likely to be committed within a reasonable period of time after proposal submission - and specifics on the plan to secure remaining funding. NYCHA may defer final approval of a proposal pending receipt of financing commitments from funding sources from which the developer has requested funding.	15

## I. Exceptions to this RFP

Submission of a Proposal signifies that the Proposer is aware of, and agrees to, all the terms and conditions of this RFP, including those incorporated by reference, except to the extent that any specific written exception to those terms and conditions is stated in the Proposal. The evaluation of a Proposal may be negatively affected by any exception taken by the Proposer to any part of this RFP, or by the failure of the Proposer to furnish all information required by this RFP. NYCHA reserves the right, in its sole discretion, to refuse to consider any exception that is not so identified in the Proposer's Proposal. If the Proposer does not have any exceptions, the Proposer must affirmatively state as such within their Proposal.

## J. Award of Agreements

- i. Upon completion of the evaluation of Proposals, NYCHA will notify developer/Owner(s) of the approval of their proposal via a conditional commitment letter.
- ii. Before expiration of a 120-calendar day period after the submission of a Proposal, NYCHA will advise the Selected Proposers that they have been selected. NYCHA expects to enter into a 15-year Agreement with the Selected Developer/Owner, subject to renewal for 15 additional years at NYCHA's discretion, which will be in the general format of the sample agreement and will encompass (1) this RFP and the exhibits hereto and (2) the Selected Proposers' Proposals and all subsequent modifications thereto.
- iii. Within 10 calendar days after the prospective Developer/Owner receive notification of its selection, the prospective Developer/Owner must procure insurance meeting all of the requirements of this RFP, and must provide proof of such insurance to NYCHA.
- iv. The prospective Developer/Owner must execute its Agreement with NYCHA within a reasonable time period, not to exceed 20 calendar days, following NYCHA's notification to the prospective Developer/Owner that it has been selected. If the prospective Developer/Owner does not enter into the Agreement within such time period, NYCHA may disqualify such prospective Developer/Owner and select another Developer/Owner.
- v. Selection of the Developer/Owner is subject to review by NYCHA's Department of Equal Opportunity.
- vi. The Owner/Developer must at all times have in effect any required licenses and permits necessary to perform the Services required under the Agreement.

\*\*\*\*\*