

Request for Proposals for Professional Services

Affordable Housing Administrative Agent

The Township of Hillsborough, Somerset County, is seeking proposals for an Affordable Housing Administrative Agent. The Affordable Housing Administrative Agent will be responsible for the administration of all affordable housing units within the municipality in accordance with the Fair Housing Act, N.J.S.A. 52-27D-301 et seq., the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all applicable Affordable Housing Regulations promulgated by the Council on Affordable Housing and Department of Community Affairs. The Administrative Agent must be duly certified in accordance with all applicable Affordable Housing Regulations. The successful candidate must enter into a contract as prepared by the Township of Hillsborough consist with this Request for Proposal and the proposal submitted.

The Township of Hillsborough is soliciting proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. Sealed Request for Proposal (RFP) responses for will be received by the Qualified Purchasing Agent on December 19, 2017 at 11:00 am in the Court Room, Hillsborough Township Municipal Building, 379 South Branch Road, Hillsborough, New Jersey. The RFP shall be for the period January 1, 2018 through December 31, 2018.

Respondents shall comply with the requirements of P.L. 1975 c. 127 (N.J.S.A. 17:27 et seq.). At the time of the response to the RFP, the Respondent must be registered under the New Jersey Business Registration Act and, if available, submit the Certification with the response to the RFP. The Township Committee of the Township of Hillsborough will be the sole discretionary body for consideration or rejection of the proposals. The contract will be awarded based on price and other factors including, but not limited to, experience.

A. SCOPE OF WORK

I. Responsibilities of the Administrative Agent

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., including, but not limited to, the following:

1. Operating Manual

(a) Create and maintain an Operating Manual for the Administration of Affordable Housing Units setting forth the procedures for compliance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.14(b))

2. Affirmative Marketing

(a) Assist in preparing and maintaining an Affirmative Marketing Plan, including related ordinances and a random selection process for applicant to comply with N.J.A.C. 5:80-26.15;

(b) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Hillsborough and the provisions of N.J.A.C. 5:80-26.15;

(c) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and

(d) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

3. Household Certification

(a) Soliciting, scheduling, conducting and following up on interviews with interested households;

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate income unit;

(c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq;

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Hillsborough when referring households for certification to affordable units.

4. Affordability Controls

(a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

(d) Communicating with lenders regarding foreclosures; and

(e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

5. Resale and rental

(a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(b) Instituting and maintaining an effective means of communicating information to low and Moderate income households regarding the availability of restricted units for resale or re-rental.

6. Processing requests from unit owners

(a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;

(c) Notifying the Municipality of an owner's intent to sell a restricted unit; and

(d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

7. Enforcement

(a) Securing annually from the Township a listing of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

(d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;

(f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;

(g) Providing annual reports to COAH as required; and

(h) Such other responsibilities as may be necessary to carry out the role and responsibilities of Administrative Agent as defined by COAH and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

(i) Provide quarterly activity reports to the Township

II. Responsibilities of the Township of Hillsborough

The Township shall:

1. Provide to the Administrative Agent the name, title and telephone number of the municipal official who shall be responsible for liaison with the Administrative Agent;
2. Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Affordable Housing Regulations;
3. Ensure all restricted units are identified as affordable within the tax assessor's office and Municipal Utilities Authority;
4. Notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and
5. Provide all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure effective compliance with the Affordable Housing Regulations.

B. QUALIFICATIONS FOR ADMINISTRATIVE AGENT

1. The Administrative Agent must provide documentation demonstrating successful completion of the Council on Affordable Housing's education program for Administrative Agents and compliance with all continuing education requirements;
2. The Administrative Agent must provide evidence of a history of successful management of restricted affordable housing units on behalf of municipalities in accordance with the Fair Housing Act, N.J.S.A. 52-27D-301 et seq., the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all applicable Affordable Housing Regulations promulgated by the Council on Affordable Housing and Department of Community Affairs;
3. The Administrative Agent must provide documentation demonstrating that their purposes include the provision of housing services and housing counseling and the promotion of the principles underlying the Federal Fair Housing laws and that they have knowledge of and familiarity with the New Jersey Fair Housing Act, N.J.S.A. 52-27D-301 et seq., and its implementing rules,
4. The Administrative Agent must not have a pecuniary interest in the affordable housing units to be administered or demonstrate that if such pecuniary interest exists that the Administrative Agent will not allow the pecuniary interest to compromise in any way the administration of the affordable housing units;

5. The Administrative Agent must demonstrate their capacity to undertake the duties of an administrative agent; and

6. The Administrative Agent must commit to attend continuing education opportunities on affordability controls and compliance monitoring.

C. SUBMISSIONS

Applicants shall provide two (2) complete proposal packages. Each submission shall comply with the following criteria:

1. The applicant shall submit a resume which shall set forth information including but not limited to the following and as applicable to the business entity and individual professionals anticipated to perform the work:

- a. Full name and business address;
- b. A listing of all post high school education of the applicant;
- c. Dates of licensure in the State of NJ and other states;
- d. The number of licensed professionals employed by or affiliated with the business entity which employs the applicant;
- e. A listing of all special accreditations held by the individual licensed professional or business entity;
- f. A listing of all previous public entities served by the business entity and licensed professional indicating dates, services, and position(s) held; and
- g. The information and documentation set forth above pertaining to Qualifications for Administrative Agent.

2. The Applicant shall provide a total fee for service as Administrative Agent for the period November 16, 2015 to December 31, 2016. The total fee shall be billed by the Applicant and paid by the Township in equal monthly installments over the duration of the contract. The units subject to this Request for Proposal for which the Administrative Agent will be responsible are set forth in Exhibit A.

D. SELECTION CRITERIA

1. Familiarity with the Township of Hillsborough and its affordable housing portfolio;
2. Demonstrated experience with COAH approved approaches to affordable housing administration;
3. Experience and reputation in the field of affordable housing administration;
4. Education and or special accreditations in the field of affordable housing administration;
5. Availability of sufficient personnel and other resources to provide the services required;
6. Compensation proposal;
7. Ability to attend Hillsborough Township Committee meetings, if required; and
8. Other factors which may be in the best interest of the Township of Hillsborough.

E. TERM OF CONTRACT

The term of the contract shall be for the period January 1, 2018 through December 31, 2018.

F. INSURANCE

Certificates of Insurance shall be provided to the Township at the time the contracts are returned to the Township for execution. All coverage shall be with insurance carriers licensed and admitted to do business in New Jersey and acceptable to the municipality.

COMMERCIAL GENERAL LIABILITY INSURANCE

During the life of this contract the contracted entity shall procure and maintain Commercial General Liability Insurance with limits of liability not less than \$500,000.00.

MAJOR VEHICLE LIABILITY INSURANCE

During the life of this contract the contracted entity shall procure and maintain Motor Vehicle Liability Insurance, including applicable No-Fault coverage, with limits of liability not less than \$500,000.00 per accident combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

WORKERS COMPENSATION

During the life of this contract the contracted entity shall procure and maintain Workers Compensation insurance, including Employers' Liability Coverage in accordance with the statutes of the State of New Jersey.

PROFESSIONAL LIABILITY

During the life of this contract the contracted entity shall procure and maintain Professional Liability (E & O, Malpractice) Insurance with limits of liability not less than \$500,000, if applicable.

ADDITIONAL INSURED

The following shall be Additional Insureds: The Township of Hillsborough, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees, and volunteers. This coverage shall be primary to the Additional Insureds, and shall not be contributing with any other insurance or similar protection available to the Additional Insureds, whether other available insurance be primary, contributing or excess.

NOTICE OF CANCELLATION

Commercial General Liability Insurance, Motor Vehicle Liability Insurance, and Workers Compensation insurance, as described above shall include an endorsement stating the following:

"Sixty (60) days advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to: Nancy R. Costa, CFO, 379 South Branch Road, Hillsborough, NJ 08844."

G. MANDATORY AFFIRMATIVE ACTION LANGUAGE

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of P.L.1975,c.127 (N.J.A.C.17:27). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Qualified Purchasing Agent:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally approved or sanctioned Affirmative Action Plan (good for one year from the date of the letter).
OR

2. A photocopy of their approved Certificate of Employee Information Report.

OR

3. An Affirmative Action Employee Information Report (Form 44302).

OR

4. All successful construction contractors must submit within three (3) days of the signing of the contract an Initial Project Manning Report (44201) for any contract award that meets or exceeds the Public Agency Bidding Threshold (40,000.00).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1915, C. 127.

The following questions must be answered by all bidders:

1. Do you have a federally approved or sanctioned Affirmative Action program?

YES ___ NO ___

If yes, please submit a copy of such approval.

2. Do you have a State Certificate of Employee Information Report Approval?

YES ___ NO ___

If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, c. 127 and agrees to furnish the required documentation pursuant to the law.

COMPANY: _____ SIGNATURE: _____

NOTE

NO CONTRACT CAN BE AWARDED WITHOUT THE SUBMISSION OF ONE OF THE ABOVE ITEMS FOR PROOF OF AFFIRMATIVE ACTION PLAN, COMPLETED AND SUBMITTED TO THE DEPARTMENT OF PURCHASING.

A CONTRACTOR S BID MUST BE REJECTED AS NON-RESPONSIVE IF A CONTRACTOR FAILS TO COMPLY WITH REQUIREMENTS OF P.L. 1975, C. 127, WITHIN THE TIME FRAME.

H. BUSINESS REGISTRATION REQUIREMENTS

No contract shall be entered into by the Township unless the contracted entity provides a copy of its Business Registration (as defined in N.J.S.A. 52:32-44) in response to a request for bids or a request for proposals.

I. PURCHASE ORDER REQUIREMENTS

The Affordable Housing Administrative Agent shall be paid upon satisfactory completion of the contracted services in accordance with the fee proposal submitted and the submission of the appropriate vouchers as per the Township of Hillsborough Codes and Regulations and applicable law. The total fee shall be billed by the Applicant and paid by the Township in equal monthly installments over the duration of the contract. The units subject to this Request for Proposal for which the Administrative Agent will be responsible are set forth in **Exhibit A**.

EXHIBIT A

230 Affordable Housing Rental Units

Claremont Hills– 2 Affordable Units

1 – 1 BR Low 1 – 1 BR Mod

Crestmont Village – 56 Affordable Units

8 – 1 BR Low 8 – 1 BR Mods 16 – 2 BR Lows 16 – 2 BR Mods 4 – 3 BR Lows 4 – 3 BR Mods

New Center Greens – 35 Affordable Units

15 – 2 BR Lows 15 – 2 BR Mods 2 – 3 BR Lows 3 – 3 BR Mods

Gateway @ Sunnymede – 122 Affordable Units

2 – 1 BR Very Lows 9 – 2 BR Very Lows 2 – 3 BR Very Lows
10 – 1 BR Lows 28 – 2 BR Lows 11 – 3 BR Lows
12 – 1 BR Mods 36 – 2 BR Mods 12 – 3 BR Mods

Hillsborough Point – 15 Affordable Units

15 - 1BR Mods

14 Affordable Housing Resale Units Hearthstone @ Hillsborough, An Age Restricted Community

3 – 2 BR Low Condo 3 -2 BR Mod Condo 1 – 3 BR Mod Condo 4 – 3 BR Low Townhouses
3– 3BR Mod Townhouses