

OWNER'S REPRESENTATIVE

Expanding opportunities for affordable housing development

REQUEST FOR QUALIFICATIONS

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Pre-Submission Conference: May 6, 2016

Qualifications Submission Deadline: May 27, 2016

Bill de Blasio, Mayor

Alicia Glen, Deputy Mayor for Housing and Economic Development



Vicki Been, Commissioner
www.nyc.gov/hpd

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I INTRODUCTION

New York City faces an affordable housing crisis. *Housing New York*, Mayor Bill de Blasio's ambitious ten-year plan to build or preserve 200,000 units of affordable housing in response to this crisis, details more than 50 initiatives intended to accelerate the construction of both market rate and affordable homes, to protect the ability of tenants and homeowners to stay in their homes, and to ensure that neighborhoods get the infrastructure and other improvements they need to accommodate growth. For more information, visit: www.nyc.gov/housing.

Achieving this ambitious goal will require the participation of a wide array of partners. The City of New York ("the City"), through its Department of Housing Preservation and Development ("HPD"), seeks to partner with non-profit and faith-based organizations and private owners ("Owners") who have developable land and a mission-driven interest in providing affordable housing development, but who may not have previous real estate development experience. Because they don't have such experience, owners sometimes sell to developers who buy the land and don't use it for affordable housing, or find themselves in difficult relationships with partners who have promised to handle the development process, but may not actually have been qualified to do so.

In order to allow less experienced parties who have land to participate in our programs to finance affordable housing, HPD is launching various capacity-building opportunities, including workshops and explanatory materials designed to provide a broad understanding of the affordable housing development process.

HPD is frequently asked by such owners for help in finding appropriate development partners. While HPD cannot recommend any particular partners, this Request For Qualifications ("RFQ") aims to provide Owners with a list of firms or people who have the necessary qualifications to serve as owner's representatives. The RFQ invites applicants ("Applicants") to submit professional qualifications ("Qualifications") for consideration as qualified owner's representatives ("Qualified Owner's Representatives") to guide Owners through the pre-development and construction phases of the development or preservation of high-quality, affordable housing or mixed-use projects on their sites.

This RFQ seeks professional owner's representatives who have a thorough understanding of developing affordable housing with non-profit and/or faith-based organizations. Qualified Owner's Representatives will be included on a pre-qualified list ("List") that HPD will publish as a resource for interested Owners. Owners may review and directly hire Qualified Owner's Representatives from the List, at their own expense; HPD will not be involved in the hiring process and will not be responsible for paying for Qualified Owner's Representative services. This RFQ does not represent any obligation or agreement whatsoever on the part of the City or HPD.

Applicants may include both non-profit and for-profit entities. Applicants must have the experience, technical resources, and capacity required to represent Owners in project management, planning, developing, and managing multi-family affordable housing within the regulatory constraints specific to the City. Previous experience on projects that have received financing from HPD and/or the New York City Housing Development Corporation ("HDC") is required. Applicants may include teams of multi-disciplinary sub-consultants assembled for their complementary skills if a single consultant does not have the ability to perform the comprehensive scope of services. In such cases where teams submit Qualifications together,

the team must identify an Applicant that will lead the team (“Lead Applicant”); all other firms included in the Qualifications will be considered as sub-consultants to the Applicant.

All Applicants must adhere to the requirements of this RFQ. The application must include all information requested for all principals and/or officers of the Applicant. Upon review, HPD, at its discretion, may notify an Applicant that additional information or clarification is necessary. An Applicant’s submission of qualifications will be deemed to be permission for HPD to make such inquiries concerning the Applicant as HPD deems necessary.

HPD encourages applicants from Minority- and Women-Owned Business Enterprises (M/WBEs) as Lead Applicants and as Project team members.

A pre-submission conference will be held on Friday, May 6, 2016, at 10:00 am, at HPD, 100 Gold Street, New York, New York 10038. Every Applicant wishing to submit Qualifications in response to this RFQ is encouraged to attend, as this will be the only opportunity to ask questions and receive answers in person regarding this RFQ. If you plan to attend the conference, please RSVP via email to OwnersRepRFQ@hpd.nyc.gov by Monday, May 2, 2016.

Questions can also be submitted via email to OwnersRepRFQ@hpd.nyc.gov. Qualifications are due by hand on Friday, May 27, 2016, no later than 4:00 p.m.

II DEFINITIONS

Applicant

A non-profit or for-profit organization, joint venture, partnership, or corporation that submits Qualifications in response to this RFQ.

City

The City of New York.

Lead Applicant

Primary consultant that will manage a team of sub-consultants that jointly submit Qualifications.

List

The pre-qualified list of Qualified Owner's Representatives that HPD will publish on its website and that may serve as a resource for any Owner considering developing affordable housing projects on its site(s).

Owner

Any non-profit or faith-based organization or private owner that has property that may be suitable for affordable housing development.

Principal

An individual, partnership, limited liability company, corporation, or other for-profit entity that will act as the general partner, officer, or managing member of the Applicant, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Applicant.

Project

The development of affordable housing and any other uses (e.g., commercial space, community facility, open space) on property owned by an Owner.

Qualified Owner's Representative

An entity HPD determines to be qualified to guide an Owner through the planning, development, financing, and construction phases necessary to develop high-quality, affordable housing projects on their site(s).

Qualifications

Material submitted in response to this RFQ that details the Applicant's project management experience and capacity.

Services

Professional services that an Owner may ask a Qualified Owner's Representative to provide in furtherance of the evaluation, predevelopment, and/or development of Site or group of Sites.

Site(s)

The property or properties Owners are considering for potential affordable housing development.

III QUALIFICATION REQUIREMENTS

All applicants must submit a full response to this RFQ and meet the minimum criteria set forth in this RFQ in order to be further considered for inclusion on the List. Qualifications that are not complete or do not conform to the requirements of this RFQ will be eliminated from further consideration. HPD may request additional information, site visits, interviews, or presentations.

A. Completeness of Qualifications

All Applicants must submit a full response to this RFQ and meet the minimum criteria set forth herein in order to be considered for inclusion on the List. The Qualifications must contain all documentation required under **Section IV - Submission Requirements and Qualification Process**. All of the required forms must be fully completed and application requirements met at the time of submission. Upon review, HPD, at its discretion, may notify an Applicant that additional information or clarification is necessary. Applicants that do not adhere to these requirements risk disqualification from consideration under this RFQ.

B. Experience and Capacity

The role of a Qualified Owner's Representative may include providing a range of services, as the Owner deems necessary (the "Services"). Qualified Owner's Representatives on the List will have the ability to assist an Owner in assessing the Owner's needs, facilitating preliminary evaluations to assess a Project's feasibility, and assisting the Owner in building teams of professionals for the coordination of additional services. Qualified Owner's Representatives may be asked to provide services including, but not limited to, those listed here, with additional detail provided in **Appendix A** (Description of Services):

- Development Program;
- Project Management;
- Project Feasibility and Finance;
- Site Due Diligence;
- Planning and Design;
- Approvals / Entitlements / Permits;
- Construction; and
- Property Management / Asset Management.

As listed on Form C-1 and Form C-2, an Applicant's experience should demonstrate the Applicant's successful work as an owner's representative in the development of affordable housing in New York City. Previous experience on a project that has received financing from HPD and/or HDC is required. HPD will evaluate submitted qualifications to determine the breadth and depth of an Applicant's experience in providing the Services, especially to non-profit and faith-based organizations. An Applicant that does not have experience in one or more of the Services should describe the manner by which the Applicant would provide coverage, including, where possible, the name(s) of any additional professionals or firms the Applicant expects to enlist.

C. Adverse Findings

An Applicant's Proposal may be rejected at any time during or after the evaluation process if there are any adverse findings regarding the Applicant, any entity or individual associated with the Applicant, or any property owned and/or managed by them. Such adverse findings may include, but are not limited to:

- Conviction, administrative violation, judicial or administrative finding, pending judicial or administrative case, or pending litigation for harassment, arson, fraud, bribery, grand

larceny, any felony or crime of dishonesty, or noncompliance with fair housing or anti-discrimination laws, any applicable codes or ordinances, labor laws, or construction laws.

- Defaults or poor performance under any government-assisted program;
- Suspension or debarment by any governmental entity;
- Mortgage arrears, default, or foreclosure proceedings;
- Tax arrears, tax foreclosure or enforcement proceedings, or sale of tax liens;
- Voluntary or involuntary bankruptcy proceeding; or
- Negative findings by the Department of Investigation.

IV SUBMISSION REQUIREMENTS AND QUALIFICATION PROCESS

A. Inquiries

Applicants should direct all communications and inquiries regarding this RFQ to HPD at: OwnersRepRFQ@hpd.nyc.gov.

All questions should be submitted by Friday, May 13, 2016 to be included in the RFQ addendum.

B. Pre-Submission Conference

A pre-submission conference will be held at 10 a.m. on Friday, May 6, 2016 at HPD, 100 Gold Street, New York, NY 10038. If you plan to attend the conference, please RSVP to OwnersRepRFQ@hpd.nyc.gov by Monday, May 2, 2016.

HPD strongly recommends that interested Applicants attend this pre-submission conference, as this will be the only opportunity to ask questions and receive answers in person regarding the RFQ. HPD will provide responses to all inquiries at the pre-submission conference and in an addendum, which will be posted on HPD's website and sent to all registered prospective Applicants after the pre-submission conference.

People with disabilities requiring special accommodations to attend and/or participate in the pre-submission conference should contact HPD at the email address provided above.

C. Time and Place of Submission

Two hard copies and one electronic copy on a compact disc or USB flash drive of the Applicant's qualifications, including all documentation requested as described below, must be submitted in response to this RFQ. Submissions become the property of HPD. HPD will review submissions promptly. To be considered for inclusion on the initial List, Applicants must submit their applications by hand, certified mail, or express service no later than 4 p.m. on Friday, May 27, 2016 to:

Patrick Hess
Chief of Staff
Office of Development
New York City Department of Housing Preservation and Development
100 Gold Street, Room 9A
New York, NY 10038

D. Format of Qualifications

One fastened original, one fastened copy, and one electronic copy (compact disc or USB flash drive) of the Applicant's qualifications must be submitted in response to this RFQ. (All forms are available in Microsoft Word and Microsoft Excel format, as applicable, on the HPD website.) The copies may be fastened with either staples or organized in a three ring binder. The copies of the Qualifications must be clearly labeled with the name of the Applicant(s) on the cover and with tabs as indicated below. The tabs should run down the right hand side of the submission.

Each set of qualifications must be tabbed as indicated below in **Section IV, Part I - Contents of Qualifications and Tabbing**. All forms associated with the Qualifications must follow the format

included in this RFQ. All Forms included in **Appendix B** (Qualification Forms) will be made available for download on the HPD website.

E. Contents of Qualifications and Tabbing

Each set of Qualifications must contain the forms and supporting documentation described below. Qualifications that are not complete or are not in conformance with the requirements of this RFQ will be eliminated from further consideration. Each copy of the Qualifications must be tabbed as indicated below. For narrative questions, please answer using 11 point font or above and comply with maximum page limits set forth in the Forms.

TAB A – Completeness Checklist and Applicant’s Letter

Applicant must submit a Completeness Checklist (Form A-1) and Applicant’s Letter (Form A-2). The letter must be printed on the Applicant’s letterhead and signed by an authorized representative of the Applicant.

TAB B – Applicant Description

Applicant must submit an Applicant Description (Form B) in its entirety. Lead Applicant must provide financial statements (preferably audited) from the most recent fiscal or calendar year.

TAB C – Experience and Capacity

Completed Development Experience forms for the Principal(s) of the Applicant. In Part 1 (Form C-1, Excel spreadsheet), list all projects that have been completed within the last five (5) years or that are in construction, pre-development, or have otherwise been committed. Part 2 (Form C-2) asks for narrative answers to questions related to the Applicant’s experience and capacity. Please adhere to the specified page limit for the narrative section.

TAB D – Personnel Qualifications

On Form D, list all personnel who will be performing and overseeing each component of the Services. In cases of a multi-disciplinary team, identify the point of contact that will be responsible for management of the overall team. Submit resumes for all personnel listed on Form D.

TAB E – List of References

On Form E, the Applicant must include at least three (3) previous client references that can attest to the Applicant’s ability to provide the Services and/or the ability to assemble a team or teams to do so.

TAB F – Rate / Fee Structure

The Lead Applicant must include a description of an hourly rate and / or fee structure proposal.

F. Qualifications Modification

An Applicant may submit a complete modified set of Qualifications to replace all or any sections of a previously submitted set of Qualifications up until the submission deadline of Friday, May 27, 2016. HPD personnel will not insert pages or otherwise modify the Applicant’s Qualifications. The Applicant has the full responsibility for ensuring that its final set of Qualifications has been submitted in the desired form by the submission deadline. The front cover of a modified set of Qualifications must identify the submission as modified Qualifications and include the date on which the modified Qualifications are submitted.

Modifications received after the submission deadline due date will not be considered for the first round of Applicant reviews. If HPD determines, upon review of the Qualifications, that any items are missing and/or incomplete, HPD, in its sole discretion, by written notification given to the Applicant, may permit the Applicant to provide or clarify such items. Failure to provide complete information in a timely fashion could result in rejection of the Qualifications.

G. RFQ Addenda

HPD reserves the right to amend or withdraw this RFQ at any time. In order to be considered, Qualifications must conform to any amendments that may be issued to this RFQ. Amendments may include, without limitation, any requirements and terms or conditions contained in this RFQ. HPD will advise each Applicant that has downloaded this RFQ of any clarifications or revisions.

If, in HPD's judgment, additional time is required for Applicants to prepare their Qualifications, HPD reserves the right to grant an extension of the deadline for submission of Qualifications, and such extension will then be granted to all Applicants.

H. References and Requests for Further Information

Submission of Qualifications shall constitute permission from the Applicant for HPD to make such inquiries concerning the Applicant as HPD deems necessary. HPD reserves the right to communicate with any of the Applicants, but HPD is not obligated to do so. HPD may discuss the Qualifications of any Applicants concurrently or sequentially, as HPD may determine. No Applicant has any rights against HPD arising from any such invitation to a discussion, or from any negotiations that may arise pursuant to the discussions.

Applicants must comply with all requests for information and, if requested by HPD, appear for presentations or interviews. If any Applicant fails to do so within the time period given (or within any time extension that HPD may grant), HPD may deem this as a failure and act of non-compliance with the RFQ, which will permit HPD to disqualify the Applicant or to solicit new Qualifications.

I. Review and Evaluation

HPD will determine Applicant's inclusion on the List based on the criteria specified in **Section III Qualification Requirements**. HPD may disapprove the inclusion of any or all members of the Applicant's team and may require Applicants to substitute other individuals. HPD will notify all Applicants as to whether or not they have been included on the List of Qualified Owner's Representatives.

After establishing the initial List, HPD will accept applications on a rolling basis; HPD anticipates updating the List as it deems necessary and no less than annually.

Every 2 years, HPD will review the qualifications of Qualified Owner's Representatives on the List in order to determine the eligibility of Qualified Owner's Representatives to remain on the List. At such time, Qualified Owner's Representatives will be required to provide any information requested by HPD. Failure of Qualified Owner's Representatives to provide any information requested by HPD will result in removal from the List.

V CONDITIONS

This RFQ is subject to the specific conditions stated below:

- A.** HPD is not obligated to pay, nor shall HPD in fact pay, any costs or losses incurred by Applicants at any time, including the cost of responding to the RFQ.
- B.** HPD reserves the right to reject, at any time, any or all submissions and/or cancel this RFQ in whole or in part. HPD also reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of, this RFQ and to entertain modifications and additions to Applicants' submissions.
- C.** Inclusion of Applicants on the List does not guarantee that any Applicant will be selected by any Owner for any Project.
- D.** Inclusion of Applicant on the List will not create any rights on the Applicants' part.
- E.** All determinations in connection with this RFQ (including, but not limited to, any determinations regarding the experience, capability, capacity, financial resources of any Applicant or regarding the addition of Qualified Owner's Representative to the List or removal of Qualified Owner's Representative from the List) shall be at the sole discretion of HPD.
- F.** HPD is not legally obligated to issue this RFQ.
- G.** This RFQ and any resulting agreement between any Applicant and an Owner are subject to all applicable laws, rules and regulations promulgated by any federal, state, or local authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.
- H.** HPD reserves the right to discontinue the List at any time.
- I.** HPD's inclusion of any Applicant on the List is not an endorsement of an Applicant's ability to perform services for any Project. Owners must make their own determinations as to whether any owner's representatives on the List are capable of performing services for any particular Project.
- J.** Any material misrepresentation made by an Applicant or any failure by an Applicant to disclose any material information in connection with its response to this RFQ may result in the Applicant's disqualification from consideration for inclusion on the List or, if Applicant is already on the List, the removal of the Applicant from the List.
- K.** Each Applicant has a continuing obligation, prior to and after placement on the List, to update HPD regarding any material changes to information that such Applicant has provided to HPD within 30 days of any such material changes, including, but not limited to, material changes to information regarding investigations, subpoenas, and changes of principals. Failure of any Applicant to update HPD on such material changes may result in the Applicant's disqualification from consideration for inclusion on the List or, if the Applicant is already on the List, the removal of the Applicant from the List.

- L.** Each Applicant has a continuing obligation, prior to and after placement on the List, to provide any documentation and/or information requested by the City. Failure of any Applicant to provide such documentation and/or information when requested by the City may result in the Applicant's disqualification from consideration for inclusion on the List or, if the Applicant is already on the List, the removal of the Applicant from the List.
- M.** HPD reserves the right to utilize the List for other HPD programs.

APPENDIX A: DESCRIPTION OF SERVICES

The role of a Qualified Owner's Representative may include providing a range of services, as the Owner deems necessary. Qualified Owner's Representatives on the List will have the ability to assist Owners in areas including, but not limited to, the following services. HPD will evaluate submitted qualifications to determine the breadth and depth of an Applicant's experience in each of the services. An Applicant that does not have experience in one or more of the services should describe the manner by which the Applicant would provide coverage, including, where possible, the name(s) of any additional professionals or firms the Applicant expects to enlist.

A. Development Program

- Facilitate and assist Owner in creating development goals and objectives that align with the Owner's mission or other organizational objectives.
- Collaborate and assist Owner with establishing a viable development program. For example: *Residential*: identifying the number of units; type of units; target population; design, construction, operating objectives; related services or programs to be coordinated with Project; or, *Non-Residential*: square footage; types, uses and location/adjacencies of spaces; target market; design, construction, operating objectives; related services or programs to be coordinated with Project.
- Coordinate with Owner in establishing viable financial objectives consistent with the Owner's short- and long-term investment plans.
- Document the Owner's program decisions. Said report shall be identified as the Development Program.

B. Project Management

- Prepare contractor/consultant Request for Qualifications/Proposals and/or Scope(s) of Work for professional services, including, but not limited to, architecture and engineering services, legal services, environmental consultants, and other required services.
- Manage a selection process for procuring design and construction teams.
- Draft, review, and negotiate contractor agreements for professional services and construction in coordination with and upon final approval by Owner's legal counsel.
- Manage contractor agreements on Owner's behalf.
- Collaborate with Owner's legal counsel to advise Owner on real estate related matters including, but not limited to, financing and investment; development, partnership and ownership structures; and public/private development agreements.
- Organize and ensure appropriate project development documentation.
- Advise Owner on development and program related matters, including, but not limited to, financing strategies; development partnerships; affordability; design; market study; contracts; and operating costs.
- Develop and implement a reporting structure to provide Owner with a project schedule, general progress and status of work completed, budgets, and documentation of decisions during all phases of the development process.

- Inform Owner of critical issues that must be addressed with immediacy, as well as document important decisions in the development process.

C. Project Feasibility & Finance

- Identify potential financial resources.
- Conduct financial feasibility studies.
- Prepare market studies to determine market comparison.
- Help Owner secure public and private funds for development.
- Assist Owner in negotiations and transactions with financial partners and investors and coordinate said negotiations with Owner's relevant legal counsel.
- Prepare, update, and revise, as necessary, project implementation budgets and schedules.
- Prepare local, state, and federal financing applications, including Low Income Housing Tax Credit (LIHTC) applications and offering packages.
- Assist Owner in application for and compliance with tax abatement and/or tax exemption programs.
- Manage and compile evidentiary documentation for submission and closing.
- Generally, consult with Owner in securing and negotiating predevelopment and development financing instruments.

D. Site Due Diligence

- Manage and monitor site due diligence activities conducted by third-party professional contractors, including, but not limited to, surveys; zoning analysis; environmental assessments; building structural, mechanical, electrical and plumbing systems; title reports; and other activities that may be required in furtherance of the Project.
- Oversee and manage zoning and site capacity analysis, along with financial feasibility analysis, to assist Owner in making "go/no go" decisions.

E. Planning and Design

- Oversee the planning and design process, including preliminary site capacity studies, on the Owner's behalf in furtherance of meeting the goals and objectives established in the Development Program.
- Manage architecture and engineering agreements and the design and value engineering process on Owner's behalf.
- Advise Owner regarding design decisions that may affect the Development Program, as well as finance, budget, and schedule issues.
- Advise Owner to have cost estimating done at every phase of the design process by a qualified general contractor, construction manager, or professional cost estimator to ensure that the project remains within the established budget and schedule.

F. Approvals / Entitlements / Permits

- Assist and advise Owner in obtaining all necessary pre-construction approvals, including, but not limited to, planning and zoning; environmental remediation; historic preservation; accessibility; and energy performance.
- Collaborate with Owner in public meetings and communication materials in connection with obtaining approvals for the Project.

G. Construction

- Assist Owner in obtaining regulatory approvals and permits and utility / public services connection permits in collaboration with architect of record or general contractor, as may be required.
- Draft or review general construction contractor contract, with attachments, and bid packages if necessary, in coordination with Owner's legal counsel.
- Assist in the administration of the construction contract and establish and oversee coordination and communication procedures among the Owner, architect, and general contractor.
- Advise Owner regarding the need for procuring a construction manager working on the Owner's behalf.
- Provide the Owner with a monthly construction progress report regarding the work, cost, and schedule.

H. Property Management / Asset Management

- In the case of occupied buildings, assist with the coordination of tenant relocation, as necessary.
- Manage construction completion transition activities and coordinate marketing and lease-up activities with Owner's property management team.
- Coordinate with Owner's social services and program management team(s), including partnerships with other advisory groups, as necessary.
- Coordinate with Owner's property management and program management team(s) in tenant notifications and resident/community relations during the development and construction process.
- Advise Owner regarding property management structure, financial obligations, and requirements in all property management related matters, in coordination with Owner's legal counsel.

APPENDIX B: QUALIFICATION FORMS

Click the link to download the form.

- [Form A-1: Completeness checklist](#) (word)
- [Form A-2: Applicant's Letter](#) (word)
- [Form B: Applicant Description](#) (word)
- [Form C-1: Experience List](#) (excel)
- [Form C-2: Experience Narrative](#) (word)
- [Form D: List of Personnel](#) (word)
- [Form E: References](#) (excel)