

NYC SUPPORTIVE HOUSING

REQUEST FOR QUALIFICATIONS

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Qualifications Submission Deadline: September 13, 2013

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APPENDICES

A. HPD SUPPORTIVE HOUSING DESIGN GUIDELINES FOR NEW CONSTRUCTION

B. GREEN COMMUNITIES CHECKLIST

C. EQUAL OPPORTUNITY

D. QUALIFICATIONS FORMS

FORMS ARE AVAILABLE FOR DOWNLOAD ON THE WEBSITE IN WORD AND EXCEL FORMATS AS PART OF THIS RFQ.

FORM A-1:	COMPLETENESS CHECKLIST
FORM A-2:	APPLICANT'S LETTER
FORM B:	APPLICANT DESCRIPTION
FORM C-1:	RESIDENTIAL DEVELOPMENT EXPERIENCE (EXCEL)
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I. INTRODUCTION

Pursuant to this Request for Qualifications (“RFQ”), the City of New York (“City”), through its Department of Housing Preservation and Development (“HPD”), in collaboration with the New York City Housing Authority (“NYCHA”) and the New York City Health and Hospitals Corporation (“HHC”), is inviting sponsors (“Applicants”) to submit development qualifications (“Qualifications”) for the design and construction of high-quality, supportive housing development projects (“Project(s)”) on sites (“Sites”) that will be available for disposition. The Project(s) will consist of affordable, supportive housing with on-site social services.

This RFQ seeks to encourage the development of supportive housing as the City doubles its supportive housing pipeline beginning in FY2013. The aim of the RFQ is to attract a diverse group of developers to create innovative, affordable supportive housing coupled with on-site services. Supportive housing is an important and cost effective way to provide stable housing for vulnerable populations. The Project(s) that will result from this RFQ serve the City’s critical goals of creating needed housing opportunities, maximizing affordability, making City-owned land available for private residential development, and, in turn, enhancing the City’s community revitalization efforts.

HPD will assess responding Applicants for pre-qualification to develop Sites for supportive housing through this RFQ. NYCHA and HHC will support the effort by making additional sites available. The result of this RFQ will be a list of qualified sponsors (“Qualified Sponsors”). HPD, NYCHA, and HHC may match a Qualified Sponsor to a Site based on determination of compatibility. The Project(s) envisioned for the Site(s) will be supportive housing buildings for a variety of populations.

All Applicants must adhere to the requirements of this RFQ. HPD will select an Applicant for the list of Qualified Sponsors based on experience in supportive housing development, social service provision, management of supportive housing, and financial capacity. HPD reserves the right to select from the list of Supportive Housing Qualified Sponsors for participation in other related HPD programs, such as the Supportive Housing Loan Program (“SHLP”). This RFQ does not represent any obligation or agreement whatsoever on the part of the City, HPD, NYCHA, or HHC.

A pre-submission conference will be held on July 24, 2013, at HPD, 100 Gold Street, Room 1-R, 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. Questions can also be submitted via email to SupportiveHousingRFQ@hpd.nyc.gov. Qualifications are due by hand on September 13, 2013, no later than 4:00 p.m.

II. DEFINITIONS

Applicant

A not-for-profit organization, joint venture, or partnership that submits Qualifications in response to this RFQ.

Area Median Income

Area Median Income shall mean the median income levels as modified by household size for the New York metropolitan statistical area as determined from time to time by HUD. For 2013, 100% of the AMI is \$85,900 for a family of four in the New York Metropolitan Statistical Area and \$60,200 for a single person.

City

The City of New York

DOB

The New York City Department of Buildings

Development Team

The Sponsor and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, legal counsel, not-for-profit organization, marketing agent, and managing agent) that will participate in the design, development, construction, social service provision, marketing, and/or management of the Project.

HHC

New York City Health and Hospitals Corporation

HUD

The United States Department of Housing and Urban Development

NYCHA

New York City Housing Authority

Qualifications

Material submitted in response to this RFQ that details the Applicant's supportive housing development experience, social service provider experience, management/ownership experience, and financial capacity.

Principal

An individual, partnership, limited liability company, corporation, or other not-for-profit or 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 supportive housing, community facilities and accessory open space envisioned for the Sites.

Qualified Sponsor

The entity or entities selected by the HPD, NYCHA, or HHC that is eligible to commence negotiations regarding the development of the Sites offered through this RFQ. The entity or entities will provide equity, secure financing, assemble a Development Team, and design, develop, build, market, and manage the Project. The City, HPD, NYCHA, and HHC are under no obligation to offer any Qualified Sponsor a site as a result of this RFQ.

LDA

Land Disposition Agreement

Negotiation Letter

Letter from HPD, NYCHA, or HHC inviting a Qualified Sponsor to commence negotiations to develop a site.

NEPA

National Environmental Policy Act

Section 3

Section 3 of the Housing and Urban Development Act of 1968

Section 18

Section 18 United States Housing Act of 1937 as Amended by the Quality Housing and Work Responsibility Act of 1998

Selection

The point at which HPD, NYCHA, or HHC matches a Qualified Sponsor to a Site and provides the Qualified Sponsor with a Negotiation Letter.

Site(s)

The property being offered for development under this RFQ. Addresses will not be identified until sponsors are pre-selected as a result of this RFQ.

Social Service Contract

Funding to provide on-site social services at the Project, including but not limited to funding from New York State Office of Mental Health (OMH), New York State Office of Alcoholism and Substance Abuse Services (OASAS), New York City Department of Health and Mental Hygiene (DOHMH), New York City Department of Homeless Services (DHS) or New York City Human Resources Administration HIV/AIDS Services Administration (HASA).

Supportive Housing Loan Program

The HPD loan program that offers low-cost financing for nonprofits to develop permanent affordable housing with supportive services for homeless and low-income tenants.

Uniform Land Use Review Process (ULURP)

The process, set forth in the City Charter, prescribing the City's land use review process, including public hearings and several levels of government approvals. Actions requiring ULURP include, among others, changes to the City Map, designation or change of zoning districts, Special Permits within the New York City Zoning Resolution requiring approval of the City Planning Commission (CPC), and disposition of City-owned property.

III. QUALIFICATIONS ELIGIBILITY AND SELECTION PROCESS

A. Eligibility to Apply

This RFQ is open to not-for-profit Sponsors that have experience in supportive housing development and the provision of social services. Not-for-profit organizations may partner with other not-for-profit social service providers or for-profit developers to submit Qualifications. If the Applicant is selected to develop a Site, the not-for-profit Sponsor should be part of the ownership structure for any proposed Project(s).

B. Development Sites

HPD, NYCHA, and HHC intend to make available Sites in Manhattan, Brooklyn, Queens, and the Bronx. Sites generally accommodate 50-100 studio units, though HPD will consider Projects for a variety of unit types if a Qualified Sponsor is selected to develop a site. Typical zoning classifications of the Sites range between R5 and R10-A.

This RFQ seeks only to create a list of Qualified Developers. Applicants are not applying for a specific Site or submitting information related to a proposed Project. HPD, NYCHA, and HHC will not identify Sites in this RFQ. HPD, NYCHA, and HHC will use the Qualifications submitted through this RFQ to match a Qualified Sponsor to a Site based on determination of compatibility and ability to develop supportive housing.

C. Process

This RFQ seeks Applicants who have the experience and organizational capacity to successfully develop supportive housing buildings. HPD will review applications and identify a list of Qualified Sponsors based on the criteria in *Section V Qualification Requirements*.

When a City-owned site becomes available for disposition, HPD and NYCHA or HHC, if applicable, will refer to the list of Qualified Sponsors and may select a Qualified Sponsor that has an established network of social services as well as the necessary experience to develop supportive housing. HPD, NYCHA, or HHC will furnish the selected Qualified Sponsor with a negotiation letter (“Negotiation Letter”) to inform Sponsor of Selection and to commence negotiations for a specific site. The selected Qualified Sponsor will then be expected to apply to receive loans or support for the construction and operating of the Building and to be the developer and/or long term owner of the Building

If a Qualified Sponsor is selected to develop a Site, the Sponsor must adhere to all requirements in *Section IV Obligations of Selected Qualified Sponsor*. However, the City, HPD, NYCHA, and HHC are under no obligation to dispose of City-owned land or select a Qualified Sponsor to develop a Site. Not all Applicants who are deemed qualified will be assigned a Site. Any obligation or agreement on the part of the City, HPD, NYCHA, or HHC may only be incurred after the parties enter into a written agreement approved by

the Mayor, the City's Law Department, and where NYCHA sites are used, the NYCHA Board.

D. Disposition and Disposition Price

Disposition of the Development Site to the Sponsor will be subject to the following:

- Qualification of the Sponsor through this RFQ. HPD, NYCHA, and HHC may then select a Qualified Sponsor to develop a Site.
- Receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the Mayor.
- Execution and delivery of the documents necessary to complete the disposition process within a time period specified by HPD and, if applicable, NYCHA or HHC. These documents include, but are not limited to, an LDA, as required.
- The Site(s) will be conveyed in accordance with the terms of the LDA to be entered into between the Sponsor and HPD and, if applicable, NYCHA or HHC, and will be conveyed in "as is" condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Sponsor to develop the Site in accordance with plans and specifications determined and approved by HPD, NYCHA, and HHC.
- The simultaneous closing of a bona fide construction loan required to finance the full development of such Site.
- Upon conveyance of City-owned land, the Sponsor will pay a nominal disposition price of one dollar per lot and will deliver an enforcement note and mortgage at an interest rate to be negotiated and in the amount equal to the appraised value of the land. Conveyance of a NYCHA site should be at fair market value. Section 18 of the U.S. Housing Act of 1937, as amended ("Section 18"), regulations dictate that any acquisition price below the fair market value of the site, as determined by a third-party appraisal, must include a provision in the deed that requires the reversion of the property to NYCHA if the sponsor fails to build and operate the units pursuant to certain affordability restrictions. This reversionary interest cannot be subordinated and must remain in a superior lien position to any instrument. The sales price of HHC sites will be negotiated on a case-by-case basis.

IV. OBLIGATIONS OF SELECTED QUALIFIED SPONSOR

A. Development Team

If HPD, NYCHA, or HHC selects Qualified Sponsor to develop a site, the Qualified Sponsor will be responsible for assembling a Development Team, including at minimum a contractor, architect/planner, marketing agent, and managing agent (if applicable). The Development Team will design, construct, and lease the completed units. Sponsor(s) should not assemble a development team for the purpose of submitting Qualifications for this RFQ.

B. HPD Design Process

If a Qualified Sponsor is selected to develop one of the City-owned sites, the Qualified Sponsor must proceed to submit necessary documentation for review through HPD's Division of Building and Land Development Services (BLDS). Within six (6) months of Selection, the Qualified Sponsor must send a set of schematic site plans, floor plans, and elevations to HPD for review and approval. Prior to disposition, the Qualified Sponsor must submit a complete set of final site plans, floor plans, elevations, samples of exterior building materials, and detailed specifications to HPD for review. If the Qualified Sponsor is selected for a NYCHA site, he/she will submit all items specified above within the same time frames to both HPD and NYCHA.

Designs submitted by Qualified Sponsors must conform to the Supportive Housing Loan Program ("SHLP") Design Guidelines, included within Appendix A. Any submitted designs must also conform to the current New York City Zoning Resolution and Building Code, and all other applicable laws and regulations including, but not limited to, the Fair Housing Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

C. Sustainability and Active Design

HPD, NYCHA, and HHC will encourage green building and active design to reduce the negative impact buildings have on the health of the environment and communities, as well as to create a healthy indoor and outdoor environment for occupants through integrated design, best practices and emerging technologies. The development of sustainable design, as well as active design, uses architectural and urban design strategies to promote public health and increase physical activity in daily life.

The selected Qualified Sponsor will have to achieve Certification through the Enterprise Green Communities Program, which is a comprehensive green building framework for affordable housing that provides cost-effective standards for creating healthy and energy-efficient homes. Enterprise Green Communities offers an online certification process for affordable housing developments built using these criteria. The Green Communities Checklist can be found in Appendix B. For affordable housing

developments funded by the City, instructions can be found online at: http://www.greencommunitiesonline.org/tools/certification/nyc_hpd_certification.asp.

In addition to the documentation requirements of the Green Communities Program, the selected Qualified Sponsor will be required to periodically provide budgets that identify project costs specifically related to green design, energy efficiency measures and building operations, upon request by HPD, NYCHA, or HHC.

D. Land Use Approvals and Environmental Review Requirements

ULURP

Anticipated land use actions requiring approval under ULURP for development of the Sites include, but are not limited to, the disposition of City-owned property.

HPD will be the applicant for any ULURP application, with assistance from the Qualified Sponsor in preparing supporting documentation. Any Project resulting from disposition of City-owned property will also require City Council and Mayoral approval. Development timelines, which Qualified Sponsor must submit after Selection, should take into account the period required for the ULURP application to be certified and approved. HPD design approval and ULURP (including certification) may take at least one (1) year from commencement. In addition, the Qualified Sponsor may be required to alter the design before and during the ULURP process to comply with any request for modifications.

While ULURP is the process for disposition of City-owned sites, HUD approval is required for disposition of NYCHA sites under Section 18. Resident consultation and environmental assessment in accordance with 24 CFR 970 and 24 CFR 58 must be completed before HUD review of NYCHA's application for disposition. The selected Qualified Sponsor is expected to obtain design approval, building permits and project financing in preparation for loan closing six (6) months from HPD signoff of the environmental assessment for HUD to consider disposition of a NYCHA site. Proposed Projects on HHC sites will be required to go through HHC's land use disposition process.

City Environmental Quality Review (CEQR)

Any selected Qualified Sponsor will be responsible for preparing an Environmental Assessment in accordance with the guidelines contained in the 2010 CEQR Technical Manual. It is anticipated that HPD will serve as lead agency for the CEQR review and will oversee the preparation of all CEQR documentation in connection with disposition of HPD, NYCHA, and HHC sites. The Qualified Sponsor, however, will be responsible for retaining an environmental consultant, the preparation and submission of all CEQR documents and the cost of the studies and analyses required for the completion of CEQR. Completion of the CEQR review may be required prior to the commencement of ULURP. The CEQR assessment will consider the discretionary ULURP approvals described above, including, but not necessarily limited to zoning map amendments and

the disposition of City-owned property. The Sponsor will be solely responsible for any mitigation measures identified as a result of the CEQR review. The City, HPD, NYCHA, and HHC do not make any representation or warranty whatsoever regarding the condition of the property or the suitability of the property for the uses contemplated by this RFQ. The Qualified Sponsor will be solely responsible for providing engineering and institutional controls to allow for the re-use of the Site.

Other Environmental Documents

In addition, the selected Qualified Sponsor will be responsible for preparing associated environmental studies including, but not limited to Phase I Environmental Site Assessments (ESA), Phase IA archaeological assessments, and site-specific (subsurface) soil and groundwater investigations. The Qualified Sponsor will be responsible for implementing any remedial measures identified in connection with the redevelopment of sites sourced through this RFQ. In the likely event federal funds are used in connection with construction financing, the Sponsor will be responsible for the preparation and submission of all environmental reviews to HPD in accordance with the National Environmental Policy Act (NEPA) and other federal environmental requirements. The Qualified Sponsor will obtain all necessary environmental approvals and will fund and undertake any environmental review, soil testing, and/or remediation required on the site.

E. Community Outreach

The Qualified Sponsor will participate in required public forums, hearings, and briefings with the Community Board, elected officials, City agencies, and other organizations, as needed. The Qualified Sponsor will be responsible for obtaining all necessary public approvals. Any Qualified Sponsor selected to develop a NYCHA site will also participate in Resident Association meetings of the development where the site is situated for the purpose of building support for the housing project and compliance with Section 18 regulations.

F. Equity and Financing

Pre-development loans will not be available through HPD. Pre-development funding is the sole responsibility of the selected Qualified Sponsor. The Qualified Sponsor must also secure the necessary construction and permanent financing sources. Sponsors may use different lenders for construction and permanent financing. The amount of the Qualified Sponsor's equity will be determined by the lender(s). The Qualified Sponsor will be required to submit a term sheet and letter of intent from a lender indicating willingness to lend an amount for construction financing of the Project within a period of time to be defined in a Negotiation Letter.

G. Taxes

The selected Qualified Sponsor will pay all applicable transfer taxes associated with the conveyance of the Site(s) to the Qualified Sponsor(s), and all transfer and recording taxes associated with project financing. The Sites are subject to New York City Real

Property Taxes and charges. However, tax exemptions may be available through HPD. For details of each program, it is necessary to consult the relevant statute and rules. Once a Qualified Sponsor is selected to develop a site, it is the responsibility of the Qualified Sponsor to apply for and meet the requirements of the specific tax benefit program(s). **The City, HPD, NYCHA, and HHC make no representations or warranties as to the continued availability of these benefits or as to the eligibility to receive these benefits.**

H. Marketing

The selected Qualified Sponsor will market the residential units in accordance with City requirements and, if applicable, preference for eligible NYCHA residents or HHC employees or patients.

I. Schedule

The selected Qualified Sponsor will be responsible for arranging timely commencement and completion of the Project. The Qualified Sponsor will be required to submit ongoing status reports regarding Project development, financing, marketing, leasing, and management.

J. Rent Stabilization

Initial rents will be established in accordance with the regulatory agreement. Prior to initial occupancy all units must be entered into the New York State Rent Stabilization system at rents specified in the regulatory agreement.

K. Fair Housing Requirements

The selected Qualified Sponsor is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

L. Equal Opportunity

Agreements resulting from this RFQ will be subject to the provisions of Executive Order 50 and its implementing regulations as stated in Appendix C (Equal Opportunity). If a Qualified Sponsor is selected for a site, a representative from the Qualified Sponsor and each entity with which the Qualified Sponsor partners will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and to submit Equal Opportunity forms provided by HPD verifying their compliance with its provisions.

M. Section 3 Clause

Any project resulting from this RFQ may be subject to Section 3 of the Housing and Urban Development Act of 1968 ("Section 3") and the implementing regulations at 24 CFR part 135. If applicable to the project, (i) to the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of the project must be given to "Section 3 Residents" as such term is defined in 24 CFR 135.5 or NYCHA residents for projects on NYCHA sites; and (ii) to the greatest extent feasible, contracts for work to be performed in connection with any

such project must be awarded to "Section 3 Business Concerns" as such term is defined in 24 CFR part 135.5. To the extent that Section 3 is not required and the Sponsor is developing on a NYCHA Site, NYCHA may still require that the Sponsor work with NYCHA to develop a program which encourages the creation of temporary and permanent jobs for NYCHA's residents.

N. HOME funds and Davis-Bacon

Every contract for the construction of housing (rehabilitation or new) that contains 12 or more units assisted with HOME funds will be required to comply with Davis-Bacon and the Contract Work Hours and Safety Standards Acts.

V. QUALIFICATION REQUIREMENTS

Applicants must be qualified in each of the following qualification criteria in order to be considered Qualified Sponsors for possible eligibility for disposition of a site. HPD will evaluate submitted Qualifications to determine if they meet the qualification criteria. All applicants, including those qualified through other HPD RFQs, must submit a full response to this RFQ and meet the minimum criteria set forth in this RFQ. 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

The Qualifications must contain all documentation required under *Section VI Submission Requirements and Qualification Process*. All of the required Forms must be fully completed and application requirements met at the time of submission. Please complete Forms using 11 point font or above. The Applicant must comply with maximum page limits for all narrative answers. 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. Development Experience and Capacity

Supportive housing development experience will be evaluated as it reflects the Applicant's demonstrated ability to successfully carry out a quality project of this type, size, and complexity in a timely manner. Among the factors that will be considered are:

- quality of construction and design in projects completed or currently being built by the Applicant;
- cost effectiveness of past development projects and Applicant's demonstrated ability to stay within budget;
- extent of the Applicant's experience, in terms of number, size, population type, and scale of projects completed within the last seven (7) years;
- current and planned projects of housing development that may limit the ability of the Applicant in undertaking additional work;
- experience integrating job creation programs into past projects.

C. Service Experience and Capacity

Social service experience will be evaluated as it reflects the Applicant's programmatic and managerial capabilities to effectively provide on-site support services. Among the factors that will be considered are:

- extent of the Applicant's experience, in terms of population type, kinds of services provided, and demonstrated achievements in housing stability;
- experience obtaining and managing social service funding contract(s);
- innovative service models which are evidence-based and outcome-oriented.

D. Asset Management and Ownership Experience

Asset management and ownership experience will be evaluated by characteristics of the Applicant's recent portfolio, including:

- physical condition and number of Housing Code Maintenance violations on buildings owned and/or managed;
- current capacity to provide effective management services in a timely and responsive manner, including the handling of tenant complaints;
- familiarity with compliance for HOME, LIHTC, and regulations regarding rental assistance.

E. Community Involvement and Support

Community involvement and support will be evaluated by Applicant's proven ability to obtain the backing of community stakeholders and benefit the community through past developments. Among the factors that will be considered are:

- ability to effectively execute a strategy to get community support in the pre-development phase of past projects;
- integration of community uses and benefits into Applicant's existing buildings;
- demonstrated success in renting up non-referral units to community members.

F. Ability to Finance

Applicants must demonstrate adequate financial resources to develop a supportive housing project. HPD will evaluate the Applicant's past three year of audited financials, bank or other lender references, and current commitments in order to assess the Applicant's capacity to secure construction and permanent financing, meet construction lender's equity requirements, absorb any cost overruns, and commence and complete construction of Applicant's entire Project in a timely manner.

G. No Adverse Findings

An Applicant's Qualifications will be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent HPD, NYCHA, or HHC from conveying the Sites to the Applicant or any person or entity associated with the Applicant. Such adverse findings include, but are not limited to:

- Negative findings from the Department of Investigation, or by HPD, NYCHA, or HHC;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- City, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure; sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;

- Past or pending criminal, civil, or administrative investigations, charges, or convictions;
- Defaults under any Federal, State or City-sponsored program;
- A record of substantial building code violations or litigation against properties owned and/or managed by the Applicant or by any entity or individual that comprises the Applicant; Past or pending voluntary or involuntary bankruptcy proceeding; or
- Conviction for fraud, bribery or grand larceny.

VI. SUBMISSION REQUIREMENTS AND QUALIFICATION PROCESS

A. Inquiries

All communications and inquiries regarding this RFQ should be directed in writing to HPD at:

E-mail: SupportiveHousingRFQ@hpd.nyc.gov

All written questions should be submitted by July 22, 2013 to be included in the RFQ addendum.

B. Pre-Submission Information

A pre-submission conference will be held on July 24, 2013, at 2:00 PM at HPD, 100 Gold Street, Room 1R, New York, NY 10038. The date, time, and location of this pre-submission conference and any updates and/or additional communications regarding this RFQ will also be posted on HPD's website at the following address: <http://www.nyc.gov/html/hpd/html/developers/RFQ.shtml>

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. Responses to all inquiries will be collectively provided 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 pick up the RFQ or to attend and/or participate in the pre-submission conference should contact HPD at the email address provided above.

C. General Requirements

Time and Place of Submission

On or before the submission deadline, the Applicant must submit Qualifications in accordance with the instructions and attachments contained in this RFQ, as well as in any addenda that may be issued to the RFQ. All submissions become the property of HPD. Submissions will be promptly reviewed. Interviews, site visits and/or additional information may be requested.

Applications must be delivered by hand no later than September 13, 2013 at 4:00pm to:

N.Y.C Department of Housing Preservation and Development
Office of Development
Division of Special Needs Housing
100 Gold Street, Room 9 E-2

New York, NY 10038
Attention: Theresa Cassano

D. Format of Qualifications

One fastened original, one fastened copy, and one electronic copy (computer 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, prong paper fasteners, 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 VI, 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 D (Qualifications Forms) will be made available for download on the HPD website.

E. 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 September 13, 2013. 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.

F. 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 requested a copy of 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.

G. Complete Qualifications

Qualifications that are not complete or are not in conformance with the requirements of this RFQ will be eliminated from further consideration. Applicants should note carefully the submission requirements listed below in *Section IV, Part I Contents of Qualifications and Tabbing*.

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 discussions. 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. In furtherance and not in limitation of the foregoing, before a final selection is made, an Applicant may be required to produce more detailed information concerning the professional background of those persons who own and manage such Applicant, a report on the financial background of such Applicant, and information concerning the nature and status of any past or pending threatened charges or actions (including lawsuits, criminal or disciplinary actions, administrative proceedings by any governmental or regulatory agency or bankruptcy action) against such Applicant or any of its partners, directors, officers, employees, shareholders, subsidiaries, or affiliates, as the case may be.

I. Contents of Qualifications and Tabbing

Each set of Qualifications must contain the forms and supporting documentation described below. Each copy of the Qualifications must be tabbed as indicated below. All Qualifications Forms can be found in Appendix D. 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

Each 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

All Applicants must submit Applicant Description (Form B) in its entirety. Please note that Applicant must be a not-for-profit or partner with a not-for-profit to submit

Qualifications. If the Applicant is a joint venture between not-for-profit and for-profit entities, the Principals of each entity that comprises the joint venture must be identified, and a Principal of each entity must sign the Form.

TAB C - Residential Development Experience

A completed Residential Development Experience Form 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 seven (7) years or that are in construction, pre-development, or have otherwise been committed, and provide unit totals for each category. Please specify the building population and financing sources. Part 2 (Form C-2) asks for narrative answers to questions related to the Applicant’s development experience. Please adhere to specified page limit for narrative section.

TAB D – Service Experience

A completed Service Experience Form (Form D) for the principal(s) of the Applicant. Form D asks for narrative answers to questions related to Applicant’s social service experience. Please adhere to the section’s specified page limit.

TAB E – Asset Management and Ownership Experience

A completed Asset Management and Ownership Experience Form (Form E) for the principal(s) of the Applicant. Form E asks a variety of questions regarding management experience that should be answered in narrative form. Please adhere to the section’s specified page limit.

TAB F – Community Outreach

A completed Community Outreach Form (Form F) for the principal(s) of the Applicant. Form F asks for narrative answers to questions related to Applicant’s strategy for obtaining community support and providing community benefits through past supportive housing development projects. Please adhere to the section’s specified page limit.

TAB G – Community Support

If possible, Applicant should attach any letters of community support that Applicant has received from elected officials, Community Boards, and other community stakeholders for past projects. Applicant should **not** seek out new letters of community support for this RFQ.

TAB H – Assets Statement

Each not-for-profit Applicant must submit audited or reviewed financial statements describing in detail the not-for-profit’s financial status in the three (3) most recent fiscal years preceding the deadline for the submission of Qualifications in response to this RFQ. Each Principal of for-profit partners, if applicable, must submit audited or reviewed financial statements describing in detail the Principal’s financial status in the

two (2) most recent fiscal years preceding the deadline for the submission of Qualifications in response to this RFQ OR complete the Assets Statement (Form H).

TAB I – Financial Letters of Support

Applicant should attach letters of reference from banks, syndicators, or investors with whom the Applicant has worked in the past that will speak to the Applicant’s successful development experience.

TAB J – MWBE Outreach

A completed MWBE Outreach Form (Form J) for the principal(s) of the Applicant. Form J asks for the Applicant’s plan to conduct outreach in order to involve Minority and Women-Owned Business Enterprises in the development process if selected for a Site(s). Please adhere to the section’s specified page limit.

TAB I – Job Creation and Employment Narrative

A completed Job Creation and Employment Narrative Form (Form K) for the principal(s) of the Applicant. Form I asks for narrative answers related to Applicant’s experience integrating job creation with the development of affordable housing and providing employment resources for residents.

J. Review and Evaluation

HPD will determine if Applicants meet minimum qualification requirements based on the criteria specified in *Section IV Qualifications Requirements*. HPD, NYCHA, or HHC may disapprove the inclusion of any or all members of the Applicant’s development team and may require Applicants to substitute other individuals. HPD will notify all Applicants as to whether or not they meet the eligibility requirements for Qualified Developers. Inclusion on the list of Qualified Developers does not ensure that a developer will be selected for disposition of a site.

VII. CONDITIONS, TERMS, AND LIMITATIONS

This RFQ is subject to the specific conditions, terms and limitations stated below:

- A. The City is not obligated to pay nor shall in fact pay any costs or losses incurred by any Applicant at any time including the cost of responding to the RFQ.
- B. The City reserves the right to reject at any time any or all submissions and/or withdraw this RFQ in whole or in part, to negotiate with one or more Qualified Developers, and/or undertake projects on terms other than those set forth herein. The City likewise 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 the applications of Qualified Developers.
- C. The Qualification of an Applicant will mean only that HPD, NYCHA, and HHC may commence negotiations with that Applicant regarding a site. HPD and, if applicable, NYCHA or HHC will send written notification ("Negotiation Letter") to commence negotiations if a Qualified Developer is matched to a site.
- D. Qualification of an Applicant through this RFQ and commencement of negotiations with a Qualified Developer for a particular site will not create any rights on the Applicant's part, including without limitation, rights of enforcement, equity, or reimbursement.
- E. This RFQ and any agreement or other documents resulting there from are subject to all applicable laws, rules and regulations promulgated by any Federal, State or municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.
- F. This RFQ does not represent any obligation or agreement on the part of the City, which may only be incurred or entered into by a written agreement which has been approved as to form by the City's Law Department and duly executed by the Applicant and the City.
- G. The Sites are to be disposed of in its "as is" condition. The City, its officers, agents and employees make no representation whatsoever as to the physical condition of the Sites or their suitability for any specific use.
- H. The Site shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the 421-a, UDAAP, 420-c, and/or 420-a tax exemption programs.
- I. No transaction will be consummated if any principal of any selected Applicant is in arrears, or in default upon any debt, lease, contract or obligation to the City of New York, including without limitation real estate taxes and any other municipal liens or

charges. The City reserves the right not to review any Qualification by any such Applicant.

- J. Entities that are in debarred status by either the Comptroller of the City of New York or the United States Department of Labor, and entities with histories of convictions of criminal violations of the Occupational Health and Safety Act within the five years preceding the closing date, will not be eligible to enter into development agreements or serve as prime or general contractors on this project.
- K. No commission for brokerage or any other fee or compensation shall be due or payable by the City, and an Applicant undertaking to indemnify and hold the City harmless from and against any such claim for any such fee or compensation based upon, arising out of, or in connection with any action taken by the Applicant, the selection of the Applicant's submission for the list of Qualified Developers and invitation to the Applicant to respond to this RFQ, the conditional designation of a Sponsor pursuant to this RFQ or the sale of the site.
- L. All determinations as to the completeness or compliance of any Qualifications, or as the eligibility of any Applicant, will be within the sole discretion of the City.
- M. The City advises all Applicants that there is no legal obligation on the part of the City to issue the RFQ, and that the City reserves the right to use the Qualifications submitted pursuant to this RFQ as a basis for negotiation with Applicants as the City deems appropriate.
- N. This RFQ and any resulting agreement are subject to all applicable laws, rules and regulations promulgated by any Federal, State, or municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.

VIII. CONFLICTS OF INTEREST

Current and former employees of the City of New York may respond to this RFQ only in accordance with Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process. In addition, current HPD employees may not respond to this RFQ.

Persons in the employ of the City considering the submission of Qualifications are advised that opinions regarding the propriety of their purchase of City-owned property may be requested from the New York City Conflicts of Interest Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinions on conflict of interest questions and other matters of ethical considerations. It is not necessary, however, that such an opinion be obtained prior to responding to this RFQ.

Former employees of the City of New York are also advised that the City Charter imposes certain restrictions on post-employment and business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.