REQUEST FOR QUALIFICATIONS

MITCHELL-LAMA MANAGING AGENT

NEW YORK STATE HOMES AND COMMUNITY RENEWAL

Issue Date: November 1, 2019

Initial Submission Deadline: December 15, 2019

**Andrew Cuomo**

**Governor**

**RuthAnne Visnauskas**

**Commissioner & CEO**

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1. **INTRODUCTION**

Article 2 of the Private Housing Finance Law of New York State (““The Mitchell Lama Law”) provides for Housing Companies to employ the services of a Managing Agent based on the eligibility requirements under the regulations. See, *Private Housing Finance Law § 32-a (6); § 32 (3); 9 NYCRR §1729-1.2*)

Through this Request for Qualifications (“RFQ”), New York State Homes and Community Renewal (“ HCR”) seeks to establish a list of Managing Agents (“Qualified List”) that HCR designates as qualified to manage Mitchell-Lama developments (“Qualified Managing Agents”) Qualified Managing Agents may be not-for-profit or for-profit organizations and must have the legal authority and a demonstrated capacity to maintain the long-term physical and financial viability, regulatory compliance and responsible supervision of affordable housing.

The objective of this RFQ is to create a resource so that HCR may refer owners of Mitchell-Lama developments, to the Qualified List, whenever a Mitchell-Lama development issues a request for proposals for the services of a Managing Agent pursuant to the Mitchell-Lama law.

The initial submission deadline is December 15, 2019. HCR expects to publish a list of Qualified Managing Agents based on the initial response on or about January 30, 2019. Thereafter, HCR will accept additional applications annually, and as needed and at its discretion.

HCR may periodically request updated information from Managing Agents appearing on the Qualified List. HCR reserves the right to amend the Qualified List by adding or removing names at any time.

**II. QUALIFICATION REQUIREMENTS**

Applicants must submit a full response to this RFQ and meet the minimum criteria set forth herein to be further considered for inclusion on the Qualified List. Applicants must also demonstrate they have the legal authority, experience and capacity to become a Qualified Agent. HCR will notify all Applicants as to whether they meet the requirements for a Qualified Agent

**A. Completeness of Qualifications**

Interested Applicants must submit their qualifications in accordance with the instructions and forms contained in Section III and Appendix B. Applicants who submit qualifications that are not complete or do not meet the requirements of this RFQ may be eliminated from further consideration. Upon review, HCR, at its discretion, may notify an Applicant that additional information or clarification is necessary. Such additional information may include the completion of disclosure statements concerning the Applicant and its principals and/or officers. An Applicant’s submission of qualifications will be considered as permission for HCR to make such inquiries concerning the Applicant as HCR deems necessary.

**B. Experience and Capacity**

HCR will determine if Applicants meet minimum qualification requirements based on the criteria specified in Section III. HCR will only consider Applicants that demonstrate the requisite experience and capacity required to manage multifamily buildings.

**C. Adverse Findings**

An Applicant may be rejected at any time during the evaluation process or removed from the Qualified List if adverse findings are made about the Applicant or any of its Principals or related entities, including, but not limited to, adverse findings with respect to any of the

following:

 Past or pending suspension, debarment, or finding of non-responsibility by any government agency.

 Findings of tenant harassment or a pending case of harassment.

 Arson, fraud, bribery, or grand larceny conviction or a pending case.

 A past or pending voluntary or involuntary bankruptcy proceeding.

 False information or failure to disclose information

 Violation of any anti-discrimination or fair housing laws, rules or regulations.

**III. EVALUATION CRITERIA**

HCR will evaluate an Applicant’s cover letter, completed Statement of Qualifications (see Appendix B) and any additional documentation or responses required by this RFQ to determine whether an Applicant will be placed on the Qualified List.

Applicants will be evaluated based on the following criteria:

1. **Affordable Housing Management Experience** the Property Manager must have experience in successfully managing at least 150 units of income-restricted, residential rental and/or co-operative properties, including scattered site projects. HCR will evaluate the Property Manager by conducting a review of properties under its management and may consider, among other areas, the physical and financial condition of the properties; the ability to assess and prioritize capital needs and the timely completion of capital projects, the number and severity of any building and/or housing maintenance code violations against such properties; compliance with DHCR rent registration requirements (for properties where rent stabilization or the Emergency Tenant Protection Act is applicable); payment record for municipal taxes, water and sewer charges and any other municipal charges; Property Manager’s track record and capacity to provide effective management services in a timely and responsive manner including the handling of tenant complaints; and Property Manager’s ability to supervise building employees and maintain appropriate records. HCR may request and consider feedback on these matters from any HCR agency, HUD, NYC HDC, and/or NYC HPD
2. **Management Plan and Operations** Applicants must provide a generic

management plan for the operation of government subsidized and regulated projects as outlined in the attached **General Conditions of The Contract for Managing Agents.** The proposed property manager should be identified as a member of the development team in the application and the Property Manager should be certified by an accredited organization issuing certification in property management.

**IV. SUBMISSION REQUIREMENTS AND QUALIFICATION PROCESS**

All Applicants must follow all submission procedures as outlined below. Submission of an incomplete application or failure to follow any of the below procedures or conform to any of the requirements of this RFQ may be grounds for disqualification of the Applicant.

**A. Inquiries**

Applicants should direct all communications and inquiries regarding this RFQ to:

John Francois

New York State Homes & Community Renewal

641 Lexington Avenue

New York, NY 10022

(212) 480-7769 [John.Francois@nyshcr.org](mailto:John.Francois@nyshcr.org)

[www.nyshcr.org](http://www.nyshcr.org/)

Follow us on Twitter at @NYSHCRonline

**B. Time and Place of Submission**

The initial submission deadline is December 15, 2019. Applicants must submit electronic submissions to [Msiddiqui@nyshcr.org](mailto:Msiddiqui@nyshcr.org)

All submissions become the property of HCR. HCR will review submissions in the order in which they were received and publish the initial Qualified List by or about January 30, 2019. HCR reserves the right to accept applications on a rolling basis and may choose to evaluate submission packages received after the submission deadline.

**C. Application Materials**

Applicants must submit a full response with addenda to this RFQ and meet the minimum criteria set forth in Section III in order to be further considered for inclusion on the Qualified List. HCR may request additional information or eliminate from further consideration all submissions that are not complete or do not conform to the requirements of the RFQ. All Applicants, including those qualified through any previous HCR RFQ, must submit a full response to this RFQ and meet the minimum criteria set forth in this RFQ. HCR may request additional information, interviews, site visits, or presentations from any or all applicants.

A complete package shall include a cover letter, a completed, notarized HCR Statement of Qualifications, Broker’s license, Bonding requirements along with all required attachments and/or exhibits and additional documentation as outlined below.

**a) Cover Letter**

One-page letter on company letterhead, signed by a Principal of the Applicant, that summarizes the Applicant’s interest in, and ability to be, a Qualified Agent.

**b) Financial Statements**

Applicants are required to provide the year to date operating statement and the most recent 3 years of CPA prepared Financial Statements for the Applicant.

**c) Statement of Qualifications**

The Statement of Qualifications Form must be completed, signed by a Principal and notarized, and must include all required supporting documentation and/or exhibits as attachments.

**V. LEGAL DISCLAIMER**

The issuance of this RFQ and the submission of qualifications by any Applicant or the acceptance of such submission by HCR do not obligate HCR in any manner whatsoever. HCR reserves the right to amend, modify or withdraw this RFQ; to waive or revise any requirements of this RFQ; to require supplemental statements or information from any responding party; to extend the deadline for submission of qualification; to hold discussions with any responding party; and to cancel, in whole or in part, the RFQ if HCR deems it to be in its best interest to do so. HCR may exercise the foregoing rights at any time without notice and without liability to any responding party or other parties for their expenses incurred in the preparation of submissions or otherwise. Submissions will be prepared at the sole cost and expense of the Applicant

**VI. GENERAL CONDITIONS**

This RFQ is subject to the specific conditions stated below:

A. HCR is not obligated to pay, and shall not pay, any costs or losses incurred by Applicants at any time, including the cost of responding to the RFQ.

B. HCR reserves the right to cancel this RFQ in whole or in part. HCR 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 Qualified List does not guarantee that any Applicant will be selected by any owner for management of any property.

D. Inclusion of Applicant on the Qualified 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 Agents to the Qualified List or removal of Agents from the Qualified List) shall be at the sole discretion of HCR.

F. HCR is not legally obligated to issue this RFQ.

G. This RFQ and any resulting agreement between any Applicant and a property owner is 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. HCR reserves the right to discontinue the Qualified List at any time.

I. HCR's inclusion of any Applicant on the Qualified List does not relieve such Applicant from any HCR required reviews if Applicant is selected by an owner to manage property.

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 Qualified List or, if Applicant is already on the Qualified List, the removal of the Applicant from the Qualified List.

K. Each Applicant has a continuing obligation, prior to and after placement on the Qualified List, to update HCR regarding any material changes to information that such Applicant has provided to HCR 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 HCR on such material changes may result in the Applicant's disqualification from consideration for inclusion on the Qualified List or, if the Applicant is already on the Qualified List, the removal of the Applicant from the List.

L. Each Applicant has a continuing obligation, prior to and after placement on the Qualified List, to provide any documentation and/or information requested by the HCR. Failure of any Applicant to provide such documentation and/or information when requested by HCR may result in the Applicant's disqualification from consideration for inclusion on the Qualified List or, if the Applicant is already on the Qualified List, the removal of the Applicant from the Qualified List.

M. HCR reserves the right to utilize the Qualified List for other HCR divisions, and for other purposes as HCR deems fit.

**APPENDIX A – DEFINITIONS**

**Applicant**

A partnership or corporation that submits Qualifications and a complete response to this RFQ

**City**

The City of New York

**DHCR**

New York State Division of Housing and Community Renewal

**HCR**

New York State Homes and Community Renewal

**HPD**

New York City Department of Housing Preservation and Development

**HUD**

U.S. Department of Housing and Urban Development

**HDC**

New York City Housing Development Corporation

**Mitchell Lama Law**

Article 2 of the Private Housing Finance Law of New York State, as the same may be amended.

**Principal**

An individual, partnership, limited liability company, corporation, or other entity that will act as Managing Agent, or any entity, known limited partner, or other member with at least a 10% ownership interest in the Applicant and the legal authority to bind the Applicant.

**Property Manager**

Entity that will oversee the operations of the Project, including collecting rents and paying all financial obligations (including all municipal obligations)

**Qualifications**

Materials submitted in response to this RFQ that detail the Applicant’s property management experience.

**Qualified List**

The list of Managing Agents that HCR has evaluated and approved to serve as a resource for any private property owner wishing to manage a property that HCR will publish on its website.

Appendix B -Application Forms

See attached,

Statement of Qualifications form

General Conditions of the contract for Managing Agent

Management Plan Guidelines