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##  Andrew M. Cuomo, Governor RuthAnne Visnauskas, Commissioner/CEO

Notice of Funding Availability and Request for Proposals for

State and Federal Rental Assistance Contracts

**NOFA Issuance Date: August 1, 2018**

**Proposal accepted on a rolling, ‘open window’ basis**

**for a time period of up to 90 days**

# HOUSING TRUST FUND CORPORATION

**Hampton Plaza, 38-40 State st., albany ny 12207**

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

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**1. Introduction**

[New York State Homes and Community Renewal](http://www.nyshcr.org/) (“**HCR**”) consists of all the major housing and community renewal agencies of the State of New York (“**State**” or “**NYS**”), including the Housing Trust Fund Corporation **(“HTFC”)**, the Division of Housing and Community Renewal **(“DHCR”)** and the Housing Finance Agency **(“HFA”)**. HTFC isa State public benefit corporation (“**PBC”**) operating under the umbrella of HCR. HTFC administers Federal Section 8 Housing Choice Vouchers **(“HCVs”),** including Project Based Vouchers **(“PBVs”),** across most of the State. HTFC also provides rental assistance to apartment units in rural New York through the State’s Rural Rental Assistance Program **(“RRAP”).** For a limited time, HTFC is allowing qualified property owners **(“Proposers”)** to apply for either Federal Section 8 PBV or State RRAP assistance without submitting an application for other HCR financing sources - e.g. Unified Funding or HCR’s Multi-family Request for Proposals. Proposers may apply for either RRAP or PBVs by completing and submitting a proposal for an existing property in response to this NOFA between the dates listed in Section 4 or until HTFC determines it is no longer necessary to accept proposals for one or both programs. All awards are contingent on future Federal and State budget appropriations.

**2. Purpose**

HTFC seeks qualified Proposers to achieve the following goals:

1. Increase the supply of quality housing that is affordable to low, very low and extremely low income households in parts of the State where such housing is not sufficient or currently available for lease in the marketplace.
2. Preserve the long-term viability of existing Federal and State investments in affordable housing.

**3. Funding Sources Available**

Through this NOFA, Proposers may request one of two sources of rental assistance for existing, eligible housing. The property for which assistance is requested must meet all of the minimum requirements for that assistance, or the proposal will be rejected. These include requirements specific to this NOFA as well as any applicable Federal and State requirements. Proposers may only make a request for one existing housing property or project per proposal. ‘Portfolio’ proposals will not be accepted. For the purposes of this NOFA, a property or project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Existing housing is one where all housing units substantially comply with the applicable standard for physical condition at the time of application – either HQS for PBVs or USDA standards for RRAP.

**All awards are contingent on future Federal (Section 8) and State (RRAP) Budget appropriations. HTFC reserves the right to reduce or terminate Housing Assistance Payment (HAP) contracts if future funding is insufficient.**

**3.1 Rural Rental Assistance Program**

RRAP provides direct rental subsidies to property owners for low income elderly and family tenants residing in multifamily properties located in rural areas of New York State and financed with mortgages from the United States Department of Agriculture (USDA) Rural Housing Services (RHS), formerly Farmers Home Administration, 515 Program.  Currently, HTFC provides RRAP assistance to 219 such properties, assisting 4,475 units. State law requires that this program operate in conjunction with low-interest mortgage financing provided by the USDA under Title V of the Housing Act of 1949.  RRAP contracts will cease upon termination or discontinuance of the RD 515 loan. Subsidies under RRAP are equal to the difference between 30 percent of the tenant's adjusted monthly income and the tenant's monthly housing expenses. Owners/agents are responsible for establishing and maintaining a wait list of qualified applicants for each 515 property. Annual funding is subject to State Budget appropriations.

HTFC engages RRAP property owners/agents in 5-year contracts, contingent each year on available funds, to provide rental assistance to each apartment (“unit”) included within the program. **Only properties with an existing loan agreement with the USDA under the 515 program, and that are in compliance with USDA property standards and other requirements, are eligible to apply for State RRAP assistance through this NOFA.** Proposers seeking RRAP for a property with an existing contract may apply for funding through this NOFA to provide rental assistance to unassisted units, but must have enough units that are currently unassisted to make the minimum request; successful Proposers will receive a unit count contract amendment to the existing RRAP contract. Proposers already in the 515 program but not receiving RRAP may also seek assistance for unassisted units, and will receive a new five-year contract if successful.

**Proposers must request no less than 8 units and no more than 35 units of RRAP assistance through this NOFA.** All units with RRAP funding are subject to applicable Federal and New York State requirements, including but not limited to USDA regulations related to the 515 program and State Statutory requirements for RRAP. In order to be eligible, the Proposer must identify the specific units to be served and confirm that those units will not be assisted through any other Federal, State, or local source of rental assistance at the time of contract execution.

The Selected Proposer(s) must enter into the HAP contract in the form prescribed by HTFC. A sample is included in Appendix III. Please note that the sample is a prior version – new contracts will be with HTFC, not DHCR. In addition, other modifications and updates may be made by HTFC to the form of RRAP contract prior to its execution.  After award the RRAP contract may include “Standard Clauses for Contracts with the New York State Housing Finance Agency . . .” (form included in Appendix IV).  Applicants should be aware that, after an award, Equal Opportunity reporting may be required, such as an Equal Employment Opportunity Staffing Plan or Minority and Women Business Enterprise if applicable. Once HTFC provides a final version of the contract, no modifications by the Proposer will be permitted. Proposers are strongly encouraged to educate themselves on all program rules before applying.

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| **RRAP Summary** |   |
| Total of Units available through this NOFA:  | Up to 350 units |
| Eligible Properties | Must be an existing property participating in the USDA RD 515 program |
| Length of Contract being offered: | 5 years for new RRAP contracts |
| Maximum # of units a Proposer may request: | 35 |
| Minimum # of units a Proposer may request: | 8  |
| Income Targeting: | Low (80% AMI) and Very low (50% AMI) |
| \*Applicable Statutes and Regulations: | USDA RD 515 program (42 USC § 1471 *et seq.*), 7 CFR Subtitle B, NYS Private Housing Finance Law Article 17-A – Rental Assistance Program for Rural Areas, 9 NYCRR Part 2800 |
| \**Not all inclusive - Proposers should be fully knowledgeable on all applicable regulations* |   |

**3.2 Section 8 Project Based Vouchers**

HTFC administers more than 44,000 Federal Section 8 Housing Choice Vouchers for very low and extremely low income elderly and family households across New York State, including over 6,000 Project Based Vouchers, on behalf of the U.S. Department of Housing and Urban Development **(“HUD”).** HTFC serves as the Public Housing Authority **(“PHA”)** for these vouchers. Subsidies under HCV are equal to the difference between 30 percent of the tenant's adjusted monthly income and the tenant's monthly housing expenses.

HTFC administers the HCV Program locally through a network of not-for-profit, for-profit, and government entities that are referred to as [Local Administrators (“LAs”)](http://www.nyshcr.org/Programs/Section8HCV/sec8admins.htm). These LAs serve a total of 51 counties in the State from over 40 separate offices. Each LA administers the program according to Federal rules and the [HTFC Section 8 Administrative Plan](http://www.nyshcr.org/Publications/Section8AdminPlan/). The LAs also administer PBVs awarded to properties within their assigned county (or counties), and are responsible for establishing a wait list of households qualified for Section 8 for each such property. The owner/agent of that property must select tenants from the LA’s wait list.

HTFC typically makes PBVs available through HCR’s Unified Funding or Multi-family open window RFP. However, for 2018 the agency has decided to make a limited number of PBVs available on a “stand-alone” basis for certain categories of existing housing. In order to be eligible, the Proposer must identify the specific units to be served and confirm that they are not presently assisted through any other Federal, State, or local source of rental assistance.  **HTFC is only making PBVs available through this NOFA to properties that have a current loan or regulatory agreement for one of the following:**

* Multi-family properties with any form of NYS HTFC financing (including Turnkey)
* Multi-family properties with any form of Federal HOME financing through HTFC
* Properties with a current 9% Low Income Housing Tax Credit regulatory agreement through DHCR
* Properties with a current 4% LIHTC regulatory agreement or subsidy loan through HFA

In addition, a property **must be located in a county that is presently served by one of HTFC’s LAs** for this NOFA. For those who have applied for PBVs through HTFC before, please note that **several counties in the Capital Region are eligible** for PBVs under this NOFA that were not eligible in previous Unified Funding rounds.

Properties located in the counties listed below **are not** eligible to apply for PBVs. All other counties in New York are eligible under this NOFA.

* Broome
* Cortland
* Erie
* Monroe
* Onondaga

**In order to seek PBVs under this NOFA, a property must be: 1. existing housing (per HUD 24 CFR 983.3); 2. currently financed through one or more of the above listed programs; 3. located in an eligible county under this NOFA; and 4. currently in compliance with Housing Quality Standards (“HQS”) and other applicable requirements.**

To ensure a sufficient distribution of projects, HTFC is placing a limit on the number of PBVs a Proposer may request. **Proposers may request up to 25 units. The minimum request is 10 units.** Please note that this is more restrictive than what is allowed under current HUD rules. HTFC will execute 20-year HAP contracts, contingent on Federal funding, with successfulProposers who receive PBVs. Properties that have received LIHTC or other Federal resources may be subject to Subsidy Layering Review requirements. Properties that have recently undergone or will soon undergo moderate or significant rehabilitation may trigger Federal Davis Bacon Act requirements. All units that receive PBVs through this NOFA will be subject to Federal and State requirements, including but not limited to HUD Section 8 regulations and HTFC’s Section 8 Administrative Plan.

The Selected Proposer(s) must enter into the HAP contract in the form prescribed by HUD. Modifications are not permitted. Applicants should be aware that, after an award, Equal Opportunity reporting may be required such as an Equal Employment Opportunity Staffing Plan or Minority and Women Business Enterprise if applicable.  Federal and HUD requirements are included in this NOFA are not meant to be comprehensive.  Other Federal requirements may apply based on the circumstances, such as requirements contained in Section 3 of the Housing and Urban Development Act of 1968.  Proposers are strongly encouraged to educate themselves on all program rules before applying.

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| **Federal Section 8 PBV Summary** |   |
| Total # of Units available through this NOFA:  | Up to 150 units |
| Eligible Properties | Existing properties located in eligible counties that were previously financed through one or more HCR programs listed above |
| Length of Contract being offered: | 20 years |
| Maximum # of units a Proposer may request: | 25 |
| Minimum # of units a Proposer may request: | 10 |
| Income Targeting: | Very low (50% AMI) and extremely low income (30% AMI) |
| \*Applicable Statutes and Regulations: | 42 USC § 1437(o)(13), Federal Regulations Title 24, Subtitle B, Chapter IX, Part 983 - Project-Based Voucher (PBV) Program; other Federal regulations applicable to Section 8; NYS HTFC Section 8 Administrative Plan |
| \**Not all inclusive - Proposers should be fully knowledgeable on all applicable regulations* |   |

**3.3 Proposers seeking PBVs and RRAP for a property that qualifies for both**

HTFC does not anticipate that there is a significant number of properties that will qualify for both RRAP and PBVs under the terms of this NOFA. However, for a property that is eligible for both, HTFC may consider allowing a Proposer to submit one proposal for both funding sources on a case by case basis. Proposers considering pursuing this approach are strongly encouraged to seek technical assistance in advance of submission (see Section 5.1). HTFC reserves the right to require Proposers who submit a single proposal for both sources to resubmit two separate, revised proposals, or to submit separate, revised RRAP/PBV tabs or sections within a single proposal.

**4. Calendar of Events and Milestones**

This NOFA is being conducted using a time limited, open window selection process. Eligible Proposers may begin submitting proposals for either RRAP or PBVs as soon as the NOFA is issued. All proposals received will be time stamped and checked for completeness. Complete proposals will be scored and prioritized as per Section Eight of this NOFA. HTFC reserves the right to stop accepting proposals prior to the last day for proposal submission. HTFC may also extend the last day for proposal submission at its discretion. **Interested Proposers are strongly encouraged to submit their proposal as soon as possible to ensure that sufficient resources are available.**

If HTFC chooses to reduce or extend the time period when proposals are accepted for either or both programs, it will post a notice on the [Funding Opportunities](http://www.nyshcr.org/Funding/) section of HCR’s web page. **It is the Proposer’s sole responsibility to monitor this web page, and HCR may reject proposals submitted after the revised date.** HTFC does not make any guarantees or representations that PBVs or RRAP will be offered through this type of NOFA again in future years.

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| **Event** | **Date** |
| Issuance of NOFA | **August 1, 2018**  |
| **Last day for proposal submission** | **Amended**- the PBV Open Window closed on September 17, 2018. The RRAP Open Window is extended until Friday, November 16, 2018 at 5 p.m. Eastern Time. HTFC reserves the right to adjust the schedule with notice, including closing either open window early and/or re-opening an open window at a later date. |
| **Due Diligence, Contract Award and Execution** | Contracts will be executed on a rolling basis as Proposals are scored and due diligence is completed. |

**5. Administrative Information and Requirements**

**5.1 Technical Assistance**

No proposal workshop is presently scheduled for this NOFA. HTFC may schedule regional or Statewide workshops at a later time if necessary. However, technical assistance for Proposers will be available throughout the 90-day window. Those seeking technical assistance should contact the appropriate TA contact listed below. Inquiries may be routed to other program staff depending on the question. **If emailing, proposers are strongly encouraged to also cc the general NOFA email box at** **RentalNOFA@nyshcr.org** **to ensure their inquiry can be routed to someone else if the TA contact is not available.**

RRAP TA Contact

Amy VanSteenburgh Amy.Vansteenburgh@nyshcr.org (315) 478-7179, ext. 208

PBV TA Contact

Shawn Carver Shawn.Carver@nyshcr.org (315) 478-7179, ext. 201

**5.2 Amendments and Addenda**

HTFC reserves the right to modify any part of this NOFA including, but not limited to, the dates and times listed in Section 4 “*Calendar of Events and Milestones*.” Modifications will be made by issuance of amendments and/or addenda. Any amendment or addendum to this NOFA will become part of this NOFA. Modifications to the NOFA will be posted to the HCR [Funding Opportunities](http://www.nyshcr.org/Funding/) web page.

If the Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this NOFA, the Proposer will immediately notify HTFC of such error in writing and request clarification or modification of the document. There are no designated dates for release of addenda. Therefore, interested Proposers should check HTFC’s website frequently. It is the sole responsibility of the Proposer to be knowledgeable of all addenda related to this NOFA process.

**5.3 Partial Awards, Budgeting, and Exceptions**

Resources for both PBVs and RRAP are limited. HTFC reserves the right to make an award to a Proposer that is for less than the number of vouchers/units requested. HTFC also reserves the right to make an award to a lower scoring proposal if that proposal more closely fits the resources remaining in either program. The exact number of PBVs and RRAP units awarded through this NOFA is subject to change without notice based on the level of subsidy required for each property, HTFC’s ongoing assessment of the program budget and future funding availability, the quality of proposals received, and other factors as deemed necessary. HTFC reserves the right to make awards based on criteria other than what is listed in the Evaluation Section of this NOFA if the Commissioner determines it is necessary and in the best interest of the State of New York.

**5.4 Proposer Responsibility**

**5.4.1 General Responsibility**

The successful Proposer will at all times during the Contract term remain responsible for compliance with all applicable Federal and State requirements, as well as the terms of the contract. The successful Proposer agrees, if requested by HTFC, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior experience, and organizational and financial capacity.

By submitting a proposal in response to this NOFA, the Proposer certifies that the property for which assistance is requested is eligible under all applicable Federal and State rules. The proposer also certifies that the units that will receive assistance and the property as a whole currently comply with all applicable physical health and safety standards applicable to the type of assistance requested, including but not limited to Federal Housing Quality Standards (HQS) and/or USDA standards (RRAP). If it is determined at a later date that the property is for any reason ineligible, that the property or any unit seeking assistance does not meet with applicable standard, and/or that the Proposer withheld information or provided information that was incomplete or misleading, HTFC may at its sole discretion immediately terminate the contract and seek civil penalties including repayment of any RRAP and PBV rental assistance payments received by the property for which it was ineligible.

**5.4.2 Suspension (for Non-Responsibility)**

HTFC reserves the right to suspend any or all activities under an awarded contract at any time when HTFC discovers information that calls into question the responsibility of any successful Proposer. In the event of such suspension, the property owner will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the owner must comply with the terms of the suspension order. Contract activity may resume at such time as HTFC issues a written notice authorizing a resumption of performance under the Contract**.**

**5.4.3 Termination (for Non-Responsibility)**

Upon written notice to the successful Proposer and a reasonable opportunity to be heard by HTFC, the contract may be terminated by HTFC at the property owner’s expense where the owner is determined by HTFC to be non-responsible. In such event, HTFC may complete the contractual requirements in any manner HTFC deems advisable and pursue available legal or equitable remedies for breach.

**5.4.4 Debarment**

No entity that is on any Federal or New York State debarment list, or which is otherwise prohibited from bidding on or receiving government contracts may be contracted for any services related to the property for which funding is being sought.

**5.5 Federal Requirements (for PBV proposals only)**

PBV Housing Assistance Payment awards and contracts shall be governed by certain Federal terms and conditions for Federal grants, including HUD regulations and any applicable Office of Management and Budget’s (“**OMB**”) circulars. As listed in 24 CFR 983.4, the following provisions, among others, apply to assistance under the PBV program:

a. *Civil money penalty.* Penalty for owner breach of Agreement. *See* 24 CFR 30.68.

b. *Debarment*. Prohibition on use of debarred, suspended, or ineligible contractors.

*See* 24 CFR 5.105(c) and 2 CFR part 2424.

c. *Fair housing*. Nondiscrimination and equal opportunity. *See* 24 CFR 5.105(a)

and section 504 of the Rehabilitation Act.

d. *Fraud*. *See* 24 CFR part 792. NYCHA retention of recovered funds.

e. *Labor standards*. Regulations implementing the Davis-Bacon Act, Contract

Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and

other Federal laws and regulations pertaining to labor standards applicable to

development (including rehabilitation) of a project comprising nine or more

assisted units.

f. *Lobbying restriction*. Restrictions on use of funds for lobbying. *See* 24 CFR

5.105(b).

g. *Program accessibility*. Regulations implementing Section 504 of the

Rehabilitation Act of 1973 (29 U.S.C. 794). *See* 24 CFR parts 8 and 9.

h. *Protection for victims of domestic violence, dating violence, sexual assault or stal*king (24 CFR part 5, subpart L – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking).

h. *Section 3 (as applicable – Training, employment, and contracting opportunities in development*.

Regulations implementing Section 3 of the Housing and Urban Development Act

of 1968 (12 U.S.C. 1701u). *See* 24 CFR part 135.

i. *Uniform financial reporting standards*. *See* 24 CFR part 5, subpart H.

**This is not a comprehensive list of all Federal requirements.** Additional Federal requirements may be found in Appendix IV of this NOFA under “HUD General Provisions.” However, it is the sole responsibility of the Proposer to be aware of and comply with all Federal and State Regulations applicable to the assistance being requested. The regulations listed in this NOFA do not invalidate State and local requirements, laws and policies triggered by the receipt of these funds.

**5.6 Costs Incurred**

HTFC is not liable for any costs that a Proposer incurs in preparing its Proposal, for any work performed in connection therewith, or for travel expenses related thereto. HTFC’s receipt of a Proposal from a Proposer in no way obligates HTFC to such Proposer.

**5.7 Confidential Information**

Certain information that HTFC may furnish in connection with this NOFA may be labeled as confidential and should be treated as proprietary information of HTFC by each recipient of this NOFA. By the Proposer’s receipt of this NOFA, the Proposer agrees not to (a) disclose any part or all of such confidential information furnished to the Proposer pursuant to this NOFA to any party, including, without limitation, any law firm or any corporate or government office, except to the extent essential to the preparation of the proposal, and to secure from any party to whom a disclosure is made under this provision, a confidentiality agreement, executed prior to any such disclosure, in which the recipient agrees to keep confidential and to not disclose any such confidential information to any other party (a “**Confidentiality Agreement**”), (b) use such information for any purpose other than to prepare a response to this NOFA. Such Confidentiality Agreement must name HTFC as an intended third party beneficiary with the right to enforce all remedies in an event of any such breach or unauthorized disclosures.

Documents submitted to HTFC may be subject to disclosure under the New York State Freedom of Information Law (“**FOIL**”), N.Y. Pub. Off. Law §§ 85-90. It is the Proposer’s responsibility to designate those portions of its proposal, if any, the Proposer claims should be exempt from disclosure under FOIL. To the extent the law permits, HTFC will use

reasonable efforts to hold the designated portions of the proposal in confidence. A Proposer must clearly designate in its proposal those portions of the proposal, if any, that the Proposer believes are trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Proposer.

**6. Proposal Requirements**

A complete proposal for this NOFA is comprised of six (6) separate tabs. The Proposal must be complete and prepared in a format consistent with the instructions provided in this NOFA. In all instances HTFC’s determination regarding a proposal will be final. At HTFC’s sole discretion, proposals not organized in the manner prescribed in this NOFA may be considered incomplete or scored lower. Proposers should not refer to other parts of the proposal, to information that may be publicly available elsewhere, or to the Proposer’s or other websites, in lieu of answering a specific question.

**6.1 Proposal Submission Requirements**

Proposals must be delivered by email. Proposers will submit components, referred to here as tabs. Each tab will be consolidated into a single, digital file that contains all of the required documents for that section of the proposal.

* Tab One: Cover Letter
* Tab Two: Proposer Information
* Tab Three: Proposal Narrative
* Tab Four: Operating Assessment
* Tab Five Vendor Responsibility Questionnaire and Additional Certifications
* Tab Six: Supporting Attachments

**The content in Tabs One, Two, Three and Four must be typed, single or double spaced, minimum 12-point font, and have at least one inch margins. Handwritten submissions will not be accepted.**

Proposals must be sent in one email with six attachments, one for each Tab, to RentalNOFA@nyshcr.org. Each tab must be submitted in a searchable portable document format (“**PDF**”) compatible with Adobe Reader XI. HTFC will not accept discs, flash drives, or FTP file references that require downloading information from the Proposer’s or a third party’s website. If the six files are too large, HTFC may at its discretion approve submitting in multiple emails, and/or breaking up tabs into more than one file.

It is the Proposer’s sole responsibility to ensure that all emails and attachments are delivered on time in a legible format. The time of receipt for the proposal will be the time it is received by HTFC at the email listed above, and not the time it was sent. Proposers assume all risk for proposal delivery. A proposal may be deemed to be incomplete or low scoring because it is materially incomplete or not properly formatted. HTFC reserves the right to seek clarification or request additional information. The determination of whether any proposal is complete or was received on time is at the sole discretion of HTFC. All submitted proposals shall become the property of HTFC.

**7. Content of Proposals**

The proposal should demonstrate that the Proposer is qualified to administer the program from which rental assistance is requested. It should also demonstrate that the property, the tenants and the community as a whole will directly benefit from the assistance requested.

Proposals shall be submitted with the information and documentation listed below in the order in which it is requested. The Proposer must submit a proposal that clearly provides all information required in this NOFA. Emphasis should be concentrated on conformance to the NOFA instructions, responsiveness to the NOFA requirements, and clarity of content. The Proposer is advised to thoroughly read and follow all instructions contained in this NOFA. HTFC does not require, nor desire, any promotional material that does not specifically address the response requirements of this NOFA.

**7.1 TAB 1: Application Cover Letter**

The Proposer’s Cover Letter must not exceed one (1) page and should include:

A. A brief summary of the request, the address of the property, and the organizational history and legal structure of the owner (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, etc.);

B. A written certification confirming that the information contained in the proposal is true and accurate and that the person signing the cover letter is authorized to submit the proposal on behalf of the Proposer.

C. A written certification that all units for which assistance is requested currently meet the applicable Federal and State requirements.

**7.2 TAB 2: Proposer Information**

7.2.1 Cover Sheet

The Proposer must submit a fully complete Cover Sheet using the form in Appendix I.

7.2.2 Management Experience & Past Performance

The Proposer will use this section to demonstrate they are qualified, prepared and ready to perform the tasks required in compliance with applicable regulations. Please provide the following for all parties listed in the Cover Sheet, including the owner, the sponsor and the property management agent. **Including the Cover Sheet, Tab 2 should not exceed four (4) letter-size pages - single or double spaced, minimum 12-point font, and at least one inch margins.** Attach resumes for the parties in Tab 6.

1. Number of years associated with this property.
2. Number of properties currently owned/managed that include the source (RRAP or PBVs) for which funding is being requested.
3. Number of years involved in management of properties with this source.
4. List any monitoring findings, either from HUD, HCR, or USDA, on this or any other properties owned or managed in the past 5 years.
5. Are any of these findings currently unresolved? If so, please explain.
6. Has this or any other property owned or managed ever had a PBV or RRAP contract revoked or cancelled? If so, please explain.
7. In the past 10 years, has this owner/agent had any fair housing complaints filed against them with any court, HUD, a State agency (such as the NYS Division of Human Rights), or a local or municipal government? If so, please explain.

**7.3 TAB 3: Proposal Narrative**

**The content in Tab 3 must be no more than five (5) letter-size pages.** The Narrative shall include the information listed below, numbered and in the order shown.

* + 1. Description of property
1. A physical description of the property, including number of buildings, number of units in each building, stories, unit sizes, etc.
2. The overall condition of the property, including a schedule of current capital needs and any current code violations; the Proposer should also provide the outcome of any recent building code inspection, Federal or State monitoring visit, HQS inspection, and/or any other inspection required by a Federal, State or private lender, investor or funding source.
3. The Target population that is currently served by the property, including current affordability requirements, a breakdown of income limits for all units, and any preferences and set asides. Attach the relevant language from your Tenant Selection Plan related to document any preferences in Tab 6.
	* 1. Market Conditions
4. Describe market conditions at the property, including current and annual vacancy rate, the number of applicants on the current waiting list, how many months applicants wait on average to be selected from the waiting list, and the overall need and demand for affordable units in the community.
5. Explain why the addition of PBV or RRAP assistance is necessary to serve the property’s target population, and how the assistance requested will directly improve the property’s ability to meet a currently unmet local housing need.
6. **Specifically explain how, why and to what extent the assistance requested will enable the property to serve a lower income population than the property would otherwise be capable of serving absent that assistance.**
7. Describe the neighborhood or community where the property is located. If possible, describe how the type of housing at this property meets a defined housing need – as per a regional or local planning document. Include any locational advantages the property has, including proximity to public transportation, quality schools, shopping, human services, etc. Also include the extent to which the property: 1. contributes to a revitalization effort; 2. serves an unserved or underserved populations; 3. deconcentrates poverty; and/or 4. has encouraged local investment.
8. Describe the marketing and outreach efforts for the property; if the property has a Fair Housing Marketing Plan, you may include relevant components in Tab 6.
9. Note: A market study is not required for this NOFA; however, if a market study has been conducted within the past 5 years, the Proposer may choose to attach relevant components in Tab 6.
	* 1. Community Involvement

The Proposer may demonstrate community involvement by providing evidence of either or both of the following as applicable (attach documentation in Tab 6):

1. An ongoing supportive services agreement with a local human service or community based organization.
2. Property ownership or management participation by a local, not for profit community based organization, including sponsorship of the project.

7.3.4 Affordability

Describe any and all regulatory agreements and Federal, State, or local restrictions that govern the operation of the property. This includes:

1. The financing history of the property, including a list of all development sources, the amounts received and terms, and the year the property was placed in service.
2. The terms of the current regulatory requirements of the property, including: 1. the expiration dates of any loan and/or regulatory agreements; and 2. how long the property is required to remain affordable.
3. For properties in which a loan or regulatory agreement will expire within the next three years, describe: 1. what is the owner/agent’s long-term plan to maintain affordability, reduce operating costs, and improve design, health, safety, quality of life, etc.; and 2. what entities the property owner or agent has approached to implement the plan and what financing is already committed or will be sought.
4. A list of any current sources, besides tenant rent, that provide ongoing operating or rental assistance, and the units for which that assistance is tied.

**7.4 TAB 4: Operating Assessment**

**The content in Tab 4 must be no more than five (5) letter-size pages.**

7.4.1 Readiness

Provide a list of the status of each unit for which the Proposer is requesting assistance; each unit should be classified as only one of the following:

1. Vacant;

2. Occupied by a tenant with no income determination;

3. Occupied by a market rate tenant with an income determination within the past year;

4. Occupied by a low income (80% of median) tenant with an income determination within the past year;

5. Occupied by a very low income tenant (50% of median) with an income determination within the past year;

6. Occupied by an extremely low income tenant (30% of median) with an income determination within the past year.

* + 1. Operating Economics
1. **Operating Overview**

The proposer should provide a brief explanation of how PBV or RRAP assistance is necessary and will impact the long-term financial viability of the property. **The proposer must demonstrate why the assistance was not requested at the time the property was placed in service, why it is needed now, and how its provision will not result in a duplication or excessive subsidy to the property.**

1. **Property Information**

Provide a description of the total number of units in building and the number for which assistance is requested using the table below:

 *Please use this legend for the following chart for utility type*

|  |
| --- |
| Utility Codes: **GH** = gas heat **OH** = oil heat **EH** = electric heat **GW** = gas water heater **OW** = oil water heater **EW** = electric water heater **GC** = gas cooking **EC** = electric cooking **O** = other Electric (lights, etc.) |
| BedroomSize | Total # of Units in property | Targeted population or preference (if applicable) | Total # of units for which assistance is requested | Current income limit in units to be assisted | Current rent in units to be assisted | Anticipated rent and income limits with assistance | List the utility typeAnd whether it is paid by the owner or tenant |
| 0 BR |  |  |  |  |  |  |  |
| 1 BR |  |  |  |  |  |  |  |
| 2 BR |  |  |  |  |  |  |  |
| 3 BR |  |  |  |  |  |  |  |
| 4 or more BR |  |  |  |  |  |  |  |

1. **Property Revenue and Expenses**

The Proposer will provide both the current and projected budget for the property using the table below. The current budget shall reflect revenue/expenses **from the most recently completed fiscal year.** The projected budget shall be based on a **full year of rental assistance and expenses from the current fiscal year.**

|  |  |  |
| --- | --- | --- |
| Dates of most recently completed fiscal year: |  |  |
| Start: |   |  |  |
| End: |   |  |  |
|  |  |  |  |
| **Revenue** | **Current** | **Projected** | **Notes** |
| Gross Rent (100% occupancy) |   |   |  |
| Vacancy Rate |   |   |  |
| Effective Rent |   |   |  |
| Other Revenue (list) |   |   |  |
| **Total Revenue** |   |   |  |
|  |  |  |  |
| **Expenses** | **Current** | **Projected** |  |
| Taxes |   |   |  |
| Insurance |   |   |  |
| Property Maintenance |   |   |  |
| Management Fees |   |   |  |
| Reserves |   |   |  |
| Other (list) |   |   |  |
| **Total Expenses** |   |   |  |
|  |  |  |  |
| **Net Operating Income** | **Current** | **Projected** |  |
| (Revenue Minus Expenses) |   |   |  |
|  |  |  |  |
| **Debt Service** | **Current** | **Projected** |  |
| Lender 1 (add as necessary) |   |   |  |
| Name |   |   |  |
| Original Amount |   |   |  |
| Current Balance |   |   |  |
| Interest Rate |   |   |  |
| Expiration Date |   |   |  |
| Monthly payment |   |   |  |
| Annual Payment |   |   |  |
|  |  |  |  |
| **Analysis** | **Current** | **Projected** |  |
| Annual Net Operating Income |   |   |  |
| Total Annual Debt Service |  |  |  |
| Remaining annual income after payment of all debt service |   |   |  |
| Debt Coverage Ratio |   |   |  |
| Cash Flow After All Expenses |   |   |  |

**7.5 TAB 5: Vendor Responsibility Questionnaire**

All parties listed in Tab 2, including the owner, sponsor, and property manager/agent, must complete either a [for profit vendor responsibility questionnaire](http://www.nyshcr.org/AboutUs/Procurement/VenRep_For-Profit_Organzation_HCR.pdf) or [not-for-profit vendor responsibility questionnaire](http://www.nyshcr.org/AboutUs/Procurement/VenRep_Not-For-Profit_Organzation_HCR.pdf) and attach in Tab 5. Proposers should also include in Tab 5 all of the certifications contained within Appendix II. A complete Tab 5 will include:

1. Vendor Responsibility Questionnaire(s)
2. Affirmation of Understanding and Agreement Pursuant to State Finance Law
3. Certification of Compliance – State Finance Law
4. Non Collusive Bidding Certification
5. Offeror Disclosure of Prior Non Responsibility Determination

**7.6: TAB 6: Attachments**

Any applicable attachments from the Proposer Information and Narrative should be included here. In addition, please provide the following:

**7.6.1 Insurance**

Provide evidence that the property is properly insured per its current regulatory agreement.

**7.6.2 Financial Capacity**

Provide the property’s most recent tax returns, or if available, audited financial Statements.

**7.6.3 Conflict of Interest**

Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety relating to other clients/customers of the Proposer, or former officers and employees of HTFC and its Affiliates, in connection with your rendering services enumerated in this NOFA. If a conflict does or might exist, please describe how your firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify HTFC of, and resolve any such conflicts.

**7.6.4 Other Disclosures**

The Proposer must disclose whether any of the individuals or entities listed in Tab 2 have been the subject of any adverse findings that may prevent HTFC from selecting Proposer. Such adverse findings may include, but are not limited to:

* investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, “**Commission**”), or a commission of public integrity in another State;
* negative findings from the NYS Inspector General, a Federal Inspector General, or from the U.S. Government Accountability Office, or from an Inspector General in another State;
* pending or unresolved legal action from the U.S. Attorney General or from an attorney general in NYS or another State;
* arson conviction or pending case;
* harassment conviction or pending case;
* local, NYS or other State, Federal or private mortgage arrears, default, or foreclosure proceedings;
* in rem foreclosure;
* tax liens or substantial tax arrears;
* fair housing violations, litigation or administrative procedures currently underway or commenced within the last 10 years;
* defaults under any Federal, State, or locally-sponsored program;
* a record of substantial building code violations or litigation against properties owned and/or managed by Proposer, or by any entity or individual that comprises Proposer;
* past or pending voluntary or involuntary bankruptcy proceeding;
* conviction for fraud, bribery, or grand larceny; and
* entity listed on the Federal or State excluded parties’ lists.

The Proposer must include a brief description for any negative finding that indicates how the finding was resolved or whether it remains unresolved. HTFC reserves the right to terminate a contract or rescind an award in the event it determines that a proposer failed to properly disclose.

**8. Evaluation, Selection and Notification**

**8.1 Completeness Review**

All proposals will be time stamped and reviewed to determine if they contain all required components specified in this NOFA. Those determined incomplete will be rejected and returned to the Proposer. **The Proposer may resubmit an incomplete proposal if time permits, but the proposal receipt date will be the date that a complete proposal was received.**

**8.2 Proposal Scoring**

Complete proposals received by the last day for proposal submission will be scored by a review committee. Based on that score, proposals will be rated high, medium and low. HTFC may select high scoring proposals and issue a funding award immediately on a first-come, first serve basis, at its sole discretion. Medium scoring proposals will be placed on a waiting list and awarded if funding permits. Low scoring proposals will be rejected. If a sufficient number of high scoring proposals is received in less than 90 days, then the open window for that program will close. If not, the window may remain open for 90 days, or to another date as amended by HTFC. **A low scoring proposal may NOT be resubmitted for the same property under this NOFA.** All proposers who submitted a complete proposal will be notified in writing as to whether their proposal was accepted or rejected either before or after the window closes.

To be considered for funding, the property must, at minimum, demonstrate that:

1. It is eligible under the terms of this NOFA and currently in compliance with all applicable Federal and State requirements, as well as the terms of any current regulatory agreements.

2. There is a need for the assistance requested, based on current cash flow, debt-coverage ratio and tenant population served.

3. The property meets the applicable physical standard.

In addition, proposals will receive points based on the following, among other factors:

1. Management experience and past performance – more points will be awarded for owners and managing agents with successful prior experience administering the type of rental assistance requested.
2. Locational advantages/need – More points will be awarded to projects that currently meet a defined local or regional housing need, deconcentrate poverty, or contribute to a revitalization effort; Proposers who can demonstrate specifically how the assistance requested will allow the property to better serve a lower-income population that is currently unserved or underserved will receive the most points.
3. Market demand – more points will be awarded based on the extent to which there is a clearly demonstrated demand for the units.
4. Readiness - Units that are either vacant, or for which the owner has determined the current tenants are eligible for the assistance requested, will be scored higher.
5. Community involvement – More points will be awarded for the degree of community involvement in the project, including the extent to which a community-based not-for-profit organization is part of the sponsorship or management, or has a supportive services agreement with the property.
6. Affordability – Properties that currently have a long-term loan or regulatory agreement in place, or that have a plan to extend affordability will score higher.

**8.3 Due Diligence – Pre Award**

Low scoring proposals will be declined. Higher scoring proposals and in some cases medium scoring proposal may be subject to additional due diligence prior to an award of funding. HTFC may at its discretion contact Proposers, either verbally or in writing, to obtain additional information or visit the property as necessary. Pre Award Due diligence may include but is not limited to:

1. Subsidy Layering Review or other financial analysis.
2. Federal Davis Bacon, Section 3, MWBE utilization and other compliance monitoring for properties engaging in moderate or significant rehabilitation that has been recently undertaken or will be undertaken.
3. Compliance monitoring as necessary for HOME, LIHTC or any other applicable source previously used to develop the property.
4. Background check/due diligence regarding the property, ownership, and principals.
5. Any other due diligence determined to be necessary by HTFC to comply with Federal and State requirements and/or to protect the State’s investment.

**8.4 Due Diligence – Post Award**

Once a property is awarded either RRAP or PBVs, HTFC may need to perform additional due diligence prior to contract execution. HTFC reserves the right to rescind an award if it determines that a property is ineligible for funding under Federal or State regulations or the terms of this NOFA. The length of time required for post award due diligence will vary based on the specific requirements of each property. Post Award Due Diligence may include but is not limited to:

**8.4.1 Property Inspections**

For RRAP requests – The Proposer will certify at the time of proposal that all units for which assistance is requested meet USDA property standards. Either prior to or after an award is made, HTFC may contact the USDA to obtain a copy of the most recent property inspection. HTFC reserves the right to perform a follow-up inspection. HTFC reserves the right to eliminate specific units from a proposal that fail an inspection, or decline a proposal or rescind an award for an entire property, if it determines that failing items in one or more units, or in common areas, raise a significant concern for the property as a whole.

For PBV requests – The Proposer will certify at the time of proposal that all units for which assistance is requested meet HQS. After an award is made, HTFC will schedule an HQS inspection with the appropriate LA. HTFC reserves the right to eliminate specific units from a proposal that fail an inspection, or decline a proposal or rescind an award for an entire property, if it determines that failing items in one or more units, or in common areas, raise a significant concern for the property as a whole.

**8.4.2 Environmental Review**

A varying level of environmental review is necessary for both RRAP and PBV assistance, depending upon the degree and amount of new construction, rehabilitation, or maintenance work that is on-going or anticipated across the entire project (not limited to the assisted units). All RRAP awards will be subject to the State Environmental Quality Review Act (SEQRA) and, as applicable, other required State regulations, such as submission to the State Historic Preservation Office (SHPO). On-going or foreseeable new construction will trigger the need for determinations by HTFC that could require thirty days or more. Projects requiring only maintenance, or where no project work is proposed, can be processed in less time.

All PBV awards will be subject to SEQRA and HUD’s National Environmental Policy Act (NEPA) regulations at 24 CFR Part 58. On-going or foreseeable new construction or rehabilitation will trigger the need for determinations by HTFC that could require significant input and cooperation by the Proposer, including consultant and publication fees, preparation of a Phase I Environmental Site Assessment (ESA), and at least a 90-day review time should be anticipated. **All on-going new construction or rehabilitation work must stop once the PBV application is made, until the environmental review is complete, or the PBVs will no longer be available to the project since the on-going work would constitute a choice-limiting action under 24 CFR 58.22.** Projects requiring maintenance, as determined by HCR, in accordance with HUD Guidance, or no project work, can be processed in significantly less time.

In either program, additional reviews may be required to verify compliance with Federal or State requirements for Lead Based Paint, Asbestos, or other health and safety items as deemed necessary by HTFC.

**Appendix I: Proposal Cover Sheet**

***Attach this form to the top of your proposal.***

**DATE OF APPLICATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THE PROPERTY REQUESTING ASSISTANCE:**

Property Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Number of Units for which assistance is requested: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of assistance requested (circle): Section 8 PBVs RRAP

Property Address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Census Tract #:\_\_\_\_

Is this a low-income Census Tract? \_\_\_ Yes \_\_\_No

State Senator representing property: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District #\_\_\_\_\_\_

State Assembly member \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District # \_\_\_\_\_\_

U.S. Congressional Rep. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District # \_\_\_\_\_\_

**GENERAL INFORMATION ON PROPERTY OWNER/SPONSOR:**

Legal Name of Firm: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Website: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm’s Main Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MAIN CONTACT FOR INFORMATION REGARDING THIS PROPOSAL:**

Please list the individual who prepared *this proposal*:

First Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Last Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PROPERTY OWNER/SPONSOR CONTACT:**

Please list the chief executive for the sponsor, the developer and/or the ownership entity for this property (add additional sheets if necessary):

First Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Last Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PROPERTY MANAGER/AGENT/OR ON SITE CONTACT:**

Please list the property management agent who will oversee rental assistance for this property (*if different from the entity listed above):*

First Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Last Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix II: Additional Certifciations**

Affirmation of Understanding of and Agreement Pursuant to

State Finance Law §139-j (3) and §139-j (6) (b)

Offerer affirms that it understands and ag rees to comply with the procedures of the DHCR/HTFC relative to permissible Contacts as required by State Finance Law §§ 139- j (3) and 139-K (6) (b).

Print Name: Title:

Contractor Name:

Contractor Address:

Certification of Compliance With State Finance Law §139-k (5)

Offerer certifies that all information p rovided to the DHCR/HTFC with respect to State Finance Law §139-k is complete, true, and accurate.

Signature:

Date:

Print Name:

Contractor Name:

Contractor Address:

Required by Section 2878 of the Public Authorities Law

By submission of this bid, bidder and each person signing on behalf of bidder certifies and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

[ 1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

[2] Unless othe1wise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

[3] No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this \_ day of , 20\_ as the act and deed of said corporation of partnership.

(Include all partners & principals in partnerships; for corporations, include all officers)

PRINTED NAME, TITLE, & ADDRESS SIGNATURE



Offerer Disclosure of

Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Contract:

Name and Title of Person Submitting this Form:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous fo years? (Please circle):

No Yes

If yes, please answer the n ext questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non­ responsibility below.

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-Responsibility:

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

(Add additional pages as necessary)

Offerer certifies that all info provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.