

REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT

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

The Township of Lumberton is soliciting proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. All proposals shall be submitted to Brandon Umba, Township Administrator, Township of Lumberton, 35 Municipal Building, Lumberton, New Jersey, 08048 on or before **3:00 P.M. on June 21, 2018**. All proposals shall be contained in a sealed envelope clearly marked “Request for Administrative Agent Services for Affordable Housing.”

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

A. SCOPE OF WORK

Responsibilities of the Administrative Agent

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

1. Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Lumberton and the provisions of N.J.A.C. 5:80-26.15;
 - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate in the form, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Lumberton when referring households for certification to affordable units.

3. Affordability Controls

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners

- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinancing during the term of their ownership;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms and bathrooms and the cost of central air conditioning systems;
- (c) Notifying the Municipality of an owner's intent to sell a restricted unit; and
- (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement

- (a) Securing annually from the Township a listing of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
- (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;
- (g) Providing annual reports to COAH as required; and
- (h) Such other responsibilities as may be necessary to carry out the role and responsibilities of Administrative Agent as defined by COAH and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

B. QUALIFICATIONS FOR ADMINISTRATIVE AGENT

1. The Administrative Agent must provide documentation which demonstrates the successful completion of the Council on Affordable Housing's education program for Administrative Agents and compliance with all continuing education requirements;
2. The Administrative Agent must provide evidence of a history of successful management of restricted affordable housing units on behalf of municipalities in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and all applicable Affordable Housing Regulations promulgated by the Council on Affordable Housing and Department of Community Affairs;
3. The Administrative Agent must provide documentation demonstrating that their purposes include the provisions of housing services and housing counseling and the promotion of

the principles underlying the Federal Fair Housing laws and that they have knowledge of and familiarity with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and its implementing rules.

4. The Administrative Agent must not have a pecuniary interest in the affordable housing units to be administered or demonstrate that if such pecuniary interest exists that the Administrative Agent will not allow the pecuniary interest to compromise in any way the administration of the affordable housing units;
5. The Administrative Agent must demonstrate their capacity to undertake the duties of an administrative agent; and
6. The Administrative Agent must commit to attend continuing education opportunities on affordability controls and compliance monitoring.

C. SUBMISSIONS

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

1. The applicant shall submit a resume which shall set forth information including but not limited to the following and as applicable to the business entity and individual professionals anticipated to perform the work:
 - a. Full name and business address;
 - b. A listing of all post high school education of the applicant;
 - c. Date of licensure in the State of New Jersey and other states;
 - d. The number of licensed professionals employed by or affiliated with the business entity which employs the applicant;
 - e. A listing of all special accreditations held by the individual licensed professional or business entity;
 - f. A listing of all previous public entities served by the business entity and licensed professional indicating dates, services, and position(s) held; and
 - g. The information and documentation set forth in Section B, pertaining to Qualifications for Administrative Agent.
2. The applicant shall provide a fee schedule including hourly rates. The Township of Lumberton shall be under no obligation to provide rent, equipment, utilities, telephone, supplies, clerical staff nor other items generally assumed to be included in overhead costs. The Township shall not reimburse toll and mileage charges and these reimbursements shall be included in the proposed hourly rates.

D. SELECTION CRITERIA

1. Familiarity with the Township of Lumberton and its affordable housing portfolio;
2. Demonstrated experience with COAH approved approaches to affordable housing administration;
3. Experience and reputation in the field of affordable housing administration;
4. Education and/or special accreditations in the field of affordable housing administration;

5. Availability of sufficient personnel and other resources to provide the services required;
6. Compensation proposal;
7. Ability to attend Lumberton Township Committee meetings, if required; and
8. Other factors which may be in the best interest of the Township of Lumberton.

E. TERM OF CONTRACT

The term shall be from the date of appointment through December 31, 2019, and then from January 1 through December 31 in subsequent years.

F. INSURANCE

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

COMMERCIAL GENERAL LIABILITY INSURANCE

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

MOTOR VEHICLE LIABILITY INSURANCE

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

WORKERS COMPENSATION INSURANCE

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

PROFESSIONAL LIABILITY INSURANCE

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

ADDITIONAL INSURED

The following shall be Additional Insureds: The Township of Lumberton, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers.

This coverage shall be primary to the Additional Insureds, and shall not be contributing with any other insurance or similar protection available to the Additional Insureds, whether other available insurance be primary, contributing or excess.

NOTICE OF CANCELLATION

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

“Sixty (60) days advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to: Brandon Umba, Township Administrator, Township of Lumberton, 35 Municipal Drive, Lumberton, New Jersey 08048.”

G. MANDATORY AFFIRMATIVE ACTION LANGUAGE

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

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally approved or sanctioned Affirmative Action Plan (valid for one year from the date of the letter);
2. A photocopy of the their approved Certificate of Employee Information Report; or
3. An Affirmative Action Employee Information Report (Form AA302)

No firm may be issued a contract unless it complies with the Affirmative Action Regulations of P.L. 1915, c. 127.

The following questions must be answered by all bidders:

1. Do you have a federally approved or sanctioned Affirmative Action program?
Yes _____ No _____
If yes, please submit a copy of such approval.
2. Do you have a State Certificate of Employee Information Report Approval?
Yes _____ No _____
If yes, please submit a copy of such certificate.

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

Company: _____

Signature: _____

Title: _____

NOTE: No contract can be awarded without the submission of one of the above items for proof of Affirmation Action Plan, completed and submitted to the Municipal Administrator.

A contractor's bid may be rejected as non-responsive if a contractor fails to comply with the requirements of P.L. 1975, c. 127, within the required time frame.

H. BUSINESS REGISTRATION REQUIREMENTS

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

I. PURCHASE ORDER REQUIREMENTS

The Affordable Housing Administrator shall be paid upon satisfactory completion of the contracted services in accordance with the fee schedule which is part of this proposal and the submission of the appropriate vouchers as per the Township of Lumberton Codes and Regulations and applicable law.

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