



Borough of
Tinton Falls
New Jersey

SHANON RATHYEN, QPA
PURCHASING AGENT

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REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING ADMINISTRATIVE SERVICES

RFP #17-22

PROPOSALS TO BE RECEIVED AT

3:00 PM on

MONDAY, DECEMBER 13, 2021

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BOROUGH OF TINTON FALLS
NOTICE OF REQUEST FOR PROPOSALS
FOR AFFORDABLE HOUSING ADMINISTRATIVE SERVICES
RFP #17-22

Notice is hereby given that, in accordance with N.J.S.A. 19:44-20.5 et seq., through a fair and open process, the Borough of Tinton Falls is requesting sealed proposals for a redevelopment financial consultant.

DATE OF RECEIPT OF PROPOSAL: MONDAY, DECEMBER 13, 2021 BY 3:00 PM

Proposal packages may be obtained as PDF files from the Borough's website at www.tintonfalls.com (click on Competitive Bidding in the left column and then Requests for Proposals.) If you prefer to have a proposal package mailed to you, please call me at 732-542-3400 Ext. 252, or email me at srathyen@tintonfalls.com.

Proposal/Submissions will be received by the Purchasing Agent, at the Borough of Tinton Falls, 556 Tinton Avenue, Tinton Falls, NJ on the date and time noted above. Firms need not be present and may mail or deliver proposal package to the attention of the Purchasing Agent at the above address **prior** to date and time of above.

Professional service contractors are required to comply with the requirements of N.J.S.A. 10:5-31 et seq, and N.J.A.C. 17:27 et seq., PL 2004, c.1. Successful contractors will also be required to comply with all terms imposed by NJ Election Laws NJSA 19:44A-20.27 subject to campaign funding limits, and with the Borough of Tinton Falls "Pay to Play" Ordinance #05-1146.

SHANON RATHYEN, QPA
PURCHASING AGENT

TO BE PUBLISHED: SATURDAY, NOVEMBER 20, 2021

**BOROUGH OF TINTON FALLS
SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS
UNDER THE FAIR AND OPEN PROCESS**

STANDARDIZED SUBMISSION RULES AND INSTRUCTIONS

1. The Borough of Tinton Falls is soliciting proposals for the provision of professional services to the Borough for the contract year January 1, 2022 through December 31, 2022. Proposals will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto.
2. The applicant understands and agrees that its proposal is submitted on the basis of the requirements prepared by the Borough. The applicant accepts the obligation to become familiar with these requirements.
3. Applicants are expected to examine the requirements with care. Ambiguities, errors or omissions noted by applicants should be promptly reported in writing to the Borough Purchasing Agent. In the event the applicant fails to notify the Borough of such ambiguities, errors or omissions, the applicant shall be bound by its proposal.
4. No oral interpretation of the meaning of the specifications will be made to any applicant. Every request for an interpretation shall be in writing, addressed to the Purchasing Agent. In order to be given consideration, written requests for interpretation must be received at least five (5) days prior to the date fixed for receipt of the proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications and will be distributed to all prospective applicants in accordance with NJSA 40A:11-23. All addenda so issued shall become part of the contract documents and shall be acknowledged by the applicant in the proposal. The Borough's interpretations or corrections thereof shall be final.
5. **All proposals shall be addressed to *Shanon Rathyen, Purchasing Agent at the Borough of Tinton Falls, 556 Tinton Avenue, Tinton Falls, New Jersey 07724* and shall be received in the Purchasing Department no later than **MONDAY, DECEMBER 13, 2021 at 3:00 PM.** One original and one copy of the proposal shall be submitted. If applying for more than one category, please provide an original and one copy for EACH category.**
6. **The proposal form shall be submitted in a sealed envelope bearing the name and address of the applicant written on the face of the envelope and clearly marked with the contract title and number for which you are applying.**
7. It is the applicant's responsibility to see that proposals are presented to the Borough on the hour and at the place designated. Proposals may be hand delivered or mailed; however, the Borough disclaims any responsibility for proposals forwarded by regular or overnight mail. If the proposal is sent by overnight mail, the designation in paragraph 6 above must also appear on the outside of the delivery company envelope. **PROPOSALS RECEIVED AFTER THE DESIGNATED TIME AND DATE WILL BE RETURNED UNOPENED.**

8. All proposals shall include, at a minimum, the name, address and all contact information of the person or firm making the proposal; a statement of qualifications, including all applicable professional licenses held; a statement of experience in rendering such professional services to public entities; references; and a proposal for compensation or a schedule of fees to be charged for such professional services.
9. All proposals will be evaluated by the Mayor and Borough Council of the Borough of Tinton Falls,
10. Proposals will be evaluated by the Mayor, Council and Administration of the Borough of Tinton Falls on the basis of the proposals deemed to be most advantageous, price and other factors considered. The evaluation may consider:
 - a. Experience and reputation in the field of professional service;
 - b. Knowledge and experience with the Borough of Tinton Falls' form of government which is Mayor-Council Plan of the Optional Municipal charter Law (NJSA 40:69A-1 et seq.);
 - c. Knowledge of the Borough of Tinton Falls and the subject matter to be addressed under the contract;
 - d. Availability to accommodate any required meetings;
 - e. Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter;
 - f. Compensation proposal;
 - g. References; and
 - h. Other factors, if determined to be in the best interest of the Borough of Tinton Falls and its agencies.
11. Any applicant successfully awarded a contract must agree to indemnify and hold the Borough harmless from any liability to subcontractors and suppliers concerning payment for work performed or goods supplied and must also add the Borough of Tinton Falls as a named insured to any applicable insurance policies.
12. The successful respondent will be notified of the award of contract upon a favorable decision by the governing body.

**NOTICE OF REQUEST FOR PROPOSALS
FOR AFFORDABLE HOUSING ADMINISTRATIVE SERVICES**

Responsibilities of the Administrative Agent

The Administrative Agent will be responsible to perform the duties and responsibilities of an Administrative Agent as set forth in the UHAC regulations, including those set forth in Sections 5:80-26.14, 15, 16 and 18 thereof, as well as additional responsibilities regarding the provision of affordable housing in the Borough of Tinton Falls. The Administrative Agent's specific responsibilities will include the following:

1. Affirmative Marketing

- (a) Revising and assisting the Borough of Tinton Falls with the development of an Affirmative Marketing Plan and implementing that plan relative to specific projects that contain affordable housing units;
- (b) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Tinton Falls and the provisions of N.J.A.C. 5:80-26.15;
- (c) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH or the State of New Jersey, at their own expense;
- (d) Providing 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, as per N.J.A.C. 5:80-26.16, 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 substantially in the form, as applicable, 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 mandated by UHAC and provided by the Affirmative Marketing Plan of Tinton Falls, selecting and contacting an appropriate household and the waiting list and referring an applicant to an available affordable unit.

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;
- (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;
- (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 refinance 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 or bathrooms and the cost of central air conditioning systems;
- (c) Notifying the Borough of Tinton Falls of an owner's intent to sell a restricted unit;
- (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement

- (a) Securing annually lists 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) 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) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;
- (h) Providing annual reports to the Borough of Tinton Falls, COAH, DCA or Courts as required;
- (i) Such other responsibilities as may be necessary to carry out the role of Administrative Agent as defined by COAH.

7. Other Duties

- (a) The Administrative Agent will have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder;
- (b) Attend Borough Council and other Borough meetings as requested.

STATUTORY AND OTHER REQUIREMENTS

A. Mandatory Affirmative Action Certification

No firm may be issued a contract unless it complies with the affirmative action regulations of N.J.S.A. 10:5-32 et seq. (Pl. 1975, c.127).

1. Procurement, Professional and Service Contracts All successful vendors must submit, within seven days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following:

- a. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter), or
- b. A photocopy of an approved Certificate of Employee Information Report, or
- c. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report (AA-302).

B. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock of any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement is enclosed and shall be completed and returned with proposal.

C. Non-Collusion Affidavit

The Non-Collusion Affidavit, which is enclosed with this RFP, shall be properly executed and submitted with the proposal.

D. New Jersey Business Registration Requirements Non-Construction Contracts

NJSA 52:32-44 requires that each vendor submit proof of business registration with the RFP package. Proof of registration shall be a copy of the Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue on-line at www.nj.gov/njbgs or by phone at 609-292-1730.

E. Pay-To-Play Disclosure Certification and Form

Successful contractors must also be required to comply with all terms imposed by NJ Election Laws NJSA 19:44A-20.27 subject to campaign funding limits and with the Borough of Tinton Falls "Pay to Play" Ordinance #05-1146.

The Borough reserves the right to reject any or all proposals if the evidence submitted by, or investigation of such respondent fails to satisfy the owner that such respondent is properly qualified to carry out the obligation of the RFP and to complete the work contemplated therein. The owner reserves the right to waive any minor informality in the RFP.

Notice of Award

The successful respondent will be notified of the award of contract upon a favorable decision by the Governing Body.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____ of the Municipality of _____
(Print Name) (Print)

in the County of _____ and the State of _____

am of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
Print Title Print Name of Firm

the bidder making this Proposal enclosed and that I executed the said proposal with full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Tinton Falls relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

Name of Firm

NJSA 52:34-15

Print Address

Witness

Authorized Signature

Subscribed and sworn to before me
this _____ day of _____, 20____
State of _____
County of _____

Print Name and Title

Signature of Notary Public

(SEAL)

My commission expires on _____

BOROUGH OF TINTON FALLS
STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement Shall Be Included with Bid Submission

Name of Business _____

☐ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

☐ Partnership

☐ Corporation

☐ Sole Proprietorship

☐ Limited Partnership

☐ Limited Liability Corporation

☐ Limited Liability Partnership

☐ Subchapter S Corporation

Sign and notarize the form below, and if necessary, complete the stockholder list below.

STOCKHOLDERS:

Name: _____ Name: _____

Home Address: _____ Home Address: _____

Name: _____ Name: _____

Home Address: _____ Home Address: _____

Subscribed and sworn before me this
_____ day of _____, 20____

(Name of Business)

Notary Public

My commission expires on: _____

(SEAL)

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the Borough of Tinton Falls, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind of nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

PROPOSAL

RFP #17-22 REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING ADMINISTRATIVE SERVICES

TO THE BOROUGH OF TINTON FALLS BOROUGH COUNCIL:

The undersigned declares they have examined and fully understand the Borough's application process and other documents herein referred to, and if this proposal is accepted, to furnish and deliver services requested and to perform all work in accordance with the contract documents to be provided upon award.

FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX NO.: _____

EMAIL ADDRESS: _____

FEDERAL I.D. # OR SOCIAL SECURITY NO.: _____

SIGNATURE OF AGENT: _____

TYPE OR PRINT NAME OF AGENT: _____

SEAL IF A CORPORATION

CHECKLIST – ENCLOSURES

| | |
|---------------------------------------|-------|
| Original and One (1) copy of proposal | _____ |
| Business Registration Certificate | _____ |
| Non-Collusion Affidavit | _____ |
| Stockholder Disclosure | _____ |
| Experience/Qualifications | _____ |
| References | _____ |
| Signed Proposal | _____ |