

BOROUGH OF TOTOWA

NOTICE AND SOLICITATION OF PROPOSALS FOR PROFESSIONAL SERVICES FOR  
THE POSITION OF AFFORDABLE HOUSING ADMINISTRATIVE AGENT  
FOR THE BOROUGH OF TOTOWA

The Borough of Totowa is soliciting proposals from professional firms in the State of New Jersey to provide services as the Affordable Housing Administrative Agent for the Borough of Totowa for a term of one (1) year for the period of January 1, 2021 through December 31, 2021.

Three (3) copies of the proposal must be submitted in a sealed envelope bearing the name and address of the vendor and the name of the contract being bid upon on the outside of the envelope. The proposal shall be addressed to Joseph Wassel, RMC, Borough of Totowa Municipal Clerk, Municipal Complex, 537 Totowa Road at Cherba Place, Totowa, New Jersey 07512 and must be received no later than 12:00 p.m. on Wednesday, December 16, 2020. No proposal shall be received in person or by mail after the designated time

Specifications and instructions are on file and may be obtained at the office of the Municipal Clerk of the Borough of Totowa, Municipal Complex, 537 Totowa Road at Cherba Place, Totowa, New Jersey 07512, Monday through Friday between the hours of 9:00 a.m. and 4:30 p.m. or online at [www.totowanj.org](http://www.totowanj.org).

Proposals will be evaluated on the basis of the most advantageous to the Borough of Totowa, all factors considered. Proposals will be evaluated by the Mayor, designated members of the Council and members of the Borough's administration. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Borough of Totowa and the subject matter to be addressed under the contract;
3. Availability to accommodate any required meetings;
4. Compensation proposal;
5. Other factors if demonstrated to be in the best interest of the Borough of Totowa.

A contract will be awarded as provided by law at a public meeting.

Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. The Borough of Totowa reserves the right to reject any and all proposals and to waive any informalities or irregularities in the proposals received.

Joseph Wassel, RMC  
Borough of Totowa Municipal Clerk

REQUEST FOR PROPOSALS FOR THE POSITION OF AFFORDABLE HOUSING  
ADMINISTRATIVE AGENT FOR THE BOROUGH OF TOTOWA

The Borough of Totowa is soliciting proposals for the position of Affordable Housing Administrative Agent to provide services to the Borough. The Borough will select one vendor for the position of Board of Health Attorney based upon a fair and open process in accordance with N.J.S.A. 19:44A-20.4, et seq.

Please note that in order to have a proposal considered by the Borough of Totowa, an interested party must demonstrate the minimum requirements for the position of Affordable Housing Administrative Agent as set forth in Section III and that the interested party otherwise complies with the proposal requirements set forth in the Borough of Totowa's "Notice and Solicitation of Proposals".

I. APPOINTMENT OF AFFORDABLE HOUSING ADMINISTRATIVE AGENT

One (1) firm will be appointed by the Borough for a term of one (1) year to serve as the official Affordable Housing Administrative Agent for the Borough of Totowa in compliance with the rules on Affordable Housing promulgated by the Council on Affordable Housing ("COAH") and as defined and set forth in the Uniform Affordability Controls ("UHAC") adopted by the New Jersey Housing and Mortgage Finance Agency ("HMFA"), N.J.A.C. 5:80-25 et seq. The appointment term will expire on December 31, 2021.

II. SCOPE OF SERVICES

The Affordable Housing Administrative Agent shall perform the following minimum duties as well as those prescribed by any applicable laws and ordinances:

1. perform all duties and responsibilities 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 the additional responsibilities regarding the provision of Affordable Housing in the Borough of Totowa.
2. Affirmative Marketing
  - a. revising and assisting the Borough of Totowa 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 the accordance with the Affirmative Marketing Plan of the Borough of Totowa 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 of 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.

3. Household Certification

- a. soliciting, scheduling, conduction 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 low or moderate income unit;
- c. providing written notification of each applicant as to the determination of eligibility or non-eligibility;
- d. requiring that all certified applications for restricted unites execute a certificate substantially in the form, as applicable, of either the ownership or retail 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;
- f. employing a random selection process, as mandated by UHAC and provided by the Affirmative Marketing Plan of the Borough of Totowa, selecting and contacting an appropriate household and the waiting list and referring an applicant to an available housing unit.

4. 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 restriction, 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 unity;

d. communication with the lenders regarding foreclosure;

e. ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

5. 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;

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;

6. Processing Request from Unit Owners

a. reviewing and approving requests from owners of deed 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 authorization 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 Totowa of an owner's intent to sell a restricted unit;

d. processing requests and making determinations on request 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 acknowledgment 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 outlines 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 or other appropriate municipal fund approved by the DCA;
- f. reviewing and approving requests from owners of deed 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 Totowa, 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 or the Courts.

8. Other Duties

- a. attend any regular or special meeting of Borough of Totowa Mayor and Council fo Borough of Totowa Planning Board as requested, this shall include all routine phone calls with staff;
- b. perform any additional duties as directed by the Mayor and Council of the Borough of Totowa.

### III. MINIMUM QUALIFICATIONS AND VENDOR RESPONSES TO THIS SOLICITATION OF PROPOSALS

In order for the proposal to be considered by the Borough of Totowa, interested parties must meet the following minimum requirements.

#### A. MINIMUM QUALIFICATIONS

In order to fulfill the duties of Affordable Housing Administrative Agent for the Borough of Totowa, it must be demonstrated to the satisfaction of the Borough of Totowa that the potential vendor:

1. is multi-disciplined with at least five (5) years experience in all aspects of affordable housing regulations ;
2. has prior experience as an Affordable Housing Administrative Agent;
3. has sufficient staff to satisfy the scope of services described in this proposal.

#### B. MINIMUM REQUIREMENTS FOR VENDOR RESPONSE TO THE BOROUGH OF TOTOWA'S SOLICITATION OF PROPOSALS

Interested parties wishing to provide a proposal in response to the Borough of Totowa's solicitation shall provide the following minimum information in its proposal, which proposal must be submitted at the location and within the time constraint set forth above:

1. Full name and business address of entity or person submitting the proposal and the name of the key contact person;
2. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and organizational structure;
3. The number of years your organization has been in business under the present name, and the number of years the business organization has been under the current management;
4. List of all individuals who, if selected, will provide services to the Borough of Totowa, along with a summary of the licenses held by each such person;

5. Number of years each individual has provided services to municipal entities in the State of New Jersey;
6. A description of services that will be provided to the Borough, in addition to those set forth in Section II;
7. A copy of the firm's State of New Jersey Business Registration Certificate;
8. A statement and listing of professional service fees offered to the Borough of Totowa as Affordable Housing Administrative Agent;
9. A statement that applicant complies with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq., and the Affirmative Action Law of the State of New Jersey, P.L.1975 c.127 as set forth in Exhibits "A" and "B";
10. A completed Affidavit of Non-Collusion:
11. The name and addresses of at least three (3) references consisting of clients for which the applicant has provided services in the past five (5) years, which should include at least one (1) municipal entity client;
12. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years;
13. Confirm the appropriate federal and state licenses to perform activities;
14. The applicant shall provide the Borough of Totowa with three (3) copies of its proposal.

#### IV. BASIS OF AWARD OF PROFESSIONAL SERVICES CONTRACT

The Borough shall award the professional service contract based upon qualifications, merit, cost competitiveness, references and experience with issues confronting the Borough of Totowa. Proposals will be evaluated by the Mayor of the Borough of Totowa, selected members of the Planning Department and Borough officials, such as the Municipal Clerk. The determination will be based upon the most advantageous proposal to the Borough of Totowa, through price and other factors considered, which have been stated above. The specific criteria will include, by way of example and not by way of limitation:

1. Individual and firm experience and reputation;
2. Knowledge of the operations of the Borough of Totowa and the services to be provided as the Affordable Housing Administrative Agent;
3. Availability to accommodate any required meetings;
4. Compensation proposal;
5. Other factors that the Borough of Totowa deems to be in the best interests of the Borough.

A contract will awarded as provided by law at a public meeting.

All awards are and shall be subject to the availability of funds for the professional services.



**STOCKHOLDER STATEMENT OF OWNERSHIP**

New Jersey Public Law 1977, Chapter 33, requires each corporation or partnership submitting a bid to any governmental agency to accompany that bid with a statement of ownership listing the name and address and percentage ownership of each individual owning ten percent (10%) or more of the corporation or partnership. The form or an appropriate listing on the bidder's letterhead containing similar information, must be included in the bidder's proposal when the bid is originally submitted.

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(Name of Corporation or Partnership) Print

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(Address of Record) Print

<u>Name</u>	<u>Address</u>	<u>Percentage Owned</u>
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I certify that the foregoing information is correct.

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Signature

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Title

If one or more such stockholder or partner is itself a corporation or is a partnership, the stockholders holding ten percent (10%) or more of the corporation's stock or the individual partners owning ten percent (10%) or greater interest in that partnership must be listed on a supplemental sheet on the bidder's letterhead.

The full names and residences of all persons interested in this bid as principal are as follows:

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Contractor's Legal Status: (Corporation, partnership, joint venture, or individual operating under a trade name.)





**EXHIBIT "A"**  
N.J.S.A. 10:5-31 and N.J.A.C. 17:27  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**Goods, Professional Services and General Service Contracts**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or

sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- i. Letter of Federal Affirmative Action Plan Approval
- ii. Certificate of Employee Information Report
- iii. Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**EXHIBIT "B"**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the Borough of Totowa, (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. 5121 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 or 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.