

**FROM:** Jay Bernstein, Deputy Agency Chief Contracting Officer, NYC Housing Preservation and Development

**TO:** Prospective Respondents to the Request for Qualifications for Qualified Marketing Agents

**SUBJECT:** Addendum #7 to the Request for Qualifications for Qualified Marketing Agents

**DATE:** March 29, 2021

### **ADDENDUM #7**

The Department of Housing Preservation and Development is issuing **Addendum #7** to the Request for Qualifications for Qualified Marketing Agents (“RFQ” hereafter).

#### **I. QUESTIONS AND ANSWERS**

##### **a. RFQ Pre-submission Conference**

The following Questions were presented at the RFQ Pre-submission Conference conducted on March 5, 2021. The Answers to those Questions are provided below for clarification and information purposes, only, and do not change the terms and conditions as contained in the issued RFQ:

Question #1: The excel sheet requests experience from HPD projects? Or, private brokerage experience is ok since we have no HPD experience? Or, leave it blank?

Answer #1: Form 4 of the RFQ Application provides space to list all relevant project experience. This could include projects marketed for HPD/HDC or other real estate/lease-up projects.

Question #2: Please provide a list of incumbents who have provided these services in the past.

Answer #2: HPD/HDC does not currently maintain a list of companies that have marketed HPD/HDC projects.

Question #3: Could you please let us know if a CPA letter would be sufficient to provide in the Marketing Agent RFQ submission to meet the requirements for the financial statements requested?

Answer #3: Section IV. 7. (“Financial Statements”, page 8) of the RFQ is amended by this Addendum #7. See Section II, “Changes to the RFQ” below.

Question #4: My organization is currently approved to do a lease-up that we are in the process of. Should we respond to this RFQ or are we presumably approved already?

Answer #4: In such a situation, a response to the RFQ is required and there is no presumed approval.

Question #5: Can we submit a resume if consulting work is currently being done as a consultant?

Answer #5: All staff, regardless of employment status, should be listed on Form 4 and, depending on their role, will need to satisfy the trainings required in Section III. A. (“Completion of Mandatory Trainings”, page 6) of the RFQ.

Question #6: Could you let us know how long the review process of the Marketing Agent RFQ submission is estimated to take?

Answer #6: A target date for the establishment of the Qualified List of Marketing Agents (“Qualified List”) has not been determined.

Question #7: How to submit the Doing Business Data Form? If the package was to be mailed then the RFQ package stated to put in a separate envelope. Since the submittal of the RFQ will be online, should the Doing Business Data form be emailed also?

Answer #7: The Doing Business Data Form will not be required. See Section II, “Changes to the RFQ” below.

Question #8: Once the 4/09/21 date passes, can a company still submit their RFQ?

Answer #8: Yes. RFQ submissions will be reviewed on a rolling basis following the initial submission deadline date of April 9, 2021; however, review of such responses may be placed on hold pending issuance of the first Qualified List.

Question #9: Would third party monitoring agents be limited to the companies approved through the RFQ process?

Answer #9: This RFQ process is not for Monitoring Agents. To learn more about Monitoring Agents, the following link is provided for your information:

<https://www1.nyc.gov/site/hpd/services-and-information/tax-incentives-421-a.page>

Question #10: Can a successful shortlisted Marketing Agency be engaged by more than 1 developer?

Answer #10: Yes. Developers of affordable housing will be able to hire whichever Marketing Agent they like provided the organization appears on the Qualified List.

Question #11: Can you address the training requirements for staff? Specifically, who on the team should have fair housing training? Supervisors? Eligibility specialists who work directly with applicants? Administrative assistants who answer phones?

Answer #11: See Section III. A. (“Completion of Mandatory Trainings”, page 6) of the RFQ for detailed information about which staff will be required to show certifications for which trainings.

Question #12: By who do we need to have financial statements audited?

Answer #12: See Answer #3 above.

Question #13: What if this is a new firm and does not have financial statements as yet?

Answer #13: See Answer #3 above.

Question #14: I know the question was asked already but I really didn't understand the answer. We have been marketing projects with HPD for the past 15 years- do we still have to submit an application? Even though we have a current lottery running with HPD at the time?  
Answer #14: See Answer #4 above. Lotteries currently being leased can continue.

Question #15: Thank you for answering the question about the CPA letter. Could you please clarify what documents and details/information HPD requires to be included within the full financial statements?

Answer #15: See Answer #3 above.

Question #16: Can a qualified marketing agent act as an independent contractor/consultant for an entity that has not undergone this process?

Answer #16: No.

Question #17: Can you explain the sponsor review process?

Answer #17: Applicants to the RFQ that appear eligible based on our criteria may be asked for additional information, including to submit to the sponsor review process. Those details will be provided to entities at that time. The process seeks to find, in part, information on companies applying for this RFQ. See Section III. E. ("Applicant Background Information", page 7) of the RFQ. A sample sponsor review package can be found on the following link:

<https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/hpd-hdc-compliance-package.pdf>

Question #18: You mentioned that the RFQ was updated since September 2020. I downloaded the RFQ from the link in the chat but do not see any changes. Can you speak on the changes.

Answer #18: The only changes made to the RFQ since it was released last September concern the following dates:

- Deadline to submit questions by email moved to February 12, 2021
- Second Pre-Submission Conference moved to March 5, 2021
- RFQ submission deadline moved to April 9, 2021

Question #19: Would a redacted affordable housing rental application package (TIC + documents listed in attachment L) be sufficient for Sample Renter or Purchaser Application File requested in the RFQ? Or any additional documents must be enclosed? Such as approval notice & a copy of the signed lease?

Answer #19: See Section IV. 6. ("Sample Renter or Purchaser Application File", page 8) of the RFQ.

Question #20: When does HPD anticipate awarding potential contractors from the initial round of applications?

Answer #20: See Answer #6 above.

Question #21: Is there a minimum amount of employees required?

Answer #21: No.

Question #22: Can sole proprietor with temp workers apply?

Answer #22: See Answer #5 above.

Question #23: If an RFQ has already been submitted but after this meeting, we have discovered that additional information is needed, can we edit and re-submit the whole application documentation?

Answer #23: Yes, make sure to resubmit the entire application package and label it "Resubmission".

Question #24: What type of agency oversight will approved marketing agents be subjected to? Will there be a non-compliant list published in the future?

Answer #24: See Section II. C. ("Periodic Review", page 4) of the RFQ.

Question #25: Thanks again for your answers, just wanted to follow up on the documents that would be sufficient for the financial statements required - would a copy of the latest tax return be sufficient? Or you would need to see copies of balance sheets/income statements/cash flow statements?

Answer #25: See Answer #3 above.

Question #26: How does HPD measure success? What does success look like? What did the leading Marketing Agents do as opposed to competitors?

Answer #26: See Section III. ("Qualification Considerations", page 6).

Question #27: For administrative agent, we also need to submit the RFQ ?

Answer #27: Yes, Administering Agents who have qualified under Inclusionary Housing's Administering Agent RFQ would also need to apply for the Marketing Agent RFQ and be placed on the Qualified List in order to market HPD/HDC projects.

Question #28: What about the soft factors? HPD culture, etc.?

Answer #28: See Answer #26 above.

Question #29: Is there a separate monitoring agent approval process and where can it be found on HPD's website?

Answer #29: See Answer #9 above.

Question #30: Where can we find the link for the RFQ for AA?

Answer #30: The Administering Agent RFQ can be found here:

<https://www1.nyc.gov/site/hpd/services-and-information/inclusionary-housing-administering-agent-rfq.page>

Question #31: Could you provide link for administrative agent RFQ as well?

Answer #31: See Answer #30 above.

Question #32: Can a new startup apply and not have any staff at the time and still be considered & is there a minimum capacity of awardees on the marketing agent list?

Answer #32: Yes, new start-ups can apply. There is no minimum capacity for Marketing Agents.

Question #33: Do we have to submit the addendums with the RFQ?

Answer #33: No.

Question #34: Is a sample renter or purchaser application file available? The link provided was not available at the time we tried to access it.

Answer #34: See Answer #19 above.

Question #35: If you have worked in compliance at HUD and HDC and several properties over the years, does that qualify as relevant experience? Also I teach fair housing as a component of the RAM Registered in Apartment Management National Certification program....do I need to still take hours in fair housing since I teach this?

Answer #35: See Answer #11 above.

Question #36: We were not selected for the first [Pathway to Opportunity MWBE support program] session, can we still apply for the next ones?

Answer #36: Yes. There will be additional sessions offered periodically over the course of the next year. See this link for more information: <https://www1.nyc.gov/site/hpd/services-and-information/marketing-agent-training.page>

Question #37: For application package sample when we go to the link, we are looking for Temporary Attachment L-1, correct?

Answer #37: Yes

Question #38: If an org misses the extended deadline for 4/9, and the org submit the application by April 12th, how long will it take for the org to be added to the qualified list considering that it is rolling?

Answer #38: Applications that arrive after the initial deadline will be considered on a rolling basis. Until the initial Qualified List is established, our priority will be to review the submissions that arrive by the initial deadline.

Question #39: I missed this meeting, I just got on. Are you going to have a recording available?

Answer #39: This meeting was not recorded, but all questions and answers will be shared as part of Addendum #7.

Question #40: Compensation? How much marketing agents make?

Answer #40: Marketing Agents are hired and paid by developers.

Question #41: If a developer mentioned that HPD's financing unit has a limit as to how much Marketing Agents are allowed to earn or charge per unit for a project, do you know anything about this in particular?

Answer #41: No.

Question #42: I have a question regarding the different roles between a Marketing Agent and an Administering Agent; would you be able to define the roles?

Answer #42: Administering Agents are strictly for the Inclusionary Housing Program and they monitor a building beyond initial lease-up whereas Marketing Agents are for any HPD/HDC project and are responsible primarily for initial marketing activities, but may also be required for re-rentals/sales beyond initial occupancy.

Question #43: For Inclusionary, will they need a Marketing Agent in addition to an Administering Agent?

Answer #43: Yes, a company interested in marketing Inclusionary projects as well as being an Administering Agent for them will need to qualify for both RFQs.

Question #44: When is the next HPD Marketing Training? After that is there going to be another one?

Answer #44: The next HPD Marketing Training is scheduled to take place May 19<sup>th</sup> and 20<sup>th</sup>, 2021, from 11:30am – 3:30pm. After that, they will take place approximately every two months. They are currently being held virtually. To request attendance, please send an email to [NYCHPD\\_Marketing@hpd.nyc.gov](mailto:NYCHPD_Marketing@hpd.nyc.gov).

#### **b. RFQ Questions by email**

The following Questions were presented to HPD via email. The Answers to those Questions are provided below for clarification and information purposes only, and do not change the terms and conditions as contained in the issued RFQ:

Question #1: Where does the RFQ documents will be sent to? Is it a mailing address, an email or in person?

Answer #1: See Section IV. B. (“Submission Instructions”, page 8) of the RFQ for instructions on submitting a completed RFQ application.

Question #2: I would like to know what attachments I need to fill out for RFQ is it the same for new entities or for recertifications there are different paperwork?

Answer #2: Register and download all RFQ forms here:

<https://www1.nyc.gov/site/hpd/services-and-information/marketing-agent-rfq.page>

This is a new RFQ and therefore there are no “recertifications.”

## **II. CHANGES TO THE RFQ**

The following changes have been made to the RFQ:

#### **a. Section IV. A. 5. (“Form 5: Doing Business Data Form”, page 8)**

*Delete this item; the requirement for the Doing Business Data Form is rescinded.*

#### **b. Section IV. A. 7. (“Financial Statements”, page 8)**

Delete:

Applicant must provide financial statements (preferably audited) from the most recent fiscal or calendar year for Applicant. The Agency reserves the right to request tax returns and related financial documents as part of the review process.

Replace with:

Applicant must provide audited financial statements with their submission. In the event the Applicant does not have a recent audited financial statement, a letter to that effect on

applicant letterhead signed by a senior officer of the Applicant is to be provided along with one or more of the following documents:

- Tax returns for the past two years;
- Bank statements;
- Applicant's accountant statement providing an opinion on the books and records of the Applicant.

**DUE TO AGENCY CAPACITY ISSUES, HPD/HDC WILL NOT BE ABLE TO RESPOND TO FURTHER QUESTIONS RECEIVED. PLEASE BE REMINDED THAT ALL SUBMISSIONS ARE DUE APRIL 9, 2021 BY 2PM.**

**Approved for issuance by ACCO Office:**

*Jay Bernstein*

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**Jay Bernstein**

**Deputy Agency Chief Contracting Officer**

**NYC Housing Preservation and Development**

**END OF ADDENDUM #7**