

Town of Hempstead Housing Authority

PHA Plan 2027 Annual PHA Plan

Public Hearing: October 13th,2026

AGENDA 1

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1) HUD Form 50075-ST: PHA Annual Plan

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 - 1. Updated VAWA Policy**
 - 2. Updated Procurement Policy**

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- **Demolition and / or Disposition**
- **Other Capital Grant Programs**

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- **Statement of Progress in Meeting Mission and Goals**

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 9/30/2027
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services. They also inform HUD, families served by the PHA, and members of the public of the PHA's mission, goals, and objectives for serving the needs of low-, very low-, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form. Note: PHAs with zero public housing units must continue to comply with the PHA Plan requirements until they closeout their Section 9 programs (ACC termination).

Definitions.

- (1) **High-Performer PHA** - A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers (HCVs) and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, SEMAP for PHAs that only administer tenant-based assistance and/or project-based assistance, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or HCVs combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																		
A.1	PHA Name: <u>Town of Hempstead Housing Authority</u> PHA Code: <u>NY046</u> PHA Type: ☐ Standard PHA ☒ Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>01/2027</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>0</u> Number of Housing Choice Vouchers (HCVs) <u>0</u> Total Combined Units/Vouchers <u>0</u> PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission Public Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA and should make documents available electronically for public inspection upon request. PHAs are strongly encouraged to post complete PHA Plans on their official websites and to provide each resident council with a copy of their PHA Plans. How the public can access this PHA Plan: A copy of our 2027 PHA Annual Plan will be available to the public at our main office at 760 Jerusalem Avenue, Unindale, NY 11553. The plan will be posted on the Town of Hempstead Housing Authority's website at https://tohha.org and each of our resident advisory board members will be provided a copy as well. The PHA plan covers the following locations: Newbridge Gardens, 555 N. Newbridge Road, Levittown, NY 11756 : Green Acres, 400 Flower Road, Valley Stream, NY 11580 : Park Gardens, 835-840 Uniondale Avenue, Uniondale, NY 11553 : Bayview Gardens, 339 Bayview Avenue, Inwood, NY 11096 : Inwood Gardens, 255 Lawrence Avenue, Inwood, NY 11096 : Brookside Gardens, 1810 N. Grand Avenue, Baldwin, NY 11510 : Meadowbrook Gardens, 750 Jerusalem Avenue, Uniondale, NY 11553 : Mill River Gardens, 2900 Rockaway Avenue, Oceanside, NY 11572 : Bellmore Gardens, 2000-2025 Bellmore Avenue, Bellmore, NY 11710 : Westover Gardens, 132-158 Elmont road, Elmont, NY 11003 : Dogwood Terrace, 1170-1182 Martha Place, Franklin Square, NY 11010 : Eastover Gardens, 1150 Seaman's Neck Road, Wantagh, NY 11793 : Centennial Gardens, 2 Babylon Tpke, Roosevelt, NY 11575 and Salisbury Gardens, 460 Salisbury Park Drive, Westbury, NY 11590. ☐ PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) <table border="1"> <thead> <tr> <th data-bbox="253 1839 526 1898">Participating PHAs</th> <th data-bbox="526 1839 646 1898">PHA Code</th> <th data-bbox="646 1839 919 1898">Program(s) in the Consortia</th> <th data-bbox="919 1839 1208 1898">Program(s) not in the Consortia</th> <th colspan="2" data-bbox="1208 1839 1448 1898">No. of Units in Each Program</th> </tr> <tr> <th></th> <th></th> <th></th> <th></th> <th data-bbox="1208 1898 1328 1936">PH</th> <th data-bbox="1328 1898 1448 1936">HCV</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program						PH	HCV						
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				PH	HCV														

B. Plan Elements**B.1 Revision of Existing PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA?

Y N

- ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs.
- ☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
- ☐ ☒ Financial Resources.
- ☐ ☒ Rent Determination.
- ☒ ☐ Operation and Management.
- ☐ ☒ Grievance Procedures.
- ☐ ☒ Homeownership Programs.
- ☐ ☒ Community Service and Self-Sufficiency Programs.
- ☐ ☒ Safety and Crime Prevention.
- ☐ ☒ Pet Policy.
- ☐ ☒ Asset Management.
- ☐ ☒ Substantial Deviation.
- ☐ ☒ Significant Amendment/Modification.

(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):

Operation and Management.

The Town of Hempstead Housing Authority revised two (2) of it's policies to comply with the newest regulations: 1- VAWA Policy : Voilence Against Women Act-Updated policy attached 2- Procurement Policy-Updated policy attached

(c) The PHA must submit its Deconcentration Policy for Field Office review.

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's applicable Fiscal Year?

Y N

- ☐ ☐ Choice Neighborhoods Grants.
- ☐ ☐ Modernization or Development.
- ☒ ☐ Demolition and/or Disposition.
- ☐ ☐ Designated Housing for Elderly and/or Disabled Families.
- ☐ ☐ Conversion of Public Housing to Tenant-Based Assistance.
- ☐ ☐ Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.
- ☐ ☐ Homeownership Program under Section 32, 9 or 8(Y)
- ☐ ☐ Occupancy by Over-Income Families.
- ☐ ☐ Occupancy by Police Officers.
- ☐ ☐ Non-Smoking Policies.
- ☐ ☐ Project-Based Vouchers.
- ☐ ☐ Units with Approved Vacancies for Modernization.
- ☒ ☐ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the applicable Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.

	Demolition and/or Disposition. Dogwood Terrace is in the process of disposition. A closing is eminent. Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). 1) The Town of Hempstead Housing Authority applied for the 2026 Capital Fund Emergency Safety and Security Grant. If these funds become available to the TOHHA, we will use them to continue to install security cameras at designated locations. This will help improve the quality of life of our residents. 2) The Town of Hempstead Housing Authority will continue to apply to NYS Homes and Community Renewal Weatherization Assistant Programs. These programs were developed to help lower energy costs by taking Energy Efficient and Health and Safety Measure, which benefits our residents in all aspects of life.
B.3	Progress Report. Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan. See attached "Statement of Progress in Meeting Mission and Goals"
B.4	Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. 5-Year Action Plan 2026-2030 for Town of Hempstead Housing Authority-NY046 was approved in the EPIC system on June 30th, 2026.
B.5	Most Recent Fiscal Year Audit. (a) Were there any findings in the most recent FY Audit? Y ☐ N ☒ (b) If yes, please describe:
C.	Other Document and/or Certification Requirements.
C.1	Resident Advisory Board (RAB) Comments. (a) Did the RAB(s) have comments to the PHA Plan? Y ☐ N ☐ (b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.
C.2	Certification by State or Local Officials. Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.

	Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations</i> <i>Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public. (a) Did the public challenge any elements of the Plan? Y ☐ N ☐ (b) If yes, include Challenged Elements.
C.5	Troubled PHA. (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y ☐ N ☒ N/A ☐ (b) If yes, please describe:

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan.

Public reporting burden for this information collection is estimated to average 5.64 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2577-0226. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

Form identification: NY046-Town of Hempstead Housing Authority Form HUD-50075-ST (Form ID - 10043)
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**Town of Hempstead Housing Authority
760 Jerusalem Avenue
Uniondale, New York 11553
516 485 9666**

**Town of Hempstead Housing Authority Policy
with respect to compliance with the**

Violence Against Women Act

The Town of Hempstead Housing Authority ("Housing Authority") will comply with the non-discrimination policies and procedures set forth in the Violence Against Women Reauthorization Act of 2013 [42 U.S.C. 13925, et seq.] and the regulations enacted thereunder [81 FR 80724 {slightly modified at 81 FR 87812} as codified in and 24 CFR Part 5 (Subpart L § 5.2001 et seq,) and Parts 905, 960, 966, 982 and 983] (all collectively referred to as "VAWA") and all changes or amendments thereto, as applicable to the public housing units and properties owned and operated by the Housing Authority.

A. Applications for housing: Applicants who are victims of domestic violence will be given a preference, in accordance with the preference system set forth in the Housing Authority's Admissions and Continued Occupancy Plan.

B. Emergency Transfers: The Housing Authority will comply with the Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking, attached hereto as Exhibit 1, with respect to requests for emergency transfers made by victims of domestic violence, dating violence, sexual assault or stalking.

C. Notice of Rights under VAWA: The Housing Authority will provide a copy of the "Notice of Occupancy Rights Under the Violence Against Women Act," attached hereto as Exhibit 2, to the following entities:

1. All Tenants;
2. Applicants who are denied admission; and,
3. Tenants who are being evicted.

D. Procedure: If an applicant or tenant requests VAWA protection based on his or her status as a victim of domestic violence, dating violence, sexual assault, or stalking, the Housing Authority will send or deliver a written request to the victim, asking the victim to document or provide written evidence to demonstrate that the violence occurred. The victim must satisfy this request in accordance with the

procedures described in the United States Department of Housing and Urban Development Regulations and as described in the Notice of Occupancy Rights Under the Violence Against Women Act, attached hereto as Exhibit 2. The Housing Authority will comply with the procedures in HUD Notice PIH 2017-02, issued January 19, 2017, with respect to a victim's designation of immigration status.

TOWN OF HEMPSTEAD HOUSING AUTHORITY

**760 Jerusalem Avenue
Uniondale, New York 11553
516.485.9666**

Procurement Policy

**September 10, 2026
Uniondale, New York**

This Procurement Policy complies with the Public Housing ACC between the Town of Hempstead Housing Authority ("Housing Authority") and HUD, the HUD Federal Regulations at 2 CFR 200.317-326, the procurement standards of the Procurement Handbook for PHAs, HUD Handbook 7460.8, Rev. 3, and applicable State and local laws.

1. GENERAL PROVISIONS

A. General

The Housing Authority shall: provide for a procurement system of quality and integrity; provide for the fair and equitable treatment of all persons or firms involved in purchasing by the Housing Authority; ensure that supplies and services (including construction) are procured efficiently, and effectively, and at the most favorable prices available to the Housing Authority; promote competition in contracting; and assure that Housing Authority purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws.

B. Application

This Procurement Policy applies to all procurement actions of the Housing Authority, regardless of the source of funds, except as noted under "exclusions," below. However, nothing in this Policy shall prevent the Housing Authority from complying with the terms and conditions of any grant, contract, gift, or bequest that is otherwise consistent with the law. When both HUD and non-Federal grant funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, HUD procurement regulations shall be applied to the total project. If funds and work can be separated and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

C. Definition

The term "procurement," as used in this Policy, includes the procuring, purchasing, acquiring leasing, or renting of:

- (1) Goods, supplies, equipment, and materials;
- (2) Construction and maintenance;
- (3) Consultant services, including professional services;
- (4) Architectural and Engineering (A/E) services;
- (5) Social services; and,
- (6) other services.

D. Exclusions

This policy does not govern the selection of applicants under the HCV and PBV programs, the selection of projects or proposals to attach vouchers under the PBV program, the execution of HAP contracts under the HCV and PBV programs, or non-program income, e.g., fee-for-service

revenue under 24 CFR Part 990. These excluded areas are subject to applicable State and local requirements.

E. Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these policies, automatically govern and supersede these policies.

F. Public Access to Procurement Information

Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the New York State Freedom of Information Law.

2. **ETHICS IN PUBLIC CONTRACTING**

A. General

The Housing Authority hereby establishes this code of conduct (described in this Section 2) regarding procurement issues and actions and shall implement a system of sanctions for violations. This code is consistent with applicable Federal, State, or local law.

The requirements within this Section 2 supplements the "Town of Hempstead Housing Authority Code of Conduct - Conducting Business in Accordance with Ethical Standards" Policy. Housing Authority personnel and Housing Authority vendors must comply with the standards and requirements in and throughout this Section 2, as well as the standards and requirements in and throughout the "Town of Hempstead Housing Authority Code of Conduct - Conducting Business in Accordance with Ethical Standards" Policy, a copy of which is annexed hereto as Attachment A

B. Conflicts of Interest

In addition to any other applicable conflict of interest and Code of Conduct requirements, neither the Housing Authority nor any of its vendors or contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project in which any of the following classes of people has an interest, direct or indirect, during his or her tenure or for one year thereafter:

- Any present or former member or officer of the governing body of the Housing Authority or any member of the officer's family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the governing body of a resident corporation and who otherwise does not occupy a policymaking position with the resident corporation, the Housing Authority, or a business entity.
- Any employee of the Housing Authority who formulates policy or who

influences decisions with respect to the project(s), or any member of the employee's family, or the employee's partner.

- Any public official, member of the local governing body, State or local legislator, or any member of such individual's family, who exercises functions or responsibilities with respect to the project(s) of the Housing Authority.

Any member of these classes of persons must disclose to the Housing Authority the member's interest, family interest or prospective interest. The provisions of this shall not apply to the General Depository Agreement entered into with an institution regulated by a Federal agency, or to utility service for which the rates are fixed or controlled by a State or local agency. Nothing in this section shall prohibit a tenant of the Housing Authority from serving on the governing body of the Housing Authority.

The Housing Authority may not hire an individual in connection with a project if the individual is a family member of any person belonging to one of the following classes:

- Any present or former member or officer of the governing body of the Housing Authority. There shall be excepted from the prohibition any former tenant commissioner who does not serve on the governing body of a resident corporation and who otherwise does not occupy a policymaking position with the Housing Authority.
- Any employee of the Housing Authority who formulates policy or who influences decisions with respect to the project(s).
- Any public official, member of the local governing body, or State or local legislator, who exercises functions or responsibilities with respect to the project(s) or the Housing Authority.

The prohibition shall remain in effect throughout the class member's tenure and for one year thereafter. The class member shall disclose to the Housing Authority the member's familial relationship to the individual. The requirements may be waived by the Housing Authority Board of Commissioners for good cause, provided that such waiver is permitted by State and local law.

C. Gratuities, Kickbacks and Use of Confidential Information

No officer, employee, Board member, or agent shall ask for or accept gratuities, favors, or items of more than \$25 in value from any vendor, contractor, potential vendor or contractor, or party to any subcontract, and shall not use confidential information for actual or anticipated personal gain or for gain by any family member. Disciplinary actions will be applied for violations of these standards by officers, employees, or agents of the Housing Authority.

D. Prohibition Against Contingent Fees

Contractors or vendors wanting to do business with the Housing Authority must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

E. Procurement Planning

Planning is essential to managing the procurement function properly. Hence, the Housing Authority will periodically review its record of prior purchases and contracts, as well as future needs, to find patterns of procurement actions that could be performed more efficiently or economically; maximize competition and competitive pricing among contracts and decrease the Housing Authority's procurement costs; reduce Housing Authority administrative costs; provide that supplies and services are obtained without any need for re-procurement, e.g., resolving bid protests; and minimize errors that occur when there is inadequate lead time. Consideration should be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

3. **PURCHASING METHODS**

A. Petty Cash Purchases

Purchases under \$50 may be handled through the use of a petty cash account. Petty cash accounts may be established in an amount sufficient to cover simplified acquisitions made during a reasonable period, e.g., one month. For all petty cash accounts, the Housing Authority shall ensure that security is maintained and only authorized individuals have access to the account. These accounts should be reconciled and replenished periodically.

B. Informal Procurement Methods

For any amounts above the petty cash ceiling, but not exceeding \$350,000, the Housing Authority may use simplified acquisitions procedures permitted by HUD regulations for the procurement, subject to such lesser amounts that are required by New York State law. Under informal procurement methods, the Housing Authority shall obtain a reasonable number of quotes (preferably three); however, for purchases of less than \$15,000 for goods and services, also known as micro-purchases, only one quote is required provided the quote is considered reasonable. To the greatest extent feasible, and to promote competition, informal procurements should be distributed among qualified sources. Quotes may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement if instituted by the Housing Authority. Award shall be made to the qualified vendor that provides the best value to the Housing Authority. If award is to be made for reasons other than lowest price, documentation shall be provided in the contract file. The Housing Authority shall not break down requirements aggregating more than the simplified acquisition threshold (or the micro-purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the simplified acquisitions procedures or (2) avoid any requirements that apply to purchases that exceed the micro-purchase threshold.

C. Sealed Bids

Sealed bidding shall be used for all construction and maintenance contracts in excess of Two Thousand (\$2,000.00) Dollars and for all other contracts that exceed the simplified acquisition

threshold (subject to such lesser amounts required by New York State law) and that are not competitive proposals or non-competitive proposals as these terms are defined in this document. Under sealed bids, the Housing Authority publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the Invitation for Bid (IFB), is the lowest in price. Sealed bidding is the preferred method for procuring supply, and non-complex service contracts that are expected to exceed \$350,000.

i. Conditions for Using Sealed Bids. The Housing Authority shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.

ii. Solicitation and Receipt of Bids. An IFB is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB must state the time and place for both receiving the bids and the public bid opening. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

iii. Bid Opening and Award. Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids and then made available for public inspection. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable based on a cost or price analysis.

iv. Mistakes in bids. Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids will not be permitted. After bid opening, withdrawal of a bid (and return of the Bid Bond or Bid Security submitted with such bid) may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character (i.e. a clerical mistake) was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document. If the mistake in the intended bid is unclear, then in order to withdraw the bid, the bidder must submit convincing evidence including, if requested by the Housing Authority, the bid sheets prepared by the bidder, showing that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids shall not be allowed, except as permitted by New York State law.

D. Competitive Proposals.

Unlike sealed bidding, the competitive proposal method permits consideration of technical factors other than price, discussion with offerors concerning offers submitted, negotiation of contract price or estimated cost and other contract terms and conditions, revision of proposals before the final contractor selection, and the withdrawal of an offer at any time up until the point of award, unless otherwise stated in the solicitation documents. Award is normally made on the basis of the proposal that represents the best overall value to the Housing Authority, considering price and other factors (e.g., technical expertise, past experience, quality of proposed staffing) set forth in the solicitation and not solely the lowest price.

i. Conditions for Use. Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the simplified acquisition threshold.

ii. Form of Solicitation. Other than Architect / Engineer ("A/E") services, competitive proposals shall be solicited through the issuance of a Request for Proposals ("RFP"). The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any subfactors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. The number of offerors and identity of the offerors may be disclosed prior to award, if the Contracting Officer determines that such information should be disclosed in the interests of fairness. The Housing Authority may assign price a specific weight in the evaluation criteria or the Housing Authority may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.

iii. Evaluation. The proposals shall be evaluated only on the criteria stated in the RFP by a team of at least three people. Where not apparent from the evaluation criteria, the Housing Authority shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure Statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

iv. Negotiations. Negotiations shall be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the offerors. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between the Housing Authority and offerors, that are undertaken with the intent of allowing the offeror to revise its proposal. These

negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, and give-and-take, and may apply to price, schedule, technical requirements, type of contract, or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after the establishment of the competitive range and are called discussions. Discussions are tailored to each offeror's proposal and shall be conducted by the Contracting Officer with each offeror within the competitive range. The primary objective of discussions is to maximize the Housing Authority's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The Contracting Officer may indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of the Contracting Officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the Contracting Officer's judgment and discretion. The Contracting Officer may inform an offeror that its price is considered by the Housing Authority to be too high or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that the government's price analysis, market research, and other reviews have identified as reasonable. Auctioning (revealing one offeror's price in an attempt to get another offeror to lower its price) is prohibited.

v. Award. After evaluation of any revised proposals, the contract should be awarded to the responsible firm whose technical approach to the project, qualifications, price, and/or any other factors considered are most advantageous to the Housing Authority provided that the price is within the maximum total project budgeted amount established for the specific property or activity. The Contracting Officer may reject all offers if the applicable criteria are not met or if it is determined that none of the offers is in the best interest of the Housing Authority.

vi. Architect / Engineer ("A/E") Services. The Housing Authority must contract for A/E Services using Qualification-Based Selection ("QBS") procedures, utilizing an RFQ. Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. QBS procedures shall not be used to purchase other types of services, though architectural/engineering firms are potential sources.

E. Non-competitive Proposals [sole source].

i. Conditions for Use. Procurement by noncompetitive proposals (sole source) may be used only when the award of a contract is not feasible using simplified acquisition procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following applies:

- For acquisition of property or services where the aggregate dollar amount does not exceed the micro-purchase threshold;
- The item is available only from a single source, based on a good faith review of available sources;
- An emergency exists that seriously threatens the public health, welfare, or safety; endangers property; or, would otherwise cause serious injury to the Housing

Authority, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;

- HUD or a pass-through entity expressly authorizes the use of noncompetitive proposals in response to a written request from the Housing Authority; or

- After solicitation of a number of sources, competition is determined inadequate.

ii. Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the procurement file, should include the following information:

- Description of the requirement;
- History of prior purchases and their nature (competitive vs. noncompetitive);
- The specific exception in 2 CFR 200.320(c)(1)-(5) that applies;
- Statement as to the unique circumstances that require award by noncompetitive proposals;
- Description of the efforts made to find competitive sources (e.g., advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation);
- Statement as to efforts that will be taken in the future to promote competition for the requirement; and,
- Signature by the Contracting Officer's supervisor (or someone above the level of the Contracting Officer).

iii. Price Reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing an analysis, as described in this Policy.

F. Cooperative Purchasing / Intergovernmental Agreements

The Housing Authority may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy

and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. The Housing Authority may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 2 CFR 200.317-326.

G. Independent Cost Estimate ("ICE")

For all procurements above the Housing Authority's simplified acquisition threshold (i.e., sealed bid procurements, and for all competitive and noncompetitive proposal procurements) regardless of price, the Housing Authority shall prepare an ICE prior to receiving bids and price/cost proposals. Although not required by regulation, an ICE should be prepared prior to all purchases deemed sufficiently complex by the Contracting Officer. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

H. Cost and Price Analysis

The Housing Authority shall require assurance that, before entering into a contract and before modifying a contract, the price is reasonable, in accordance with the following instructions:

- i. Petty Cash and Micro-Purchases. No formal cost or price analysis is required. Rather, the execution of a contract by the Contracting Officer (through a purchase order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable. This may be based on the Contracting Officer's prior experience or other factors.
- ii. Simplified Acquisition. A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes is not obtained to establish reasonableness through price competition, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.
- iii. Sealed Bids. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, or when the bids received are substantially more than the ICE, or where the Housing Authority cannot reasonably determine price reasonableness, the Housing Authority must conduct a cost analysis, consistent with Federal guidelines, to ensure that the price paid is reasonable.
- iv. Competitive Proposals. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, the Housing Authority must compare the price with the ICE. For competitive proposals where prices cannot be easily compared among offerors, or where there is not adequate competition, or where the price is substantially greater than the ICE, the Housing Authority must conduct a cost analysis, consistent with Federal guidelines, to ensure that the price paid is reasonable.

v. Contract Modifications. A cost analysis, consistent with Federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Simplified Acquisition procedures and the amount of the contract modification will result in a total contract price in excess of \$350,000, or such lower amount required by New York State law.

4. SOLICITATION AND ADVERTISING

A. Method of Solicitation.

i. Petty Cash and Micro-Purchases. The Housing Authority may contact only one source if the price is considered reasonable.

ii. Simplified Acquisitions. Quotes may be solicited orally, through fax, or by any other reasonable method.

iii. Sealed Bids and Competitive Proposals. Solicitation must be done publicly. The Housing Authority must use one or more following solicitation methods, as long as the method employed provides for meaningful competition.

a. Advertising. Advertising in:

- Newspapers or other print mediums of local or general circulations; or,
- electronically (by internet) on websites generally designed to publicize the solicitation; or,
- Various print or on-line trade journals or publications (for construction).

b. E-Procurement. The Housing Authority may conduct its public procurements through the Internet using e-procurement systems. However, all e-procurements must otherwise be in compliance with 2 CFR 200.317-326, State and local requirements, and the Housing Authority's procurement policy.

iv. Timeframe. For purchases of more than \$350,000 (unless otherwise stated by New York State law), the public notice should run not less than once each week for two consecutive weeks.

v. Form. Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact who can provide a copy of and information about the solicitation, and a brief description of the needed items(s).

B. Time Period for Submission of Bids

A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the Contracting Officer may allow for a shorter period under extraordinary circumstances.

C. Cancellation of Solicitations.

An IFB, RFP, or other solicitation may be cancelled or bids or proposals rejected, as follows:

- i. Before bids / offers / proposals are due if:
 - The supplies, services, or construction are no longer required;
 - The funds are no longer available;
 - Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
 - Other similar reasons or for good cause when it is in the best interest of the Housing Authority.
- ii. After bids, offers or proposals have already been received if:
 - The supplies or services (including construction) are no longer required;
 - Ambiguous or otherwise inadequate specifications were part of the solicitation;
 - All factors of significance to the Housing Authority were not considered;
 - Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
 - For good cause when it is in the best interest of the Housing Authority.

The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.

A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.

If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or the Housing Authority's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either:

- Re-solicit using an RFP; or
- Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of the Housing Authority's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.

If problems are found with the specifications, Housing Authority should cancel the solicitation, revise the specifications and resolicit using an IFB.

5. CREDIT (OR PURCHASING) CARDS

Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit card for micro-purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the micro-purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card.

When using credit cards, the Housing Authority should adopt reasonable safeguards to ensure they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards).

6. BONDING REQUIREMENTS

The standards under this section apply to construction contracts that exceed \$350,000, unless otherwise required by New York State law. There are no bonding requirements for simplified acquisitions or for competitive proposals. The Housing Authority may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

All uses of Capital Funds shall have bonding in accordance with 24 CFR 905.316(d). Other bond and guarantee requirements shall be in accordance with 2 CFR Part 200 and must be in compliance with New York State law.

These bonds must be obtained from guarantee or surety companies acceptable to the U.S. Government, must comply with applicable New York State law and must be authorized to do business in New York State. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

7. CONTRACTOR QUALIFICATIONS AND DUTIES

A. Contractor Responsibility.

The Housing Authority shall not award any contract until the prospective contractor, i.e., low responsive bidder or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

- Have adequate financial resources to perform the contract, or the ability to obtain them timely;
- Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the bidder's/offeror's existing commercial and governmental business commitments;
- Have a satisfactory performance record;
- Have a satisfactory record of integrity and business ethics;
- Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them timely;
- Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them timely; and,
- Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, debarred, or on the HUD Limited Denial of Participation List.

If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

B. Suspension And Debarment.

Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (24 CFR 200.213) or by other Federal agencies (e.g., Department of Labor (DOL) for violation of labor regulations) when necessary to protect housing authorities in their business dealings.

C. Vendor Lists

All interested businesses shall be given the opportunity to be included on vendor mailing lists. Any lists of persons, firms, or products which are used in the purchase of supplies and services (including construction) shall be kept current and include enough sources to ensure competition.

8. CONTRACT PRICING ARRANGEMENTS

A. Contract Types.

Any type of contract which is appropriate to the procurement and which will promote the best interests of the Housing Authority may be used, provided the cost-plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used. All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and Housing Authority.

B. Cost Reimbursement Contracts

For all cost reimbursement contracts, the Housing Authority must include a written determination as to why no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.

9. OPTIONS.

Options for additional quantities or performance periods may be included in contracts, provided that:

- The option is contained in the solicitation;
- The option is a unilateral right of the Housing Authority;
- The contract states a limit on the additional quantities and the overall term of the contract;
- The options are evaluated as part of the initial competition;
- The contract states the period within which the options may be exercised;
- The options may be exercised only at the price specified in or reasonably determinable from the contract; and
- The options may be exercised only if determined to be more advantageous to the Housing Authority than conducting a new procurement.

10. CONTRACT CLAUSES.

All contracts should identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by the Housing Authority. Additionally, Forms HUD-5369, 5369-A, 5369-B, 5369, 5370, 5370C, and 51915-A, which contain all HUD- required clauses and certifications for contracts of more than \$350,000, as well as any forms/clauses as required by HUD for simplified acquisitions, shall be used in all corresponding solicitations and contracts issued by this Authority.

11. CONTRACT ADMINISTRATION.

The Housing Authority shall maintain a system of contract administration designed to ensure that

contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters. For cost-reimbursement contracts, costs are allowable only to the extent that they are consistent with the cost principles in HUD Handbook 2210.18.

12. SPECIFICATIONS.

A. General

All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying Housing Authority needs. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

B. Limitation

The following types of specifications shall be avoided:

- Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available); and
- Brand name specifications, unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use, and state that the brand name "or equal" is acceptable.

Nothing in this procurement policy shall preempt any State licensing laws.

Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

13. APPEALS AND REMEDIES

A. General.

It is Housing Authority policy to attempt to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted and only if otherwise required. When appropriate, a mediator may be used to help resolve differences.

B. Bid Protest.

Any actual or prospective contractor, bidder or offeror may protest the solicitation or award of a contract for serious violations of the principles of this policy or applicable law. Any protest against a solicitation or the language therein, must be received within three (3) business days before the due date for the receipt of bids or proposals or the protest will not be considered and deemed denied. Any protest against the award of a contract, or the rejection of a bid or proposal must be received within three (3) days after contract award or rejection of the bid/or proposal (whichever is earlier) or the protest will not be considered and deemed denied.

All bid protests shall be in writing, submitted to the Contracting Officer or his or her designee, who shall promptly issue a written decision on the matter. The issuance of the Contracting Officer's determination shall be deemed the final Housing Authority action with respect to the protest. The Contracting Officer may, at his/her complete discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant, in the Contracting Officer's reasonable opinion.

C. Contractor Claims.

All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall constitute the final agency action regarding the claim. Contractor claims shall be governed by the changes clause in Form HUD-5370 or as otherwise set forth in the solicitation and Contract Documents.

14. ASSISTANCE TO SMALL AND OTHER BUSINESSES

A. Reasonable Efforts.

Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, reasonable efforts shall be made to attempt to have small and minority-owned businesses, women's business enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the area of the Housing Authority project used when possible. Such efforts may include, but shall not be limited to:

- Including such firms, when qualified, on solicitation mailing lists;
- Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
- Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

- Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- Including in contracts, to the extent feasible, a clause requiring contractors to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR Part 75 (so-called Section 3 businesses); and
- Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

B. Definitions.

A small business is defined as a business that is independently owned, not dominant in its field of operation, and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR Part 121 should be used to determine business size.

A minority-owned business is defined as a business which is at least 51 percent owned by one or more minority group members who are U.S. citizens; or, in the case of a publicly-owned business, one in which at least 51 percent of its voting stock is owned by one or more minority group members who are U.S. citizens, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

A women's business enterprise is defined as a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who control and operate the business.

A "Section 3 business concern" is as defined under 24 CFR Part 75.

A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50 percent of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the DOL in 20 CFR Part 654, Subpart A, and in the list of labor surplus areas published by DOL's Employment and Training Administration.

15. BOARD APPROVAL OF PROCUREMENT ACTIONS

Other than approval of this Procurement Policy, approval by the Board of Commissioners is not required for any procurement action, as permitted under State and local law. Rather, it is the responsibility of the Executive Director to make sure that all procurement actions are conducted in accordance with the policies contained herein.

16. DELEGATION OF CONTRACTING AUTHORITY

While the Executive Director is responsible for ensuring that the Housing Authority's procurements comply with this Policy, the Executive Director may delegate all procurement authority as is necessary and appropriate to conduct the business of the Agency. Further, and in accordance with this delegation of authority, the Executive Director may, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described in Section III below, consistent with Federal, State, or local law.

17. DOCUMENTATION

The Housing Authority must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

- Rationale for the method of procurement (if not self-evident);
- Rationale of contract pricing arrangement (also if not self-evident);
- Reason for accepting or rejecting the bids or offers;
- Basis for the contract price;
- A copy of the contract documents awarded or issued and signed by the Contracting Officer;
- Basis for contract modifications; and
- Related contract administration actions.

The level of documentation should be commensurate with the value of the procurement.

Records are to be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient.

18. DISPOSITION OF SURPLUS PROPERTY

Property no longer necessary for the Housing Authority's purposes (non-real property) shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

19. FUNDING AVAILABILITY

All contractors, vendors and other entities contracting with the Housing Authority to provide or perform any work, labor, services, materials or other items, acknowledge and agree that the Housing Authority's sole responsibility and liability shall not exceed the funding available for such work, labor, services, materials or other items.

SELF-CERTIFICATION

The Housing Authority self-certifies that this Procurement Policy, and the Housing Authority's procurement system, complies with all applicable Federal regulations and, as such, the Housing Authority is exempt from prior HUD review and approval of individual procurement action.

Attachments:

A. Town of Hempstead Housing Authority Code of Conduct - Conducting Business in Accordance with Ethical Standards Policy

Dated: September 10, 2026
Uniondale, New York

Attachment A

Town of Hempstead Housing Authority Code of Conduct - Conducting Business in Accordance with Ethical Standards Policy

TOWN OF HEMPSTEAD HOUSING AUTHORITY

CODE OF CONDUCT

Conducting Business in Accordance with Ethical Standards

1. Mandatory requirements and compliance.

A. All Town of Hempstead Housing Authority ("Housing Authority") employees and personnel must follow and comply with this Code of Conduct. The failure to comply shall result in disciplinary action up to and including termination.

B. All Housing Authority employees, officers, agents and personnel, including every person involved in any way, shape, manner or form with conducting or undertaking any business of the Housing Authority, including, but not limited to obtaining, ordering, soliciting, purchasing, procuring or contracting for any goods, materials, supplies, labor, services, equipment, furniture, appliances and inventory, regardless of the value of same, must acknowledge and confirm that he or she has read, understands and is fully familiar with this Code of Conduct and with the Ethics in Public Contracting section (Chapter 4) of the PHA Procurement Handbook 7460.8 Rev 3 issued by United States Department of Housing and Urban Development (attached to this Code of Conduct) and will fully comply with the Code of Conduct and Ethics in Public Contracting section (Chapter 4) of the PHA Procurement Handbook.

C. Housing Authority employees, officers, agents and personnel must sign a copy of this Code of Conduct, prior to conducting any business for or on behalf of the Housing Authority to acknowledge that he or she has read this Code of Conduct, fully understands it, and will comply with the provisions throughout this Code of Conduct.

2. Conflicts of Interest.

A. Prior to conducting any business for or on behalf of the Housing Authority, all Housing Authority employees, officers, agents and personnel must disclose in writing to the Executive Director or his or her designee any actual or potential conflict of interest (defined below) which would occur or could arise if such employee, officer, agent and personnel is involved in any way with conducting such business for or on behalf of the Housing Authority. The Executive Director shall report to the Housing Authority Board of Commissioners any actual or potential conflict of interest that the Executive Director may have.

B. No employee, officer or agent of the Housing Authority shall participate, in any way, in conducting Housing Authority business or in the selection, award or administration of a contract (including purchase orders) if a conflict of interest would be involved.

C. Such a conflict would arise when (i) the employee, officer, or agent, (ii) any relatives or member of his/her family, (iii) his or her close friends (iii) his/her partner, or (iv) an organization which employs, or is about to employ, any of the above,

- has a financial or other interest in an entity being negotiated with, considered for or selected for award of the contract or purchase order, or any entity with which the Housing Authority will do business; or
- would personally or financially benefit in any way from conducting such Housing Authority business.

D. An employee, officer or agent of the Housing Authority must ensure that he or she is not involved in any actual, apparent or potential violation of this provision.

3. Gifts

A. Housing Authority officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from any entity, including contractors, potential contractors or vendors.

4. Unauthorized Release of Internal or Confidential Information:

A. Housing Authority officers, employees or agents shall not release or disclose to any unauthorized entity any confidential, internal, privileged or otherwise protected information about any solicitation, or the results of any solicitation, unless permitted to do so by law or applicable statute or regulation and with the prior approval of the Executive Director or his or her designee.

B. Improper or unauthorized release or disclosure of any such information shall be grounds for discipline up to and including termination.

5. Administration

A. Employees, officers or agents of the Housing Authority must report violations of this Code of Conduct to his/her supervisor, or to the Executive Director.

B. There will be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct, regardless of whether it is ultimately determined that such violation has in fact occurred. There will not be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct.

C. All Housing Authority personnel, including supervisors, have a duty and responsibility to determine if there are violations of this Code of Conduct and report same so that an investigation can be conducted and discipline assessed as appropriate. This responsibility includes monitoring all relevant work activities and contacting a higher-level supervisor or the Executive Director, if it is reasonably believed that a violation of the Code of Conduct has occurred. Any such report shall be investigated regardless of whether a formal complaint has

been made.

6. Discipline

A. Any employee, officer or agent of the Housing Authority determined to have committed a violation of this Code of Conduct shall be subject to disciplinary action, up to and including termination.

7. Dissemination

A. Every employee, officer or agent of the Housing Authority shall be given a copy of this Code of Conduct. Newly hired or retained personnel shall be given a copy of this Code of Conduct upon hiring.

B. All Housing Authority personnel shall review this Code of Conduct on an annual basis.

Housing Authority personnel acknowledgment of receipt and review of Code of Conduct:

Name: _____

Position: _____

Date: _____

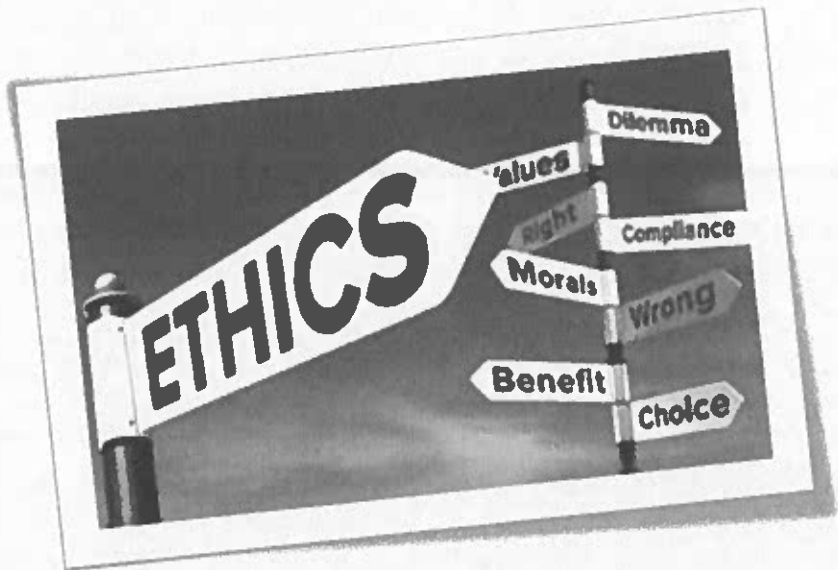
I have read the attached Code of Conduct. I fully understand it and will comply with the provisions throughout the Code of Conduct.

Print Name:

CHAPTER 4 – ETHICS IN PUBLIC CONTRACTING

4.1 GENERAL

Ethical standards apply not only to PHA employees and Contracting Officers but to others with a vested interest in PHA contracts such as members of the Board of Commissioners, other officials and agents of the authority, and contractors with whom the PHA does business. This chapter explains the specific ethical requirements for PHA contracting, 2 CFR 200.318(c)(1).



4.2 PRINCIPLES

Members of the Board of Commissioners, PHA employees, and any others serving in an official position or acting as an agent of the PHA (hereafter referred to as employees, officers, or agents) must discharge their duties impartially to ensure fair competitive access to procurement opportunities by responsible contractors. Moreover, employees, officers, and agents should conduct themselves in such a manner as to foster the public's confidence in the integrity of the PHA procurement organization and process. Any attempt to realize personal gain through PHA employment or to serve as an officer or agent of the PHA through actions inconsistent with the proper discharge of duties is a breach of public trust.

4.3 REQUIREMENT FOR A WRITTEN CODE OF STANDARDS (2 CFR 200.112 & 2 CFR 200.318(c)(1))

PHAs must maintain a written code of standards governing the performance of their Board of Commissioners and employees engaged in the award and administration of contracts. These standards shall be included in the PHA's procurement policy. Additionally, these standards must provide for disciplinary actions to be applied for violations of standards. PHAs must disclose in writing any potential conflict of interest to HUD.

4.4 CONFLICTS OF INTEREST (2 CFR 200.318(c)(1))

PHAs must observe the following conflict of interest prohibitions.

- A. **The non-Federal entity** must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration

of a contract supported by a Federal award if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

B. Additional Public Housing Conflicts of Interest:

Pursuant to Section 18 of the ACC (53012, 2023 version) PHAs shall maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts for which program receipts will be or are expended. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The PHA's procedures must avoid the acquisition of unnecessary or duplicative items. The PHA must disclose in writing any potential conflict of interest to HUD. Further, the PHA, its contractors and subcontractors shall not enter into any contract, subcontract, or arrangement in connection with a project under the ACC in which any of the following classes of people has an interest, direct or indirect, during his or her tenure or for one year thereafter:

- 1) Any present or former member or officer of the governing body of the PHA, or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the resident corporation, the PHA or a business entity.
- 2) Any employee of the PHA who formulates policy or who influences decisions with respect to the Project(s), or any member of the employee's immediate family, or the employee's partner.
- 3) Any public official, member of the local governing body, State or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the project(s) or the PHA.
- 4) Any member of these classes of persons must disclose the member's interest or prospective interest to the PHA.
- 5) The requirements of this subsection may be waived by HUD for good cause, if the prohibited contract, subcontract or arrangement is otherwise permitted under State and local law. No person for whom a waiver is requested may exercise responsibilities or functions with respect to the contract, subcontract or arrangement to which the waiver pertains.

- 6) **Pursuant to Section 19(A) of the 1995 version of ACC**, (Form HUD-53012A), neither the PHA nor any of its contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project under the ACC in which any of the following classes of people have an interest, direct or indirect, during his or her tenure or for one year thereafter:
- a. Any present or former member or officer of the governing body of the PHA, or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the resident corporation, the PHA or a business entity.
 - b. Any employee of the PHA who formulates policy or who influences decisions with respect to the project(s), or any member of the employee's immediate family, or the employee's partner.
 - c. Any public official, member of the local governing body, State or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the project(s) of the PHA.
- 7) **Pursuant to Section 515 of the 1969 ACC**, no present or former PHA employee, officer, or agent shall engage in selling or attempting to sell supplies, services, or construction to the PHA for one year following the date such employment ceased. (See Form HUD-53011, dated 1.) The term "sell" means signing a bid or proposal, negotiating a contract, contacting any PHA employee, officer, or agent for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling contract disputes; or any other liaison activity with a view toward the ultimate consummation of a sale, although the actual contract is negotiated by another person.
- C. **Additional Section 8 HCV and PBV Conflicts of Interests:** The regulations at 24 CFR 982.161 contain conflict of interest requirements applicable to both the HCV and PBV programs. Section 13 of the HCV HAP contract (HUD-52641 or HUD-52642) contains conflict of interest requirements for the HCV program. Section 19 of the PBV HAP Contract (HUD-52530B Part 2 or HUD-52530A Part 2) and Section 1.20 of the Agreement to enter into HAP contract (AHAP) (HUD-52531A) contain conflict of interest requirements for the PBV program. While the language related to conflicts of interest in the HAP contracts and AHAP and 24 CFR 982.161 is not identical, the two provisions contain the same fundamental standard with respect to conflicts of interest.
- 1) Pursuant to 24 CFR 982.161(a), neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the program in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter: (1) Any present or former member or officer of the PHA (except a participant commissioner); (2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs; (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or (4) Any member of the Congress of the United States.
 - 2) Section 13 of the HCV HAP contract provides the following:

13. Conflict of Interest

a. *"Covered individual" means a person or entity who is a member of any of the following classes:*

- (1) Any present or former member or officer of the PHA (except a PHA commissioner who is a participant in the program);*
- (2) Any employee of the PHA, or any contractor, sub-contractor or agent of the PHA, who formulates policy or who influences decisions with respect to the program;*
- (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or*
- (4) Any member of the Congress of the United States.*

b. *A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.*

c. *"Immediate family member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.*

d. *The owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.*

e. *If a prohibited interest occurs, the owner shall promptly and fully disclose such interest to the PHA and HUD.*

f. *The conflict-of-interest prohibition under this section may be waived by the HUD field office for good cause. g. No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.*

g. *No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.*

4.5 GRATUITIES, KICKBACKS, & USE OF CONFIDENTIAL INFORMATION

PHA solicitations and contracts above the Federal simplified acquisition threshold shall include clauses advising prospective contractors of the prohibitions against gratuities and kickbacks (2 CFR 200 Appendix II(D)). These rules are designed to protect the integrity of the procurement system and to ensure that contracts are awarded fairly, based on merit, without improper influence.

- A. **Gratuities (2 CFR 200.318(c)(1)).** PHA officers, employees, officers, board members, and agents shall neither solicit, accept gratuities, favors, or anything of monetary value from contractors. PHAs may set standards where the financial interest is not substantial, or the gift is an unsolicited item of nominal value. These rules shall be incorporated in the PHA's procurement policy. These standards must also provide for disciplinary actions to be applied for violation by its employees, officers, agents, or board members.
- B. **Kickbacks and Anticompetitive Practices.** It is a breach of ethical conduct and prohibited for any payment, gratuity, or offer of employment to be made by, or on behalf of, a contractor or

subcontractor under contract to the prime contractor, higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontractor order. The Contracting Officer shall report to the Executive Director, the HUD field office, and the appropriate State and local officials any suspected anticompetitive practices by contractors.

- C. **Use of Confidential Information.** Disclosure of confidential information to any person not authorized by the Contracting Officer to receive such information shall be a breach of ethical standards. Confidential information includes but is not necessarily limited to: the contents of a bid (prior to bid opening) or proposal (prior to contract award using competitive proposals), names of individuals or firms that submitted bids (prior to bid opening) or proposals (prior to contract award); PHA-generated information related to a procurement (including PHA cost estimates, contractor selection and evaluation plans, specifications [before solicitation is issued]); and any other information the disclosure of which would have a direct bearing upon the contract award or the competitive process. It is a breach of ethical conduct for any current or former employee, officer, or agent to knowingly use confidential information for actual or anticipated personal gain or for actual or anticipated personal gain of any other person.

4.6 PROHIBITION AGAINST CONTINGENT OR REFERRAL OR RETAINAGE FEES

It is a breach of ethical conduct for a person to be retained to solicit or secure a PHA contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for the retention of bona fide employees or a bona fide agency established for the purpose of securing business. This prohibition includes the employment of former PHA officials and employees on a contingency basis to obtain contracts with the PHA by a business seeking PHA contracts. Many States also have specific laws against contingent fees. The ACC also prohibits this type of conduct for one year after the individual leaves the employ or under a contract with the PHA.

“Contingent Fees” means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

4.7 SANCTIONS

The Executive Director and the Board of Commissioners are responsible for establishing sanctions when someone within the PHA violates the ethical standards of the procurement policy. As stated previously, many States have passed laws governing the conduct of officials involved in procurement. All such laws shall be enforced by the Executive Director and, in cases where the State or local government has no such rules, appropriate sanctions for violation of the standards of conduct in this Chapter shall be published and imposed.

Civil and administrative remedies shall be established for use whenever employees, officials, or agents breach ethical standards. References to State ethics laws, which shall be consulted by the PHA in

developing and administering sanctions for misconduct, shall be included in the PHA's administrative or human resources policy. Such as:

- Oral or written warnings or reprimands;
- Suspension with or without pay for specified period of time;
- Termination of employment; or
- Dismissal from the official or agency position.

The value of anything received by an employee or a non-employee in breach of the ethical standards should be recovered by the PHA either by confiscating the items or by charging the violator for any and all gratuities received. All procedures in this Chapter shall be in accordance with due process requirements and existing law. In addition, notice and an opportunity for a hearing shall be provided before imposing any suspension or termination of employment. Remedies against contractors may include suspension and/or debarment, as provided in Chapter 11.

In the case of violations, HUD may exercise any available remedy under the 1937 Act, the ACC, the Federal regulations (e.g., 2 CFR Part 200 and 24 CFR Parts 905 and 907) and statutes, and program grant agreements.

Town of Hempstead Housing Authority

2027 Annual Plan

Statement of Progress in Meeting Mission and Goals

The Town of Hempstead Housing Authority's goal is to provide housing opportunities for eligible and qualified applicants. Our mission is to foster decent, safe, and affordable living environments that create stability and self-sufficiency. The Town of Hempstead Housing Authority is committed to providing quality, affordable housing, in a safe, desirable, non-discriminatory neighborhood setting.

Note: The Housing Authority is currently working with the United States Department of Housing and Urban Development to address and resolve certain issues concerning Policies and Procedures and the Troubled Status found by HUD. Therefore, certain changes and updates to the summaries and narratives below and in the accompanying form may be made in the future.

Goals and Objectives:

- 1) Improve quality of housing by utilizing Capital Funds and grants to update the 1,309 public housing units in accordance with Physical Needs Assessment and or modernization.
- 2) Improve cost efficiency and resident satisfaction by utilizing energy efficient appliances and fixtures to reduce energy and utility consumption costs for the TOHHA as well as our residents.
- 3) Improve community quality of life by utilizing Capital Fund Emergency Safety and Security funds to provide upgrades to grounds and apartment buildings.
- 4) Develop qualified staff by providing access to training programs and certifications for all employees to improve HUD compliance.
- 5) Increase public awareness of affordable housing by pursuing opportunities for collaboration with local organizations and entities.

Progress Report:

In efforts to address our goal and objectives, the Town of Hempstead Housing Authority (TOHHA) is committed to moving forward with the following:

- 1) TOHHA developed the CFP 5-Year action plan based on our staff's continual assessment of the physical needs and upgrades to our buildings, grounds, and residents.
- 2) TOHHA continues to seek additional ways to reduce energy and ensure the health and safety of our residents by continuing to apply for various grants available. The TOHHA was awarded grant funding under the Fiscal Year 2023, 2024 and 2025 Capital Fund Emergency Safety and Security Program as well as applying for 2026. This funding was and will continue to be used

to implement beneficial changes for our public housing residents and to improve their quality of life. The TOHHA has started to install Closed-Circuit Television Security Cameras. They continuously record footage that covers the grounds, entrance and exits of all the buildings and should capture all activity on sites and surrounding areas. This should help give our residents more peace of mind. The TOHHA plans to move forward with the installation of Security Cameras on all our sites.

By securing a weatherization grant, the TOHHA implemented Energy Efficient and Health and Safety Measures by completing the following at our Newbridge Gardens location. Installation of new bathroom exhaust fans and ventilation systems. All Exterior Common Hallway lighting was replaced with new LED fixtures. New Thermostats were installed in apartments and hallways. The weatherization grant has helped us achieve a much more energy efficient housing authority and thereby reducing our expenditure of funds on utilities. TOHHA plans to apply for future Weatherization Assistance Programs to complete future locations.

- 3) TOHHA is committed to assuring that all residents of our community have access to quality affordable housing. Our goal is creating quality, innovative and diverse housing choices for our current residents. The Housing Authority will continue to upgrade our community buildings, exterior and public areas. As the residents spend considerable time utilizing these facilities, we feel improving the atmosphere will help improve the spirit and attitude of our residents. Grounds will continue to be landscaped, and trees will be planted. Outdoor Lighting is upgraded and maintained to give the areas not only a heightened feeling of security, but also a true park-like atmosphere.
- 4) TOHHA has taken steps to improve and refurbish the residential hallways by painting the walls and installing new durable vinyl flooring as well as upgrading the interior lighting to LED. We will continue to look at ways to improve residential apartments and common areas. Community Buildings continue to be refurbished and maintained.
- 5) TOHHA formed a Resident Advisory Board which consists of tenants from each of our 14 locations. The Housing Authority and Resident Advisory Board meet to discuss their suggestions and concerns. We will implement the changes that were of concern and follow up with the Advisory Board members on the actions to be taken. In addition, the Housing Authority continues to monitor its Limited English Proficiency Person Policy to help ensure that persons of limited English Proficiency can communicate in their native language and participate in management.

As the TOHHA works and moves forward, we will continue to monitor our expenses without reducing services to our residents.