



August 21, 2014

U.S. Department of Housing and Urban Development
Freedom of Information Act Office
451 7th Street, SW, Room 10139
Washington, DC 20410-3000
Facsimile: (202) 619-8365

Attention: FOIA Officer

**Re: Freedom of Information Act Request, Section 8 Performance-Based
Contractor Administrator Contracts**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the following records (as defined by 5 U.S.C. § 552 (f)) concerning the Department of Housing and Urban Development (HUD)'s Notice of Funding Availability, Docket No. FR-5600-N-33, released on or about March 8, 2012 (the "NOFA") and HUD's February 25, 2011, Invitation for Submission of Applications: Contract Administrators for Project-Based Section 8 Housing Assistance Payments (HAP) Contracts, as supplemented, amended, and clarified (the "Invitation to Bid") and the Notice of Funding Availability issued by HUD on March 9, 2012, as supplemented, amended, and clarified (the "NOFA").

Background

Without limiting in any way the scope of this request, we provide the following relevant background information. In 2011, HUD's Office of Housing Assistance Contract Administration Oversight (HACAO) issued the Invitation to Bid for the purpose of receiving applications (i.e., bids) from "public housing agencies" (as defined by the 1937 Housing Act). Successful applicants would be awarded a Performance Based Contract Administrator ("PBCA") contract (also called a "Performance Based Annual Contributions Contract") to assist HUD with the administration of HUD's Project-Based Section 8 Housing Assistance Payment (HAP) Contracts. The Invitation was issued in February 2011, HUD announced an award of 53 PBCA contracts in July 2011, and in August 2011, in

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the face of numerous bid protests, HUD elected to cancel the vast majority of those contract awards.

In March 2012, HUD released the NOFA again seeking applicants for the same PBCA contracts.

Document Requests

- All records reflecting communications between HUD and any applicant submitting a bid in response to the NOFA in relation to the NOFA, any proposed contract award, the rejection of proposals or HUD’s plans with respect to the PBCA program.
- All records reflecting communications with third-parties regarding the NOFA or the underlying PBCA contract, including, but not limited to communications with any of the following or their agents or representatives: (i) any state attorney general or other official from any state, commonwealth, locality or municipality; (ii) the National Council of State Housing Agencies (“NCSHA”); (iii) Office of Management and Budget (“OMB”); and (iv) any member of Congress, congressional committees, or congressional staffers.
- All records reflecting HUD’s evaluation of offers submitted in response to the NOFA, including instructions to evaluators, evaluation worksheets, and evaluations of offers, and communications regarding such evaluations.
- All Reasoned Legal Opinions (RLOs) submitted in support of any offer made in response to the NOFA and all records related to HUD’s review, acceptance or rejection of such RLOs.
- All records reflecting communications between HUD and any other party regarding HUD’s decision to evaluate and revise its competitive award process for the selection of PBCAs to a NOFA, including but not limited to communications with any of the following or their agents or representatives: (i) any state attorney general or other official from any state, commonwealth, locality or municipality; (ii) any potential PBCA or teaming partner to a potential PBCA; (iii) the National Council of State Housing Agencies (“NCSHA”); (iv) the Office of Management and Budget (“OMB”); and (v) any member of Congress, congressional committees, or congressional staffers.
- All records reflecting communications between HUD and any other party, regarding the ability of a “public housing agency” as that term is used in the U.S. Housing Act of 1937, to administer Section 8 contracts in a state or commonwealth other than its place of formation, including but not limited to communications with the following or their agents or

representatives: (i) any state attorney general or other official from any state, commonwealth, locality or municipality; (ii) any potential PBCA; (iii) the National Council of State Housing Agencies (“NCSHA”); (iv) the Office of Management and Budget (“OMB”); and (v) any member of Congress, congressional committees, or congressional staffers.

This request covers the time period from February 25, 2011 through the present. All requested documents should be sent to:

Eric Q. Strong, CEO
Navigate Affordable Housing Partners, Inc.
500 Office Park Drive, Suite 300
Birmingham, Alabama 35223

or, if electronically produced:

estrong@navigatehousing.com

Pursuant to 5 U.S.C. § 552 (a)(4)(A), I am willing to pay fees for this request up to a maximum of \$3,500. If you estimate that the fees will exceed this limit, please contact me.

If the public records being requested contain information excluded from the provisions of the Freedom of Information Act, I request that the non-excluded material be segregated from the purportedly excluded material and that the non-excluded material be made available, in accordance with the provisions of 5 U.S.C. § 552 (b).

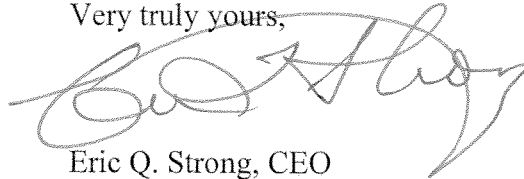
Furthermore, if my request is denied in whole or part, pursuant to 5 U.S.C. § 552(a)(6)(F), I ask that you justify such denial and/or any deletions by reference to specific Code section that justifies the withholding of the records.

I look forward to your response within 20 working days, as provided in 5 U.S.C. § 552 (a)(6)(A)(i).

If you have any questions or if you need any additional information, please do not hesitate to contact me at (205) 445-2720 or estrong@navigatehousing.com

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric Q. Strong". The signature is fluid and cursive, with a large initial "E" and "S".

Eric Q. Strong, CEO
Navigate Affordable Housing Partners, Inc.