# Request for Proposals ~~for~~

## Business Applications Modernization Project (BAM)

***Amended as of July 23, 2015***

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**Proposal Issuance Date:** June 15, 2015
**Proposal Submission Deadline:** ~~July 29~~August 14, 2015, 12pm EDT

**NEW YORK STATE HOUSING FINANCE AGENCY**

NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal

641 Lexington Avenue I New York, New York 10022
(212) 688-4000 I www.nyshcr.org

The Agency's intention is to enter into one contract with a single Proposer (the "General Contractor" or "GC") that provides a total solution. Notwithstanding the foregoing, a Proposer may submit a proposal for a specific component of a total solution, with the understanding that the Agency reserves the right to select such Proposer as a subcontractor and, if so selected, such Proposer will be required to subcontract with the GC. While it is expected that the successful GC will indicate in its proposal (i) all subcontractor(s) that it proposes to use, (ii) the applicable component(s) of the total solution to be covered by such subcontractor(s) and (iii) the pricing of such applicable component(s), it should be understood that the Agency reserves the right to require the successful GC to subcontract with any firm(s) selected by the Agency as a subcontractor (including in lieu of any subcontractor named in the successful GC's proposal). Any subcontractor of the GC (including any selected by the Agency) and the proposed component(s) to be covered by such subcontractor must be approved by the Agency. Any subcontracting agreement between the GC and its subcontractor must receive the prior written approval of the Agency.

The insurance requirements in the RFP are only applicable to the GC. The Agency reserves the right to set minimum insurance limits in any subcontracting agreement between the GC and its subcontractor.

In addition, notwithstanding the above, the Agency reserves the right to enter into separate direct contracts with a GC and another firm. In the event the Agency wishes to enter into such separate contracts, insurance requirements with such other firm will be disclosed at the time of tentative contract award.

# Checklist

**Checklist is offered to assist Proposers with Agency requirements; however, the list is not meant in be inclusive of all documentation required in proposals.**

**CHECKLIST OF FORMS AND ADMINISTRATIVE ITEMS TO BE COMPLETED AND RETURNED:**

☐ Notice of Interest Form, Exhibit B, attached hereto

☐ Tab I - Application Coversheet, attached hereto
☐ Tab I - Cover Letter

☐ Tab 2 – ***Attachment_07_NYSHCR_Outlier_Functionality_Matrix***
☐ Tab 2 – ***Attachment_08_NYSHCR_Requirements_Matrix***
☐ Tab 2 – ***Attachment_12_NYSHCR Reports_Inventory_Matrix***

☐ Tab 3 – ***Attachment_09_BAM – Unified Cost Template***

Tab 4:

☐ Lobbying Reform Law Form 1
☐ Lobbying Reform Law Form 2
☐ Non-Collusive Bidding Certification Form
☐ Contractor and/or Vendor Information Form
☐ Vendor Responsibility Questionnaire – For Profit Business Entity
☐ EEO Staffing Plan, PROC-1
☐ MWBE Utilization Form, PROC-2
☐ MWBE/EEO Policy Statement, PROC-4
☐ Company Demographic Profile, PROC-7
☐ EEO Statement, PROC-8
☐ Diversity Practice Questionnaire, PROC-9
☐ Certificates of Insurances (to be provided by Proposer)
☐ Conflict of Interest Statement
☐ Unaudited Financial Statements

**Unless otherwise hyperlinked herein, attachments may be downloaded from zip file on the** Agency's web site entitled "Appendices."

## PERTINENT DOCUMENTS TO BE REVIEWED BY PROPOSERS

☐ Exhibit A, Agencies' Standard Clauses and Requirements for Solicitations

☐ ***Attachment_10_Master_Services_Agreement_NYS_Housing_Finance_Agency***, **to be posted to the Agency's web site the week of June 15, 2015** at: http://www.nyshcr.org/AboutUs/Procurement/DHCRindex.htm.

☐ Appendix I, Standard Clauses for Contracts

☐ Appendix II, Requirements and Procedures for Participation by Minority and Women

☐ Your MWBE Utilization and Reporting Responsibilities Under Article 15-A

☐ ***Attachment_01_NYSHCR_Application_Descriptions***

☐ ***Attachment_02_NYSHCR_Outlier_Functionality_Descriptions***

☐ ***Attachment_03_NYSHCR_Gartner_Final_Report***

☐ ***Attachment_04_NYSHCR_Application_Data_Flow***

☐ ***Attachment_05_NYSHCR_Business_Continuity_Plan***

☐ ***Attachment_06_NYSHCR_641_Application_Inventory***

☐ ***Attachment_11_NYSHCR_Application_Databases_Growth_Volumes***

☐ Agencies' Code of Ethical Conduct for Officers and Employees

**Unless otherwise hyperlinked herein, attachments may be downloaded from zip file on the** Agency's web site entitled "Appendices."

# *Application Coversheet*

***Attach this form to the top of your proposal.***

**DATE OF APPLICATION:**

______________________________________________________________________

**GENERAL INFORMATION ON FIRM:**

Legal Name of Firm:

______________________________________________________________________

Firm's Mailing Address:____________________________________________________

Firm's Website:

______________________________________________________________________

Firm's Main Telephone Number (including area code):

______________________________________________________________________

Federal Tax ID Number:

______________________________________________________________________

MWBE Registration Number (if applicable):

______________________________________________________________________

**MAIN CONTACT INFORMATION FOR THIS PROPOSAL:**

Please list the individual that will be the main contact *regarding this proposal*:

Contact Name:

______________________________________________________________________

Contact Telephone Number (including area code):

______________________________________________________________________

Contact E-mail Address:

______________________________________________________________________

Contact Facsimile Number (including area code):

______________________________________________________________________

**PRINCIPALS IN CHARGE:**

Please list the primary staff person(s) who will provide services to the Agency. Attach additional sheets if necessary.

Contact Name:

_______________________________________________

Contact Telephone Number (including area code):

_______________________________________________

Contact E-mail Address:

_______________________________________________

Contact Facsimile Number (including area code):

_______________________________________________

**ADDITIONAL CONTACTS (if applicable):**

Contact Name:

_______________________________________________

Contact Telephone Number (including area code):

_______________________________________________

Contact E-mail Address:

_______________________________________________

Contact Facsimile Number (including area code):

_______________________________________________

Contact Name:

_______________________________________________

Contact Telephone Number (including area code):

_______________________________________________

Contact E-mail Address:

_______________________________________________

Contact Facsimile Number (including area code):

_______________________________________________

# New York State Housing Finance Agency

# REQUEST FOR PROPOSALS

**<u>The Procurement Lobbying Law designated Contact Officer for this procurement is</u>**:

Alejandro J. Valella, Vice President and Deputy Counsel
New York State Homes and Community Renewal
New York State Housing Finance Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Alex.Valella@nyshcr.org

## 1. Introduction

<u>New York State Homes and Community Renewal (“**HCR**”)</u> consists of all the major housing and community renewal agencies of the State of New York (“**State**”), including the New York State Housing Finance Agency (“**HFA**” or “**Agency**”) and its Affiliates (State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency, and Tobacco Settlement Financing Corporation) (HFA and its Affiliates collectively referred to hereinafter as “**Agencies**”). HCR includes other agencies not involved in this Request for Proposals (“**RFP**”) process.

## 2. Purpose

The Agency is seeking a total solution to replace the majority of the Agencies’ business applications which are mainly developed in FoxPro (“**Business Applications Modernization Project**” or “**BAM Project**” or “**Project**”). The Agency strongly prefers a total solution; however, a Proposer may elect to bid on a specific component(s) of the overall solution. The business applications of the Agencies are mission critical systems that support the backbone of the Agencies’ business functions including (i) finance and accounting, (ii) treasury/bond administration/debt service management (iii) investment portfolio management, (iv) loan origination and servicing for single and multi-family housing, (v) grants management, and (vi) property asset management/tax credits and compliance. The business applications will be mainly replaced by commercial off-the-shelf (“**COTS**”) solutions, including an Enterprise Resource Planning (“**ERP**”) solution.

The Project’s key benefits will be to (a) eliminate dependency on outdated and unsupported FoxPro software, (b) introduce modern software and industry standard practices and procedures,

(c) leverage out-of-the-box functionality and substantially limit customization, (d) greatly reduce manual processes, and (e) increase reporting efficiency including significantly improving reporting for minority and/or women-owned business enterprise ("**MWBE**") compliance.

# 3. Overview of the Agency and its Affiliates

The Agency and its Affiliates are public benefit corporations, co-located and co-administered from their New York City ("**NYC**") office.

## 3.1 New York State Housing Finance Agency

The New York State Housing Finance Agency's purpose is to provide safe and sanitary housing accommodations, at rental rates, which families and persons of low income can afford and which the ordinary operations of private enterprise cannot provide.

HFA's core mission is to provide capital to promote primarily rental affordable housing opportunities for low- to moderate-income citizens of the State. To accomplish this mission, HFA issues bonds and notes to the investing public and uses the proceeds to fund mortgage loans for eligible projects. In addition, through its subsidiary, the New York State Affordable Housing Corporation ("**AHC**"), HFA uses State appropriations to make grants to not-for-profit organizations and local governments to finance home improvements or to lower the purchase price of homes sold to low- to moderate-income home buyers.

## 3.2 State of New York Mortgage Agency

The State of New York Mortgage Agency ("**SONYMA**") is empowered to purchase and make commitments to purchase mortgage loans on single family (one to four unit) housing and home improvement loans from certain lenders. This is accomplished by SONYMA's issuance of taxable and tax-exempt bonds and the use of proceeds to purchase low-interest rate mortgage loans. SONYMA's Mortgage Insurance Fund ("**MIF**") promotes the preservation and revitalization of communities across the State by providing insurance on mortgage loans that encourages investment of capital by commercial and public lenders.

## 3.3 State of New York Municipal Bond Bank Agency

The State of New York Municipal Bond Bank Agency's ("**MBBA**") core mission is to provide access to the capital markets for municipalities to finance their public improvements and to reduce the costs of such financing to participating municipalities. MBBA accomplishes this mission by issuing bonds and using the proceeds to purchase bonds and notes issued by local governments. Through its subsidiary, the Tobacco Settlement Financing Corporation ("**TSFC**"), MBBA monetizes the State's Tobacco Settlement Revenues.

# 4. Assessment of Diversity Practices

The Agency has determined, pursuant to New York State Executive Law Article 15-a ("**Article 15-a**"), that the assessment of the diversity practices of respondents to this RFP is practical, feasible, and appropriate. Accordingly, Proposers shall be required to include as part of their proposal to this RFP, as described in Sections 10 and 12 herein, (i) *EEO Staffing Plan, PROC-1;* (ii) *MWBE Utilization Form, PROC-2;* (iii) *MWBE/EEO Policy Statement, PROC-4* (iv) *Company Demographic Profile PROC-7;* (v) *EEOC Statement, PROC-8*, applicable to Proposers with 15 or more employees; and (vi) *Diversity Practice Questionnaire, PROC-9*, all forms hyperlinked herein.

## 4.1 Minority and/or Women Owned Business Enterprise Participation

The Agency and its Affiliates are committed to awarding contracts to firms that are dedicated to diversity and provide high-quality services. The Agency strongly encourages firms that are certified by the State as MWBEs, as well as firms that are not yet certified, but have applied for certification, to submit responses to this RFP. All MWBE firms submitting proposals to this RFP should be registered as such with the State's Department of Economic Development. For MWBE firms that are not certified but have applied for certification, please provide evidence of filing, including the filing date.

The Agency is required to implement the provisions of Article 15-a and 5 NYCRR Parts 142-144 ("**MWBE Regulations**") for all Agency contracts, as defined therein, with a value in excess of $25,000. The Agency strongly encourages joint ventures of MWBE firms with majority firms and MWBE firms with other MWBE firms. For assistance identifying MWBE partners, contact Ms. Lisa G. Pagnozzi, Contract Administrator at Lisa.Pagnozzi@nyshcr.org .

For purposes of this solicitation, the Agency hereby establishes an overall goal of ~~30~~35% of total contract expenditures for MWBE participation, ~~15~~17.5% for minority-owned business enterprises ("**MBEs**") and ~~15~~17.5% for women-owned business enterprises ("**WBEs**").

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# 5. Calendar of Events and Milestones

It is anticipated that a contract will be awarded in response to this RFP based on the following schedule:

| Event | Date |
|---|---|
| Issuance of RFP | June 15, 2015 |
| Registration and Bidders' Questions Due for Pre-Proposal Conference | June 22, 2015, 12:00 pm EDT |
| Anticipated Pre-Proposal Conference | June 24, 2015, 2:00 pm |
| **Deadline for RFP Questions** | July 31~~28~~~~15~~, 2015, 12:00 pm, EDT |
| Deadline for Responses to RFP Questions | August 5~~4~~~~July 20~~, 2015 |
| **Deadline for Submission of Proposals** | August 14~~12~~4~~July 29~~, 2015, 12:00 pm, EDT |
| Interview Notification (if needed) | Week of Aug 24~~10~~, 2015 |
| Interview for Selected Proposers | Week of September 8~~August 17~~, 2015 |
| Anticipated Selection Date | October 15, 2015* |
| Anticipated Date for Execution of Contract | November 17, 2015 |

*Subject to the approval of HFA's Board Members.

The Agency reserves the right to modify this schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties via the Agencies' web page at: http://www.nyshcr.org/AboutUs/Procurement/DHCRindex.htm.

# 6. Administrative Information

## 6.1 Contract Term

The term of the contract(s) will be for a minimum period of five consecutive years from contract signing, subject to initial approval by the HFA Board Members ("Board") and annual review of the contract by the Board. The contract will include an option to annually extend the contract for additional one year terms, subject to annual approval of the Board. Any contract that exceeds a five year period will require the affirmative concurrence of the Agency's Board to extend the contract(s) beyond five years without undergoing a new solicitation process. In addition, the Agency, at its discretion, may exercise its option to revise any provision of the engagement, on an as needed basis, with the mutual written consent of the contracting parties.

Prior written approval must be received from the Agency for the use of any subcontractor, including substitution and/or change in existing subcontractor(s). The subcontract between the Primary Contractor and the subcontractor must receive prior written approval from the Agency. The sections relating to the scope of services and compensation in the subcontracting agreement must be well-defined.

The successful Proposer will be required to execute a Master Services Agreement with the Agency, ***Attachment_10_Master_Services_Agreement_NYS_Housing_Finance_Agency*** ("**Master Services Agreement**"), referenced herein, that incorporates Appendix I *Standard Clauses for Contracts* and *Appendix II relating to requirements and procedures for Participation by Minority Group Members and Women* , both appendices hyperlinked herein. Any proposed deviations in the form of the Master Services Agreement will be factored into the selection process. The Master Services Agreement may be downloaded from the Agency's website at: http://www.nyshcr.org/AboutUs/Procurement/DHCRindex.htm .

Note: The Master Services Agreement will be posted to the above referenced web site the week of June 15, 2015.

## 6.2 Pre-Proposal Conference ("Conference")

### Pre-Proposal Conference Registration

A pre-proposal conference will be held on June 24, 2015 at 2:00 pm at:

New York State Homes and Community Renewal
New York State Housing Finance Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022

To register, Proposers are directed to send an email to Lisa.Pagnozzi@nyshcr.org, indicating BAM Registration in the subject line of the email. The email must include the following information:

- The name, title, and contact information, and email address of the designated representative(s) that will attend together with Questions that Proposers would like discussed at the Conference.

Proposers are asked to notify the Agency of their interest in attending and provide any questions for the Conference by the time identified in the "*Calendar of Events and Milestones*" section of this RFP.

Proposers bear any and all costs related to their attendance at the Conference (such as travel and other expenses). Electronic devices, such as recording devices, video cameras, etc. are prohibited during the Conference.

Oral responses provided by representatives of the Agencies during the Conference are not formal and are not binding. Formal written responses to the questions received during the registration period will be published on the Agencies' procurement web page at:
http://www.nyshcr.org/AboutUs/Procurement/DHCRindex.htm

Proposers bear any and all costs related to their attendance at the Conference (such as travel and other expenses). **Electronic devices, such as recording devices, video cameras, etc. must be silenced during the Conference**.

A WEBEX session will be provided to Prospective Proposers seeking to participate from remote locations during the Conference. Prospective Proposers shall access the WEBEX registration information noted below:

WEBEX Topic: BAM Pre-Bid Conference
Date: Wednesday, June 24, 2015
Time: 2:00 pm, Eastern Daylight Time (New York, GMT-04:00)
Meeting Number: 649 636 641
Meeting Password: aa8899
Webex Information: To Join the Webex Online Meeting, please access the link below: https://meetny.webex.com/meetny/j.php?MTID=m40eee1b4630a306a66f3a0cbe5043277

Audio Conference information:
Local: 1-518-549-0500
Toll Free: 1-844-633-8697
Alternate Toll Free - (For callers not able to call the 844 Toll Free Number): 1-866-776-3553

**Additionally, Proposers must submit their questions via the Online Chat of the WEBEX during the Conference.**

## 6.3 Post Conference Proposer Questions

After the Conference, any questions or requests for clarification regarding the RFP must be submitted via email to Nyhomes.Proposal@nyshcr.org , citing the RFP page and section, no later than the date identified in the "*Calendar of Events and Milestones*" section of this RFP. The "Subject" line of the email should indicate "2015 BAM RFP Questions."

Questions will not be accepted orally and any question received after the deadline may not be answered. The list of questions/requests for clarifications and the official Agency responses will be posted in a timely manner on the NYS HCR website "Procurement Opportunities" page.

Proposers should note that all clarifications and exceptions are to be resolved prior to submission of the proposal.

An electronic version of this RFP will be posted on the NYSHCR website in addition to any subsequent changes, additions or deletions to the RFP, including the timelines and target dates. **Proposers are encouraged to check the NYSHCR website frequently for notices of any clarifications, changes, additions, or deletions to the RFP.**

## 6.4 Notice of Interest

Firms are asked to return an optional Notice of Interest Form, attached hereto as Exhibit B, by the date identified in the "*Calendar of Events and Milestones*" section of this RFP. The form may be used as the basis of communications during the procurement period.

## 6.5 Amendments and Addenda

HFA reserves the right to modify any part of this RFP including, but not limited to, the date and time by which proposals must be submitted and received by HFA, at any time prior to the Deadline for Submission of Proposals listed in the "*Calendar of Events and Milestones*" section of this RFP. Modifications to this RFP will be made by issuance of amendments and/or addenda.

Prior to the Deadlines for Submissions of Proposals date, any such clarifications or modifications as deemed necessary will be posted to HCR's website. HFA reserves the right to cancel this RFP, in whole or in part, and to reject any and all proposals.

If the Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Proposer will immediately notify HFA of such error in writing and request clarification or modification of the document.

## 6.6 Restriction of Communication

Pursuant to State Finance Law ("**SFL**") §§139-j and 139-k, this RFP imposes certain restrictions on communications between the Agency and its Affiliates (including the Housing Trust Fund Corporation and the State's Division of Housing and Community Renewal, and other agencies constituting HCR), and a potential Proposer during the procurement process. A Proposer is restricted from making contacts that a reasonable person may infer were intended to influence the selection of a firm or company to perform (or provide) the proposed professional services (or goods) in this RFP, from the date of publication of this RFP until the awarding of a contract(s) by the Agency (the "**Restricted Period**") with any person other than the designated staff member named below, unless it is a contact that is included among certain statutory exceptions set forth in SFL §139-j(3)(a). Employees of the Agencies, including any employees of the agencies that constitute HCR, are required to obtain certain information when contacted during the Restricted Period and make a determination of responsibility of the Proposer under the SFL. Findings of non-responsibility can result in rejection for contract award and in the event of two (2) findings within a four (4)-year period, the Proposer will be debarred from obtaining governmental contracts.

For further information, please refer to the following website:
http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm.

For all Lobbying Law Contacts, please contact:

Alejandro J. Valella, Vice President and Deputy Counsel
New York State Homes & Community Renewal
New York State Housing Finance Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Alex.Valella@nyshcr.org

If you have inquiries regarding this RFP or would like to contact the Agencies regarding issues not relating to Lobbying Law Contacts, please contact:

Lisa G. Pagnozzi, Contract Administrator
New York State Homes & Community Renewal
New York State Housing Finance Agency

641 Lexington Avenue, 4th Floor
New York, New York 10022
Lisa.Pagnozzi@nyshcr.org

Other than the two contact persons identified above, prospective Proposers shall not approach Agency employees, or any employees of the agencies that constitute HCR, during the Restricted Period about any matters related to the RFP or any proposal(s) submitted pursuant thereto.

## 6.7 Primary Contractor and Subcontractor(s) Team

The Agency seeks a total solution. A Proposer may partner with other entities to provide the Agencies with the required Scope of Work. If the proposal includes products or services from any other participating vendors, it is strongly preferred that those vendors serve as subcontractors to the Proposer (the "**Primary Contractor**").

In the event that a "Team Approach" is proposed by the Proposer, the Proposer must be the lead entity ("**Primary Contractor**"). All necessary communications will be directed to the Primary Contractor. In the event that a contract award is made as a result of a proposal which has taken a "Team Approach," the resulting contract will be between the Primary Contractor and HFA.

For purposes of evaluating proposals and developing the intended agreement between the Agency and the Primary Contractor, all contributions to the Project from both the Primary Contractor and its subcontractor(s), including skills, attributes, and products, will be considered as a total solution put forth by the Proposer.

The Agency strongly prefers a total solution; however, a Proposer may elect to bid on a specific component(s) of the overall solution.

### 6.7.1 Future related Solicitations related to the BAM Project

In accordance with the agreed-upon ERP strategy, the Project team (including the Primary Contractor, the Agencies' subject matter experts, and Project sponsors/stakeholders) will develop the proposed solution to clearly define the scope of the services expected from each bidder and to provide sufficient information about the current systems environment and functional needs of the Agencies in order to minimize the potential for future change orders.

The successful Proposer will: (a) assist the Agency in evaluating bidder offerings; (b) assist the Agency in the management of bidder oral presentations and software demonstrations; (c) coordinate verifications of representations and references made by the bidders and their sub-contractors; and (d) prepare detailed cost analyses.

## 6.8 Insurance Requirements

The successful Proposer, at its own expense, must provide and keep in full force and effect during the term of an awarded contract and for a period of five (5) years thereafter, the kinds and minimum amounts of insurance coverages as indicated below or as required by State law, whichever is greater, with insurers in good standing, possessing an A.M. Best rating of not less than B++, and authorized to do business under the laws of the State(s) and/or Count(yies) where performance of the services performed for the BAM Project occurs, and if such ratings are no longer available, with a comparable rating from a recognized insurance rating agency. The Agency reserves the right to modify these insurance requirements.

### 6.8.1 Comprehensive General Liability

Comprehensive General Liability written on an occurrence coverage form, including, without limitation, Bodily Injury and Property Damage Liability, Products and Completed Operations Liability, Contractual Liability and Personal and Injury Liability. The minimum limits are One Million U.S. Dollars (USD 1,000,000) per each occurrence, Two Million U.S. Dollars (USD 2,000,000) aggregate (Products and Completed Operations) and Four Million U.S. Dollars (USD 4,000,000) general aggregate.

### 6.8.2 Workers' Compensation and Employers' Liability

Worker's Compensation and Employers' Liability with statutory coverage for Workers' Compensation and minimum limits of One Million U.S. Dollars (USD 1,000,000) per accident, One Million U.S. Dollars (USD 1,000,000) disease (each employee), and One Million U.S. Dollars (USD 1,000,000) disease (policy limit) for Employers' Liability or coverage and limits complying with all regional, country, State and local requirements applicable to the services performed for the BAM Project.

### 6.8.3 Errors and Omissions Liability - Errors and Omissions (or Professional Liability)

Errors and Omissions Liability – Errors and Omissions (or Professional Liability) insurance with limits of Fifteen Million U.S. Dollars (USD $15,000,000)

### 6.8.4 Fidelity Bond – Commercial Blanket Fidelity Bond Insurance

Fidelity Bond – Commercial Blanket Fidelity Bond Insurance including a customer protection endorsement, with limits of Ten Million U.S. Dollars (USD 10,000,000). Said bond shall cover, without limitation, computer crime. HFA shall be named as an additional insured and a loss payee as its interests may appear.

### 6.8.5 Umbrella/Excess Liability

Umbrella/Excess Liability with minimum limits of Fifteen Million U.S. Dollars (USD 15,000,000) each occurrence and aggregate.

### 6.8.6 Automobile Liability

Automobile Liability One Million U.S. Dollars (USD 1,000,000) per person One Million U.S. Dollars (USD 1,000,000) per accident covering bodily injury (including death), and property damage for all vehicles that the successful Proposer owns, hires or leases.

**6.8.7** The Agency, its Affiliates, and its and their directors, officers, employees, and agents shall be named as additional insured under each such policy of insurance obtained by the successful Proposer.

**6.8.8** The foregoing insurance requirements set forth the minimum amounts and scopes of coverages to be maintained by the successful Proposer and not to be construed in any way as a limitation on the successful Proposer's liability under an awarded contract. The insurance coverages shall be primary and will not participate with nor will be excess over any valid and collectable insurance or program of self-insurance carried or maintained by the Agency.

**6.8.9** Upon request, the successful Proposer shall furnish Certificates of Insurance issued by the applicable insurance carriers, not local agents thereof, evidencing all of the foregoing insurance coverages prior to or upon execution of a contract. Full copies of the policies required above shall be furnished to the Agency upon request. **The Agency must be specifically endorsed to all policies**. All of the above-described policies shall provide that no less than thirty (30) days prior written of cancellation, modification, reduction in coverage or non-renewal shall be given to the Agency. The failure of the successful Proposer to comply with any of the terms of these policies shall not adversely affect the Agency's coverage thereunder. Certificates of Insurance evidencing any modification, renewal or replacement of any of these insurance coverages shall be furnished to the Agency within ten (10) days after such modification, renewal or replacement; provided, however, that no such coverage shall be modified or replaced without the prior written consent of the Agency. In the event that any services performed for the BAM Project under an awarded contract are to be rendered by persons other than the successful Proposer's own employees, the successful Proposer shall arrange for such persons to forward to the Agency, prior to commencement of BAM Project related services by them, Certificates of Insurance evidencing such amounts, in such form, and with such insurance companies as are satisfactory to the Agency.

## 6.9 Vendor Responsibility

### 6.9.1 General Responsibility

The Proposer will at all times during the Contract term and during the proposal evaluation process remain responsible. The Proposer agrees, if requested by HFA, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior experience, and organizational and financial capacity.

### 6.9.2 Suspension (for Non-Responsibility)

The Agency reserves the right to suspend any or all activities under an awarded Contract, at any time, when the Agency discovers information that calls into question the responsibility of the successful Proposer. In the event of such suspension, the successful Proposer ("**Contractor**") will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as HFA issues a written notice authorizing a resumption of performance under the Contract.

### 6.9.3 Termination (for Non-Responsibility)

Upon written notice to the Contractor, and a reasonable opportunity to be heard by HFA, the contract may be terminated by HFA, at the Contractor's expense where the Contractor is determined by HFA to be non-responsible. In such event, HFA may complete the contractual requirements in any manner the Agency deems advisable and pursue available legal or equitable remedies for breach.

# 7. Proposer Mandatory Qualifications

A Proposer must meet all of the qualifications outlined in this section. Failure to do so will result in the rejection of the proposal.

## 7.1 Proposer Minimum Qualifications for ERP Solution(s)

For purposes of this section, ERP is defined to include the General Ledger, Accounts Payable, Accounts Receivable and Billing, and Reporting Areas.

The Proposer must be able to cite at least three projects, from within the past five years, which must be fully complete (i.e., in the warranty period or later), where the Proposer successfully implemented a solution of similar scope and size to the BAM Project that meet each of the following criteria:

- Governmental ERP or State enterprise-wide ERP consulting of more than eight (8) months duration, or equivalent size and complexity in the public or private sector;
- Governmental ERP or State enterprise-wide ERP consulting to provide the services requested in this RFP for a financial system with at least 100 users, or equivalent size and complexity in the public or private sector; and
- Successful implementations of an enterprise-wide SAP, Microsoft Dynamics, or PeopleSoft solution.

## 7.2 Proposer Minimum Qualifications for Non-ERP Solution(s)

The Agency strongly prefers a total solution covering all requirements in the referenced requirements matrices. In the event a Proposer wishes to bid on only a specific component of the overall solution, the Proposer must meet the following minimum qualifications:

- Governmental or State enterprise-wide consulting of more than eight (8) months duration, or equivalent size and complexity in the public or private sector;
- Governmental or State enterprise-wide consulting to provide the services requested in this RFP for at least 100 users, or equivalent size and complexity in the public or private sector; and
- Three (3) successful implementations of the proposed solution component within the last three (3) years to five (5) years.

## 7.3 Project Manager Minimum Qualifications

The Proposer’s Project manager must have a minimum of ten (10) years of experience in project management and a total of fifteen (15) years of relevant professional experience and such experience shall include expertise in planning, organizing, coordinating, monitoring, and guiding the successful Proposer’s team together with effectively communicating with the Proposer’s client(s) project manager, escalating issues for resolution. That experience must include work similar in scope to that outlined in the Scope of Services section of this RFP.

## 7.4 Technical Lead Minimum Qualifications

The Proposer's Technical Lead must have a minimum of ten (10) years of experience in a technical lead role using the technologies comprising the Proposer's solution and a total of fifteen (15) years of relevant professional experience. That experience must include work similar in scope to that outlined in the Scope of Services section of this RFP.

# 8. Scope of Services (or "Scope of Work")

## 8.1 Background

In 2014, HFA and SONYMA conducted a study to:

- Assess the current Visual Fox Pro, Visual Basic, .NET, modified COTS software together with other associated integrated fiscal and programmatic applications within the financial and housing program areas;
- Assess current business practices and research the feasibility of implementing a new ERP;
- Develop a strategy and road map for rationalizing and planning the modernization of critical systems; and
- Identify opportunities for a common platform consolidation, noting where current applications have particular functionality that would not be good candidates for consolidation at this time but perhaps should be modernized and integrated into a larger solution.

The key findings concluded that:

- The Agencies can eliminate the Visual Fox Pro ("VFP") applications, minimize the number of manual processes and significantly improve reporting for MWBE compliance by leveraging an ERP application or other COTS applications where necessary; and
- Nearly all current financial management and budgeting functions would be able to leverage the native capabilities of an ERP solution.

## 8.2 General Technical Landscape

The Agencies' existing back office financial management and accounting applications as well as other business/program (e.g. affordable housing) areas are mainly composed of Agency developed and maintained Microsoft VFP programs, which are no longer supported by Microsoft. The Agencies are focused on modernizing the majority of these applications with COTS technologies that will provide a scalable, extensible and maintainable platform going forward.

The main components of the FoxPro systems include the: (i) general ledger, divided into 40 separate and distinct programs, each of which serves an Agency, an Agency program or set of projects; (ii) expenditure control system ("**ECS**"), customized for the Agencies' special needs with all checks drawn by the State's Department of Taxation and Finance; (iii) investment system ("**Invest**"); (iv) Debt Servicing ("**DebtServ**"), (v) mortgage billing system ("**MBS**"); (vi) budget system ("**UnitBudget**"); (vii) tax and insurance escrow system ("**Tax**"~~ and "**Insure/IMS**"~~) ; (viii) Affordable Housing Corporation system ("**AHC system**") for grants management; ~~and~~ (ix) executive information system ("**EIS**") for property asset management, tax credits and compliance; and (x) insurance system ("**Insure**") to manage insurance policies for properties (see reference material below for a complete inventory of applications and descriptions). The Agencies prepare an annual administrative budget for income and expenses and monitor the actual expenses with the prepared budget on a monthly basis. The Agencies also prepare program budgets which forecast revenue and expense expectations for several years out.

In addition, the Agencies have applications developed in .NET and Visual Basic as well as COTS application, both on-premise and hosted, which are integrated into its environment via web services.

The following documents cover the current core and 'outlier' (i.e. functionality outside of typical finance and accounting) functionality provided within the Agencies' application landscape that will need to be provided in the new COTS solution(s). Proposers must thoroughly review and complete both requirements matrices as part of the proposal submission. The proposed contractual relationship is defined and described more fully in the Master Services Agreement.

**Reference Material:**

| Name | Description |
|---|---|
| ***Attachment_01_NYSHCR_Application_Descriptions*** | Description of the Agencies' applications. |
| ***Attachment_02_NYSHCR_Outlier_Functionality_Descriptions*** | Description of 'outlier' applications, i.e. functionality outside of typical core finance and accounting. |
| ***Attachment_03_NYSHCR_Gartner_Final_Report*** | Gartner report from 2014. Overview of the project, high-level description of functionality and current and future state of the applications landscape.<br>Note: Please refer to Attachment_04_NYSHCR_Application_Data_Flow for a more accurate and up to date depiction of the applications current/future states diagrams. |
| ***Attachment_04_NYSHCR_Application_Data_Flow*** | Data flows for all applications, dependencies and manual processes for the current and future state broken out by proposed phases. |
| ***Attachment_05_NYSHCR_Business_Continuity_Plan*** | The Agencies' Disaster Recovery/Business Continuity Plan. |
| ***Attachment_06_NYSHCR_641_Application_Inventory*** | Brief descriptions of the Agencies' applications by business area/unit and owners. |

| | |
|---|---|
| ***Attachment_11_NYSHCR_Application_Databases_Growth_Volumes*** | Metrics on the Agencies' current data volumes and yearly growth. |

Note: Attachments 01, 02 and 06 provide various views of the descriptions of the Agencies' applications.

**Requirements Matrices:**

| Name | Description |
|---|---|
| ***Attachment_07_NYSHCR_Outlier_Functionality_Matrix*** | Requirements of 'outlier' functionality, i.e. functionality outside of typical core finance and accounting |
| ***Attachment_08_NYSHCR_Requirements_Matrix*** | Core finance and accounting functionality as well as other areas, including Treasury, Bond Admin/Debt Service, Single Family Escrow, MWBE Reporting and Technical requirements. |
| ***Attachment_12_NYSHCR_Reports_Inventory_Matrix*** | A listing of current reports produced by each application. |

## 8.3 Phased Approach

This RFP covers the entire scope of the proposed functionality. The Agencies' Project plan currently breaks the work out into the following distinct phases with **Phase 1 as the main initial focus**.

Note: Some phases may need to be implemented in parallel (e.g. Phase 2a & Phase 2b), because of inherent functionality/applications inter-dependencies.

Please refer to ***Attachment_08_NYSHCR_Requirements_Matrix***, ~~and~~ ***Attachment_07_NYSHCR_Outlier_Functionality_Matrix*** ***and Attachment_12_NYSHCR_Reports_Inventory_Matrix*** for a detailed list of requirements for each application called out in the phases.

Refer to ***Attachment_01_NYSHCR_Application_Descriptions*** and ***Attachment_02_NYSHCR_Outlier_Functionality_Descriptions*** documents for application information.

Refer to ***Attachment_04_NYSHCR_Application_Data_Flow*** for diagrams of current state and proposed future state applications and flows for each phase.

Note specific dependencies to State systems managed by ITS (the State's Information Technology Services), i.e. not specific to the Agencies at 641 Lexington Avenue, NY, NY, e.g. **SHARS** (Statewide Housing Activity Reporting System), which handles project tracking and reporting, must be factored in as integration points with various Agency ~~641 Lex~~ applications, including AHC, EIS, Emphasys and MIF. Also, SHARS is scheduled to be replaced by the State, but the Agency~~ies~~ currently does not have a timeline for it.

### 8.3.1 Phase 1

Phase 1 will incorporate the analysis, development, and deployment of the core ERP functionality for the Agency and its Affiliates.

Current projection is that Phase 1 will include replacing the following Agency applications:

#### 8.3.1a Core Finance and Accounting

- Payroll
- Tax
- ~~Insurance~~
- ECS
- Unit Budget System
- HUD Reporting
- InCheck
- General Ledger

#### 8.3.1b Investment Portfolio & Bond Administration

- Treasury Mortgage Purchase System (TMPS)
- SONYMA Participating Lender System (PartLend)
- Bond Debt Service (DebtServ)
- Trades and Investment System (Invest)

#### 8.3.1c Loan Origination and Servicing / Mortgage Billing (Multi-Family)

- Mortgage Billing (MortBill)
- Insurance Mortgage System (Insure/IMS)

### 8.3.2a - Phase 2a

Phase 2a will incorporate the addition of the **Grants Management** functionality for AHC.

Please refer to 'Affordable Housing System (AHC – VFP 8)' section in ***Attachment_02_NYSHCR_Outlier_Functionality_Descriptions*** document for full documentation of functionality.

### 8.3.2b - Phase 2b

Phase 2b will incorporate the addition of **Property Asset Management** functionality.

Please refer to 'Executive Information System (EIS – VFP 6)' and 'Insurance System (Insure – VFP 8)' section in ***Attachment_02_NYSHCR_Outlier_Functionality_Descriptions*** document for full documentation of functionality.

### 8.3.3 - Phase 3

Phase 3 will incorporate the addition of **Single-Family Escrow** functionality.

Please refer to **SF Escrow tab** in ***Attachment_08_NYSHCR_Requirements_Matrix*** document for full documentation of functionality.

### 8.3.4 - Phase 4

Phase 4 will incorporate the addition of **MWBE reporting automation** functionality for the Agencies.

Please refer to MWBE Reporting – Manual Process section in ***Attachment_01_NYSHCR_Application_Descriptions*** document for full documentation of functionality.

### 8.3.5 - Phase 5

Phase 5 will incorporate the addition of **Single-Family and Multi-Family Loan Origination and Single-Family Servicing** functionality (Note: Multi-Family servicing will be handled in Phase 1).

For Single-Family, please refer to the Emphasys Systems (SF, LT, FR, DS, LOL) section in ***Attachment_01_NYSHCR_Application_Descriptions*** document for full documentation of functionality.

Multi-Family origination/underwriting is currently handled manually and data is manually entered into the EIS system.

In addition, the Agencies' Single-Family and Multi-Family loan origination and servicing functionality is currently handled in separate systems/manual processes and the Agencies seek to have an integrated solution for common functionality, if and where feasible.

## 8.4 High Level Tasks

### 8.4.1 Initial Analysis

The successful Proposer must perform an initial analysis of the specified functional areas, as provided in the Agencies' NYSHCR Requirements Matrices~~x~~, ***Attachment_07_NYSHCR_Outlier_Functionality_Matrix***, *Attachment_08_NYSHCR_Requirements_Matrix* and ***Attachment_12_NYSHCR _Reports_Inventory_Matrix*** ~~,~~ and provide a recommendation as to how to include each area in the scope of the ERP functionality, or other software as needed.

In the initial analysis, the successful Proposer will focus on detailed Project plans and work assignments, processes, and other foundational artifacts such as architecture and design documents, test approaches and risks. The objectives of initial assessments are to determine that a solid foundation has been established for that area of focus, identify concerns, issues, or risks, and make recommendations for improvement.

### 8.4.2 Define Functional Requirements

The successful Proposer will conduct facilitated requirements gathering sessions with representative subject matter experts to define the detailed functional requirements necessary for the new system, including business process reengineering to improve the internal processes, gain efficiencies, and improve quality of results.

The successful Proposer will document the following types of Agency requirements: (a) functional requirements; (b) general system and technical requirements; (c) interfacing systems requirements; and (d) data conversion requirements.

The successful Proposer will facilitate development of functional system requirements in accordance with the best business practices commonly found in commercially-available ERP systems.

General and technical requirements will be developed based on input received during discussions with functional subject matter experts from the Agency and its Affiliates, information technology

(“**IT**”) management, business owners, and staff that support existing systems of the Agencies (for example, Oracle Cloud).

To identify data conversion requirements, the successful Proposer will work with the Agency to develop a tentative data conversion strategy (e.g., determining static data and beginning balances vs. historical data) and identify and document major data conversion requirements for the new ERP system, including anticipated data volumes and source/target systems.

The recommendation will include such items as strategy and approach about various alternatives (i.e. SaaS, IaaS, PaaS, on-prem, etc.). Due to limited Agency IT resources, a hosted solution is strongly preferred. More information regarding this task is described below in the “*Environment*” section.

### 8.4.3 General Project Requirements

The successful Proposer will ensure Project compliance with stated plans, development and implementation methodologies, overarching quality standards, business processes, procedures and compliance. In addition, the successful Proposer will examine and exercise the complete delivered solution (i.e., software, hardware, business processes, procedures, organizational change and documentation) to determine if all the Agencies’ requirements have been met and are acceptable for deployment into production.

The successful Proposer will develop a comprehensive Project plan (“**Project Plan**”) that covers all phases of the BAM Project. This Project Plan may include implementation of personnel, installation timeframes, escalation procedures and acceptance plan as appropriate for the services requested. The Proposer’s Project Plan should contain, at a minimum, the following items:

- Name of the Project manager, contact number(s) and e-mail address(es);
- Names of the Project team members, contact numbers and e-mail addresses;
- A list of implementation milestones based on the desired installation date;
- A list of responsibilities of the Project team members during system implementation;
- A list of designated authorized personnel;
- Escalation procedures including management’s personnel contact numbers;
- Full and complete documentation of all implementation work;
- Samples of knowledge transfer documentation;
- When applicable, a list of all materials and supplies required to complete the implementation described in the RFP;
- Transparency as to the location and working hours of any offshore resources;
- Verification that the solution meets documented business and technical requirements;
- Drive the solution to deliver highly reliable, repeatable and efficient business processes;

- Validation of the Project's product and processes to ensure their effectiveness in both development and operations and their compliance with regulatory requirements;
- Work with the Agency to develop quantitative performance metrics that support monitoring and communication of Project status as a supplement to Project Service Level Agreements ("SLAs");
- Ensure early identification and drive the mitigation of risks and issues while supporting the Project team in implementing changes as appropriate to keep the Project on track;
- Facilitate early detection and correction of cost and schedule variances;
- Promptly escalate all real or perceived program issues to the Agency's Project Manager with specific recommendations to remedy these issues;
- Drive overall delivery and implementation quality;
- Provide technical review and verification of key Project milestones and deliverables;
- Develop independent oversight reports of the Project and present them to the Agency's Project Manager on a regular basis or in the case of serious deviation (or perceived deviation) from the contracted work; and
- Provide written review and recommendations to the Agency's Project Manager regarding Project status and risk anticipation, prevention and mitigation.

**8.4.3.1 Training and Change Management**

The successful Proposer will develop and provide a plan for transitioning the Agency(ies) employees and contractors from their current way of working with legacy system and manual processes to the new system. This will require a plan to address process documentation, use case scenarios, reporting, and end user training. Explain how training and change management will be addressed.

**8.4.3.2 ~~4.~~ Go-Live and Initial Production Support**

The successful Proposer will ensure the successful transition of the Agencies' systems to the new production environment and on site post go-live support for a period of 45 days. The successful Proposer will also assist with knowledge transfer and successful transition to a long term production support model for the Agency and its Affiliates. This will include the estimated resource needs and estimated cost for ~~NYSHCR's~~Agency's ongoing operational support and maintenance.

~~The successful Proposer will ensure the successful transition of the Agencies' systems to the new production environment and post go-live support for a period of 30 days. The successful Proposer will also assist with knowledge transfer and successful transition to a long term production support model for the Agency and its Affiliates.~~

## 8.5. Environment

The Agency and its Affiliates have methods, policies, standards and guidelines in place that have been developed over the years. Proposers are expected to provide proposals that conform to the Agencies' policies and standards. All services and products provided as a result of this RFP must comply with all applicable procedures, policies and standards of the Agencies in effect at the time the RFP is issued and policies and standards include, but are not to limited to, the *Agencies' Code of Ethical Conduct for Officers and Employees*, hyperlinked hereto. The successful Proposer must request any exception to the Agencies' policies and standards in accordance with processes and procedures of the Agencies. The Agencies reserve the right to deny the exception request or to seek a policy or standards' exception.

### 8.5.1 Disaster Recovery Plan ("DRP") / Business Continuity Plan ("BCP")

The successful Proposer will review the Agencies' current DRP/BCP and provide, at a minimum, the same level of service in the proposed solution, whether the solution; including the software, computing or data, is hosted on premise or hosted virtually. ~~The successful Proposer will review the Agencies' current DRP/BCP and provide, at a minimum, the same level of service in the proposed solution, whether the solution is 'on-prem' or hosted~~ (see ***Attachment_05_NYSHCR_Gartner_Final_Report***).

A list of Service Level Agreements (SLAs) should be provided.

## 8.6 Testing

The successful Proposer will assist the Agency and its Affiliates with developing test plans, test execution, and test reporting activities. The successful Proposer's implementation team will be required to meet with the Agencies' Project team to examine the overall test approach so that issues like test redundancy are addressed and executed effectively. The successful Proposer's implementation team testers will test the application/system within a production-like environment, recording defects as needed and exercising various test types (i.e., stress, performance, regression, functional, etc.).

The successful Proposer will implement a duplicate development and testing environment to mirror production.

## 8.7 Contractor Staff – Roles and Responsibilities

The Primary Contractor shall have a presence at the Agencies' offices on-site during any session involving interviewing the Agencies' staff (i.e. during Initial Analysis information gathering, requirements gathering sessions, etc.).

The Agency will utilize a core team concept, having a team in place for the BAM Project that will assume responsibility for bringing in other members when necessary and appropriate. The BAM Project has an overall Agency Project Manager who will be working with the Primary Contractor's implementation Project Manager to oversee the entire Project including integration management, scope management, cost/budget management, schedule/time management, risk/issue management, quality management, people/human resource management, communications management, and procurement management.

### 8.8 Work Location

The successful Proposer must deploy its core team members on-site at HFA's Lexington Avenue location in New York City. Any work to be performed remotely must be identified in the proposal and approved.

~~The successful Proposer must deploy its core team members on-site at HFA's Lexington Avenue location in New York City.~~

## 9. Proposal Requirements

A complete proposal for this RFP is comprised of four (4) separate tabs: i) Tab One: Application Cover Sheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; and (iv) Tab Four: Administrative Proposal. The Proposal must include a primary and at least one alternate recommendation for the ERP solution (i.e, Saas, IaaS, PaaS, On Prem., etc.) with one of the following technologies: SAP; Microsoft Dynamics; or PeopleSoft. Please see the below sections for content and submission details.

Proposals must be complete and prepared in a format consistent with the instructions provided in this RFP. In all instances, the Agency's determination regarding a proposal will be final. Proposals not organized in the manner prescribed in this RFP may be considered non-responsive at the Agency's sole discretion. Proposers should not refer to other parts of the proposal, to information that may be publicly available elsewhere, or to the Proposer's or other websites in lieu of answering a specific question.

### 9.1 Proposal Submission Requirements

Proposals must be delivered by email no later than the proposal due date and time indicated in the "*Calendar of Events and Milestones*" section of this RFP.

Proposals must be submitted by email to Nyhomes.proposal@nyshcr.org in searchable portable document format ("**PDF**") compatible with Adobe Reader XI. The Agency will not accept discs, flash drives, or FTP file references that require the Agency to download information from the Proposer's or a third party's site. If the file is large, it may be submitted in multiple email attachments, with the proper Part One or Part Two label (if applicable) and "1 of X", "2 of X", etc., and the last email as "X of X – Final" for each additional email.

The proposal must be bookmarked and divided into four parts: (i) Tab One: Application Cover Sheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; and (iv) Tab Four: Administrative Proposal. Proposals must be sent in two emails and labeled as follows: (a) one email to include Tabs One and Two and the subject line of the email must be labeled: "2015 BAM Project RFP: Tabs 1 and 2"; and (b) the other email must include Tabs Three and Four and the subject line of the email must be labeled "2015 BAM Project RFP: Tabs 3 and 4".

Any proposal delivered after the date and time designated as the proposal submission deadline listed in the "*Calendar of Events and Milestones*" section of this RFP may be deemed ineligible. It is the Proposer's sole responsibility to ensure that all emails and attachments are delivered on time in a legible format. Proposers assume all risk for proposal delivery.

A proposal may be deemed to be non-responsive because it is materially incomplete. The Agency reserves the right to seek clarification or request additional information.

The determination of whether any proposal is complete or was received on time is at the sole discretion of the Agency.

All submitted proposals shall become the property of the Agency.

# 10. Contents of Proposals

The Proposer must submit a proposal that clearly provides all of the information required in this RFP. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and clarity of content. The Proposer is advised to thoroughly read and follow all instructions contained in this RFP. Proposals that do not comply with these instructions, or do not meet the full intent of all the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsible.

The Agency does not require, nor desire, any promotional material that does not specifically address the response requirements of this RFP.

In addition to meeting the qualifications described in the "*Proposer Mandatory Qualifications*" section of this RFP, proposals should demonstrate that the Proposer is qualified to perform the Scope of Work based upon prior relevant professional experience and include a proposed Project Plan (as described in subsection 8.4.3 of this RFP), methodology, timeline, staffing plan, MWBE participation, and budget. An Agency review committee will conduct a comprehensive review of each proposal.

Each Proposer is required to submit the information and documentation listed below in the order in which it is requested. A proposal that does not include all required information and completed forms may be subject to rejection.

The completed proposal will include Tabs One through Four, as described in the Proposal Submission Requirements section of this RFP. Each Tab must be electronically bookmarked as "Tab 1," "Tab 2," Tab 3," and "Tab 4" and must be presented in the exact order requested in this RFP. The content in Tab 2 must be limited to thirty (30) letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The 30 page limit does not include resumes, references, organizational chart, company brochures, etc. and Agency Requirements Matrices, Attachments 07 and 08.

## 10.1 Tab 1: Application Coversheet and Cover Letter

The Application Coversheet in the beginning of this RFP must be attached to the top of your proposal. The Proposer's cover letter must not exceed three (3) pages and should include:

(i) A summary of the Proposer's organizational history and legal structure (e.g. individual, partnership, LLC, corporation, non-profit organization, MWBE, etc.);

(ii) A summary of the Proposer's qualifications that include the qualifications described in the "*Proposer Mandatory Qualifications*" section of this RFP;

(iii) The Proposer's name, address, telephone number, fax number, email address and web site address, if applicable;

(iv) The name, title, telephone number, fax number and email address of the individual within the Proposer's organization who will be the Agency's primary contact concerning the proposal;

(v) The names of the primary staff who will provide services to the Agency;

(vi) The contact name, telephone number, fax number and email address for the company(ies), if any, with which the Proposer intends to partner in undertaking this engagement; and

(vii) A written certification confirming that the information contained in the proposal is true and accurate and that the person signing the cover letter is authorized to submit the proposal on behalf of the Proposer.

## 10.2 Tab 2: Technical Proposal

This section of the RFP provides instructions to Proposers regarding information that is to be included in a Technical Proposal. Proposals shall be complete, factual, and as detailed as necessary to allow the Agency to adequately evaluate proposed services, capabilities and experience.

The purpose of the Technical Proposal is to provide a Proposer with the opportunity to demonstrate its qualifications, competence and capacity to undertake the Scope of Work described herein, in a manner which complies with the requirements of the RFP. Proposals should specifically detail a Proposer's qualifications and experience in providing services sought by the Agency (including the experience of its subcontractors, where applicable).

### 10.2.1 Executive Summary

An Executive Summary highlighting significant features of the Proposer's proposal should be included in the Technical Proposal.

### 10.2.2 Verification of Mandatory Qualifications

Proposals must demonstrate how they the meet the qualifications described in the "*Proposer's Mandatory Qualifications*" section of this RFP. The Agency reserves the right to seek clarification from Proposals to ensure that these minimums have been met. If a Proposer cannot demonstrate that the minimum requirements have been met, they will be deemed non-responsive and their proposal will be rejected.

### 10.2.3 Functional and Technical Requirements

By submitting a proposal, the Proposer warrants that it has carefully reviewed the needs of the Agency (as described in this RFP, its attachments and other communications related to this RFP), has familiarized itself with the specifications and requirements of this RFP, and warrants that it can provide such products and services as represented in its proposal.

### 10.2.3a Ability to Meet the Functional and Technical Requirements

Proposers must thoroughly review and complete both of the attached Requirements Matrices indicated below:

**<u>Requirements Matrices:</u>**

*Attachment_07_NYSHCR_Outlier_Functionality_Matrix*
*Attachment_08_NYSHCR_Requirements_Matrix*
*Attachment_12_NYSHCR Reports_Inventory_Matrix*

**10.2.3b Approach to Meeting the Functional and Technical Requirements**

The Proposal must include a primary and at least one alternate recommendation for an ERP solution (i.e, Saas, IaaS, PaaS, On Prem., etc.) with one of the following technologies: SAP; Microsoft Dynamics; or PeopleSoft. Any non-ERP solution must also include a primary and at least one alternate recommendation. Supplement the completed requirements matrices with additional details describing how the solution will meet the requirements, including a proposed Project Plan, methodology and timeline. Where appropriate include schematics and diagrams that provide both conceptual and technical explanations of the proposed solution. Specifically, the proposed technical architecture should be identified.

**10.2.4 Company Experience and Staff Qualifications**

Direct, prior experience for related work described in the "*Scope of Work*" section of this RFP is essential. Briefly describe your company background, history, qualifications, capacity, and relevant experience and related services. Your responses should include:

**10.2.4.1 Description of Company Background**

**10.2.4.1a** A brief description of your company and its organizational structure including company size and location of offices from which work will be performed;

**10.2.4.1b** A brief description of the range of activities performed by the company, including specific references to engagements similar in size and scope;

**10.2.4.1c** A profile of the core staff for this engagement including detailed resumes; and

**10.2.4.1d** Specific experience, if any, with the Agencies' software or similar software of the Agency, as described in supporting documentation of this RFP.

**10.2.4.2 Company Experience and Performance**

Proposers must demonstrate the experience to perform the Scope of Services as described in this RFP as outlined below:

**10.2.4.2a** Provide a list of clients for whom you currently provide or/and have currently provided similar services as described in this RFP within the past 3 – 5 years, especially with public sector entities, along with a description of the type of engagements. Include references that may be contacted, with contact information and e-mail addresses, with respect to your work on these matters, as described in subsection 10.2.4.3 below.

**10.2.4.2b** Describe your company's experience with public sector entities.

**10.2.4.2c** Companies must state the nature and amount of assistance it expects from the Agency for the timely completion of the implementation of the BAM Project, including availability of Agency staff during other than normal business hours, if any.

**10.2.4.3 Company Project Qualifications and References**

The Proposer must provide three project references, and at least two references for any subcontractors or partners. References should detail projects currently in progress or completed within the past five (5) years that are comparable in size, scope and complexity to the BAM Project, and that are for services/products comparable to the Proposer requirements described in this RFP.

The references provided must support the Proposer's claim to meet the "*Proposer's Mandatory Qualifications*" identified herein.

Each reference should include the name, title, telephone number, and email address for each contact person and each company. Attach a brief summary of the relationship between the reference and the Proposer. Provide the same for subcontractor or partner references.

Information provided by references may be used by the Agency for the evaluation of proposals. The Agency is not responsible for the degree of or lack of responsiveness of the references listed by a Proposer, subcontractor or partner. The Agency is not required to alert Proposers about a reference's unresponsiveness during the evaluation of a proposal.

**10.2.4.4 Additional Qualifications**

The Proposer may, at its discretion, provide a description of other relevant qualifications.

**10.2.4.5 Statement of Work**

Proposers must include a Statement of Work which should at a minimum include the information referenced in subsection 8.4.3 of this RFP entitled "General Project Requirements" together with the following information in this subsection 10.2.4.5.

**10.2.4.5a Staff Qualifications and Key Staff**

In this section of the Technical Proposal, Proposers should demonstrate that proposed staff has the necessary knowledge and demonstrated ability to provide the services required by this RFP. The Agency reserves the right to reject any proposed staff member's participation in the engagement. The Agency will review and approve substitutions in staff from those proposed. Any staff substitutions will require that new staff have qualifications meeting or exceeding the qualifications of the staff included in the Proposal's proposal.

Key staff for the proposed work, unless indicated otherwise in this RFP, may include the following roles:

~~In this section of the Technical Proposal, Proposers should demonstrate that proposed staff has the necessary knowledge and demonstrated ability to provide the services required by this RFP. The Agency reserves the right to reject any proposed staff member's participation in the engagement. The Agency will review and approve substitutions in staff from those proposed. Any staff substitutions will require that new staff have qualifications meeting or exceeding the qualifications of the staff included in the Proposal's proposal.~~

~~Key staff for the proposed work, unless indicated otherwise in this RFP, may include the following roles:~~

- Project Manager (required)
- Technical Lead (required)
- Technical Architect
- Security Lead
- Business Analyst
- Data Architect
- Data Conversion Lead
- Database Administrator
- Lead Application Developer
- Quality Assurance Analyst
- Testing Lead
- Implementation Lead
- Technical Writer
- Knowledge Transfer Lead
- ~~Trainer~~Change Management Lead
- Reporting Lead
- Training Lead
- Operations, Support and Maintenance Lead

The Proposer's Project Manager and the Technical Lead must be dedicated full-time to the Project for the duration of the BAM Project. Moreover, the Agency is not prescribing the number of staff members required on the team. It is the responsibility of the Proposer to propose and resource a team that can complete the required Scope of Work effectively.

Proposers may propose multiple roles for a key person, but overlapping responsibilities and transition between roles must be explained.

The sections that follow identify the information that the Proposer should provide.

### 10.2.4.5b Project Team Organization

Provide an overview of the Project team organization, an organization chart and a table summarizing the individuals proposed for the BAM Project. The chart must indicate key personnel, including lead and supporting staff, their overall time commitments on the Project, and a description of the role and responsibilities, titles and contact information. Descriptions of roles should be functional and not just by title, and include information on the particular skills required for each identified role together with their key qualifications. The information required herein must also be provided for any subcontractors or partners.

### 10.2.4.5c Project Team Resumes and References

Provide resumes for each key team member and support staff proposed, including chronological work history, certifications, and qualifications relevant to proposed Project role.

Provide three (3) references for each key team member. The reference should include the reference name, organization, title/role, contact information (e-mail and phone), and description of the Project relationship to the proposed team members.

Provide the same for subcontractor or partner references.

### 10.2.4.5d Project Approach

Address the Proposer's approach to completing the Scope of Work for this Project. Describe the following:

- Overarching approach – how the Proposal will meet the requirements and functionality identified in ***Attachment~~s~~ ~~–~~07 ~~and 08,~~ NYSHCR_Outlier_Functionality_Matrix*** ~~and~~ ***Attachment_08_NYSHCR_Requirements_Matrix and Attachment_12_NYSHCR_Reports_Inventory_Matrix*** ~~(“**Attachments 07, and 08 and 12**”), respectively~~; provide sufficient detail to demonstrate the ability of the Proposer to meet the requirements and functionality in both Attachments 07 and 08;
- Project schedule – provide a statement of the key milestones and the expected timing of their delivery; and

- Level of effort – include a table summarizing the level of effort per key role (and additional roles, if any) by deliverable.

The descriptions should provide convincing evidence that the Proposer understands the objectives that the successful Proposer is expected to meet, the nature of the required work and the level of effort necessary to successfully complete the BAM Project.

#### 10.2.4.5e Project Approach

The Proposer must provide an overview of how it will approach the Project and meet the requirements. The overview should describe the broad approach, methodology, tools and expected inputs and outputs.

In addition, the Proposer must describe in detail how it will complete each identified deliverable while providing a detailed description of the approach for meeting requirements set forth in the Scope of Work, including Attachments 07 and 08. The detailed description of the deliverables approach should include the objectives, scope, approach and deliverables/outputs for each deliverable.

#### 10.2.4.5f Project Schedule

The Proposer should provide a high level schedule which identifies the key milestones and the expected timing of their delivery. A narrative explaining the flow of the Project should be provided to support the schedule.

#### 10.2.4.5g Level of Effort

The Proposer should provide a table summarizing the level of effort per key role (and additional roles, if any) by deliverable.

#### 10.2.4.5h Change Management and Complexity

The Proposer should provide a summary of the scale and complexity of change for the Agencies impacted by this solution based on the number of systems, process changes and user base.

## 10.3 Tab 3: Cost Proposal

Proposers should complete ***Attachment_09_BAM – Unified Cost Template*, hyperlinked hereto,** which should include at least two proposed solution / hosting models. The Agency would prefer pricing separated for each phase, where appropriate, and Proposers should source software from existing State contracts from the State's Office of General Services, where possible.

The Budget Proposal should include and assume all costs required to meet the Scope of Work and the requirements of the RFP.

## 10.4 Tab 4: Administrative Proposal

Proposers are subject to the requirements described in the *Agencies' Standard Clauses and Requirements for Solicitations*, hyperlinked herein as Exhibit A. Such requirements include, but are not limited to, submission of the following information and forms of the Agency: (a) *Lobbying Procurement Law FORM 1* and *Lobbying Procurement Law FORM 2*; (b) *Non-Collusive Bidding Certification FORM*; (c) *Contractor and Vendor Information FORM;* and (d) *Vendor Responsibility Questionnaire for For-Profit Business Entity*.

Proposers must provide the following information:

**10.4.1** **Insurance Requirements**: The Proposer must carry the insurance coverages with the minimum limits of liability as described more fully in subsection 6.8 of Section 6 of this RFP and ***Attachment_10_Master_Services_Agreement_NYS_Housing_Finance_Agency***.

Provide current certificates of insurance to evidence the insurance requirements in the above paragraph, including name of company(ies), scope of coverage, contact person(s) for each insurance.

**10.4.2** Proposer must prove financial viability by including its most recent two years of unaudited financial statements or federal tax returns.

**10.4.3** Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Proposer or former officers and employees of the Agency and its Affiliates, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify the Agency of, and resolve any such conflicts.

**10.4.4** The Proposer must disclose whether its entity, or any of its members discussed in the above paragraph, has been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "**Commission**"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

#### 10.4.5 Diversity Practices

Proposers are subject to the requirements described in Appendix II relating to requirements and procedures for Participation by Minority Group Members and Women, hyperlinked herein. Such requirements include, but are not limited to, submission of the following information and forms of the Agency: (a) *EEO Staffing Plan, PROC-1;* (b) *MWBE Utilization Form, PROC-2;* (c) *MWBE & EEO Policy Statement, PROC-4;* (d) *Company Demographic Profile PROC-7;* (e) *EEOC Statement, PROC-8*, applicable to Proposers with 15 or more employees; and (f) *Diversity Practices Questionnaire, PROC-9* .

Proposers must provide the following information:

(i) The Agency is committed to increasing the utilization of MWBE firms. Please share any ideas you may have for joint venture partnerships which would meet the Agency MWBE requirement;

(ii) If the Proposer is a State-certified MWBE firm, documentation evidencing registration. For MWBE firms that are not certified but have applied for certification, documentation evidencing the application with the Empire State Development Corporation, including the filing date;

(iii) If the Proposer is not a State certified MWBE firm, descriptions of the instances, if any, in which the Proposer has worked with MWBE firms on previous transactions by engaging in joint ventures or other partnering or subcontracting arrangements. Responses should include the nature of the engagement, how such arrangement was structured and a description of how the services and fees were allocated; and

(iv) A statement by the Proposer indicating its willingness, to engage in MWBE partnering or mentoring arrangements with an MWBE firm selected by the Proposer. Such statement should include an explanation of how the Proposer would suggest structuring such an arrangement and allocating services and fees between the firms.

# 11. Performance and Selection Criteria

## 11.1 The Selection Process

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of the evaluation is two-fold: (1) to examine the responses for compliance with this

RFP, and (2) to identify the Proposer with the highest probability of satisfactorily performing the Scope of Services. The evaluation will be conducted in a comprehensive and impartial manner as set forth herein.

Key selection criteria include:

- Coverage of functionality within a single software platform
- Ease of use
- Amount of customization needed vs out-of-the-box functionality
- Cost
- Hosting options
- Upgrade frequency
- Ease of integration with other systems (e.g. Agencies (SHARS), 3rd party vendors)
- Training and change management strategy & approach
- Implementation timeline
- Support
- Proposer's capacity
- Experience and qualifications
- Changes proposed by Proposer to the Agency's Master Services Agreement

## 11.2 Preliminary Review

All proposals will be reviewed to determine if they contain all required submittals specified in this RFP. Proposals that do not meet minimum requirements will not be reviewed. Incomplete proposals may be rejected.

## 11.3 Interviews

The Agency reserves the right to determine whether interviews will be necessary. If the Agency deems interviews necessary, interviews will be held during the dates specified in the "*Calendar of Events and Milestones*" section of this RFP. The Proposer's primary staff person who would be responsible for the Agency's relationship with the Proposer, as well as other key personnel proposed to provide services including key staff from any subcontractor(s), must be present and participate in the interview. The purpose of the interview is to further document the Proposer's ability to provide the required services, and to impart to the Agency's review committee an understanding of how specific services will be furnished. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the Proposer in its written response to this RFP and any other information requested by the review committee prior to the interview.

HFA reserves the right to negotiate or hold discussions with any Proposer.

### 11.4 Selection and Notification Process

The selected Proposer will be notified via U.S. mail or email. Proposers who are not selected will be notified of the Agencies' determination via U.S. mail or email.

## 12. Administrative Information

### 12.1 Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority-and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women

#### 12.1.1 New York State Law

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR 140-145, the Agency recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of Agency contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether MWBEs had a full and fair opportunity to participate in State contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("**Disparity Study**"). The report found evidence of statistically significant disparities between the level of participation of MWBEs in State procurement contracting versus the number of MWBEs that were ready, willing and able to participate in State procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the State-wide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that the Agency establishes goals for maximum feasible participation of New York State certified MWBEs and the employment of minority groups members and women in the performance of New York State contracts.

#### 12.1.2 Business Participation Opportunities for MWBEs

For purposes of this solicitation, the Agency hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State certified minority-owned business enterprise ("**MBE**") participation and 15% for New York State certified women-owned business enterprise ("**WBE**") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("**Contractor**") on the subject contract ("**Contract**") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and the Contractor agrees that the Agency may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://ny.newnycontracts.com. For guidance on how the Agency will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and the Agency may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a Proposer on the Contract ("**Bidder**" or "**Proposer**") agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System ("**NYSCS**"), which can be viewed at https://ny.newnycontracts.com, provided, however, that a Proposer may arrange to provide such evidence via a non-electronic method by contacting Ms. Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org and Nyhomes.Proposal@nyshcr.org. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Proposer's MWBE requirements, please click on the following hyperlinked MWBE guidance, "*Your MWBE Utilization and Reporting Responsibilities Under Article 15-A*."

Additionally, a Proposer will be required to submit the following documents and information as evidence of compliance with the foregoing:

(i) An MWBE Utilization Plan with their proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Agency.

(ii) The Agency will review the submitted MWBE Utilization Plan and advise the Proposer of the Agency's acceptance or issue a notice of deficiency within 30 days of receipt.

(iii) If a notice of deficiency is issued, the Proposer will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Agency at 641 Lexington Avenue, 4th Floor, New York, NY 10022, Fax number 917-274-0393, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Agency to be inadequate, the Agency shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

The Agency(ies) may disqualify a Proposer as being non-responsive under the following circumstances:

i) If a Bidder fails to submit a MWBE Utilization Plan;
ii) If a Bidder fails to submit a written remedy to a notice of deficiency;
iii) If a Bidder fails to submit a request for waiver; or
iv) If the Agency(ies) determines that the Proposer has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Agency(ies), but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the Agency(ies), by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

## 12.2 Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of *Appendix I – Standard Clauses for All New York State Contracts including Clause 7 - Equal Employment Opportunities for Minorities and Women*.

The Bidder/Proposer will be required to submit a *Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, PROC-4 Form* to the Agency(ies) with their bid or proposal.

To ensure compliance with this Section, the Bidder/Proposer will be required to submit with the bid or proposal an *Equal Employment Opportunity Staffing Plan PROC-1 Form*, identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit an *Equal Employment Opportunity Workforce Employment Utilization Compliance Report* identifying the workforce actually utilized on the Contract, if known, through the New York State Contract System; provided, however, that a Bidder/Proposer may arrange to provide such report via a non-electronic method by contacting Ms. Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org and Nyhomes.Proposal@nyshcr.org.

Further, pursuant to Article 15 of the Executive Law (the "**Human Rights Law**"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

## 12.3 The Use of New York State Businesses in Contract Performance

The Agency(ies) is committed to awarding a contract to a firm that will provide high-quality services at a reasonable and competitive cost and will substantially perform the Scope of Work, as described in this RFP, from an office(s) or location(s) within New York State.

New York State businesses have a substantial presence in State contracts and strongly contribute to the economics of the State and the nation. In recognition of their economic activity and leadership in doing business in New York State, Proposers for this Agency procurement are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Agency awarded contract. Such partnering may be as subcontractors, suppliers, protégés, providers of office and work space, and/or other supporting roles.

Proposers need to be aware that all authorized users of the awarded contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in Agency contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract award, thereby benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The Agency(ies) therefore expects the successful Proposer to provide maximum assistance to New York businesses in its use of the awarded contract. The potential participation of all kinds of New York businesses will deliver great value to the State and its taxpayers.

### 12.3.1 The Use of New York State Agency Software and Licensing Pricing

The Agency is committed to leveraging agreements with preferred software and licensing vendors. The successful Proposer will use the best pricing available from Agency and Agency Affiliate agreements and contracts where available for any and all 3rd party technology, software and/or hosting costs. Please refer to the Master Services Agreement, "Use of Third Party Content or Technology" section for more information.

## 12.4 Appendices

Important information is contained in the Appendices and should be carefully examined and completed, in accordance with the instructions in this RFP.  Unless otherwise hyperlinked herein, attachments may be downloaded from zip file on the Agency's web site entitled "Appendices."  The appendices are listed in the "Checklist" section of this RFP.

# EXHIBIT B

# NOTICE OF INTEREST

## PART I: PROPOSED VENDOR CONTACT INFORMATION

| | |
|---|---|
| • Name of Responsible Individual | • |
| • Company Name (if applicable) | • |
| • Address | • |
| • City, State, Zip Code | • |
| • Telephone # & Email Address | • |

## PART II: SUMMARY OF GOODS and/or SERVICES

**Indicate good(s) and/or service(s) on interest.**

| | |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

## PART III: DESCRIPTION OF BIDDER

**Mark an (X) for the best description of the Bidder.**

| | |
|---|---|
| | Not-for-profit organization |
| | For-profit business enterprise |
| | For-profit, certified minority-owned business enterprise |
| | For-profit, certified woman-owned business enterprise |
| | M/WBE status current |
| | M/WBE status pending |

## PART IV: MWBE COLLABORATIONS

- Is the Bidder willing to partner with a minority or women-owned business enterprise to complete the work required for this contract? (Check One.)

| | |
|---|---|
| • | • Yes |

| | |
|---|---|
| • | • No |
| • | • Maybe |