

Request for Proposals

for

Statewide Assessment of Fair Housing For New York State

(Pursuant to the Proposed Rule for Affirmatively
Furthering Fair Housing published by the
U.S. Department of Housing and Urban Development
in the Federal Register dated July 19, 2013)

May 30, 2014

Proposals Due Date: JUNE 26, 2014, 3:00 p.m., Eastern Daylight Time ("EDT")



Housing Trust Fund Corporation
38-40 State Street
Albany, NY 12207
www.nyshcr.org

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HOUSING TRUST FUND CORPORATION REQUEST FOR PROPOSALS

The Procurement Lobbying Law designated Contact Officer for this procurement is Ms. Karen Hunter.

I. INTRODUCTION

New York State Homes and Community Renewal (HCR) consists of all the major housing and community renewal agencies of the State of New York (State), including the Housing Trust Fund Corporation (“HTFC” or “Corporation”) and its Affiliates (Division of Housing and Community Renewal, New York State Housing Finance Agency, New York State Affordable Housing Corporation, State of New York Mortgage Agency, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation).

HTFC was established in 1985 under Section 45-a of the Private Housing Finance Law (PHFL), as a public benefit corporation. The mission of the Corporation, under the PHFL statute, was to create decent affordable housing for persons of low income by providing loans and grants for the rehabilitation of existing housing or the construction of new housing under the State’s Low-Income Housing Trust Fund Program. HTFC’s mission has been expanded since then by the addition of many State and federal programs to its portfolio, including the HOME Investment Partnerships Program, the Section 8 Project-based Contract Administration Program, and the Community Development Block Grant Program.

The PHFL statute conferred a number of powers on HTFC, including the authority to contract with the State’s Division of Housing and Community Renewal (DHCR) to administer the Corporation's activities. HTFC was also authorized, among other things, to create its own by-laws for the management of its affairs, make and execute its own contracts, engage the services of consultants for professional and technical services, and determine policies for the investment of its funds.

II. PURPOSE

HTFC is seeking proposals from qualified firms (“Proposers”) to prepare a statewide Assessment of Fair Housing (AFH) for the State of New York in accordance with the proposed Affirmatively Furthering Fair Housing (AFFH) rule published by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register at Volume 78, pages 43710-43743, on July 19, 2013 (hereinafter referred to as the “Proposed Rule”).¹

¹ Please click on the following link to view the Proposed Rule: <http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-16751.pdf>

This request for proposals (RFP) is issued, and the AFH will be undertaken, in furtherance of the State's obligation under federal law to affirmatively further fair housing.

New York is a HUD-entitlement state – entitled by statute to receive allocations by formula of federal program funds for Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). As a condition precedent to receiving these funds, New York must submit to HUD a five-years' Consolidated Plan for the implementation of these programs and use of these funds. The State's next Consolidated Plan for 2016 – 2020 is due to be submitted to HUD in November, 2015.

Previously, submission of an Analysis of Impediments to Fair Housing (A-I) was required as part of the Consolidated Plan. The Proposed Rule replaces the A-I with the AFH, and it requires the State to complete and submit its AFH to HUD two hundred seventy (270) days before submitting its next Consolidated Plan. It is HUD's intention that the AFH's findings and recommendations be used by the State and program participants in the process of preparing the Consolidated Plan so as to make housing and community development policy and planning decisions which affirmatively further fair housing.

Under the Proposed Rule, the State will be required to submit its AFH to HUD no later than April 5, 2015.

III. BACKGROUND

New York State has a statutory obligation to affirmatively further fair housing under the Fair Housing Act of 1968, which is Title VIII of the Civil Rights Act of 1968, and, as applicable, under the Housing and Community Development Act of 1974, the Cranston-Gonzalez National Affordable Housing Act, and the United States Housing Act of 1937.

In examining the legislative history of the Fair Housing Act and related statutes, courts have found that the mandate to affirmatively further fair housing requires that recipients of federal housing and community development funds do more than simply not discriminate. The mandate obligates them to take proactive steps to address segregation and other barriers to fair housing for those who are protected by the Fair Housing Act. The AFH is one proactive means by which the State can carry out its responsibility to affirmatively further fair housing.

The Proposed Rule is intended to further fair housing outcomes by directly linking assessments of fair housing issues, goals and strategies with housing and community development planning and resource allocation procedures. Studies by HUD, the U.S.

Government Accountability Office, and others have concluded that previous procedures such as the Analysis of Impediments to Fair Housing were not as effective as they could be in incorporating recent innovations in planning to promote the effective use of limited public resources to affirmatively further fair housing.

The Proposed Rule addresses these issues and strengthens the mechanisms for affirmatively furthering fair housing, but does not mandate specific outcomes for the planning process of entitlement communities and units of State and local government. Instead the Proposed Rule recognizes the importance of local input and participation in establishing basic parameters to guide public sector housing and community development planning and investment decisions to fulfill the obligation to affirmatively further fair housing.

IV. DIVERSITY REQUIREMENTS

HTFC is committed to awarding contracts to firms that are dedicated to diversity and provide high-quality services. The Corporation strongly encourages firms that are certified by New York State as minority- and/or women-owned business enterprise (“**MWBEs**”), as well as firms that are not yet certified, but have applied for certification, to submit responses to this RFP. All certified MWBE firms submitting proposals to this RFP should be registered as such with the New York State 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.

HTFC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“**MWBE Regulations**”) for all HTFC contracts, as defined therein, with a value in excess of \$25,000. The Corporation 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 LPagnozzi@nyshcr.org.

For purposes of this solicitation, HTFC hereby establishes an overall goal of 20% of total contract expenditures for MWBE participation, 10% for minority-owned business enterprises (“**MBEs**”) and 10% for women-owned business enterprises (“**WBEs**”).

V. KEY EVENTS/DATES:

Event	Date
Issuance of RFP	May 30, 2014, EDT
Deadline for RFP Questions	June 9, 2014, 12:00 pm, EDT
Deadline for Responses to RFP Questions	June 13, 2014, 5:00 pm, EDT
Proposal Submission Deadline	June 26, 2014, 3:00 pm, EDT
Anticipated Selection Date	July 15, 2014, 5:00 pm, EDT
Anticipated Date for Execution of Contract	August 1, 2014

HTFC reserves the right to modify this schedule at its discretion. HTFC reserves the right to conduct interviews with Proposers for purposes of expanding or clarifying responses. Notification of changes in connection with this RFP will be made available to all interested parties via the Corporation’s web page:

<http://www.nyshcr.org/AboutUs/Procurement/DHCRindex.htm> .

VI. SCOPE OF WORK

This scope of work is based on the Proposed Rule under the assumption that HUD will adopt the Final Rule in substantially the same form. If HUD does not adopt the Proposed Rule, under current regulations the State would be required to complete and submit to HUD an Analysis of Impediments to Fair Housing in 2015 as part of its next Consolidated Plan and the Proposed Rule’s scope for the Assessment of Fair Housing provides guidelines for the preparation of a superior Analysis of Impediments. HTFC reserves the right to require the successful Proposer to comply with any amendments to the Proposed Rule and any future instructions that HUD may issue, including the preparation of an Analysis of Impediments to Fair Housing under current regulations.

As specified in the Proposed Rule, the work of the successful Proposer in developing and preparing the statewide AFH shall include, at a minimum, the six tasks enumerated below.

1. IDENTIFICATION OF “FAIR HOUSING ISSUES” AND THE STATE’S CAPACITY TO ADDRESS THEM

- a. The successful Proposer will identify and summarize “fair housing issues”² in the State, including any findings or judgments related to fair housing or other civil

² As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “fair housing issue” means ongoing local or regional segregation or the need to support integrated communities; racial or ethnic concentrations of poverty; disparities in access to community assets; disproportionate

rights laws and assessment of compliance with existing fair housing laws, regulations, and guidance.

- b. The successful Proposer will assess the State’s “fair housing enforcement and fair housing outreach capacity.”³

2. ANALYSIS OF DATA

- a. The successful Proposer will analyze “fair housing data provided by HUD” together with any relevant local, regional or statewide information plus data and information gained through the procedures for community participation and consultation described in the Proposed Rule at 24 CFR §5.158, and prepare an analysis which:
 - (i) identifies “integration”⁴ and “segregation”⁵ patterns and trends across “protected classes”⁶ within the State;
 - (ii) identifies “racially or ethnically concentrated areas of poverty”⁷ within the State;

housing needs based on race, color, religion, sex, familial status, national origin, or handicap; and evidence of illegal discrimination or violations of existing civil rights law, regulations, or guidance, as well as any other condition that impedes or fails to advance fair housing choice.

³ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “fair housing enforcement and fair housing outreach capacity” means the ability of a jurisdiction, and organizations located in the jurisdiction, to accept complaints of violations of fair housing laws, investigate such complaints, obtain remedies, engage in fair housing testing, and educate community members about fair housing laws and rights and includes any state or local agency that enforces a law substantially equivalent to the Fair Housing Act (see 24 CFR part 115) and any organization participating in the Fair Housing Initiative Programs (see 24 CFR part 125).

⁴ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “integration” means, based on the most recent decennial Census and other data sources as determined by HUD to be statistically valid, that particular geographic areas within a jurisdiction do not contain high concentrations of persons of a particular race, color, religion, sex, familial status, national origin, or handicap when compared to the jurisdiction or Metropolitan Statistical Area as a whole. For individuals with disabilities, integration also means that such individuals are housed in the most integrated setting appropriate. The most integrated setting is one that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

⁵ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “segregation” means geographic areas, based on the most recent decennial Census and other data sources determined by HUD to be statistically valid, with high concentrations of persons of a particular race, color, religion, sex, familial status, national origin, or with a disability in a particular housing development, or a jurisdiction, compared to the jurisdiction or Metropolitan Statistical Area, as a whole resulting from fair housing determinants or other causes. For persons with disabilities, segregation includes the failure to provide housing in the most integrated setting possible.

⁶ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “protected class” means a class of persons who are protected from housing discrimination on the basis of race, color, religion, sex, familial status, national origin, or handicap under the Fair Housing Act.

⁷ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “racially or ethnically concentrated area of poverty” (RCAP or ECAP) means a geographic area based on the most recent decennial Census and other data sources as they are determined by HUD to be statistically valid, with significant concentrations of extreme poverty and minority populations.

- (iii) identifies whether “significant disparities in access to community assets”⁸ exist across “protected classes” within the State; and
 - (iv) identifies whether “disproportionate housing needs”⁹ exist across “protected classes” within the State.
- b. The successful Proposer will complement or refine its analysis using supplementary methodologies and sources that have been determined to be reliable indicators of fair housing issues and determinants, including, for example and without limitation: Home Mortgage Disclosure Act data; fair housing “testing” data; the New York-Connecticut Sustainable Communities Consortium’s 2014 Fair Housing Equity Assessment; the New York State Legislative Commission on Rural Resources’ *New York Land Use Tools: 2008 Survey of Land Use Planning and Regulations in New York State*; data and studies generated by, and administrative proceedings initiated by, the New York State Division of Human Rights; and judicial decisions by state and federal courts in New York pertaining to fair housing, land use and building regulations, and preferences for protected classes, community residents or other groups.

3. ASSESSMENT OF DETERMINANTS OF FAIR HOUSING ISSUES¹⁰

Using an assessment tool provided by HUD, the successful Proposer will identify the primary determinants influencing conditions identified in the preceding Analysis of Data with respect to:

- integration and segregation;
- concentrations of poverty;
- disparities in access to community assets; and
- disproportionate housing needs based on protected class.

⁸ As defined in the Proposed rule at 24 CFR Part 5 §5.152, the term “significant disparities in access to community assets” means measurable differences in access to educational, transportation, economic, and other important assets in a community based on housing unit location and race, color, religion, sex, familial status, national origin, or disability, based on the most recent decennial Census and other data sources determined by HUD to be statistically valid, program participant-provided supplemental or replacement data that has an empirical basis, or both.

⁹ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, “disproportionate housing needs” exist when the percentage of extremely low-income, low-income, moderate-income, and middle-income families in a category of housing need who are members of a protected class is at least 10 percent higher than the percentage of persons in the category as a whole. For this purpose, categories of housing need are cost burden and severe cost burden, overcrowding (especially for large families) and substandard housing conditions. The terms cost burden, severe cost burden, overcrowding, extremely low-income family, low-income family, moderate-income family, and middle-income family are defined in 24 CFR 91.5.

¹⁰ As defined in the Proposed Rule at 24 CFR Part 5 §5.152, the term “fair housing determinant” means a factor that creates, contributes to, or perpetuates one or more fair housing issues.

4. IDENTIFICATION OF FAIR HOUSING PRIORITIES AND GENERAL GOALS

- a. Consistent with the analysis and assessment conducted under Tasks (2) and (3) as described in this Section VI of the RFP, the successful Proposer will:
 - (i) identify and prioritize fair housing issues arising from the assessment and justify the chosen prioritization; and
 - (ii) identify the most significant fair housing determinants related to these priority issues and set and prioritize one or more goals for mitigating or addressing the determinants.¹¹
- b. The successful Proposer will not be required to detail strategies or funding recommendations that may be the subject of the Consolidated Plan or other relevant planning processes.

5. COMMUNITY & CITIZEN PARTICIPATION AND AGENCY CONSULTATIONS

- a. Using an “engagement list” provided by HTFC after the commencement of the awarded contract (which will include community, citizen, local government, and State agency participants as well as organizations that represent protected classes and organizations that enforce State fair housing laws or receive funding under the Fair Housing Initiative Program), the successful Proposer will actively engage in the State’s process for community and citizen participation adopted pursuant to the State’s Consolidated Plan by:
 - (i) organizing in-person, on-line, and/or telephonic conference meetings with community, citizen, local government, and agency participants;
 - (ii) making presentations at these meetings of its findings with respect to tasks (1) through (4) as described in this Section VI of the RFP;
 - (iii) facilitating these meetings to elicit public comments and broaden public input into the development of the AFH;
 - (iv) preparing a concise summary of the community participation process, public comments, and efforts made to broaden community participation, including a summary of the comments or views received in writing or orally at public hearings in preparing the final AFH, and a summary of any comments or views not accepted and the reasons why; and

¹¹ For example, the Proposer may identify fair housing strategies to: a) strengthen anti-discrimination investigation and enforcement, b) promote investment and revitalization in RCAP or ECAP areas, c) promote affordable housing in high-opportunity areas, d) ensure under-represented racial and ethnic minorities, low-income families and other protected groups have access to affordable housing in high-opportunity areas, e) stabilize housing opportunities for middle and moderate income families, and f) advance regional approaches to affordable housing.

- (v) taking reasonable steps to provide language assistance to ensure meaningful access to presentations, reports and discussions by non-English-speaking persons.
- b. The successful Proposer will also perform the preceding tasks numbered 5.a. (i) – (v) while actively engaging in the State’s process of consultations, as specified in the Proposed Rule at 24 CFR §91.110, with:
- (i) public and private agencies that provide assisted housing and/or administer public housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons), State and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws;
 - (ii) any state housing agency administering public housing (PHA) concerning consideration of public housing needs, fair housing issues in public housing and the Housing Choice Voucher programs, planned programs and activities, the AFH, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing;
 - (iii) state and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws, such as State fair housing enforcement agencies (including participants in the Fair Housing Assistance Program (FHAP)), fair housing organizations and other nonprofit organizations that receive funding under the Fair Housing Initiative Program (FHIP), and other public and private fair housing service agencies, to the extent such entities operate within the State; and
 - (iv) any organizations that have the capacity to engage with data informing the AFH and to be sufficiently independent and representative so as to provide meaningful feedback on the AFH, the Consolidated Plan, and their implementation (such as a Fair Housing Advisory Council, or similar group, that includes community members and advocates, fair housing experts, housing and community development industry participants, and other key stakeholders).
- c. In accordance with the requirements for citizen participation presented in the Proposed Rule at 24 CFR § 91.115, the successful Proposer shall meet the following deadlines:
- (i) No later than thirty (30) days after HUD makes the AFH-related data identified in the Proposed Rule at 24 CFR 5.154(c) available to HTFC, the

successful Proposer will review the data with HTFC to assure that the data are in a form that is ready for public distribution and will advise HTFC as to any other supplemental information the successful Proposer plans to incorporate into the AFH. Thereupon, HTFC shall make the AFH-related data and supplemental information available to the public, public agencies, and other interested parties;¹²

- (ii) On November 20, 2014, the successful Proposer will notify HTFC that it is prepared to make public presentation(s) of the proposed AFH at public hearing(s) to be convened by HTFC from December 4–19, 2014.¹³ Thereupon, HTFC will provide the public with a two week notice of such hearing(s) in accordance with the Proposed Rule at 24 CFR §91.115(b)(3)(i);
- (iii) On January 15, 2015, the successful Proposer will deliver to HTFC a draft of the proposed AFH which is suitable for publication and posting on the HCR website.¹⁴ Thereupon, HTFC will publish the draft of the proposed AFH and, thereby, initiate the 30-day period to receive comments from citizens and units of general local government in accordance with the Proposed Rule at 24 CFR §91.115 (b)(4); and
- (iv) On March 2, 2015, the successful Proposer will deliver to HTFC the final draft of the proposed AFH which will include an attachment with a summary of any comments or views of citizens, local governments and others received in writing, or orally at the public hearing(s), and a summary of any comments or views not accepted and the reasons why. Thereupon, HTFC will review the final draft of the proposed AFH and attachments with the successful Proposer to prepare it for submission to HUD on or before April 5, 2015.

6. RECORDKEEPING

1. In accordance with the Proposed Rule at 24 CFR §5.166, the successful Proposer will establish, maintain, and transfer to HTFC records sufficient to enable HUD

¹² Pursuant to its citizen participation plan, before the State adopts an AFH or Consolidated Plan, it is also required to make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the State expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income and the plans to minimize displacement of persons and to assist any persons displaced. Proposed Rule at 24 CFR §91.115 (b)(1)(ii).

¹³ At least one public hearing must be held before the proposed AFH is published for comment. Proposed Rule at 24 CFR §91.115 (b)(3).

¹⁴ Pursuant to its citizen participation plan, the State is required to publish the proposed AFH in a manner that affords citizens, units of general local governments, public agencies, and other interested parties a reasonable opportunity to examine the document's contents and to submit comments. The requirement for publishing may be met by publishing a summary of the AFH in one or more newspapers of general circulation, and by making copies of each document available at libraries, government offices, and public places. The summary must describe the contents and purpose of the AFH, and must include a list of the locations where copies of the entire proposed document may be examined. In addition, the State must provide a reasonable number of free copies of the plan and/or the assessment (as applicable) to citizens and groups that request it. Proposed Rule at 24 CFR §91.115 (b)(2).

to determine that the successful Proposer and the State have met the requirements of the Proposed Rule at 24 CFR Part 5 Subpart A, including at a minimum the following:

- (i) information and records relating to the AFH, including, but not limited to, statistical data, studies, and other diagnostic tools used by the successful Proposer and the State of New York and any policies, procedures, or other documents incorporated by reference into the AFH;
- (ii) records demonstrating the successful Proposer's and the State's compliance with the consultation and community participation requirements, including the names of organizations involved in the development of the AFH, summaries or transcripts of public meeting or hearings, public notices, and other correspondence, distribution lists, surveys, or interviews (as applicable);
- (iii) records demonstrating the actions the State has taken to affirmatively further fair housing, including activities carried out in furtherance of the assessment, the State's AFFH strategy, as well as actions the State has carried out to promote or support its AFH goals during the preceding five years;
- (iv) in the event there are findings by the courts or the United States Government that the State has violated any applicable nondiscrimination and equal opportunity requirements set forth in 24 CFR § 5.105(a) or any applicable civil rights-related program requirement, documentation related to the underlying judicial or administrative finding and affirmative measures that the State has taken in response;
- (v) documentation relating to the State's efforts to ensure that housing and community development activities (including those assisted under programs administered by HUD) are in compliance with applicable nondiscrimination and equal opportunity requirements set forth in 24 CFR § 5.105(a) and applicable civil rights related program requirements;
- (vi) records demonstrating that consortium members, units of general local government receiving allocations from the State, or units of general local government participating in an urban county have conducted their own or contributed to the State's assessment (as applicable) and documents demonstrating their actions to affirmatively further fair housing; and
- (vii) any other evidence relied upon by the successful Proposer and the State to support the State's affirmatively furthering fair housing certification.

VII. TERM OF CONTRACT

It is anticipated that the term of the engagement covered by this RFP will commence on or about August 1, 2014 and end on or about May 31, 2015. The scope of work, fees and other provisions covered by this RFP may be modified by HTFC during the term of the agreement, on an as needed basis, with the mutual written consent of both parties. In addition, HTFC, at its discretion, may exercise its option to extend the term of the engagement and revise any provision of the engagement, on an as needed basis, with the mutual written consent of both parties. Any contract that exceeds a five year period will require the affirmative concurrence of HTFC's Board to extend the contract without undergoing a new solicitation process.

The successful Proposer will be required to execute a contract with HTFC that incorporates HTFC's Appendix I [Standard Clauses for Contracts](#) and HTFC's Appendix II relating to requirements and procedures for [Participation by Minority Group Members and Women](#). These appendices are hyperlinked hereto.

VIII. QUESTIONS FROM PROPOSERS AND UPDATES TO THE RFP

Proposers may submit their questions regarding the RFP by email to LPagnozzi@nyshcr.org no later than the deadline for questions set forth in the "KEY EVENTS/DATES" section of this RFP. The "Subject" line of the email should indicate "2014 AFH RFP Questions."

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

Answers to all substantive questions will be posted in a timely manner on the [HCR website "Procurement Opportunities" page](#). Questions submitted after the deadline will not receive a response.

The timeline and target dates for this RFP are subject to change. Proposers should check the [HCR website "Procurement Opportunities" page](#) for updates to the RFP timeline and other important information.

An electronic version of this RFP will be posted on the HCR website in addition to any subsequent changes, additions or deletions to the RFP. Proposers are encouraged to check the HCR website frequently for notices of any clarifications, changes, additions, or deletions to the RFP.

IX. PERMISSIBLE CONTACTS

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this RFP imposes certain restrictions on communications between HTFC, including its Affiliates, 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 to perform the proposed professional services, from the date of publication of this RFP until the awarding of a contract(s) by HTFC (the “Restricted Period”), with 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 HTFC, 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 more information, please refer to the following website:

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm> .

For all Lobbying Law Contacts, please contact:

Karen Hunter, Treasurer
New York State Homes & Community Renewal
Housing Trust Fund Corporation
38-40 State Street
Albany, NY 12207
KHunter@nyshcr.org

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

Lisa G. Pagnozzi, Contract Administrator
New York State Homes & Community Renewal
Housing Trust Fund Corporation
641 Lexington Avenue, 4th Floor
New York, NY 10022
(212) 872-0364
LPagnozzi@nyshcr.org

Other than the two contact persons identified above, prospective Proposers shall not approach HTFC 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.

X. PARTICIPATION OF MWBEs AND EQUAL EMPLOYMENT OPPORTUNITIES

HTFC values affording minority and women-owned business enterprises (MWBEs) the opportunity to participate in the performance of the contract to be awarded for this project. Accordingly, any contract awarded under this RFP will promote, and assist in, the participation of certified MWBEs as outlined in and in accordance with HTFC's Appendix II relating to requirements and procedures for [Participation by Minority Group Members and Women](#).

New York State Law

Pursuant to [New York State Executive Law Article 15-A](#) ("Article 15-A"), HTFC recognizes its obligation to promote opportunities for maximum feasible participation of certified MWBEs, and the employment of minority group members and women in the performance of HTFC contracts. HTFC encourages firms that are MWBE certified to submit proposals in response to this RFP.

In 2006, the State 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 MWBE program. The recommendations from the Disparity Study culminated in the enactment and the implementation of Article 15-A, which requires, among other things, that HTFC establish goals for maximum feasible participation of State-certified MWBEs and the employment of minority group members and women in the performance of HTFC contracts.

Business Participation Opportunities for MWBEs

HTFC is committed to achieving significant MWBE participation in its contracts and will use good faith efforts to ensure qualified MWBE firms are included in the selection of a firm to participate in the scope of work under this RFP.

Firms responding to this RFP that are not MWBEs are strongly encouraged to consider partnerships or other joint venture arrangements with certified MWBE firms to provide MWBE firms the opportunity to participate in the provision of services performed under the contract(s) to be awarded to the successful Proposer.

Note that under Article 15-A, Proposers must document [good faith efforts](#) to provide meaningful participation by MWBE firms. Willful and/or intentional violation of this obligation may result in the imposition of liquidated damages or other appropriate

sanctions, including, without limitation, suspension of any future contracts with HTFC and monetary payments based on the MWBE goal shortfall.

The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/MWBE.html>.

XI. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

HTFC 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 Section VI of 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 HTFC procurement are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the HTFC 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 HTFC 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. HTFC 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.

XII. SUBMISSION OF PROPOSALS

Only complete proposals prepared in a format consistent with the instructions provided in this RFP will be considered and evaluated. In all instances, HTFC's determination regarding a proposal will be final. Proposals not organized in the manner prescribed in this RFP may be considered non-responsive at HTFC'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.

Submission Instructions

1. Proposals must be delivered by email in two parts no later than: 3:00 pm (EDT) on June 26, 2014.
2. Proposals must be submitted by email to: Proposal@nyshcr.org in searchable Portable Document Format (PDF) compatible with Adobe Reader XI, version 11.0.4. HTFC will not accept discs, flash drives or FTP file references that require HTFC to download information from the Proposer's, or 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. This is the only acceptable form of delivery.
3. Proposals must be labeled as follows:
 - (i) **Part One** is the **Cover Letter** and the **Proposal Narrative** (Tabs 1-4) section of this proposal and the subject line of the email for this section must be labeled: "2014 Assessment of Fair Housing RFP: Part 1 - Proposal Narrative".
 - (ii) **Part Two** is the **Budget Proposal and Required Documentation** (Tabs 5-6) section of the proposal and the subject line of the email for this section must be labeled: "2014 Assessment of Fair Housing RFP: Part 2 - Budget Requirements".
4. Any proposal delivered after 3:00 pm (EDT) on June 26, 2014 will not be opened. Delivery delays shall not excuse late proposal submissions. The Proposer is responsible to ensure that emails and attachments are delivered on time in a legible format. Complete proposals, including all multiple parts, must be received by the deadline in order for a proposal to be considered submitted on time. Those submitting a proposal assume all risks associated with delivery. The determination of whether any proposal was received on time is at the sole discretion of HTFC.

All submitted proposals shall become the property of HTFC.

XIII. CONTENT OF PROPOSALS

Proposals should demonstrate that the Proposer is qualified to perform the Scope of Work based on prior relevant professional experience, proposed work plan, methodology, timeline, staffing plan, MWBE participation, and budget. An HTFC Review Committee will conduct a comprehensive review of each proposal to determine which Proposer will provide the “best value” by optimizing quality, cost, and efficiency.

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 Cover Letter and Proposal Narrative must not exceed 22 letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The 22 page limit does not include resumes, references and other attachments required in Tab 4 and the Appendices.

PART ONE: Cover Letter and Proposal Narrative [Tabs 1-4]

A. Cover Letter (not to exceed 2 pages)

The Proposer’s cover letter should include:

1. A summary of the Proposer’s organizational history and legal structure (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, MWBE, etc.);
2. A summary of the Proposer’s qualifications;
3. The Proposer’s name, address, telephone number, fax number, email address and web site address, if applicable;
4. The name, title, telephone number, fax number and email address of the individual within the Proposer’s organization who will be HTFC’s primary contact concerning the proposal;
5. The names of the primary staff personnel who will provide services to HTFC;
6. The contact name, telephone number, fax number and email address for the firm(s), if any, with which the Proposer intends to partner in undertaking this project; and
7. Certifications 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.

B. Proposal Narrative [Tabs 1-4] (TABS 1-3 not to exceed 20 pages) (TAB 4 EXEMPT FROM PAGE LIMITS)

Tabs 1 – 4 represent the Proposal Narrative. Proposers must provide the information in the same order in which it is requested. Responses in Tabs 1-3 together must be limited to **twenty (20)** pages. The contents in Tabs 1-4 should be marked as “Tab 1,” “Tab 2,” “Tab 3,” and “Tab 4,” respectively. Each Tab should address the items as listed below.

TAB 1: Proposer’s Experience [included in 20 page limit]

Proposers must demonstrate they have experience and capacity to perform the Scope of Work described in Section VI of this RFP. This demonstration must include, at a minimum, experience, expertise, and capacity in at least one of the five areas numbered (1) to (5) and all three areas numbered (6) to (8):

Minimum Qualifications

1. Preparation, implementation and/or evaluation of HUD Consolidated Plans, Analysis of Impediments, Assessment of Fair Housing, Fair Housing and Equity Assessment or the equivalent.
2. Analysis of fair housing issues and adjudications arising under the Constitutions, statutes and regulations of the federal government or the State of New York.
3. Analysis of the effects of state and local land use planning procedures and environmental, zoning and building regulations on fair housing issues.
4. Analysis, evaluation and/or adjudication of fair housing issues arising from the allocation and/or distribution of federal, state, or local tax-credits, subsidies, vouchers and/or other assistance for the provision of affordable housing.
5. Implementation, participation, or evaluation of fair housing “testing” programs.
6. Compilation, analysis and presentation of quantitative and qualitative data.
7. Writing comprehensive, detailed reports that present and synthesize data and information from multiple sources and identify issues and options for public policy makers.
8. Implementation of/or participation in a public engagement strategy.

In addition to meeting the above-mentioned experience and qualifications, the Proposer must provide:

1. A descriptive summary indicating the number of such engagements that the Proposer has been involved in, either as the lead firm or in a supporting role. Include in this summary an explanation of how at least three of these experiences are relevant or complementary to the scope of work described in this RFP.
2. A minimum of three references for the Proposer and at least two for any subcontractors or partners. 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.

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

Tab 2: Detailed Work Plan, Methodology, Timeline and MWBE Plan for Accomplishing the Scope of Work [included in 20 page limit]

A Proposer must submit a work plan that establishes goals, sets target dates, and identifies its intended methodology for performing the AFH scope of work. The plan must provide a detailed description of the Proposer's intended means, methods, and timeline for accomplishing each of the six tasks required by the AFH scope of work as well as any component sub-tasks that the Proposer may identify. The description should indicate the Proposer's previous experience in using these means and methods as well as its reasons for employing them in this project. The plan should identify any "best practices" the Proposer will use to assure the timely completion of the work plan. Finally, the plan should indicate the extent to which the scope of work and any of its component sub-tasks will be performed within the State of New York and will utilize minority and women-owned business enterprises.

The timeline should identify the earliest date upon which the Proposer can commence its work subsequent to its receipt of an executed contract.

The timeline should be as precise as possible in establishing dates for the completion of each of the six tasks as well as any component sub-tasks identified by the Proposer.

Tab 3: Detailed Staffing Plan Required to Accomplish the AFH Scope of Work (Capacity and Readiness) [included in 20 page limit]

A Proposer must submit a staffing plan that includes the name and position description of each employee at the firm who will serve in key roles in managing and completing the AFH scope of work, including those who will work on each of its six tasks (*i.e.*, the identification of fair housing issues and the evaluation of the State's capacity to address them; the analysis of quantitative and qualitative data; the assessment of determinants of fair housing issues; the identification of fair housing priorities and general goals; the public engagement process; and recordkeeping). This material must also include the names of any consultants, joint venture parties, subcontractors and minority and women-owned business enterprises required to complete the scope of work outlined in Section VI of this RFP. This information must be provided in addition to, not in lieu of, the Staffing Plan and MWBE Utilization Form required in Part Two, Tab 6. Proposers must provide and identify:

1. The professional qualifications and experience for each key employee and a brief description of the employee's experience and how it will be relevant to completing the scope of work.
2. A description and a tally of positions that will be needed to complete the scope of work broken down by the number of positions required for each of the six tasks (and any component sub-tasks).
3. The person(s) at the firm who will have primary responsibility for managing the project if the firm is awarded the contract. This should include each person's professional qualifications and experience and additional information describing his/her track record and capacity in adjusting to unanticipated occurrences in the course of managing comparable projects.
4. The technology, policies and procedures, and any other organizational attribute that the Proposer will employ to undertake the scope of work described in this RFP and whether such items are already in place.

Tab 4: Background Information [not included in 20 page limit]

1. A description of the services offered by the Proposer together with other relevant information about the Proposer, including: (i) the number of employees; (ii) the locations of all offices; (iii) the office where the work for this contract will be managed; (iv) Proposer's brochures; (v) Proposer's organizational charts; (vi) Proposer's licenses; (vii) evidence of doing business, or the capacity to perform the scope of work, in New York; and (viii) a description of any significant changes to the management structure and/or operational dynamics of the Proposer's organization, including any mergers that occurred in the last three (3) years or are expected in the near future or any subcontracting and/or partnering relationships with any other entity.

2. Resumes and contact information for the Proposer's employees primarily responsible for performing the work under this contract, including resumes of subcontractors.
3. If a Proposer will be subcontracting and/or partnering with an entity for any portion of the work described in the scope of work of this RFP, provide resumes and a summary of the relevant qualifications, experience and a detailed explanation for the subcontractor, the partner, and/or the staff of each entity. Attach any contracts, agreements, or letters of intent that have been entered into with such firms that are relevant to the Proposal.

PART TWO – Budget Proposal and Required Documentation [Tabs 5-6]

Part Two is comprised of the Budget Proposal and the Required Documentation for this RFP. Proposers must provide the information in the same order in which it is requested, label responses in Tabs 5-6 as "Tab 5" and "Tab 6", respectively, and address the items listed below:

A. Tab 5: Budget Requirements - Total Project Cost and a Detailed Total Budget for Each of the Six Tasks Required in the AFH Scope of Work

A Proposer must submit its proposed total **not-to-exceed** cost required to complete the full scope of work for the AFH together with (i) a subtotal not-to-exceed cost for each of the six components of the scope of work and (ii) a detailed cost budget for each of the six components and any sub-components. The detailed budgets should include hourly rates for all persons involved, estimates of the number of hours to be worked by each person, and estimates of reimbursable expenses for other than personal services (OTPS) expenses (travel, printing, mailing, teleconferencing, etc.). Finally, the budget should estimate the amount and percentage of the budgeted funds (i) which will be spent within the State of New York and (ii) which will be allocated to minority and women-owned business enterprises. A Proposer's budget should reflect the fact that ten percent (10%) of the total fee due under the contract will be retained until fifteen (15) days after the AFH is accepted or deemed accepted by HUD in accordance with the Proposed Rule at 24 CFR Part 5 §5.162.

Because work performed under this contract will be billed on a specified deliverable basis, the budget should propose certain points of task-completion as deliverables which will trigger the submission of invoices for the payment of agreed-upon installments of the total fee due under the contract.

B. Tab 6: Required Forms and Information

Proposers must fully complete and submit the documentation described in HTFC's [Standard Clauses and Requirements for Solicitations](#) and HTFC's [Contractor Solicitation Requirements and Procedures for Business Participation Opportunities for NYS Certified MWBEs and Equal Employment Opportunities for Minority Group Members and Women](#), both documents hyperlinked as Exhibits A and B, respectively. Such requirements include, but are not limited to, submission of the following information and forms of HTFC: (a) [Lobbying Procurement Law FORM 1](#) and [Lobbying Procurement Law FORM 2](#); (b) [Non-Collusive Bidding Certification FORM](#) ; (c) [Contractor and Vendor Information FORM](#) ; (d) [EEO Staffing Plan](#); (e) [MWBE Utilization Form](#); (f) [MWBE/EEO Policy Statement form](#); (g) [Company Demographic Profile](#); (h) [EEOC Statement](#), applicable to Proposers with 15 or more employees; and (i) [Vendor Questionnaire, For Profit](#) or [Vendor Questionnaire, Not For Profit](#) .

Proposers must also submit the following information:

1. 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 New York State Department of Economic Development, including the filing date.
2. 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.
3. A statement by the Proposer indicating its willingness, if any, 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.
4. Certificate of Insurance evidencing the Proposer's General Liability and Errors and Omissions insurance coverage. Minimum acceptable limits for HTFC are **\$1,000,000** per occurrence for General Liability and **\$1,000,000** per occurrence for Errors and Omissions.
5. Proposer's most recent two years of audited financial statement or federal tax returns.
6. A statement indicating whether performing services for HTFC would create any potential conflict of interest, or appearance of impropriety, relating to

other clients/customers of the Proposer or former officers and employees of HTFC. Indicate what procedures will be followed to detect, notify HTFC of, and resolve any such conflicts.

7. A statement by the Proposer disclosing in the affirmative or in the negative whether its entity, or any of its members discussed in the preceding paragraph numbered 6, or its intended partner or any of its intended partner's employees, has been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Ethics (JCOPE) or its predecessor State entities (collectively, "Commission"), and if so, a statement briefly describing how any matter before the Commission was resolved or whether it remains unresolved.

XIV. EVALUATION, SELECTION, AND NOTIFICATION

A. Evaluation Process

As stated above, proposals should demonstrate that the Proposer is qualified to perform the scope of work based on prior relevant professional experience, proposed work plan, methodology, timeline, staffing plan, MWBE participation, and budget.

The evaluation of proposals will be based on the "Best Value" concept. The proposal which "optimizes quality, cost and efficiency" among the responsive and responsible Proposers will be selected for award.

Proposers must complete and submit all forms, information and other documentation listed in this RFP as part of their proposal. HTFC may deem a proposal non-responsive and disqualify a Proposer, if any of the required forms, information or other documentation is missing or incomplete. HTFC reserves the right, in its sole judgment, to disregard any apparent errors in a proposal that it deems insignificant, to accept or reject any or all proposals, or to cancel this solicitation and reissue it or another version of it, if HTFC deems that doing so is in the best interest of the citizens of the State of New York.

Upon review of submitted proposals, HTFC may, at its discretion, forward to Proposers written questions and requests for clarification relating to their proposal. Proposers will be provided a reasonable period of time in which to submit written responses to HTFC's requests for clarification.

HTFC reserves the right to conduct interviews with Proposers for purposes of expanding or clarifying responses.

HTFC, at its sole discretion, will determine which proposal best satisfies its requirements for the AFH. HTFC reserves all rights with respect to the award of a contract for this AFH project. HTFC reserves the right to select a proposal that, in its

sole judgment, is consistent with and responsive to the goals of HUD's Proposed Rule for the AFH, irrespective of whether it is the apparent lowest cost proposal. Furthermore, the determination of such selection will be made by HTFC to be in the best interest of the citizens of the State of New York.

All proposals deemed to be responsive to the requirements of this RFP will be evaluated to determine that the Proposer is a responsible entity and meets minimum qualifications, and scored on MWBE participation, technical qualities and cost. Proposals failing to meet the minimum qualifications or other requirements of this RFP may be eliminated from consideration. The evaluation process will include separate minimum, technical and cost evaluations and will be scored based upon the following criteria.

1. **Proposer's Responsibility and Minimum Qualifications**

As a threshold, the Proposer must be determined to be a responsible entity based upon factors including, but not limited to, its financial and organizational capacity, legal authority to do business in the State, and past performance. In addition, the Proposer must meet the Minimum Qualifications indicated in Section XIII, Tab 1 of this RFP.

2. **Minority and Women-Owned Business Enterprises (15 points)**

Scored to the degree of meaningful MWBE participation in the Proposer's proposal. Proposals with an MWBE share of the total budget cost exceeding 20% will be scored more favorably.

3. **Technical Evaluation (60 points)**

- (i) **Experience (20 points)**: Scored on the Proposer's documentation of successful experience in undertaking projects comparable in size, scope and complexity to the AFH scope of work described in this RFP. Proposers who demonstrate experience which is specifically related to the scope of work described in this RFP will be evaluated more favorably.
- (ii) **Methodology (25 points)**: Scored on the Proposer's presentation of a clear, cogent and concise work plan and timeline for accomplishing, in a timely manner, the scope of work described in this RFP. Also scored to the degree the Proposer proposes innovative methods for accomplishing the scope of work, including but not limited to, innovative data analysis and inclusive public engagement plans.
- (iii) **Staffing Plan, Capacity, and Readiness (15 points)**: Scored to the degree the Proposer has documented that the necessary qualified staff, technology,

policies and procedures and organizational capacity are in place to undertake the scope of work described in this RFP. Proposers who document an ability to begin work in a short time span on the scope of work described in this RFP will be evaluated more favorably.

4. Cost Evaluation – Proposed Cost Structure & Billing Schedule (25 points)

Scored to the degree that the cost structure and billing schedule for the services to be provided by the Proposer (i) are deemed relevant and inclusive of the activities described in the scope of work of this RFP, (ii) are reasonable in relation to industry standards, (iii) are competitive with the costs structures and billing schedule of other Proposers, and (iv) include cost saving methods.

B. Selection and Notification Process

The selected Proposer will be issued a Letter of Intent to Contract, via U.S. mail or email. Proposers who are not selected will be notified of HTFC's determination via U.S. mail or email.

If HTFC is unsuccessful in negotiating and entering into a contract with the selected Proposer, HTFC may then invite the next highest rated, qualified Proposer to enter into negotiations for the purposes of executing a contract.

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