ANDREW M. CUOMO
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COMMISSIONER

Request for Proposals

2014 Grandparent Housing Study
(also known as Grandparent Study)

Issued: September 3, 2014

RFP # 09032014

Proposals Due Date: ~~September~~ October ~~26~~2, **2014, 3:00 p.m.**, EDT (Revised)

NEW YORK STATE
Homes & Community Renewal

Division of Housing and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
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DIVISION OF HOUSING AND COMMUNITY RENEWAL
REQUEST FOR PROPOSALS

The Procurement Lobbying Law designated Contact Officer for this procurement is:

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I. INTRODUCTION

New York State Homes and Community Renewal ("HCR") consists of seven major housing and community renewal agencies of the State of New York ("State"), including the Division of Housing and Community Renewal ("DHCR" or "Agency") and the New York State Housing Finance Agency, New York State Affordable Housing Corporation ("AHC"), State of New York Mortgage Agency ("SONYMA"), State of New York Municipal Bond Bank Agency, Tobacco Settlement Financing Corporation, and the Housing Trust Fund Corporation (collectively, "Affiliates" of DHCR), working under the leadership of Governor Andrew M. Cuomo and Commissioner/CEO Darryl C. Towns.

DHCR fosters the creation and preservation of high quality affordable housing and strategically revitalizes neighborhoods and communities throughout the State by integrating and leveraging the State's housing resources. The Agency's mission is far reaching, encompassing single and multi-family housing finance, home improvement, rent regulation, housing subsidies, and community development. The Agency's four offices located in New York City, Albany, Buffalo and Syracuse, provide funding for developers, lenders, local governments, and not-for-profit service providers who are committed to empowering low and moderate-income families.

Visit HCR's website at www.nyshcr.org for more information about DHCR and its Affiliates.

II. PURPOSE

DHCR is seeking proposals from qualified individuals or entities to conduct a study ("Study") on housing in relation to grandparent and elderly relative caregivers of children under the age of 18 and to compile a final report containing findings and recommendations. The final report will be submitted to the Governor, the Speaker,

the Minority Leader of the Assembly, the Temporary Majority Leader of the Senate, and the Minority Leader of the Senate by March 31, 2015.

This Request for Proposals ("RFP") is being issued in five separate sections, each with a not to exceed budget~~.~~ that includes specific deadlines for submission of the initial draft and the final draft to DHCR. Proposers may include, but are not limited to: individual scholars, professors, and practitioners (e.g., demography, social work, program evaluation); public finance advisory service; university-based or independent research and/or policy institute; industry-related research and/or policy organization; national or local intermediary in affordable housing, supportive housing, and/or community development; community-based housing and community development organization or coalition; statewide, local or community-based kinship care organization or network; coalition or association engaged in supportive services and/or affordable housing; affordable housing and community development consulting firm; affordable housing developer and/or financing provider; supportive services provider; not-for-profit organization; for-profit business enterprise; for-profit, certified minority- and/or women-owned business enterprise ("MWBE"); for-profit, minority- or women-owned business enterprise, certification pending. Please note that MWBEs must be certified prior to DHCR making an award of contract.

Proposers may bid on one, some, or all five sections:

Section 1: Quantitative analysis and mapping of Census and ACS data related to grandfamilies

Section 2: Quantitative analysis of affordability of housing costs and fair market rents

Section 3: Qualitative research of housing needs of grandfamilies via literature reviews, interviews, and focus groups

Section 4: Prevalent and best practices in existing multi-family developments for grandfamilies via interviews and analysis of development financing and annual operating statements

Section 5: Identification of policy, taxation, and financing models for providing grandfamily housing using (i) unit set-asides in existing projects (ii) developing new multi-family housing (iii) renovating renter- and owner-occupied single-family homes and (iv) allocating vouchers for use in the private sector

III. BACKGROUND

In 2014, the New York State Legislature ("Legislature") tasked DHCR with the responsibility -- in consultation with the New York State Office of Children and Family Services ("OCFS"), the New York State Office of Temporary and Disability Assistance ("OTDA"), and the New York State Office for the Aging ("SOFA") – "to execute a study on housing in relation to families with grandparent and elderly

relative caregivers of children under the age of 18" and to report the study's findings back to the legislature by March 31, 2015.[1] The Legislature noted:

> "According to the 2010 United States Census, in New York State, 310,876 children under the age of 18 live in homes headed by grandparent care-givers and 71,997 children under the age of 18 live in homes headed by a caregiver who is an elderly relative. Many of these caregivers are forced to return to the workforce, cut into retirement savings, or seek additional employment in order to provide for these children. In addition to unexpected expenses and drastic situation changes, many caregivers find their housing security complicated or jeopardized by the need to care for young children. Often, housing that may have been appropriate for a single-, low- or fixed-income grandparent or senior is neither accepting of, nor suitable or appropriate, for young children. In order to respond to the various housing needs of grandparent and elderly relative caregivers, the legislature must evaluate and understand the circumstances, scope, and scale of the issue."

The Legislature outlined a rough scope of work for the study, to wit: compile and map statistical data … identify issues and housing challenges … identify economic costs and consequences … identify needs for supportive social services … identify policy, taxation and financing models, and … identify available and new program and funding resources to provide more units of affordable housing for these families.

Framing the big picture of the "grandfamilies" phenomenon in the State enables DHCR to amplify the scope of work in the sections below.

In one-third of the State's 416,880 "co-resident households" – the Census Bureau's term for households where grandparents co-reside with their grandchildren younger than 18 -- grandparents are responsible for the basic needs of these children (hereafter referred to as "responsible grandparents"). [2]

<u>That's 131,660 families across the State where grandparents are responsible for the care of their own grandchildren under 18 (hereafter referred to as "grandfamilies"). And, in 33,300 (25%) of these 131,660 grandfamilies,</u>

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[1] In 2005, the nation's second affordable housing complex developed with 50 units exclusively for grandfamilies opened in the Bronx, NY. HCR provided federal tax-credits and financial support from the State's Housing Trust Fund Corporation. Currently, a new affordable development with 19 of its 52 units earmarked for grandfamilies is under construction in Queens with federal tax credits and bond financing provided by DHCR.

[2] All data are from the American Community Survey 2012 5-year sample. The Census provides data only for "grandparents who are co-residents with their grandchildren younger than 18." It does not provide data for other "elderly relatives" who are care-givers. See T. Simmons and J. L. Dye, "Grandparents Living With Grandchildren: 2000," *Census 2000 Brief October 2003.*

grandparents are doing so on their own without the children's parents being present in the residence.[3]

In addition, we estimate that, statewide, there are 30,500 households headed by other elderly relatives who are taking care of children under 18.[4] Based on the proportions in grandfamilies, we assume that in 7,600 (25%) of these 30,500 households, the elderly relatives are doing so on their own without the presence of the children's parents.

Accordingly, adding these estimates, 162,160 is the total estimated statewide number of households where grandparents and other elderly relatives are taking care of children under 18. And, 40,900 is the total estimated statewide number where grandparents and other elderly relatives are doing it on their own without a parent being present.

The numbers and percentages presented in the next six paragraphs are specific to data for families headed by a grandparent. They do not include households headed by other elderly relative care-givers.

The incidence of grandfamilies is widespread across the State.[5] In New York City, there are 69,300 grandfamilies. In Yonkers, there are 1,320. Elsewhere in the State, there are 62,360. On a percentage basis, the incidence of grandfamilies is highest in upstate New York rural areas as well as in the principal cities and surrounding communities of upstate micropolitan areas. For example, 53.5% of co-resident grandparents in the Olean micropolitan area are responsible for grandchildren who are under 18 years old compared to 32% in New York City and 37% in Yonkers.

"Responsible grandparents" is not necessarily synonymous with "older New Yorkers." Statewide, 60% of all grandparents caring for grandchildren are between 30 to 59 years old. The other 40% are 60 years old or older.

Statewide, $28,770 is the median family income in the 33,300 grandfamilies where parents are absent. The median family income in the 98,360 grandfamilies where a parent is present is $48,800.

Statewide, 71% of the responsible grandparents who are between 30-to-59 years old are in the labor force, compared to only 32% of those who are 60 years old and older. Overall, therefore, 56% of responsible grandparents are in the labor force.[6]

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[3] Accordingly, 75% of the 131,660 grandfamilies are three-generation households.

[4] Census 2010 indicates 310,876 children under 18 living in homes headed by a grandparent care-giver. ACS2012 data estimate 131,660 families where grandparents are responsible for their grandchildren. Division of the number of children by the number of families yields an average of 2.4 grandchildren per grandparent-headed family. Census 2010 indicates 71,997 children under 18 living in homes headed by an elderly relative care-giver. Dividing the number of children by the 2.4 average will yield 30,500 as the estimated number of households headed by an elderly relative care-giver.

[5] Nonetheless, New York's statewide percentage of grandfamilies – 32% of co-resident households – is the ninth lowest among the 50 states and District of Columbia.

[6] By comparison, statewide, only 39% of grandparents who are not responsible for their grandchildren are in the labor force.

Statewide, 51% of responsible grandparents live in owner-occupied housing. Outside of New York City and Westchester, 71% of responsible grandparents live in owner-occupied housing. Among those living outside of New York City and Westchester, 82% of those who are 60 years old or older and 66% of those who are between 30-to-59 years old are owners.

Statewide, 46% of responsible grandparents live in buildings with a single housing unit, 51% live in buildings with two or more units, and 3% live in mobile homes and other structures.[7] Outside of New York City and Westchester, 74% of responsible grandparents live in a building with only one housing unit.

IV. DIVERSITY REQUIREMENTS

DHCR is committed to awarding contracts to firms and/or individuals that are dedicated to diversity and high-quality services at competitive rates. The Agency strongly encourages firms and/or individuals that are certified by the State as MWBEs, as well as firms and/or individuals that are not yet certified, but have applied for certification, to submit responses to this RFP. All certified MWBEs submitting proposals to this RFP should be registered with the New York State Department of Economic Development. MWBEs that are not certified, but have applied for certification, must provide evidence of filing, including the filing date. MWBEs must be certified prior to the Agency making an award of contract.

DHCR 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 DHCR contracts, as defined therein, with a value in excess of $25,000. The Agency strongly encourages joint ventures of MWBEs with majority firms and MWBEs with other MWBEs. For assistance identifying MWBE partners, contact Ms. Felicia Green, Contract Specialist, at Felicia.Green@nyshcr.org .

For purposes of this solicitation, DHCR hereby establishes an overall goal of 5% of total contract expenditures for MWBE participation, 3% for minority-owned business enterprises ("MBEs") and 2% for women-owned business enterprises ("WBEs").

[7] **The Census uses the term "mobile homes."**

V. KEY EVENTS & DATES

Event	Date
Issuance of RFP	September 3, 2014, EDT
~~**Proposers' Conference:**~~ ~~641 Lexington Avenue, New York, NY~~ ~~and~~ ~~Hampton Plaza, 38-40 State Street~~ ~~Albany, NY~~	~~TBD at 10:00 a.m.~~
Deadline for RFP Questions	September ~~10~~22, 2014, 3:00 pm, EDT
Expected Responses to RFP Questions	September ~~15~~24, 2014
Proposal Submission Deadline	~~September~~ October ~~26~~2, 2014, 3:00 pm, EDT
Anticipated Date for Execution of Contract	~~TBD~~On or about November 17, 2014

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

VI. INTENT TO BID

Proposers are requested to indicate their Intent to Bid by completing Part I, II, III, and IV of the Intent to Bid form in Exhibit L and submitting the form via email to: Felicia Green at ipurchase@nyshcr.org with the subject line: **Intent to Bid – Grandparents RFP – <Proposer Name>.**

Please submit the form prior to the Bid Submission Deadline.

Note: The Intent to Bid is discretionary, not mandatory, and as such is not binding in any way. However, it is highly recommended. Proposers who submit ~~an~~the Intent to Bid form will be notified when information on this solicitation is released or updated.

VII. SCOPE OF WORK

The study of housing in relation to families with grandparent and elderly relative caregivers of children under 18 years of age ("Study") will be comprised of five chapters plus appendices, which will be bid as five (5) separate sections that correspond with the Study's chapters. Because the skill-sets and experience required to complete the work in sections (1), (2), and (3) are very different from each other and from those in (4) and (5), Proposers may bid on one, some, or all

sections of the scope of work. This procedure is intended to attract proposals from a broad range of experienced professionals, practitioners and researchers, be they individuals, universities, not-for-profit organizations, or for-profit enterprises. They might include, for example: intermediaries, university research institutes, public finance advisory services, or CBDOs and CHDOs who are experienced in researching and evaluating development proposals, in designing housing and community programs, and in developing, financing and managing housing projects. Or, they might be professors or practitioners experienced in Census and demographic research, gerontological social work, kinship care programs and networks, or supportive services providers. Proposers may put together a team which includes the skills and experience to complete all five sections; however, a Proposer who bids on all five sections will not be given preference simply by virtue of having done so. Each section of a five-section proposal will be evaluated separately against other submissions for that section.

The work on all sections is anticipated to be undertaken concurrently since ~~the start-up of one~~each section is not dependent upon the completion of another section. DHCR has designated a specific not-to-exceed budget and ~~a~~ specific ~~deadline~~deadlines for ~~completion~~the Submission of the Initial Draft Report, the Submission of the Final Draft Report, and Compilation of the Final Reports for ~~each section.~~ the Study. If more than one successful Proposer (individually and collectively, if more than one, "Contractor~~")~~" is retained~~,~~), DHCR will convene bi-weekly workflow meetings in person and/or via video- or teleconference, whichever is most convenient to facilitate coordination and sharing of information, findings and recommendations as the work progresses. The successful Proposer will attend these meetings throughout the life of the Study~~.~~ which will terminate upon submission of the Final Report to the Legislature by DHCR.

The five (5) sections of the Study include:

Section 1: Quantitative analysis and mapping of Census and ACS data related to grandfamilies

Section 2: Quantitative analysis of affordability of housing costs and fair market rents

Section 3: Qualitative research of housing needs of grandfamilies via literature reviews, interviews, and focus groups

Section 4: Prevalent and best practices in existing multi-family developments for grandfamilies via interviews and analysis of development financing and annual operating statements

Section 5: Identification of policy, taxation, and financing models for single- and multi-family housing for grandfamilies. This will include: (i) unit set-asides in existing projects (ii) developing new multi-family housing (iii) renovating renter- and owner-occupied single-family homes and (iv) allocating vouchers for use in the private sector

To the extent that relevant and reliable quantitative data and qualitative information is available, the Study as a whole, and each section when relevant, must include

discussions of four types of families, all of which, for the sake of brevity, are included in the single word grandfamilies:

1. grandparents co-resident with their grandchildren in the absence of any parent of the children
2. grandparents co-resident with their grandchildren in the presence of a parent(s) of the children
3. other elderly relative co-resident with the children in the absence of any parent of the children
4. other elderly relative co-resident with the children in the presence of a parent(s) of the children

Minimum Qualifications

Proposers must demonstrate the experience, expertise, and capacity to perform the Scope of Work described for each section or section(s) bid. At minimum, this must include:

A. For all Sections of the Study:

- Writing comprehensive, detailed reports that present, analyze and synthesize data and information from multiple sources and identifying issues and options for program designers and/or public policy makers

- Give-and-take with program designers and/or public policy makers in presenting, discussing, assessing, and adapting findings and recommendations to reach consensus on issues

B. For Section 1 - Quantitative analysis and mapping of Census, ACS and program data:

- Familiarity with importing, vetting, aggregating, statistically analyzing, and mapping data from the Decennial Census, the American Community Survey, and organizational or program databases

C. For Section 2 - Quantitative analysis of affordability of housing costs and fair market rents:

- Familiarity with importing, vetting, aggregating, and statistically analyzing and comparing data from the Decennial Census, the American Community Survey, and HUD's annual compilations of income limits, median family incomes, and fair market rents

D. For Section 3: Qualitative research on housing needs of grandfamilies:

- Familiarity with the scholarly research, programmatic and other relevant literature pertaining to the needs of grandparents and grandchildren living in co-resident households where grandparents are the responsible caregivers and the ability to write succinct detailed reports of the literature review

- Skills in extracting qualitative information from children under 18 and older adults through discussions in one-on-one, small group, or focus-group-style settings and in writing succinct detailed reports of the discussion sessions which protect the identity of the participants

E. For Section 4: Prevalent and best practices in existing multi-family developments for grandfamilies:

- Familiarity with the financing, management, and operations of, as well as the eligibility for residence in, different types of public and publicly-assisted multi-family housing

- Skills in extracting qualitative information from affordable housing professionals, housing program administrators, property managers and supportive service providers through discussions in one-on-one or small group settings and in writing succinct detailed reports of the discussion sessions

- Skills in extracting and evaluating quantitative information from development pro forma, operating budgets and financial statements and in writing succinct detailed reports of the findings and evaluations

F. For Section 5: Identification of policy, taxation, and financing models:

- Familiarity with financing, developing, marketing, managing, and/or operating different types of public and publicly-assisted multi-family housing

- Familiarity with the allocation of federal, state and local tax credits, subsidies, vouchers and/or other assistance to develop affordable multi-family housing, to repair and improve one-to-four family houses, and to provide voucher recipients improved access to the private market

- Familiarity in working with policy makers and program administrators in designing, implementing, evaluating, or participating in new or innovative strategies, demonstrations, or projects for developing or sustaining affordable housing

A more detailed description of each section is as follows:

Section 1: **Quantitative analysis and mapping of census and ACS data related to grandfamilies**
Cost Not to Exceed: **$24,000**
Deadline: Initial draft to be **completed within 30 days of contract execution**

Using demographic data collected from such sources as, without limitation, the Census, the American Community Survey, OTDA, OCFS, SOFA, kinship caregiver programs, and other kinship organizations and networks, the successful Proposer will aggregate, analyze, rank-order, and map, the primary demographic and custodial data so as to describe, compare, and, if possible, explain differences and similarities among grandfamilies across the State as a whole and within each of its counties and principal cities, as well as its metropolitan, micropolitan, suburban and rural areas.

The demographic data shall include frequencies and percentages presented in alphabetical order and in rank-order for comparable geographies (e.g., counties, principal cities, non-metro counties). Especially noteworthy or illuminating data must be mapped for visual presentation.

In addition to aggregate and geographical data sets, the successful Proposer will compile each of the following data sets by race and ethnicity distinguishing, for example, non-Hispanic Whites, non-Hispanic Black- or African-Americans, Hispanics, Asians, and American Indians.

The successful Proposer must, at a minimum, provide the following datasets. Additional points may be awarded to proposals which suggest additional datasets not listed below that may be accurate, relevant, and useful.

- the **total number of "co-resident households**" in which a grandparent or other elderly relative is co-resident with grandchildren younger than 18
- the **total number of "grandfamilies" in which co-resident children** under the age of 18 are living with grandparents or other elderly relative caregivers and the grandparents or elderly relatives are responsible for the care of the co-resident children under the age of 18[8]
- the **total number of "grandfamilies" as a percentage of the total number of co-resident households** in which a grandparent or other elderly relative is co-resident with grandchildren younger than 18
- the **ages and gender of the grandparent or elderly relative caregivers** by presence or absence of the children's parent(s) in the grandfamilies and housing tenure – renter or owner – of the grandfamilies

[8] **Reminder, co-resident households where grandparents are not the responsible caregivers are not the subjects of this study.**

- the **average and median ages of the grandparent or elderly relative caregivers** by presence or absence of the children's parent(s) in the grandfamilies and housing tenure – renter or owner – of the grandfamilies
- the **presence or absence of the children's parent(s) in the grandfamilies** by age of the grandparent or elderly relative caregivers and housing tenure – renter or owner – of the grandfamilies
- the **number, ages and gender of the children in the grandfamilies** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, and housing tenure – renter or owner – of the grandfamilies
- the **total, median and average number of children in the grandfamilies** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, and housing tenure – renter or owner – of the grandfamilies
- the **average size of grandfamilies (number of persons, i.e., adults plus children)** by the age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **percentage distribution of family sizes among grandfamilies** by the age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **range and percentage distribution of income levels among the grandfamilies** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **median and average incomes of the grandfamilies as published in or derived from the Census and/or the American Community Survey** and by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **employment status of the grandparent or elderly relative caregivers** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **sources of income (e.g., Social Security, SSI, Disabilityetc.) in the grandfamilies and elderly caregiver households** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, and housing tenure – renter or owner – of the grandfamilies
- the **enrollment of members of the grandfamilies and elderly caregiver households in public health insurance programs** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, and housing tenure – renter or owner – of the grandfamilies

- the **housing tenure – renter or owner – of the grandfamilies** by age of the grandparent or elderly relative caregivers and presence or absence of the children's parent(s) in the grandfamilies
- the **number of housing units in the building where the grandfamilies reside** by the age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **age of the buildings where the grandfamilies reside** by age of the grandparent or elderly relative caregivers, presence or absence of the children's parent(s) in the grandfamilies, housing tenure – renter or owner – of the grandfamilies
- the **average and median sizes of grandfamilies (number of persons)** by housing tenure, number of units in the residential buildings, age of the buildings, presence or absence of children's parent(s), and age of grandparents or elderly relative caregivers

In addition, in recognition of the State's responsibility for affirmatively furthering fair housing, the successful Proposer will, to the extent that data may be available, compile each of the preceding datasets by race and ethnicity distinguishing, for example, non-Hispanic Whites, non-Hispanic Black- or African-Americans, Hispanics, Asians, and American Indians. If such race and ethnic data sets are not available in the Census or the ACS, the successful Proposer will inquire as to the extent to which illustrative data may be available in the aggregate from State agencies, family courts and local kinship care programs.

The successful Proposer must submit a written narrative report of its findings, an appendix or appendices with the tables of data, and maps or charts of the data points that are most effectively conveyed by visual presentations. The narrative report must include (1) a summary of the findings in this section and (2) a set of recommendations derived from these findings. After review and comment by DHCR, the successful Proposer will submit the final report, appendices, and maps to DHCR for inclusion in the Study's final report to the Legislature. In addition to hard copies, the successful Proposer will provide electronic copies of all narrative files in Microsoft Word format, all data files in manipulatable Microsoft Excel format, and all maps in Microsoft PowerPoint format.

Section 2: **Quantitative analysis of affordability of housing costs and fair market rents**

Cost Not to Exceed: **$24,000**

Deadline: Initial draft to be **completed within 30 days of contract execution**

Based on the statewide grandfamilies data presented in Background, Section 3 of this RFP, the Study will examine, at a minimum, the potential demand or need for four programmatic approaches that may be more or less important in different parts of the State:

- Set-asides of grandfamily units in existing public housing and publicly-assisted developments

- Development of new or rehabilitated affordable multi-family rental housing for occupancy in whole or in part by grandfamilies (with or without supportive services)

- Expanded small home improvement programs and/or new homeownership programs to enable grandparents or elderly caregivers to remodel, or relocate from, very old, energy-inefficient and unhealthy houses, into new or renovated, code-compliant, energy efficient, and healthy homes designed to accommodate increased occupancy and more active and diversified usage[9]

- Allocation of housing choice vouchers to be used in private housing markets (where private kinship care programs are active and able to provide support)

In Section 2, the successful Proposer will compute indicators of the potential demand and need separately among (i) the grandfamilies without a parent present and (ii) the grandfamilies with a parent present.[10] The successful Proposer will, at a minimum, compute the following indicators, and it may propose to add additional, or substitute alternative, measures with the consent of DHCR:

1. Eligibility for Housing Assistance Programs Targeted by Percent of AMI

For each county in the State, the successful Proposer will compute the median incomes of grandfamilies with and without a parent present as percentages of HUD's 2014 Area Median Income ("AMI") for that county.

Depending upon the availability of county-by-county Census data on the income distribution of grandfamilies with and without a parent present, the successful Proposer will estimate the approximate number of grandfamilies who are below 30% AMI, 40% AMI, 50% AMI, 60% AMI, 80% AMI and 100% AMI as well as the approximate number who are at or above 100% AMI. The statewide estimate of the number of grandfamilies with and without a parent present who have incomes at various percentages AMI will be calculated by adding the totals for each of the 62 counties.

2. Affordability

The successful Proposer will calculate the monthly amount that median-income grandfamilies with and without a parent present can afford to pay for housing using 30% of their median monthly income. The calculations of the median income's affordable housing cost will be computed for the State as a whole, for

[9] **For example, conversion of interiors to provide respite space for caregivers or to add or subdivide bedrooms to accommodate growing children of different genders; accessibility adaptations for persons with sensory or mobility impairments; weatherization and other water- and energy-conserving retrofits to limit increases in usage and costs; "health home" improvements and broadband access for older structures**

[10] **Grandfamilies include those headed by "other elderly relative" care-givers.**

each county in the State, and for the principal cities in the State's metropolitan and micropolitan areas. For example, as indicated in Background, Section 3 of this RFP, the statewide median income of the 33,300 grandfamilies with no parent present was $28,770 a year or $2,398 a month. At 30%, the median income grandfamilies with no parent present can afford $712 a month for rent.[11]

3. Availability of Rental Units

The successful Proposer will estimate the approximate number of existing rental housing units which median-income grandfamilies with and without a parent present can afford in each county and principal city. A statewide total of affordable units will be calculated by adding the totals for each of the 62 counties.

For example, as indicated, the $28,770-median-income grandfamilies with no parent present can afford $719 a month for rent. In the State in 2012, there were 766,000 occupied housing units with rents below $700 a month.

4. Affordability of Median Rent

The successful Proposer will compute the median contract rent in each county and principal city as a percentage of the median monthly income of the grandfamilies with and without a parent present in that location. A percentage of 30% or less would indicate that half of the grandfamilies with or without a parent present can afford at least half of the existing rental units in that area.

The successful Proposer will convert percentages above 30% into dollar amounts to produce estimates of the approximate amount of housing choice voucher dollars which could be needed to enable median-income grandfamilies with and without a parent present to afford the median monthly rent and half the rental units in each county and principal city. For example, if the median rent were 45% of the median monthly income, the 15% above the 30%-affordability yardstick would be 15% of the $2,398 median monthly income of grandfamilies with absent parents, or $360. This $360 would be the amount of a monthly voucher per median-income grandfamily to enable them to pay their share of the median monthly rent using 30% of their income. A statewide total of the total voucher dollars necessary will be calculated by adding up the totals for each of the 62 counties.

5. Affordability of Fair Market Rents

The successful Proposer will compute HUD's 2014 Fair Market Rents ("FMR") for 2-, 3-, and 4-bedroom apartments in each county as a percentage of the median monthly income of the grandfamilies with and without a parent present

[11] **The median incomes of grandfamilies with and without a parent present are available from the American Community Survey. If the Proposer can identify reliable data indicating the median incomes of renter-grandfamilies and owner-grandfamilies with and without a parent present, the calculations identified in this section must also be completed for these sub-categories of grandfamilies.**

in that location. A percentage of 30% or less would indicate that half of the grandfamilies can afford, what HUD defines as, at least 40 percent of the typical, not-substandard, and not brand-new rental units of that size which were occupied by recent movers in that area.[12]

The successful Proposer will convert percentages above 30% into dollar amounts to produce estimates of (i) the amount of housing choice voucher dollars which could be needed to enable median-income grandfamilies to afford 40% of the rental units of these sizes in the county, or (ii) the amount of project-based Section 8 voucher dollars which could be needed to enable them to afford comparable-sized apartments in publicly-assisted affordable housing developments.

For example, in Westchester the 2014 FMR for a 3-bedroom apartment is $1,853 a month, which is 77% of $2,398 statewide median monthly income of grandfamilies with absent parents. The 47% above the 30%-affordability yardstick would be 47% of the $2,398 median monthly income of grandfamilies with absent parents, or $1,127. This $1,127 would be the amount of the monthly Section 8 dollars per median-income grandfamily to enable them to pay their share of the median monthly rent using 30% of their income. A statewide total of the total Section 8 voucher dollars necessary will be calculated by adding up the totals for each of the 62 counties.

6. Affordability of Home Ownership With and Without a Mortgage

The successful Proposer will compute the median cost of owning a home with a mortgage in each county and principal city as a percentage of the median monthly income of the grandfamilies with and without a parent present in that location. A percentage of 30% or less would indicate that half of the grandfamilies with or without a parent present can afford the cost of owning half the homes with a mortgage in that area.

The successful Proposer will compute the median cost of owning a home without a mortgage in each county and principal city as a percentage of the median monthly income of the grandfamilies with and without a parent present in that location. A percentage of 30% or less would indicate that half of the grandfamilies with or without a parent present can afford the cost of owning half the homes without a mortgage in that area.

The successful Proposer must submit a written narrative report of its findings, an appendix or appendices with the tables of data, and maps or charts of the data points that are most effectively conveyed by visual presentations. The narrative report will include (1) a summary of the findings in this section and (2) a set of recommendations derived from these findings. After review and comment by DHCR, the successful Proposer will submit the report, the

[12] **HUD, U.S. Housing Market Conditions Summary, "Fair Market Rents."** www.huduser.org/periodicals/ushmc/winter98/summary-2.html

appendices, and the maps in final form for inclusion in the Study's final report to the Legislature. In addition to hard copies, the successful Proposer will provide electronic copies of all narrative files in Microsoft Word format, all data files in manipulatable Microsoft Excel format, and all maps in Microsoft PowerPoint format.

Section 3: Qualitative research of housing needs of grandfamilies via literature reviews, interviews, and focus groups
Cost Not to Exceed: $48,000
Deadline: Initial draft to be completed within 60 days of contract execution.

The successful Proposer will complement the quantitative data on potential housing demand and needs compiled in Section 1 and Section 2 with qualitative findings, assessments, estimates, anecdotes, illustrations and other analysis derived from four sources (or the equivalent):

1. Reviews of the relevant applied research and scholarly literature on grandparents and grandfamily housing
2. Interviews with experienced program professionals at statewide, regional and/or local levels of OCFS, OTDA, and SOFA
3. Interviews with the directors of local kinship care programs and coalitions across the State
4. Six (6) focus groups with children and grandparents and elderly relative caregivers at locations which are reflective of the diverse distribution of grandfamilies around the State and recommended by regional or local administrators of relevant State programs at SOFA, OTDA, and OCFS. The locations of focus groups are subject to DHCR's approval, and they will include, *inter alia*, at least:

   a. one (1) focus group with grandchildren children and grandparents living in the HCR-financed Grandfamily Development in the Bronx

   b. one (1) focus group in the principal city of an upstate micropolitan area in which the participants are grandchildren and grandparents who are primarily older homeowners[13]

   PLUS

   c. four (4) other focus groups in such counties as Westchester, Nassau Suffolk, Orange, Onondaga, Albany, Broome, Clinton, Franklin, Chautauqua, Erie, or Monroe (or alternative locations recommended by OCFS, OTDA, and/or SOFA)

[13] **Recall from the Background, Section III of this RFP, that outside of New York City and Westchester, 71% of all responsible grandparents live in owner-occupied housing, and that 82% of those who are 60 years old or older and 66% of those who are between 30-to-59 years old are homeowners.**

The successful Proposer will determine whether or not to hold the focus groups for children and grandparents together or separately.

At a minimum, the successful Proposer's topics will include:

1. Reasons why children reside with, and are cared for by, their grandparents and elderly relatives (e.g., parental abuse or neglect, substance abuse, mental illness, incarceration, etc.)
2. Benefits of grandparents' and elderly relatives' caring for children compared to traditional foster care with a non-relative (benefits for children, for caregivers, for judicial and agency budgets and workload, etc.)
3. Estimates and illustrations of the extent to which different types of custodial arrangements[14] are typically in effect for grandparents and other elderly relative caregivers who are caring for the children; and, estimates and illustrations of the different ways in which particular custodial arrangements may affect "households with other elderly relative caregivers" as compared to "households with grandparent caregivers."
4. Financial, employment, legal, and emotional or mental health challenges and burdens facing grandparents and elderly relative caregivers (especially those with low- or fixed-incomes);[15]
5. Current health or other functional limitations of grandparents caring for grandchildren;
6. Challenges caregivers faced when looking for appropriate housing in which to live and care for children (affordability, accessibility, availability, discrimination because of children, family status, source-of-income, etc.); Are there any rules or regulations that need to be revised to protect older adults living in senior housing when they take on the parenting role?
7. What's good and bad with the housing they are living in now, and what would they like to have in their apartment or house? Design features that would be beneficial to both older adults and children living in grandparent housing
8. Supportive services needed by children and/or grandparents and elderly relative caregivers, especially those on low- or fixed-incomes; [16] and, the

[14] In New York, "custodial arrangements include: (i) informal arrangements between a child's parent(s) and the grandparent(s) or elderly relative caregiver, (ii) diversions – informal arrangement between child protective services agency and the grandparent(s) or elderly relative caregiver; (iii) direct placements – temporary custody of child awarded by a court to the grandparent(s) or elderly relative caregiver; (iv) guardianship or legal custody – pursuant to the petition from the grandparent(s) or elderly relative caregiver, a court awards petitioner with guardianship or legal custody of the child; (v) approved foster care parent – court removes child from parent's home and places him/her in care of local department of social services which places child with an approved grandparent or elderly relative caregiver; and, (vi) guardianship – after at least 6 months as an approved foster care parent, grandparent or elderly relative caregiver receives court's approval to assume legal guardianship of the foster child. Source: NYC Council on Children & Families, "Kinship Children in New York State: A Research Brief on Child Well-Being"

[15] HUD defines low-income as 80% AMI, very low income as 50% AMI, and extremely low-income as 30% AMI. Fixed-income includes, for example, Social Security, SSI, and disability benefits.

[16] For example, family, mental health, behavioral, educational counseling, health care, referrals, support groups, respite, parenting skills, education advocacy, housing, case management, legal information, Medicaid information, budgeting and tax information, child-only payment information, etc.

estimated sources and costs-per-grandfamily or per housing unit compared to traditional foster care

9. Low- and fixed-income caregivers' awareness of rent subsidies and financial, social, and voluntary network support services available from public-sector and private-sector programs
10. Renovations or modifications needed for single-family and other small homes to accommodate the presence of children
11. Challenges facing 17-18 year-old children who may be aging out of their eligibility to live in grandfamily housing (e.g., homelessness, transitional shelters, low-wage employment, unemployment, etc.)

<u>In the interview(s) with residents living in multi-family, grandfamily housing</u>

1. Reasons why children like and/or dislike living there and their suggestions for improvements to physical space, management policies, support services
2. Reasons why caregivers like and/or dislike living there and their suggestions for improvements to physical space, management policies, support services
3. Design features that would be beneficial to both older adults and children living in grandparent housing
4. Health or other functional limitations on grandparents caring for grandchildren
5. Challenges, if any, arising from older grandparents and relative caregivers living in same building with numerous young children and teenagers
6. Rules or regulations that need to be revised to protect older adults living in senior housing when they take on the parenting role
7. Caregivers' awareness of rent subsidies and financial, social, and voluntary network support services available from public-sector and private-sector programs
8. Caregivers' awareness of/reliance upon rent subsidies
9. If applicable, challenges facing 17-18 year-old children who may be aging out of their eligibility to live there

<u>In the interview(s) with grandparents who are homeowners</u>

1. Reasons why children like and/or dislike living in current home and their suggestions for improvements to physical space
2. Reasons why grandparents like and/or dislike living in current home and their suggestions for improvements to physical space
3. Health or other functional limitations on grandparents caring for grandchildren
4. Design features that would be beneficial to both older adults and children living in a single-family or other small home
5. Any concerns grandparents may have that current home may be unsuitable place for their grandchildren to live; any "hassles" they may have had with local officials regarding the suitability of the living space for young children
6. Efforts grandparents have made, or would like to make, and cost they have incurred, or estimate they would incur, to make their homes healthier for the children (e.g., asbestos and lead-paint abatement), to improve energy-

efficiency and reduce utility costs, to reduce water consumption and water costs, and/or to add bedrooms and play or respite space
7. Caregivers' awareness of rent subsidies and financial, social, and voluntary network support services available from public-sector and private-sector programs
8. Incentives necessary to induce grandparents to undertake some of the preceding improvements
9. Interest in selling old and moving to a new home, if cost of doing so would be equal to or less than the costs of improving the old[17]
10. Any interest in moving to multi-family housing developed specifically for grandfamilies

Throughout the life of the Study, the successful Proposer will attend, in person or via video- or teleconferencing, meetings with other successful Proposers that are convened by DHCR to coordinate the flow of work and share information, findings and recommendations as the work progresses.

The successful Proposer must submit a written narrative report of its findings, an appendix or appendices with the tables of data, and maps or charts of the data points that are most effectively conveyed by visual presentations. The narrative report will include (1) a summary of the findings in this section and (2) a set of recommendations derived from these findings. After review and comment by DHCR, the successful Proposer will submit the report, the appendices, and the maps in final form for inclusion in the Study's final report to the Legislature. In addition to hard copies, the successful Proposer will provide electronic copies of all narrative files in Microsoft Word format, all data files in manipulatable Microsoft Excel format, and all maps in Microsoft PowerPoint format.

Section 4: Prevalent and best practices in existing multi-family developments for grandfamilies via literature reviews, interviews and analysis of development financing and annual operating statements
Cost Not- to-Exceed: $48,000
Deadline: Initial draft to be completed within 60 days of contract execution

Given the development of some 20 grandfamily developments in the United States, the successful Proposer will research and identify prevalent, and if possible best, practices with respect to:

1. Structuring and financing the developments (and, *ergo*, their regulatory requirements);
2. Renting up new and vacant apartments;
3. Managing and maintaining the occupied developments;
4. Providing supportive services to both their older and younger residents;

[17] **An observation from one experienced professional: "The cost to rehabilitate owner occupied housing to work for grandfamilies (such as adding bedrooms) could be equal to or more than it could cost to build new, especially when asbestos and lead abatement cost are involved."**

5. Subsidizing tenants' rents and/or building's operating costs; and
6. Performing other responsibilities and functions identified by the successful Proposer

The successful Proposer will research these practices through five sources (or the equivalent):

1. Reviews of the relevant research and literature on existing grandfamily developments
2. Interviews with experienced professionals at the National Council of State Housing Agencies ("NCSHA"), the National Association of Local Housing Finance Agencies ("NALHFA"), the National Equity Fund ("NEF"), the Local Initiatives Support Corporation ("LISC"), Enterprise Community Partners, Enterprise Community Investment, and the Corporation for Supportive Housing (CSH)
3. Interviews with individual, or conference calls with groups of, financers, developers and property managers of no less than 10 of the existing grandfamily developments in the United States
4. Interviews with individual, or conference calls with groups of, supportive service providers at no less than 10 of the existing grandfamily developments in the United States
5. Comparisons of the monthly or annual financial costs for marketing and rent-up, building operations, building maintenance, and provision of supportive services at no less than 10 of the existing grandfamily developments in the United States on a per unit or per capita basis

The practices to be examined include, without limitation, the following:

1. **Financing & Program Structure (that have rules prescribing eligibility for occupancy, rent regulations, number of years of affordability)**
   - Federal public housing
   - Federal §§202/811 housing (elderly & disability)
   - Other HUD-assisted housing
   - Federal tax-credit development
   - State or local public housing
   - Other State- or local- assisted housing
   - State or local tax-credit housing

2. **What role(s), if any did/does local public housing authority play in the project?**
   - None
   - Owner and manager
   - General Partner
   - Sponsor
   - Provided land and/or building
   - Provided a part(s) of the financing (specify which)

- Provides operating subsidy
- Provides vouchers
- Did/does marketing and tenant selection
- Manages the property

3. **Determining Eligibility for Vacant Units**
   - Types of custodial arrangements – permanent custody based on judicial determination? Other?
   - Absence or presence of parent (parent not permitted to live in residence; only "visiting rights")
   - Maximum family size
   - Minimum and maximum ages of children
   - Minimum age of grandparent (none, 55, 60, 62)
   - Gender of children (same sex and/or different)
   - Household income limits
   - Meet other eligibility requirements for living in public housing, §§202/811 developments, or other assisted housing programs
   - Waiver or enforcement of HUD or State fair housing and affirmative marketing requirements

4. **Succession rules**
   - If grandparent dies, continued occupancy of original apartment by surviving grandchildren if new caregiver is present?
   - If grandchildren age-out, continued occupancy of original unit by grandparent?
   - If no right of succession to original unit, ability of project owner or project manager to transfer "surviving" family members to units in other public housing or assisted-developments?
   - Waivers and/or legal opinions required for survivors to jump waiting lists at other projects and make transfers?
   - Frequency of successions and transfers during a year and over the life of the development?

5. **Target Marketing**
   - HUD waivers from fair housing, affirmative marketing requirements?
   - Waivers from other fair housing, affirmative marketing requirements?
   - Any challenges to the legality of eligibility preference for grandfamilies? To "successor-transfers" jumping the waiting list at other developments?
   - Planning for distribution of apartment sizes (# of bedrooms and baths)?
   - Constraints on apartment sizes (e.g., only 1- and 2- bedroom units in §§202/811 developments)?

6. **Occupancy rules & regulations**
   - 100% grandfamily units in development? Less than 100%? Why 100%? Why less than 100%?
   - If less than 100%of the units are grandfamily units, how are grandfamily units distributed across the building – segregated floors or dispersed throughout the building?
   - No smoking in building, no smoking in apartments, or designated smoking areas only?
   - Visiting hours – no limits; limits on unaccompanied minors after #PM; limits on unaccompanied adults after #PM; limits on parents of children?
   - Common spaces -- integrated and/or segregated by age?
   - Security personnel – on-site at entry door 24/7? Late nights only? No security; reliant on local police?
   - Building superintendent or manager – resident of building and available 24/7?

7. **Supportive services**
   - Supportive service provider – on-call and available 24/7? On-site and available at scheduled times? No designated or on-site provider(s) under contract? Residents dependent on services available to the general public?
   - What services are needed by grandparents? Which are provided on-site? Which are provided off-site? Transportation provided to off-site service provider? Difficulties in finding off-site providers?
   - What services are needed by grandchildren? Which are provided on-site? Which are provided off-site? Transportation provided to off-site service provider? Difficulties in finding off-site providers?
   - $$ dollar cost of services per unit or grandfamily? Per grandparent? Per grandchild? No $$ dollar cost to development -- residents reliant on services available to the general public?
   - Sources of funding for supportive services if provided at the grandfamily development?

8. **Relations with community & neighbors outside the grandfamily development**
   - Meetings and programs to educate the neighbors about the grandfamilies and the presence of children among older residents?
   - Get-acquainted events and welcoming kits to build relations between grandfamilies and the neighbors?
   - Source of leaders and/or organizers?

9. **Rent collection & subsidy**
   - No problems – cap of 30%-33% on grandfamily's monthly social security plus public housing subsidy or project-based Section 8?
   - Possible problems – no 30% cap on grandfamily's income, no public housing subsidy, no project-based Section 8, no limit on rent increases in tax-credit developments, other?

- Frequency of problems collecting tenant's share of monthly rent?

10. Tenant Relations & Evictions

- Frequency and reasons for evictions, if any?
- Frequency and reasons for "hassles" between management and grandfamily tenants?
- In building with less than 100% grandfamilies, frequency and reasons for "hassles" between other tenants and grandfamily tenants?

Throughout the life of the Study, the successful Proposer will attend, in person or via video- or teleconferencing, meetings with other successful Proposers that are convened by DHCR to coordinate the flow of work and share information, findings and recommendations as the work progresses.

The successful Proposer must submit a written narrative report of its findings, an appendix or appendices with the tables of data, and maps or charts of the data points that are most effectively conveyed by visual presentations. The narrative report will include (1) a summary of the findings in this section and (2) a set of recommendations derived from these findings. After review and comment by DHCR, the successful Proposer will submit the report, the appendix or appendices, and the maps in final form for inclusion in the Study's final report to the Legislature. In addition to hard copies, the successful Proposer will provide electronic copies of all narrative files in Microsoft Word format, all data files in manipulatable Microsoft Excel format, and all maps in Microsoft PowerPoint format.

Section 5: **Identification of policy, taxation, and financing models for providing grandfamily housing using (i) unit set-asides in existing projects (ii) developing new multi-family housing (iii) renovating renter- and owner-occupied single-family homes and (iv) allocating vouchers for use in the private sector**

Cost Not-to-Exceed: $48,000

Deadline: Initial draft to be completed within 90 days of contract execution

Section 5 is intended to identify which programs, taxation measures, and financing and subsidy techniques could be cost-effective, fiscally-responsible means – as-is, as-needing-amendment, as-may-be-newly-introduced, as-currently-funded, and as-may-need-new funding – to address the diverse needs for affordable grandfamily housing across the State. It is also intended to estimate the cost and benefits of implementing these means at illustrative program levels (e.g., 100, 500, 1,000 units per year).

The successful Proposer will identify policy, taxation, and financing models that legislators and state agencies may consider for addressing the housing needs of grandparent and elderly relative caregivers. It will also identify existing program and funding resources aimed at providing support to low- and fixed-income grandparents and elderly relative caregivers. It will also identify possible new

program and funding resources that can provide more units of affordable housing for these families. And, it will evaluate the advantages and disadvantages of each model in terms of its ability:

- to make a wide range of grandparents, elderly relative caregivers and grandchildren eligible for grandfamily housing
- to serve the needs of grandfamilies who are owners as well as those who are renters
- to make 3-, 4- and 5- bedroom apartments available
- to attract construction and permanent financing, equity investment, and grants from private, philanthropic and public sources
- to secure rent supplements or subsidies for the grandfamily units
- to cover debt service and maintenance and operating costs
- to fund reserves for operating and replacement costs, building upgrades, rental subsidy reserves, and/or supportive services
- to contract and provide funding for supportive services (on- or off-site as may be determined)
- to minimize the need for, and amount of, new and/or additional programs and funding sources
- to provide cost-effective, fiscally-responsible means to address the diverse needs for affordable grandfamily housing across the State

For example, setting aside units in existing affordable housing developed under §§202/811 may limit eligibility in three ways. It may limit eligibility to grandparents who are at least 60 years-old or to younger grandparents if a grandparent or one of the grandchildren is disabled. And, it may limit eligibility to grandfamilies with no more than 4 persons, including two children of the same gender, because of the absence of large apartments in §§202/ 811 buildings.

The successful Proposer will, at minimum, examine the models listed in the categories A through D below. Additional points may be awarded for a proposal that proposes to evaluate additional mechanisms not included in these categories.

A. <u>Set-Asides of Grandfamily Units in Existing Multi-family Developments</u>

Public Housing

- Set-aside units in existing federal public housing for families
- Set- aside units in existing federal public housing for seniors
- Set-aside units in existing federal §§202/ 811 housing for seniors or persons with a disability (developed and owned by PHAs)
- Set-aside units in existing State public housing for families
- Set-aside units in existing State public housing for seniors

The successful Proposer will assess the regulatory feasibility of and eligibility requirements resulting from setting aside apartments for grandfamilies in existing public housing projects. To do so, it will confer, individually and/or

collectively, with the executive directors of both federal and State public housing authorities in diverse parts of the State.[18]

If set-asides are determined to be feasible (with or without waivers from regulatory or funding agencies), the successful Proposer will confer with those public housing administrators to develop estimates of:

- the possible number of units that could be set-aside
- the costs of renovations or modifications to units (if any)
- the resources available and the additional resources needed to complete the work
- the new funding, if any, needed to subsidize rents and provide supportive services
- the locations which have a high priority need for the units to be set-aside

Publicly-Assisted Developments

- Set-aside units in existing HUD-assisted, non-tax-credit, housing for families or seniors
- Set-aside units in existing State- and City- Mitchell Lama housing for families or seniors
- Set-aside units in existing federal §§202/ 811 developments for seniors or persons with a disability which are owned and/or managed by private or non-profit organizations
- Set-aside units in existing federal tax-credit assisted housing for families or seniors
- Set-aside units in existing State-capital-assisted or State-tax-credit-assisted housing for families or seniors

The successful Proposer will assess the regulatory feasibility of, and eligibility requirements resulting from, setting aside apartments for grandfamilies in existing publicly-assisted multi-family developments. To do so, it will confer with the Office of Finance & Development ("F&D"), Office of Housing Management ("OHM"), and Office of Fair Housing and Equal Opportunity ("OFHEO") staff at HCR, as well as New York City's Housing Development Corporation ("NYCHDC") and Housing Preservation and Development ("HPD"). If necessary, the successful Proposer will also confer with program staff at the New York State Homeless Housing Assistance Program ("HHAP"), the New York State Office of Mental Health ("OMH"), and the New York State Office for Persons with Developmental Disabilities ("OPWDD").

If set-asides are determined to be feasible, the successful Proposer will confer with DHCR's F&D, OHM, and OFHEO staff as well as, if necessary, with program staff from NYCHDC, NYCHPD, other State agencies, private and non-

[18] **For example: Federal authorities in New York City, Yonkers, Albany, Buffalo, Rochester, Syracuse, Schenectady and Plattsburgh; and State-run authorities in Salamanca, Tonawanda, and Greenburgh.**

profit developers and property managers, and supportive services providers to develop estimates of:

- the possible number of units that could be set-aside
- the costs of renovations or modifications (if any)
- the resources available and the additional resources needed to complete the work
- the new funding, if any, needed to subsidize rents and provide supportive services
- the locations which have a high priority need for the set-asides

B. Developing New or Rehabilitated Multi-family Housing for Occupancy in Whole or in Part by Grandfamilies (with or without Supportive Services)

- tax-exempt private activity bonds covering at least 50% of total development cost and triggering 4% tax credits, used for construction financing only and taken out with permanent loans provided by a State or City agency which may require no debt service

- tax-exempt private activity bonds covering at least 50% of total development cost and triggering 4% tax credits, used for both construction and permanent financing, together with a commitment(s) of annual funds from a State and/or City agency(ies) to cover debt service, operating costs, rental subsidies and/or supportive services

- tax-exempt private activity bonds covering at least 50% of total development cost and triggering 4% tax credits, used for construction and bought-down to cover the amount of permanent financing that can be supported by the project's income, with the funds for the buy-down, coming from tax credit equity[19] and grants[20] or non-amortizing loans with deferred or no interest from a State and/or City agency(ies) [21]

- taxable bonds and 9% tax credits in place of tax-exempt bonds and 4% credits in each of the three (3) preceding financing models

- feasibility of, and regulatory revisions required for, using Medicaid Redesign Team ("MRT") funds for developing units for grandfamilies

[19] **Tax credit equity can fund operating and replacement reserves, building upgrades, rental subsidy reserves, supportive services or additional acquisition and construction cost.**

[20] **Grant sources include, for example, Federal Home Loan Bank Affordable Housing Program, HUD Supportive Housing Program, HOME funds, and local and State programs. (Grants should be structured as a loan from the project's Sponsor to the Limited Partnership or they must be deducted from the project's basis for tax credit purposes.)**

[21] **For example, New York State Homeless Housing Assistance Program, the State's Housing Trust Fund Corporation, and NY City's Supportive Housing Loan Program which provide financing to not-for-profit organizations to develop supportive housing for homeless single adults, including people suffering from disabilities, and which have limited funding available to create housing for families with special needs and youth aging out of foster care.**

- on-going funding for supportive services on-site at grandfamily developments

The successful Proposer will assess the regulatory feasibility of and eligibility criteria required after developing new or rehabilitated publicly-assisted developments for occupancy wholly or partially by grandfamilies. To do so, the successful Proposer will confer with DHCR's F&D, OHM, and OFHEO staff as well as with program staff at NYCHDC and NYCHPD. If necessary, the Proposer will also confer with program staff at HHAP, OMH, and OPWDD.

If developments for occupancy in whole or in part by grandfamilies are determined to be feasible, the successful Proposer will confer with DHCR's F&D, OHM, and OFHEO staff as well as, if necessary, with program staff from NYCHDC, NYCHPD, other State agencies, private and non-profit developers and property managers, municipalities and tax-credit syndicators and supportive services providers[22] to define eligibility rules that are consistent with fair housing requirements and to develop estimates of:

- the possible number of units that could be developed
- the total development costs for new construction and rehabilitation
- the resources available and the additional resources needed for development
- the new funding, if any, needed to subsidize rents
- the new funding, if any, needed to provide on-site supportive services
- the locations which have a high priority need for new development

C. Homeownership & Small Home Improvement Programs Suitable for Grandfamilies

- expanded small home improvement programs and/or new homeownership programs to enable grandparents to remodel, or relocate from, very old, energy-inefficient and unhealthy houses, into new or renovated, code-compliant, energy efficient, and healthy homes designed to accommodate increased occupancy and more active and diversified usage

In the rest of the State outside of New York City and Westchester County, three out of four grandfamilies live in buildings with only one residential unit. And, seven out of ten grandfamilies live in owner-occupied housing. Indeed, two out of three responsible grandparents who are between 30-to-59 years old are homeowners, and fully eight out of ten responsible grandparents who are 60 years old or older are homeowners.

[22] **For example, other agencies could include NYSOFA, NYSOCFS, NYSOTDA, the New York State Homeless Housing Assistance Program (HHAP), the New York State Office of Mental Health (OMH), the New York State Office for Persons with Developmental Disabilities (OPWDD). Municipalities could include Yonkers Affordable Housing Trust Fund. Tax-credit syndicators could include the National Equity Fund, Enterprise Community Investment, and the Corporation for Supportive Housing. Supportive service providers could include the State's local kinship caregiver programs and members of the Supportive Housing Network of New York. Private and non-profit developers and property managers could include members of New York State Association for Affordable Housing.**

Consequently, the successful Proposer will identify:

- The types of renovations[23] that are frequently needed to address the needs of grandfamilies who live in older one-to-four family houses homes as either renters or owners
- The estimated costs of completing the typical renovations compliant with local building and zoning codes[24]

Additionally, the successful Proposer will confer with the staff of DHCR's Affordable Housing Corporation, HOME program, Weatherization program, Access to Home program and RESTORE program as well as staff at the New York State agencies (i.e. DOH, OTDA, OCFS and SOFA) to:

- Assess the feasibility of completing the typical renovations under the State's existing home improvement programs
- If necessary, assess the feasibility of expanding the scopes of work that can be performed under the existing improvement programs to include such renovations
- If necessary, determine the elements of a new small home improvement program if existing programs are not expandable
- Estimate program budgets for scaling up to perform the typical renovations using existing programs, expanded programs, and/or a new home improvement program geared to grandfamily renovations
- Identify new sources of private and non-federal, public funds that might be available for use in renovating homes for grandfamilies
- Explore the feasibility of, and regulatory revisions required for, using Medicaid Redesign Team (MRT) funds to do home improvements for grandfamilies

Because the costs of renovations in older homes requiring asbestos and lead abatement may exceed the cost of new construction, and because long-time homeowners may have an aversion to multi-family housing, the Proposer will also explore the feasibility of new homeownership options for grandparents looking to relocate from their current residence. To do so, the Proposer will:

- Confer with the staff of SONYMA's home mortgage insurance program(s) and the staff of the AHC to assess the feasibility of their home ownership programs working for grandparents and to identify adjustments in programs and/or educational materials if needed

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[23] **For example, conversion of interiors to provide respite space for caregivers or to add or subdivide bedrooms to accommodate growing children of different genders; accessibility adaptations for persons with sensory or mobility impairments; weatherization and other water- and energy-conserving retrofits to limit increases in usage and reduce costs; lead-based paint and asbestos abatement and other "healthy home" improvements to improve air quality and reduce asthma triggers; and, broadband access.**

[24] **As noted above, one experienced professional observes, "The cost to rehabilitate owner occupied housing to work for grandfamilies (such as adding bedrooms) could be equal to or more than it could cost to build new, especially when asbestos and lead abatement cost are involved."**

- Confer with HUD, DHCR's Section 8 staff, and the administrators of several, upstate federal public housing authorities to explore the use of the Housing Choice Voucher Homeownership Option and the Family Self-Sufficiency Program to assist grandfamilies.[25]
- Confer with OTDA staff and the MRT to explore the feasibility of, and regulatory revisions required for, using MRT funds to provide grandfamilies with monthly vouchers as part of homeownership programs

D. <u>Allocation of Housing Choice Vouchers to be Used in Private Housing Markets (Where Local Kinship Care Programs are Active and Able to Provide Support)</u>

The successful Proposer will confer with the (i) administrators of the housing choice voucher ("HCV") programs at DHCR, NYCHA, and local public housing authorities around the State and (ii) the local directors of OCFS Kinship Care programs serving 17 counties (excluding New York City) to assess the extent to which:

- HCVs have been committed to grandfamilies
- Applications for HCVs from grandfamilies exceed the supply of vouchers
- Supportive services are available to grandfamilies who are using HCVs
- HCVs provide effective housing solutions for grandfamilies in the absence of supportive services
- HCVs should be available to grandfamilies regardless of the availability of supportive services or should be limited to those living in areas where supportive services are available
- New or recaptured HCVs might be available in coming years for grandfamilies

And, as indicated in the preceding subsection 5 C, the successful Proposer will also:

- Confer with HUD, DHCR's Section 8 staff, and the administrators of several, upstate federal public housing authorities, to explore the use of the Housing Choice Voucher Homeownership Option and the Family Self-Sufficiency Program to assist grandfamilies; and,

[25] **The Housing Choice Voucher Homeownership Option allows the recipient of a voucher for rental assistance to convert it to homeownership assistance and use it to help pay the monthly mortgage on a home for up to 15 years. The Family Self-Sufficiency (FSS) program provides an opportunity for Section 8 families to achieve economic independence. Participating families receive educational, career counseling, money management, job training, and placement services. They also receive a savings account that grows as the family's earned employment income rises. Upon completion of the five-year FSS Contract of Participation, the family receives the accumulated money if no member has received cash public assistance in the 12 months prior. This money may be used to purchase a home or pursue other personal goals. Participating families run no risk to their Section 8 voucher and may continue to receive Section 8 assistance upon graduating from the program provided they continue to meet Section 8 eligibility.**

- Confer with OTDA staff and the Medicaid Redesign Team to explore the feasibility of, and regulatory revisions required for, using MRT funds to provide rental vouchers for grandfamilies.[26]
- Confer with OTDA staff to explore the feasibility of, and regulatory revisions required for, using non-MRT funds to provide rental vouchers for grandfamilies[27]

Throughout the life of the Study, the successful Proposer will attend, in person or via video- or teleconferencing, meetings with other successful Proposers that are convened by DHCR to coordinate the flow of work and share information, findings and recommendations as the work progresses.

The successful Proposer must submit a written narrative report of its findings, an appendix or appendices with the tables of data, and maps or charts of the data points that are most effectively conveyed by visual presentations. The narrative report will include (1) a summary of the findings in this section and (2) a set of recommendations derived from these findings. After review and comment by DHCR, the successful Proposer will submit the report, the appendices, and the maps in final form for inclusion in the Study's final report to the Legislature. In addition to hard copies, the successful Proposer will provide electronic copies of all narrative files in Microsoft Word format, all data files in manipulatable Microsoft Excel format, and all maps in Microsoft PowerPoint format.

In addition to its narrative descriptions of policy, taxation, and financing models, the successful Proposer's report should also include: a comparison of the extent to which the recommended models for grandfamily housing (a) correspond to or differ from and (b) increase or decrease the costs of conventional development or operations, traditional public housing for seniors and families, tax-credit assisted affordable developments for seniors and families, and tax-credit assisted affordable supportive developments for seniors, families or individuals with special needs.[28]

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[26] **OTDA currently uses MRT funds to fund two rent subsidy programs which are available only in New York City. 1. The Eviction Prevention for Vulnerable Adults program ("EPVA") limits eligibility to individuals (i) who are on Medicaid, receive Social Security, SSI, or disability benefits, and live in a household with no employable adults, or (ii) who formerly received an Advantage rent subsidy and is currently homeless or at imminent risk of homelessness, or (iii) who is elderly or disabled and is living on the street or in unstable housing while applying for a shelter. The subsidy is currently limited to 0-, 1- and 2- bedroom apartments. (The program is contracted out to NYC's Department of Homeless Services and administered by Catholic Charities Neighborhood Services.)**
2. The MRT SSI and Nursing Home Diversion Pilot limits eligibility to individuals (i) who are 55 years-old or older, receive SSI or disability benefits, are Health Home eligible, and reside in emergency housing, or (ii) who reside in emergency housing and are eligible for nursing home placement. The subsidy is currently limited to 0- and 1-bedroom apartments. (The program is contracted out to NYC's Department of Homeless Services and administered by Catholic Charities Neighborhood Services and NYC's Department of Housing, Preservation and Development Corp.

[27] OTDA uses non-MRT funds for a third rent subsidy program -- Family Eviction Prevention Subsidy ("FEPS") – which is also available only in NYC. It provides an ongoing rental subsidy for up to five years for families that were evicted for non-payment of rent.

[28] **Wherever possible, using actual financial statements or industry standards to compare operating expenses in successful grandfamily buildings with operating expenses in "bricks and mortar" and senior buildings and in supportive housing buildings for those with special needs.**

VIII. ADMINISTRATIVE INFORMATION

A. RFP QUESTIONS AND CLARIFICATIONS

Proposers may submit their questions regarding this RFP by email to felicia.green@nyshcr.org and lisa.pagnozzi@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 Grandparent Study - RFP Questions."**

Answers to all substantive questions will be posted in a timely manner on the HCR website's "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.

B. PROCUREMENT LOBBYING LAW REQUIREMENTS

Pursuant to State Finance Law ("SFL") §§139-j and 139-k, this RFP imposes certain restrictions on communications between DHCR, including its Affiliates, and a Proposer (as that term is defined at SFL §139-j(h)), 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 and/or individual to perform the proposed professional services in this RFP, from the date of publication of this RFP until the awarding of a contract(s) by DHCR (the "Restricted Period"), with anyone 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 DHCR, including any employees of its Affiliates, are required to obtain certain information when contacted during the Restricted Period and include it in the procurement record for the contract. In addition, the Agency is required to make a Determination of Responsibility of the Proposer under the SFL prior to the award of any contract. Findings of non-responsibility can result in denial of a contract award and, in the event of two (2) findings within a four (4)-year period, a Proposer will be debarred from obtaining governmental contracts for a four (4) year period.

For more information, please refer to the following website:

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

For all Lobbying Law Contacts, the designated contact is:

Felicia Green, Contact Officer
Division of Housing and Community Renewal
Hampton Plaza, 38-40 State Street
Albany, NY 12207
(518) 402-3231
iPurchase@nyshcr.org

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

Felicia Green, Contract Specialist
Division of Housing and Community Renewal
Hampton Plaza, 38-40 State Street
Albany, NY 12207
(518) 402-3231
felicia.green@nyshcr.org

or

Lisa G. Pagnozzi, Contract Administrator
Division of Housing and Community Renewal
641 Lexington Avenue
New York, NY 10022
(212) 872-0364
lisa.pagnozzi@nyshcr.org

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

Proposers are required to review Procurement Lobbying Provisions and Forms and submit a completed Affirmation of Understanding of an Agreement Pursuant to State Finance Law S139-j (3) and S139-j (6) (b) and Certification of Compliance with State Finance Law S139-k (5), as provided in Tab 3 of this RFP.

C. METHOD OF AWARD

A contract may be awarded to one or more, and up to five successful Proposers. For all submitted proposals received, each section 1 to 5 in Section VII of this RFP entitled Scope of Work, will be evaluated for completion of that

section. Each section will be reviewed by an agency scoring team with technical evaluation (experience, capacity and methodology) weighed at 70% and cost weighed at 30%. DHCR will issue a notice of contract award to the successful Proposer(s) via email and/or US Postal Service. DHCR will issue a notice of non-contract award to non-selected Proposers via email and/or US Postal Service.

D. TERMS OF CONTRACT

The term of the contract(s) is anticipated to ~~be five (5) months, commencing~~commence on or about ~~October 31~~November 17, 2014 and ~~ending~~terminate on March 31, 2015, subject to approval by the Office of the State Comptroller ("OSC") and the Office of the State's Attorney General ("OAG~~")~~"), at DHCR's discretion, and contingent upon the availability of funding. The contract will be paid on a "deliverable basis."

Each contract will include: (1) the due date for the submission of the initial draft report; (2) seven calendar days for DHCR to provide comments and, if necessary, meet with the contractor after the submission of the initial draft; (3) seven calendar days for the contractor to submit the final draft to DHCR and to the contractors working on other sections of the Study; (4) the requirement for the contractor to meet or conference call with DHCR and other contractors participating in the Study within seven calendar days after distribution of the final draft to discuss its final draft; and (5) the due date the contractor will submit the final report for its section to DHCR which shall be within 10 calendar days after the meeting.

The successful Proposer will be required to execute a contract with DHCR that incorporates the *NYS Standard Clauses for Contracts*, hyperlinked herein as Appendix A.

DHCR may, upon thirty (30) days' notice, terminate the contract(s) resulting from this RFP in the event of a successful Proposer's failure to comply with any of the proposal's requirements unless the successful Proposer obtained a waiver of the requirement.

In addition, DHCR may also terminate any contract resulting from this RFP upon ten (10) days' notice if a successful Proposer makes any arrangement or assignment for the benefit of creditors.

Further, DHCR shall have the right, in its sole discretion, at any time to terminate a contract resulting from this RFP or any unit portion thereof, with or without cause, by giving a thirty (30) day written notice to any successful Proposer.

DHCR reserves the right to terminate a contract resulting from this RFP process in the event it is found that a certification filed by the Proposer in accordance with New York State Finance Law §139-k was intentionally false or

intentionally incomplete. Upon such finding, DHCR may exercise its termination right by providing written notification to the Contract awardee.

E. PARTICIPATION OF MWBEs AND EQUAL EMPLOYMENT OPPORTUNITIES

DHCR is committed to affording MWBEs the opportunity to participate in the performance of the contract to be awarded for this RFP project. Accordingly, any contract awarded under this RFP will promote, and assist in, the participation of certified MWBEs.

1. New York State Law

Pursuant to *New York State Executive Law Article 15-A* ("Article 15-A"), DHCR 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 DHCR contracts. DHCR 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 DHCR establish goals for maximum feasible participation of State-certified MWBEs and the employment of minority group members and women in the performance of DHCR contracts.

2. Business Participation Opportunities for MWBEs

DHCR is committed to achieving significant MWBE participation in its contracts and will use good faith efforts to ensure qualified MWBEs are included in the selection of a firm to participate in the Scope of Work under this RFP.

Proposers that are not MWBEs are strongly encouraged to consider partnerships or other joint venture arrangements with certified MWBEs to provide MWBEs the opportunity to participate in the provision of services performed under the contract awarded to the successful Proposer.

Note that under Article 15-A, Proposers must document good faith efforts to provide meaningful participation by MWBEs. 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 DHCR and monetary payments based on the MWBE goal shortfall.

The directory of the State's certified MWBEs can be viewed at: http://www.esd.ny.gov/MWBE.html.

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

DHCR is committed to awarding a contract to a firm and/or individual that will provide high-quality services at a reasonable and competitive cost. Firms and/or individuals are encouraged to 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 DHCR procurement are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of a DHCR awarded contract. Such partnering may be as subcontractors, suppliers, 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 DHCR contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the successful Proposer and its New York State business partners. New York State businesses will promote the successful Proposer'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 successful Proposers. DHCR 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.

G. NEGATIVE FINDINGS

A proposal may be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent DHCR from selecting the Proposer. These findings may pertain to: the Primary Contractor; any firm and/or individual listed as a partner or subcontractor in the proposal; any owners, primary shareholders, or executive staff in the Primary Contractor or any of its partners; or any of the principal staff expected to perform or supervise the work outlined in the Scope of Work. Such adverse findings include, but are not limited to:

- Negative findings from the New York State Inspector General, a federal Inspector General or from the U.S. Government Accountability Office, or from an Inspector General in another state;
- Pending or unresolved legal action from the U.S. Attorney General or from an attorney general in New York State or another state;
- Pending or unresolved litigation with the Federal government, any State government, or a local municipality regarding contract performance;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- Local, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure;
- Sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;
- Defaults under any Federal, State or locally-sponsored program;
- A record of substantial building code violations or litigation against properties owned and / or managed by the Proposer or by any entity or individual that comprises the Proposer;
- Past or pending voluntary or involuntary bankruptcy proceeding;
- Conviction for fraud, bribery or grand larceny; or
- Listing on the federal or State excluded parties lists.

If the Proposer believes that any of the adverse findings listed above may be applicable to their firm or entity, or any person or entity partnering with their firm or entity, they should provide a detailed explanation of the finding either in the Proposer Disclosure of Prior Non Responsibility Determinations Form, as provided in Tab 3 of this RFP, or in an attached sheet. Failure to disclose any relevant findings may result in disqualification of the proposal.

H. DEBRIEFING AND PROTEST

Consistent with New York State Finance Law Section 163(9)(c), any Proposer that is not selected for award may, within ten business days of notice of the contract award, request a debriefing to discuss the evaluation of its Proposal. A

debriefing must be requested in writing and the request shall be submitted to the Contact Officer in accordance with this Section VIII (B) of this RFP.

A Proposer will be accorded fair and equal treatment with respect to its opportunity for debriefing. The debriefing shall be scheduled within ten business days of receipt of written request by DHCR, or as soon after that time as practicable under the circumstances.

An unsuccessful Proposer may file a protest concerning the contract award with DHCR's Contact Officer at the above address within ten business days from the date of the notice of the contract award, except that any protest concerning the terms and conditions of the solicitation (or other matters that would be apparent to an interested party prior to the date set in this RFP for the receipt of proposals) must be filed on or before the date set in this RFP for the receipt of proposals.

I. RESERVED RIGHTS

DHCR reserves the right to:

- Reject any or all proposals received in response to the RFP;
- Withdraw the RFP at any time, at DHCR's sole discretion;
- Make an award under the RFP in whole or in part;
- Disqualify any Proposer whose qualifications, conduct and/or proposal fails to conform to the requirements of the RFP;
- Seek clarifications and revisions of proposals;
- Use information obtained through DHCR's investigation of a Proposer's qualifications, experience, ability or financial standing, and any material or information submitted by the Proposer in response to DHCR's request for clarifying information in the course of evaluation and/or selection under the RFP;
- Prior to the contract award, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the contract award, direct Proposers to submit modifications addressing subsequent RFP amendments;
- Change any part of the scheduled timeline;
- Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Proposers;
- Waive any requirements that DHCR deems are not material;
- Negotiate with the successful Proposer within the scope of the RFP in the best interests of the State;
- Conduct contract negotiations with the next responsible Proposer, should DHCR be unsuccessful in negotiating with the selected Proposer;
- Utilize any and all ideas submitted in the proposals received;
- Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 60 days from the contract award; and,

- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's proposal and/or to determine a Proposer's compliance with the requirements of the solicitation.

Depending on the nature of the procurement, there may be additional State reserved rights beyond those presented here.

IX. CONTENT OF PROPOSALS

Proposals must 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. DHCR will review 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 résumés, references, and other attachments required in Tabs 2 and 3.

A. PART I

1. Tab 1: Cover Letter (not to exceed 2 pages)

The Proposer's cover letter must include:

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

b. A summary of the Proposer's qualifications;

c. The Proposer's name, address, telephone number, fax number, email address and website address, if applicable;

d. The name, title, telephone number, fax number and email address of the individual within the Proposer's organization who will be DHCR's primary contact concerning the proposal;

e. The name(s) of the key staff member(s) who will provide services to DHCR;

f. The contact name, firm name, telephone number, fax number and email address for partnering firm(s), if applicable.

g. Written certification 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.

2. Tab 2: Proposal Narrative (not to exceed 20 pages)

Utilizing the Proposal Narrative, the Proposer must demonstrate the necessary knowledge, experience, and capacity to meet or exceed the minimum requirements outlined in the Scope of Work for each section to be bid. The narrative must include:

a. Experience

Provide a descriptive summary of the type and number of comparable engagements the Proposer has been involved in, either as the lead or supporting researcher. Please list and describe related experience for the Proposer, including any related experience to be provided by partners or subcontractors. Please provide samples where possible. If a Proposer will be subcontracting or partnering, please attach copies of the sub-contract or partner agreements for this proposal.

DHCR is seeking qualified researchers with the following experience:

- **Section 1: Quantitative analysis and mapping of census and ACS data related to grandfamilies**

  The lead researcher should demonstrate the capacity, experience, and knowledge of statistical, economic, and quantitative data analysis, modeling, preparation of tables of data for appendices, and mapping. This will include: collecting, analyzing, and aggregating primary demographic data from the U.S. Census, American Community Survey and HUD data; working with NYS agency databases (OTDA, OCFS, SOFA); obtaining quantitative data from kinship programs, organizations, and networks; GIS mapping and data computations and an appendix with tables of data, a narrative report of the data, findings and recommendations including summaries of the findings and recommendations.

- **Section 2: Quantitative analysis of affordability of housing costs and fair market rents**

  The lead researcher or key staff person should demonstrate experience with data calculations and computations, particularly with HUD AMI data and FMR data and U.S. Census and American Community Survey data related to housing costs, household income and affordability; knowledge of State and federal housing programs and eligibility guidelines; and the ability to summarize and present research findings and recommendations in a professional and proficient manner.

- **Section 3: Qualitative research of housing needs of grandfamilies via literature reviews, interviews, and focus groups**

  The lead researcher should demonstrate knowledge of local, state, and federal support services; experience soliciting information from individuals, stakeholder groups, and service providers through in-person and telephone interviews and focus groups; experience assessing findings from stakeholder outreach and the ability to summarize and present research findings and recommendations in a proficient and professional manner.

- **Section 4: Prevalent and best practices in existing multi-family developments for grandfamilies via interviews and analysis of development financing and annual operating statements**

  The lead researcher or key staff person should demonstrate knowledge of the regulatory requirements, financing, marketing, management, operations and maintenance, and support services associated with affordable housing development; experience conducting extensive research and literature reviews; outreach experience, such as soliciting information from individuals, stakeholder groups, and service providers through in-person and telephone interviews and focus groups; experience assessing findings from stakeholder outreach, and the ability to summarize and present findings and recommendations in a proficient and professional manner.

- **Section 5: Identification of policy, taxation, and financing models for providing grandfamily housing using (i) unit set-asides in existing projects (ii) developing new multi-family housing (iii) renovating renter- and owner-occupied single-family homes and (iv) allocating vouchers for use in the private sector**

The lead researcher should demonstrate knowledge and experience evaluating existing programs, funding resources, policies, and taxation and financing models for public and publicly-assisted housing for seniors and families; knowledge of local, state and federal programs governing public housing, publicly-assisted multi-family developments, owner-occupied housing and home improvement programs and the Housing Choice Voucher Program; experience soliciting information in the form of in-person and telephone interviews with state, local housing, and support service agencies and other groups relevant to the research; and the ability to summarize and present research findings and recommendations in a proficient and professional manner.

b. <u>References</u>

Provide a minimum of three client references for the Proposer and at least two for any subcontractor or partner. 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 summary for any partner or subcontractor. DHCR may use information provided by references for the evaluation of proposals. DHCR is not responsible for the degree of, or lack of responsiveness of, the references listed by a Proposer, subcontractor, or partner. DHCR is not required to alert Proposers about a reference's unresponsiveness during the evaluation of a proposal.

c. <u>Current Capacity and Qualifications</u>

Attach the résumés and professional qualifications of the Proposer's principals, key personnel, and staff to be assigned to work on each selected section of the study as described in Section VII, Scope of Services, of this RFP, including degrees, licenses and years of relevant experience. Include a staffing plan and specifically identify people currently employed by the Proposer who will serve in key roles as well as partners and subcontractors, who the Proposer will be engaging with as part of this proposal.

Specify the primary contact person for the Proposer (name, title, location, telephone number, and e-mail address). If the Proposer or any of its subcontractors are certified MWBEs in New York State, those firms and/or individuals should be clearly identified.

d. Approach and Methodology

The Proposer must submit a detailed work plan that establishes goals, target dates, and the proposed methodology to the scope of work outlined in the sections to be undertaken by the Proposer as described in Section VII, Scope of Services, of this RFP. This work plan must include a detailed description of: (1) the intended means, methods, and timeline for accomplishing the task; (2) any sub-tasks identified by the Proposer; (3) performance measures; and (4) a description of the Proposer's prior experience using the proposed means and methods. The timeline must identify the earliest date when the Proposer will commence work following receipt of an executed contract and include precise dates for the completion of each task and any component subtasks identified by the Proposer.

The Proposer must indicate the extent to which the Scope of Work and any of its component subtasks will be performed within the State of New York and will utilize MWBEs.

e. Financial Capacity

The successful Proposer must demonstrate ongoing financial stability and sufficient access to capital and resources to perform the services requested in this RFP.

f. MWBE Participation

The successful Proposer must demonstrate evidence of good faith efforts to meet the Agency's MWBE participation goals.

3. Tab 3: Administrative Requirements (page limit does not apply to this tab)

Proposers must submit the following required documentation. Please review, complete, and submit the following required forms and information:

a. Standard Clauses

The Standard Clauses for State of New York Contracts, attached hereto as **Appendix A**, will apply to any contract awarded as a result of this solicitation. Depending on the nature of the procurement, there may be additional state reserved rights beyond those presented here.

b. Procurement Lobbying Law

Proposers are required to review and comply with the Procurement Lobbying Provisions and to complete and submit the Affirmation of

Understanding of Agreement Pursuant to SFL 139 (j)(3) and SFL 139 (j)(6)(b), the Certification of Compliance with SFL 139 (k)(5), and the Proposer Disclosure of Prior Non-Responsibility Determinations, attached hereto collectively as **Exhibit B**.

c. Vendor Responsibility

DHCR is required to conduct a review of each prospective contractor and provide reasonable assurance that the vendor is responsible. Vendor responsibility is determined by reviewing the prospective contractor's legal authority to do business in New York State, business integrity, performance history (including references), and financial and organizational resources. To comply with this requirement, all prospective vendors are required to complete the New York State Vendor Responsibility Questionnaire.

Proposers are required to complete, certify, and submit the Vendor Responsibility Questionnaire, attached hereto as **Exhibit G,** with the Proposal documents. Proposers may complete the Vendor Responsibility Questionnaire online or submit a paper questionnaire.

- **New Online Vendors**: If a proposer is not currently enrolled in the New York State VendRep System and would like to enroll online, the proposer must enroll in the New York State VendRep System and complete the questionnaire at: http://www.osc.state.ny.us/vendrep. (Online vendors must provide the VendRep # on the proposal submission documents.)

- **Existing Online Vendors**: If the proposer is currently enrolled in the New York State VendRep System, the proposer can log-in directly to the VendRep System at: https://portal.osc.state.ny.us. (Online vendors must provide the VendRep # on the proposal submission documents.
- **Paper Submissions**: Vendors opting to file a paper Vendor Responsibility Questionnaire can obtain the appropriate questionnaire from the VendRep website and submit a hard copy with the proposal submission documents.

For direct VendRep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672, or by email to: helpdesk@osc.state.ny.us.

d. Iran Divestment Act

The Proposer is required to review, complete, and submit the Iran Divestment Act Form, attached hereto as **Exhibit E**, to attest that by submitting a proposal in response to this solicitation or by assuming

the responsibility of a Contract awarded hereunder, the Proposer/Contractor (or any assignee) certifies that it is not on the "Entities Determined to be Non-Responsive Proposers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Proposer/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DHCR receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DHCR will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DHCR shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Proposer/Contractor in default.

DHCR reserves the right to reject any proposal, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

e. <u>Non Collusive Bidding Certification</u>

Pursuant to New York State Finance Law ("SFL") Section 139(d), the Proposer must certify to DHCR that the firm is in compliance with the non-collusion requirements set forth in SFL Section 139(d) by completing the Non-Collusive Bidding Form, attached hereto as **Exhibit C.**

f. <u>Public Integrity and Ethics Statements</u>

- Proposers must submit a written statement indicating whether performing services for DHCR 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 DHCR. Indicate what procedures will be followed to detect, notify DHCR of, and resolve any such conflicts.

Proposers must submit a written statement disclosing in the affirmative or in the negative whether its entity, any of its members discussed, or members of any subcontractors in Tab 2, 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. (Attach these two statements as **Exhibit K**.)

g. <u>Contractor or Vendor Information Form</u>

Proposers are required to provide the name of the business, the name of the owners and principals, and the legal status of the business by completing and submitting the Contractor or Vendor Information Form, attached hereto as **Exhibit D**.

h. <u>Sales Tax Certification</u>

Pursuant to New York State Tax Law Section 5(a), the successful Proposer and its affiliates and/or subcontractors will be required to certify to the New York State Department of Taxation and Finance that the firm is registered to collect New York State and local sales and compensating use taxes by completing form SS-220-CA, attached hereto as **Exhibit F**.

i. <u>Contractor Disclosure</u>

Pursuant to New York State Finance Law Section 163(4)(g), the successful Proposer and its subcontractors must submit the annual employment report, Form A – State Consultant Services Contractor's Planned Employment from Contract Start Date through the End of the Contract Term upon notification of award. The completed Form A, attached hereto as **Exhibit H**, must include information for all employees that will be providing services under the contract, whether employed by the successful Proposer or by a subcontractor.

This form is required for firms that provide consulting services, such as analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services.

j. Equal Employment and MWBE Documentation

Pursuant to Article 15-A of the Executive Law, DHCR is required to establish employment and business participation goals for minorities and women. This law also requires individuals, sole proprietorships, partnerships, corporations, not-for-profit corporations, or any other party to a state contract or a proposer in conjunction with awarding a state contract or a proposed party to a state contract to comply with the legal requirements of Article 15-A.

Proposers are required to review and comply with Article 15-A by completing and submitting the Contractor Solicitation Requirements and Procedures for Business Participation Opportunities for NYS Certified MWBEs and Equal Employment Opportunities for Minority Group Members and Women, the EEO Staffing Plan, the MWBE Utilization Form, the MWBE/EEO Policy Statement Form, the Company Demographic Profile, and the EEO Statement, attached hereto collectively as **Exhibit A.**

In addition, the Proposer must provide the following information, as applicable, as part of **Exhibit A**.

- If the Proposer is a State-certified MWBE, documentation evidencing registration. For MWBEs 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.

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

- A statement by the Proposer indicating its willingness, if any, to engage in MWBE partnering or mentoring arrangements with a MWBE selected by the Proposer. Such statement should include an explanation of how the Proposer would structure such an arrangement and allocate services and fees between the firms.

k. General Liability and Errors and Omissions Insurance

The Proposer must provide a Certificate of Insurance evidencing General Liability and Errors and Omissions insurance coverage. Minimum acceptable limits are **$1,000,000** per occurrence for General

Liability and **$1,000,000** per occurrence for Errors and Omissions. Provide evidence of insurance **as Exhibit I**

l. Financial Statements

The Proposer must provide a copy of the Proposer's most recent two years of audited financial statement or most two recent years of unaudited statements with the accompanying federal tax returns, to be provided **as Exhibit J**.

m. Workers' Compensation and Disability Benefits Insurance

The successful Proposer must submit the following documentation within 48 hours of notification of selection for award.

1. **Workers' Compensation Documentation**

Upon notification of award, the successful Proposer will be requested to submit one of the following forms as Workers' Compensation Insurance documentation:

- **CE-200** – Certificate of Attestation for New York Entities with No Employees and Certain Out-of-State Entities, that New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required; or

- **C-105.2** – Certificate of Workers' Compensation Insurance (or U-26.3 if insured through the State Insurance Fund); or

- **SI-12** – Certificate of Workers' Compensation Self-Insurance (or GSI-105.2 Certificate of Participation in Workers' Compensation Group Self-Insurance).

2. **Disability Insurance Documentation**

Upon notification of award, the successful Proposer will be requested to submit one of the following forms as Disability documentation:

- **CE-200** – Certificate of Attestation for New York Entities with No Employees and Certain Out-of-State Entities, that New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required; or

- **DB-120.1** – Certificate of Disability Benefits Insurance; or

- **DB-155** – Certificate of Disability Benefits Self-Insurance.

ACORD forms are not acceptable proof of insurance. Further information is available at the Workers' Compensation Board website, which can be accessed through this link: http://www.wcb.ny.gov .

Please note that these forms are not required as part of the proposal submissions.

B. PART II

Tab 4: Budget (not to exceed 3 pages)

~~The Proposer must submit **not-to-exceed** budget specific to each section bid. The budget must include all costs required to complete the section. This should include hourly rates for project staff and estimated costs for reimbursable expenses (i.e., travel, printing, mailing, teleconferencing, etc.). Finally, the budget should estimate the amount and percentage of the budgeted funds that will be spent within the State and (2) allocated to minority and women-owned business enterprises.~~

~~The Proposer must submit the following supporting documentation: a list of deliverables for each section bid; a list of the hourly billing rates for key staff by staffing category; and a detailed narrative describing the method for tracking expenditures.~~

~~This contract will be paid upon satisfactory completion of the specified deliverables. (Please note: Hourly rates and reimbursable expenses are being requested for RFP scoring consideration. This is not an "hourly" contract or a "time and materials" contract.~~
This contract will be paid on deliverable basis for each section bid, including: (1) submission of the initial draft for each section bid; (2) submission of the final draft for each section bid; and (3) compilation of final reports into the full Study. Proposers must submit a **not-to-exceed** budget for each section bid. The proposed budget for each section bid must be all inclusive. DHCR will not pay any other expenses separately from the "per deliverable" payments.

Please use the following format for each section bid:

Section #: Section Title Name

Deliverable 1: Submission of Initial Draft Report $ _____
(80% of proposed budget)

Deliverable 2: Submission of Final Draft Report $_____
(10% of proposed budget)

Deliverable 3: Compilation of Final Reports for Study $_____
(10% of proposed budget)

Total Proposed Budget for Section $_____

The Proposer's budget should reflect that ten percent (10%) of the total fee due under the contract will be retained until fifteen (15) days after the Study is deemed acceptable by DHCR.

X. 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, DHCR's determination regarding a proposal will be final. Proposals not organized in the manner prescribed in this RFP may be considered non-responsive, at DHCR's sole discretion. Proposers may 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.

A. PROPOSAL SUBMISSION INSTRUCTIONS

1. Proposals must be delivered by email in two parts no later than 3:00 pm (EDT) on ~~September~~ October ~~26~~2, 2014. **In addition, two parts of a paper-based 8.5x11 inch format containing original signatures and certifications must be received at DHCR's mailroom no later than 3:00 pm (EDT) on ~~September~~ October ~~26~~2, 2014.**

2. Electronic proposals must be submitted by email to: Felicia Green at iPurchase@nyshcr.org in searchable Portable Document Format ("PDF") compatible with Adobe Reader XI, version 11.0.4. DHCR will not accept discs, flash drives or FTP file references that require DHCR to download information from the Proposer's, or third party's website. 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 e-delivery.

3. The paper-based original copy must be received in two separate envelopes or packages at DHCR's Mailroom by the deadline. The address is: Division of Housing and Community Renewal, 38-40 State Street, Albany, NY 12207. The paper based copy must not be permanently bound. The preferred format is three-hole punched 8.5x11 sheets in three ring binders.

4. Proposals must be broken down and labeled as follows:

   a. **Part I** includes the **Cover Letter, the Proposal Narrative, and the ~~Administrator~~Administrative Requirements (Tabs 1-3)** section of this proposal and the subject line of the email for this section and the envelope or package of the hardcopy containing this section must be labeled: **"2014 Grandparent Study – Part I"**.

   a. **Part II** includes the **Budget (Tab 4)** section of the proposal, and the subject line of the email for this section and the envelope or package of the hardcopy of this section must be labeled: **"2014 Grandparent Study – Part II".**

5. Any proposal delivered after 3:00 pm (EDT), ~~September~~ October ~~26~~2, 2014, will not be opened. Delivery delays shall not excuse late proposal submissions. The Proposer is responsible to ensure that its proposal is 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. The Proposer submitting a proposal assumes all risks associated with delivery. The determination of whether any proposal was received on time is at the sole discretion of DHCR.

6. All proposals submitted shall become the property of DHCR.

XI. EVALUATION, SELECTION, AND NOTIFICATION

A. EVALUATION PROCESS

Proposals will be evaluated based upon Proposer's prior relevant professional experience, proposed work plan, methodology, timeline, staffing plan, MWBE participation, and budget including, but not limited to, the required documentation submitted in Tab 3 of the proposal.

The evaluation of proposals will be based on the "Best Value" concept. The proposal(s) 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. DHCR may deem a proposal non-responsive and disqualify a Proposer, if any of the required forms, information or other documentation is missing or incomplete. DHCR 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 DHCR deems that doing so is in the best interest of the citizens of the State of New York.

Upon review of submitted proposals, DHCR 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 DHCR's requests for clarification.

DHCR reserves the right to conduct in-person, web video, or telephone interviews with Proposers for purposes of expanding or clarifying responses.

DHCR, at its sole discretion, will determine which proposal best satisfies its requirements. DHCR reserves all rights with respect to the award of a contract for this RFP project. DHCR reserves the right to select a proposal that, in its sole judgment, is consistent with and responsive to the goals of the Agency, irrespective of whether it is the apparent lowest cost proposal. Furthermore, the determination of such selection will be made by DHCR 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 if 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 technical and cost evaluations and will be scored based upon the criteria discussed below.

B. SCORING AND EVALUATION

The DHCR Scoring Team will only score complete, responsive proposals. Proposals will be scored based upon best value and the degree to which the Proposer demonstrates the highest probability of satisfactorily providing the specific services outlined in this RFP. Seventy (70%) percent of the overall score will be technical evaluation (experience, capacity, and methodology) and thirty (30%) percent will be cost evaluation.

DHCR reserves the right to consider other criteria, not specifically identified in this RFP ~~but~~, that are deemed to be in the best interest of the State of New York.

C. SELECTION AND NOTIFICATION PROCESS

DHCR anticipates making a final decision on the selection of a successful Proposer(s) at the time noted in the Key Events/Dates calendar. Notification of award or non-award will be provided to all Proposers.

The RFP (including all attachments, appendices and hyperlinks), all amendments/clarifications thereto, and the proposal(s) submitted by the successful Proposer(s), and any clarifications thereto, will serve as the basis for, and will be included as appendices to, the contract(s) with DHCR. DHCR

will draft a contract that will define ~~the~~specific deliverables and ~~the specific~~ responsibilities for of the successful Proposer(s).

In the event an agreement cannot be made with the highest rated qualified Proposer, DHCR reserves the right to negotiate with the next highest rated qualified Proposer.

The delivery of services based on an approved contract is expected to commence on or about the time indicated in the Key Events/Dates calendar.

The contract award is subject to approval of the OAG and the OSC and no work may commence until approved by both review agencies.

Upon contract award, public announcements or news releases pertaining to the contract shall not be made without the prior written consent of DHCR.

Appendix A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.

January 2014

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds $50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds $10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed $85,000 (State Finance Law Section 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of $50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of

any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds $5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of $25,000.00,

whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of $100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of $100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over $25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. <u>CONFLICTING TERMS</u>. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. <u>GOVERNING LAW</u>. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. <u>LATE PAYMENT</u>. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. <u>NO ARBITRATION</u>. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. <u>SERVICE OF PROCESS</u>. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. <u>PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS</u>. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwbecertification@esd.ny.gov
https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than $1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded

the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.
To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. **IRAN DIVESTMENT ACT**. By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at:
http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

NEW YORK STATE FINANCE AGENCY, 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
641 LEXINGTON AVENUE, NEW YORK, NEW YORK 10022, (212) 688-4000

HOUSING TRUST FUND CORPORATION
DIVISION OF HOUSING AND COMMUNITY RENEWAL
38-40 STATE STREET, ALBANY, NEW YORK 12207

April, 2014

EXHIBIT A

PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN REQUIREMENTS AND PROCEDURES FOR CONTRACTS WITH

NEW YORK STATE HOUSING FINANCING AGENCY
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
HOUSING TRUST FUND CORPORATION
DIVISON OF HOUSING AND COMMUNITY RENEWAL
(individually or collectively, "Agency" or "Agencies")

I. General Provisions

A. The Agency(ies) is required to implement the provisions of New York State ("State") Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts as defined therein, with a value (1) in excess of $25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of $100,000 for real property renovations and construction.

B. Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to the Housing Trust Fund Corporation, NYS Division of Housing and Community Renewal, New York State Housing Finance Agency, 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 (individually, "Agency" and collectively, the "Agencies" or "Agency(ies)"), to fully comply and cooperate with the Agency in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("MWBEs"). Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "Human Rights Law") or other applicable federal, State or local laws.

C. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of Contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to section VII of this Appendix II or enforcement proceedings as allowed by the Contract.

II. Contract Goals

A. For purposes of this procurement, the Agency(ies) overall participation goals for Minority and Women-Owned Business Enterprises ("MWBEs") are indicated in the solicitation document and contract.

B. For purposes of providing meaningful participation by MWBEs on this Contract and achieving the Contract Goals established in section III-A, Contractor should reference the directory of New York State Certified MBWEs found at the following internet address:

https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp.

Additionally, Contractor is encouraged to contact the Division of Minority and Woman Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on this Contract.

C. Where MWBE goals have been established herein, pursuant to 5 NYCRR §142.8, Contractor must document "good faith efforts" to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of this Contract. In accordance with section 316-a of Article 15-A and 5 NYCRR §142.13, the Contractor acknowledges that if Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of Contract and the Contractor shall be liable to the Agency(ies) for liquidated or other appropriate damages, as set forth herein.

III. Equal Employment Opportunity (EEO)

A. Contractor agrees to be bound by the provisions of Article 15-A and the MWBE Regulations promulgated by the Division of Minority and Women's Business Development of the Department of Economic Development (the "Division"). If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.

B. Contractor shall comply with the following provisions of Article 15-A:

1. Contractor and Subcontractors shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

2. The Contractor shall submit an EEO policy statement to the Agency(ies) within seventy two (72) hours after the date of the notice by Agency(ies) to award the Contract to the Contractor.

3. If Contractor or Subcontractor does not have an existing EEO policy statement, the Agency(ies) may provide the Contractor or Subcontractor a model statement (see Form PROC-4 – Minority and Women-Owned Business Enterprises Equal Employment Opportunity Policy Statement).

4. The Contractor's EEO policy statement shall include the following language:

   a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force.

   b. The Contractor shall state in all solicitations or advertisements for employees that, in the performance of the Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

   c. The Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein.

   d. The Contractor will include the provisions of sections (a) through (c) of this subsection and paragraph "E" of this section, which provides for relevant provisions of the Human Rights Law, in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with this Contract.

C. Form PROC-1 - Staffing Plan

To ensure compliance with this section, the Contractor shall submit a staffing plan to document

the composition of the proposed workforce to be utilized in the performance of this Contract by the specified categories listed, including ethnic background, gender, and Federal occupational categories. Contractors shall complete the Staffing plan form and submit it as part of their bid or proposal or within a reasonable time, but no later than the time of award of the Contract.

D. Form PROC-5 - Workforce Employment Utilization Report ("Workforce Report")

1. Once a Contract has been awarded and during the term of Contract, Contractor is responsible for updating and providing notice to the Agency(ies) of any changes to the previously submitted Staffing Plan. This information is to be submitted on a quarterly basis during the term of the Contract to report the actual workforce utilized in the performance of the Contract by the specified categories listed including ethnic background, gender, and Federal occupational categories. The Workforce Report must be submitted to report this information.

2. Separate forms shall be completed by Contractor and any subcontractor performing work on the Contract.

3. In limited instances, Contractor may not be able to separate out the workforce utilized in the performance of the Contract from Contractor's and/or subcontractor's total workforce. When a separation can be made, Contractor shall submit the Workforce Report and indicate that the information provided related to the actual workforce utilized on the subject Contract. When the workforce to be utilized on the Contract cannot be separated out from Contractor's and/or subcontractor's total workforce, Contractor shall submit the Workforce Report and indicate that the information provided is Contractor's total workforce during the subject time frame, not limited to work specifically under the Contract.

E. Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall 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.

IV. MWBE Utilization Plan (Form (PROC-2)

A. The Contractor represents and warrants that Contractor has submitted an MWBE Utilization Plan either prior to, or at the time of, the execution of this Contract.

B. Contractor agrees to use such MWBE Utilization Plan for the performance of MWBEs on this Contract pursuant to the prescribed MWBE goals set forth in section III-A of this Appendix II.

C. Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of this Contract. Upon the occurrence of such a material breach, the Agency(ies) shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsiveness.

V. Waivers

A. For Waiver Requests Contractor should use Form PROC-3 – Waiver Request.

B. If the Contractor, after making good faith efforts, is unable to comply with MWBE goals, the Contractor may submit a Request for Waiver documenting good faith efforts by the Contractor to meet such goals. If the documentation included with the waiver request is complete, the Agency(ies) shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.

C. If the Agency(ies), upon review of the Utilization Plan and updated Compliance Reports determines that Contractor is failing or refusing to comply with the Contract goals and no waiver has been issued in regards to such non-compliance, the Agency(ies) may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of MWBE Contract Goals.

VI. Quarterly MWBE Contractor Compliance Report (PROC-6)

Contractor is required to submit a Quarterly MWBE Contractor Compliance Report (Form MWBE #105) to the Agency(ies) by the 10th day following each end of quarter (i.e., March 31st,

June 30th, September 30th, and December 31st) over the term of the Contract documenting the progress made towards achievement of the MWBE goals of the Contract.

VII. Liquidated Damages - MWBE Participation

A. Where the Agency(ies) determines that Contractor is not in compliance with the requirements of this Contract and Contractor refuses to comply with such requirements, or if Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals, Contractor shall be obligated to pay to the Agency(ies) liquidated damages.

B. 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.

C. In the event a determination has been made which requires the payment of liquidated damages and such identified sums have not been withheld by the Agency(ies), Contractor shall pay such liquidated damages to the Agency(ies) within sixty (60) days after they are assessed by the Agency(ies) unless prior to the expiration of such sixtieth (60th) day, the Contractor has filed a complaint with the Director of the Division of Minority and Woman Business Development pursuant to subdivision 8 of section 313 of the Executive Law in which event the liquidated damages shall be payable if Director renders a decision in favor of the Agency(ies).

ALL FORMS ARE HYPERLINKED

EQUAL EMPLOYMENT OPPORTUNITY
STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

Solicitation/Program Name:	**Report includes:** □ Workforce to be utilized on this contract □ Contractor/Subcontractor's total work force
Offeror's Name:	**Reporting Entity:** □ Contractor □ Subcontractor **Subcontractor's name_____**
Offeror's Address:	

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work force	Workforce by Gender		Work force by Race/Ethnic Identification													
		Total Male (M)	Total Female (F)	White (M)	(F)	Black (M)	(F)	Hispanic (M)	(F)	Asian (M)	(F)	Native American (M)	(F)	**Disabled (M)**	**(F)**	**Veteran (M)**	**(F)**
Officials/Administrators																	
Professionals																	
Technicians																	
Service Maintenance Workers																	
Office/Clerical																	
Skilled Craft Workers																	
Paraprofessionals																	
Protective Service Workers																	
Totals																	

PREPARED BY (Signature):	**TELEPHONE NO.:** **EMAIL ADDRESS:**	**DATE:**
NAME AND TITLE OF PREPARER (Print or Type):	**SUBMIT COMPLETED WITH BID OR PROPOSAL**	

General instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's or subcontractor's total work force, the Offeror shall complete this form for the contractor's or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number or RFP number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate if the work force being reported is just for the contract or the Offerors' total workforce.
4. Enter the total work force by EEO job category.
5. Break down the total work force by gender and enter under the heading 'Workforce by Gender'
6. Break down the total work force by race/ethnic background and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the Designated Contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES

- **DISABLED INDIVIDUAL** any person who:
  - has a physical or mental impairment that substantially limits one or more major life activity(ies)
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- **GENDER** Male (M) or Female (F)

M/WBE UTILIZATION PLAN

INSTRUCTIONS: **This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.**

Offeror's Name:

Address:

City, State, Zip Code:

Region/Location of Work:

Federal Identification Number:

Solicitation Number:

Telephone Number:

M/WBE Goals in the Contract: MBE % WBE %

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts / Supplies/Services and intended performance dates of each component of the contract.
A.	NYS ESD CERTIFIED ☐ MBE ☐ WBE			
B.	NYS ESD CERTIFIED ☐ MBE ☐ WBE			

6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM (PROC-5).

PREPARED and APPROVED BY:

NAME AND TITLE OF PREPARER (Print or Type):

Signature: _____
Authorized Signature

DATE:

TELEPHONE NO:

EMAIL ADDRESS:

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

FOR AGENCY USE ONLY

REVIEWED BY:	DATE:

UTILIZATION PLAN APPROVED: ☐ YES ☐ NO Date:

Contract No:

Contract Award Date:

Estimated Date of Completion:

Amount Obligated Under the Contract:

NOTICE OF DEFICIENCY ISSUED: ☐ YES ☐ NO
Date:_____

NOTICE OF ACCEPTANCE ISSUED: ☐ YES ☐ NO
Date:_____

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES – EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

M/WBE AND EEO POLICY STATEMENT

I, _____, the (awardee/contractor)_____ agree to adopt the following policies with respect to the project being developed or services rendered for (name agency/ies or project location)_____

MWBE

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

(1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
(2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.
(3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
(4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
(5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
(6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

EEO

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.
(b)This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.
(d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall 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.
(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this _____ day of _____, 2_____

By _____

Print: _____ Title: _____

_____is designated as the Minority Business Enterprise Liaison

He/she is responsible for administering the Minority and Women-Owned Business Enterprises-Equal Employment Opportunity (M/WBE-EEO) program.

M/WBE Contract Goals

20% Minority and Women's Business Enterprise Participation

10% Minority Business Enterprise Participation

10% Women's Business Enterprise Participation

EEO Contract Goals

___% Minority Labor Force Participation

___% Female Labor Force Participation

New York State
Homes & Community Renewal
www.nyshcr.org

Company Name: _____

Contact Person: _____

Contact Phone Number: _____

Date: _____

Company Demographic Profile

(NOTE: Proposers may attach the Employer Information Reports EEO-1 for the last 3 years instead of completing the above table)

Enter the total number of employees in each category identified below.

	Total Number of Employees		Report Employees in only one racial/ethnic category)														Veteran (military service between 1/1/1963-5/7/1975)	
			Non-Hispanic or Latino										Hispanic or Latino		Disabled			
			White		Black or African American		Native Hawaiian or other Pacific Islander		Asian		American Indian or Alaskan Native							
Job Categories	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials/Administrators																		
Professionals																		
Technicians																		
Sales Workers																		
Office/Clerical																		
Craft Workers																		
Laborers																		
Services Workers																		
Current Total																		
Temporary/Apprentices																		
Current Total																		
2013 Total																		
2012 Total																		
2011 Total																		

New York State
Homes & Community Renewal
www.nyshcr.org

EEOC Statement
of the
Division of Housing and Community Renewal,
New York State Housing Finance Agency,
State of New York Mortgage Agency,
New York State Affordable Housing Corporation,
State of New York Municipal Bond Bank Agency,
Tobacco Settlement Financing Corporation,
Housing Trust Fund Corporation
(individually, "Agency" and collectively, "Agencies")

It is the goal of the Agencies to ensure compliance with the federal Equal Employment Opportunity Act of 1972, as amended. Respondents with fifteen (15) or more employees responding to this solicitation, must submit a statement disclosing whether the Respondent is currently operating under or negotiating, or has at some time in the last five (5) years operated under or negotiated, a conciliation agreement with the Equal Employment Opportunity Commission ("EEOC"); has been, at some time in the last five (5) years, or is currently the subject of a civil action brought against it by the EEOC; has been, at some time in the last five (5) years, or is currently the subject of an action brought against it by the EEOC for permanent, temporary or preliminary relief; has operated, at some time in the last five (5) years, or is currently operating under an order of a court to take affirmative action as a result of a civil action brought against it by EEOC.

Please answer the above question either in the affirmative or negative.

_____Respond YES or NO.

If YES, provide explanation:
_____
_____
_____
_____

_____ _____
Respondent's Signature Date of Respondent's Signature

_____
Print Name of Respondent

F:\Legal8-Contract\Forms and Related Information\MWBE FORMS & Boilerplate Language\PROC-8 - EEOC Statement_FINAL.docx

EXHIBIT B

(Exhibit B to follow this page)

NEW YORK STATE
Homes & Community Renewal

PROCUREMENT LOBBYING PROVISIONS AND FORMS

Policy and Prohibitions Regarding Permissible Contacts during a Covered Procurement

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between DHCR and its affiliates and a proposer/bidder during the procurement process. A proposer/bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by the DHCR and, if applicable, Office of the State Comptroller to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is identified on the first page of this solicitation. Employees of DHCR and its affiliates are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the proposer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the proposer/bidder is debarred from obtaining governmental procurement contracts. Further information about these requirements can be found on the Office of General Services' website at: http://www.ogs.ny.gov/BU/PC/SPC.asp

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Contract Termination Provision

DHCR reserves the right to terminate this contract in the event it is found that the certification filed by the proposer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, DHCR may exercise its termination right by providing written notification to the proposer/bidder in accordance with the written terms of this contract.

NEW YORK STATE
Homes & Community Renewal

Affirmation of Understanding of
Agreement Pursuant to
State Finance Law §139-j (3) and §139-j (6) (b)

Proposer affirms that it understands and agrees to comply with the procedures of DHCR relative to permissible Contacts as required by State Finance Law §§ 139- j (3) and 139-K (6) (b).

Signature: _____ Date: _____

Print Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

_____

Certification of Compliance
With State Finance Law §139-k (5)

Proposer certifies that all information provided to DHCR with respect to State Finance Law §139-k is complete, true, and accurate.

Signature: _____Date: _____

Print Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

_____

NEW YORK STATE Homes & Community Renewal

Proposer Disclosure
of
Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:
_____

Address:_____
_____

Name and Title of Person Submitting this Form: _____
_____

Contract Procurement Number: _____

Date:_____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____
_____
_____
_____
_____
_____
_____
_____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

_____
_____
_____
_____
_____
_____
_____

(Add additional pages as necessary)

Proposer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By:_____ Date:_____
Signature

Name:_____

Title: _____

NEW YORK STATE Homes & Community Renewal

EXHIBIT C

(Exhibit C to follow this page)

NON-COLLUSIVE BIDDING CERTIFICATION

Required by Section 2878 of the Public Authorities Law

By submission of this bid, bidder and each person signing on behalf of bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

[3] No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this __ day of _____, 20__ as the act and deed of said corporation of partnership.

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS LEGAL RESIDENCE

_____ _____

_____ _____

_____ _____

_____ _____

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAMES LEGAL RESIDENCE

_____ _____

President

_____ _____

Secretary

_____ _____

Treasurer

_____ _____

President

_____ _____

Secretary

_____ _____

Treasurer

Identifying Data:

Potential Contractor: _____

Street Address: _____

City, Town, etc. _____

Telephone: _____ **Title**: _____

_____
If applicable, Responsible Corporate Officer Name

_____
Title

_____
Signature

Joint or combined bids by companies or firms must be certified on behalf of each participant:

_____	_____
Legal name of person, firm or corporation	Legal name of person, firm or corporation
By _____ (Name)	By _____ (Name)
_____ Title	_____
_____ Street Address	_____ Street Address
_____ City and State	_____ City and State

EXHIBIT D

(Exhibit D to follow this page)

NEW YORK STATE HOUSING FINANCE AGENCY
HOUSING TRUST FUND CORPORATION
NEW YORK STATE AFFORDABLE HOUSING CORPORATION
STATE OF NEW YORK MORTGAGE AGENCY
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY
TOBACCO SETTLEMENT FINANCING CORPORATION
DIVISION OF HOUSING AND COMMUNITY RENEWAL

(individually, "Agency" and collectively, "Agencies")

Contractor or Vendor Information Form

Vendor/Contractor Name: _____

Address: _____

_____

Telephone Number: (_____) _____

Fax Number: (_____) _____

Email: _____

Name & Title of Principal(s): _____

_____

Name & Title of Authorized Signer(s): _____

Federal Employer Identification Number: _____

Charities Bureau Registration #: _____
(Only applies to not-for-profits.)

Legal Status: _____ **Corporation** _____ **Partnership**

_____ **Not-for-Profit** _____ **Other**_____

(Note: If conducting business under an assumed name (d/b/a), please include evidence of filing of certificate.)

New York State Business Enterprises

1. Is your business a New York State Business Enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

   (Please circle) Yes No

"***New York State Business Enterprise***" is any business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods sought by any Agency and substantially manufactured, produced or assembled in New York State, or services, other than construction services, which are sought by any Agency and which are substantially performed within New York State. For purposes of construction services, a New York state business enterprise shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which has its principal place of business in New York State.

Encouraging Use of New York State Businesses in Contract Performance

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, bidders/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 or other supporting roles.

Bidders/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, bidders/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 therefore expects proposers to provide maximum assistance to New York businesses in their 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.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

1. Will New York State Businesses be used in the performance of this contract award?

   (Please circle) Yes No

Minority Owned Business Enterprises

1. Is your company a Minority-Owned Business Enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

   (Please circle) Yes No

2. If yes, has your company been certified as a Minority-Owned Business Enterprise?

   (Please circle) Yes No

Minority-Owned Business Enterprise: Any business enterprise, including a sole proprietorship, a partnership, or a corporation that is:

(i) At least 51% percent owned by one or more minority group members;
(ii) An enterprise in which the minority ownership is real, substantial and continuing;
(iii) An enterprise in which the minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;
(iv) An enterprise authorized to do business in New York State and is independently owned and operated;
(v) An enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certifications, with a person net worth that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
(vi) An enterprise that is a small business[1]

Minority Group Member: Any person that is a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

(i) Black persons having origins in any of the Black African racial groups;

(ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

(iii) Native American or Alaskan native persons having origins in any of the original peoples of North America.

(iv) Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian sub-continent or the Pacific Islands.

[1]"Small Business" means, unless otherwise indicated, a business which has a significant business presence in the State of New York, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the Director of division of minority and women's business development in the department of economic development, but not to exceed 300, taking into consideration factors which include, but are not limited to, Federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The Director may issue regulations on the construction of the terms in this definition.

Women Owned Business Enterprises

1. Is your company a Women-Owned Business Enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

   (Please circle) Yes No

2. If yes, has your company been certified as a Women-Owned Business Enterprise?

   (Please circle) Yes No

Women-Owned Business Enterprise: Any business enterprise, including a sole proprietorship, a partnership, or a corporation that is:

(i) At least 51% percent owned by one or more United States citizens or permanent resident aliens who are women;
(ii) An enterprise in which the ownership interest of such women is real, substantial and continuing;
(iii) An enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;
(iv) An enterprise authorized to do business in the State of New York and is independently owned and operated;
(v) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certifications, with a personal net worth that does not exceed $3.5 million dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
(vi) An enterprise that is a small business[2]

Vendor/Contractor Certification:
Proposer/bidder certifies that to the best of his/her knowledge and belief, all information contained in this application is true and correct.

Name of Contractor or Vendor: _____

Authorized Signature: _____

Print Name and Title: _____

Date: _____

[2]"Small Business" means, unless otherwise indicated, a business which has a significant business presence in the State of New York, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the Director of division of minority and women's business development in the department of economic development, but not to exceed 300, taking into consideration factors which include, but are not limited to, Federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The Director may issue regulations on the construction of the terms in this definition.

NEW YORK STATE
Homes & Community Renewal

EXHIBIT E

(Exhibit E to follow this page)

IRAN DIVESTMENT ACT
NOTICE FOR SOLICITATIONS

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Proposer/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Proposers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List.

Additionally, Proposer/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should the New York State Division of Housing and Community Renewal (DHCR) receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DHCR will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DHCR shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

DHCR reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

Name, Title: _____

Signature: _____ Date: _____

This form must be signed by an authorized executive or legal representative.

EXHIBIT F

(Exhibit F to follow this page)

New York State Department of Taxation and Finance

Contractor Certification to Covered Agency

(Pursuant to Section 5-a of the Tax Law, as amended, effective April 26, 2006)

ST-220-CA

(6/06)

For information, consult Publication 223, *Questions and Answers Concerning Tax Law Section 5-a* (see *Need Help? on back*).

Contractor name				*For covered agency use only* *Contract number or description*
Contractor's principal place of business	City	State	ZIP code	
Contractor's mailing address *(if different than above)*				*Estimated contract value over the full term of contract (but not including renewals)* $
Contractor's federal employer identification number (EIN)	Contractor's sales tax ID number (if different from contractor's EIN)			
Contractor's telephone number	Covered agency name			
Covered agency address				*Covered agency telephone number*

I, _____ , hereby affirm, under penalty of perjury, that I am _____
(name) *(title)*

of the above-named contractor, that I am authorized to make this certification on behalf of such contractor, and I further certify that:

*(Mark an **X** in only one box)*

☐ The contractor has filed Form ST-220-TD with the Department of Taxation and Finance in connection with this contract and, to the best of contractor's knowledge, the information provided on the Form ST-220-TD, is correct and complete.

☐ The contractor has previously filed Form ST-220-TD with the Tax Department in connection with _____
(insert contract number or description)

and, to the best of the contractor's knowledge, the information provided on that previously filed Form ST-220-TD, is correct and complete as of the current date, and thus the contractor is not required to file a new Form ST-220-TD at this time.

Sworn to this ____ day of _____, 20 _____

_____ _____
(sign before a notary public) *(title)*

Instructions

General information

Tax Law section 5-a was amended, effective April 26, 2006. On or after that date, in all cases where a contract is subject to Tax Law section 5-a, a contractor must file (1) Form ST-220-CA, *Contractor Certification to Covered Agency,* with a covered agency, and (2) Form ST-220-TD with the Tax Department before a contract may take effect. The circumstances when a contract is subject to section 5-a are listed in Publication 223, Q&A 3. This publication is available on our Web site, by fax, or by mail. (See *Need help?* for more information on how to obtain this publication.) In addition, a contractor must file a new Form ST-220-CA with a covered agency before an existing contract with such agency may be renewed.

If you have questions, please call our information center at 1 800 698-2931.

Note: Form ST-220-CA must be signed by a person authorized to make the certification on behalf of the contractor, and the acknowledgement on page 2 of this form must be completed before a notary public.

When to complete this form

As set forth in Publication 223, a contract is subject to section 5-a, and you must make the required certification(s), if:

i. The procuring entity is a *covered agency* within the meaning of the statute (see Publication 223, Q&A 5);

ii. The contractor is a *contractor* within the meaning of the statute (see Publication 223, Q&A 6); and

iii. The contract is a *contract* within the meaning of the statute. This is the case when it (a) has a value in excess of $100,000 and (b) is a contract for *commodities* or *services*, as such terms are defined for purposes of the statute (see Publication 223, Q&A 8 and 9).

Furthermore, the procuring entity must have begun the solicitation to purchase on or after January 1, 2005, and the resulting contract must have been awarded, amended, extended, renewed, or assigned *on or after April 26, 2006* (the effective date of the section 5-a amendments).

Individual, Corporation, Partnership, or LLC Acknowledgment

STATE OF }
: SS.:
COUNTY OF }

On the ____ day of _____ in the year 20___ , before me personally appeared_____ ,

known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that

_he resides at _____ ,

Town of _____ ,

County of _____ ,

State of _____; and further that:

[Mark an ***X*** in the appropriate box and complete the accompanying statement.]

☐ (If an individual): _he executed the foregoing instrument in his/her name and on his/her own behalf.

☐ (If a corporation): _he is the_____

of_____ , the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, _he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

☐ (If a partnership): _he is a _____

of_____ , the partnership described in said instrument; that, by the terms of said partnership, _he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

☐ (If a limited liability company): _he is a duly authorized member of _____ , LLC, the limited liability company described in said instrument; that _he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

_____
Notary Public

Registration No.
_____

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: *www.nystax.gov* (for information, forms, and publications)

Fax-on-demand forms: 1 800 748-3676

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday. 1 800 698-2931

To order forms and publications: 1 800 462-8100

From areas outside the U.S. and outside Canada: (518) 485-6800

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110

Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 972-1233.

NEW YORK STATE Homes & Community Renewal

EXHIBIT G

(Exhibit G to follow this page)

NEW YORK STATE
VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY

You have selected the For-Profit Non-Construction questionnaire which may be printed and completed in this format or, for your convenience, may be completed online using the New York State VendRep System.

COMPLETION & CERTIFICATION

The person(s) completing the questionnaire must be knowledgeable about the vendor's business and operations. An owner or officer must certify the questionnaire and the signature must be notarized.

NEW YORK STATE VENDOR IDENTIFICATION NUMBER (VENDOR ID)

The Vendor ID is a ten-digit identifier issued by New York State when the vendor is registered on the Statewide Vendor File. This number must now be included on the questionnaire. If the business entity has not obtained a Vendor ID, contact the OSC Help Desk at ciohelpdesk@osc.state.ny.us or call 866-370-4672.

DEFINITIONS

All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," found at www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf. These terms may not have their ordinary, common or traditional meanings. Each vendor is strongly encouraged to read the respective definitions for any and all underlined terms. By submitting this questionnaire, the vendor agrees to be bound by the terms as defined in the "New York State Vendor Responsibility Definitions List" existing at the time of certification.

RESPONSES

Every question must be answered. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected is not required. Individuals and Sole Proprietors may use a Social Security Number but are encouraged to obtain and use a federal Employer Identification Number (EIN).

REPORTING ENTITY

Each vendor must indicate if the questionnaire is filed on behalf of the entire Legal Business Entity or an Organizational Unit within or operating under the authority of the Legal Business Entity and having the same EIN. Generally, the Organizational Unit option may be appropriate for a vendor that meets the definition of "Reporting Entity" but due to the size and complexity of the Legal Business Entity, is best able to provide the required information for the Organizational Unit, while providing more limited information for other parts of the Legal Business Entity and Associated Entities.

ASSOCIATED ENTITY

An Associated Entity is one that owns or controls the Reporting Entity or any entity owned or controlled by the Reporting Entity. However, the term Associated Entity does **not** include "sibling organizations" (i.e., entities owned or controlled by a parent company that owns or controls the Reporting Entity), unless such sibling entity has a direct relationship with or impact on the Reporting Entity.

STRUCTURE OF THE QUESTIONNAIRE

The questionnaire is organized into eleven sections. Section I is to be completed for the Legal Business Entity. Section II requires the vendor to specify the Reporting Entity for the questionnaire. Section III refers to the individuals of the Reporting Entity, while Sections IV-VIII require information about the Reporting Entity. Section IX pertains to any Associated Entities, with one question about their Officials/Owners. Section X relates to disclosure under the Freedom of Information Law (FOIL). Section XI requires an authorized contact for the questionnaire information.

NYS Vendor ID: 000000000

NEW YORK STATE

VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY

I. LEGAL BUSINESS ENTITY INFORMATION			
Legal Business Entity Name*		EIN	
Address of the Principal Place of Business (street, city, state, zip code)		New York State Vendor Identification Number	
		Telephone ext.	Fax
Email	Website		

Additional Legal Business Entity Identities: If applicable, list any other DBA, Trade Name, Former Name, Other Identity, or EIN used in the last five (5) years and the status (active or inactive).

Type	Name	EIN	Status

1.0 Legal Business Entity Type – Check appropriate box and provide additional information:

☐ Corporation (including PC)	Date of Incorporation
☐ Limited Liability Company (LLC or PLLC)	Date of Organization
☐ Partnership (including LLP, LP or General)	Date of Registration or Establishment
☐ Sole Proprietor	How many years in business?
☐ Other	Date Established

If Other, explain:

1.1 Was the Legal Business Entity formed or incorporated in New York State?	☐ Yes ☐ No

If 'No,' indicate jurisdiction where Legal Business Entity was formed or incorporated and attach a Certificate of Good Standing from the applicable jurisdiction or provide an explanation if a Certificate of Good Standing is not available.

☐ United States State _____

☐ Other Country _____

Explain, if not available:

1.2 Is the Legal Business Entity publicly traded?	☐ Yes ☐ No

If "Yes," provide CIK Code or Ticker Symbol

1.3 Does the Legal Business Entity have a DUNS Number?	☐ Yes ☐ No

If "Yes," Enter DUNS Number

***All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," which can be found at www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf.**

NEW YORK STATE

VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY

I. LEGAL BUSINESS ENTITY INFORMATION	
1.4 If the Legal Business Entity's Principal Place of Business is not in New York State, does the Legal Business Entity maintain an office in New York State? (Select "N/A," if Principal Place of Business is in New York State.)	☐ Yes ☐ No ☐ N/A
If "Yes," provide the address and telephone number for one office located in New York State.	
1.5 Is the Legal Business Entity a New York State certified Minority-Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE), New York State Small Business (SB) or a federally certified Disadvantaged Business Enterprise (DBE)? If "Yes," check all that apply: ☐ New York State certified Minority-Owned Business Enterprise (MBE) ☐ New York State certified Women-Owned Business Enterprise (WBE) ☐ New York State Small Business (SB) ☐ Federally certified Disadvantaged Business Enterprise (DBE)	☐ Yes ☐ No

1.6 Identify Officials and Principal Owners, if applicable. For each person, include name, title and percentage of ownership. Attach additional pages if necessary. If applicable, reference to relevant SEC filing(s) containing the required information is optional.

Name	Title	Percentage Ownership (*Enter 0% if not applicable*)

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VENDOR RESPONSIBILITY QUESTIONNAIRE
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II. REPORTING ENTITY INFORMATION

2.0 The Reporting Entity for this questionnaire is:

Note: Select only one.

☐ Legal Business Entity

Note: If selecting this option, "Reporting Entity" refers to the entire Legal Business Entity for the remainder of the questionnaire. (SKIP THE REMAINDER OF SECTION II AND PROCEED WITH SECTION III.)

☐ Organizational Unit within and operating under the authority of the Legal Business Entity

SEE DEFINITIONS OF "REPORTING ENTITY" AND "ORGANIZATIONAL UNIT" FOR ADDITIONAL INFORMATION ON CRITERIA TO QUALIFY FOR THIS SELECTION.

Note: If selecting this option, "Reporting Entity" refers to the Organizational Unit within the Legal Business Entity for the remainder of the questionnaire. (COMPLETE THE REMAINDER OF SECTION II AND ALL REMAINING SECTIONS OF THIS QUESTIONNAIRE.)

IDENTIFYING INFORMATION

a) Reporting Entity Name

Address of the Primary Place of Business (street, city, state, zip code)	Telephone ext.

b) Describe the relationship of the Reporting Entity to the Legal Business Entity

c) Attach an organizational chart

d) Does the Reporting Entity have a DUNS Number?	☐ Yes ☐ No

If "Yes," enter DUNS Number

e) Identify the designated manager(s) responsible for the business of the Reporting Entity.
For each person, include name and title. Attach additional pages if necessary.

Name	Title

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INSTRUCTIONS FOR SECTIONS III THROUGH VII

For each "Yes," provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). For each "Other," provide an explanation which provides the basis for not definitively responding "Yes" or "No." Provide the explanation at the end of the section or attach additional sheets with numbered responses, including the Reporting Entity name at the top of any attached pages.

III. LEADERSHIP INTEGRITY ***Within the past five (5) years, has any current or former reporting entity official or any individual currently or formerly having the authority to sign, execute or approve bids, proposals, contracts or supporting documentation on behalf of the reporting entity with any government entity been:***	
3.0 Sanctioned relative to any business or professional permit and/or license?	☐ Yes ☐ No ☐ Other
3.1 Suspended, debarred, or disqualified from any government contracting process?	☐ Yes ☐ No ☐ Other
3.2 The subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business-related conduct?	☐ Yes ☐ No ☐ Other
3.3 Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for: a) Any business-related activity; or b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?	☐ Yes ☐ No ☐ Other
For each "Yes" or "Other" explain:	

IV. INTEGRITY – CONTRACT BIDDING ***Within the past five (5) years, has the reporting entity*:**	
4.0 Been suspended or debarred from any government contracting process or been disqualified on any government procurement, permit, license, concession, franchise or lease, including, but not limited to, debarment for a violation of New York State Workers' Compensation or Prevailing Wage laws or New York State Procurement Lobbying Law?	☐ Yes ☐ No
4.1 Been subject to a denial or revocation of a government prequalification?	☐ Yes ☐ No
4.2 Been denied a contract award or had a bid rejected based upon a non-responsibility finding by a government entity?	☐ Yes ☐ No
4.3 Had a low bid rejected on a government contract for failure to make good faith efforts on any Minority-Owned Business Enterprise, Women-Owned Business Enterprise or Disadvantaged Business Enterprise goal or statutory affirmative action requirements on a previously held contract?	☐ Yes ☐ No
4.4 Agreed to a voluntary exclusion from bidding/contracting with a government entity?	☐ Yes ☐ No
4.5 Initiated a request to withdraw a bid submitted to a government entity in lieu of responding to an information request or subsequent to a formal request to appear before the government entity?	☐ Yes ☐ No
For each "Yes," explain:	

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V. INTEGRITY – CONTRACT AWARD ***Within the past five (5) years, has the reporting entity*:**	
5.0 Been suspended, cancelled or terminated for cause on any government contract including, but not limited to, a non-responsibility finding?	☐ Yes ☐ No
5.1 Been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any government contract?	☐ Yes ☐ No
5.2 Entered into a formal monitoring agreement as a condition of a contract award from a government entity?	☐ Yes ☐ No
For each "Yes," explain:	

VI. CERTIFICATIONS/LICENSES ***Within the past five (5) years, has the reporting entity*:**	
6.0 Had a revocation, suspension or disbarment of any business or professional permit and/or license?	☐ Yes ☐ No
6.1 Had a denial, decertification, revocation or forfeiture of New York State certification of Minority-Owned Business Enterprise, Women-Owned Business Enterprise or federal certification of Disadvantaged Business Enterprise status for other than a change of ownership?	☐ Yes ☐ No
For each "Yes," explain:	

VII. LEGAL PROCEEDINGS ***Within the past five (5) years, has the reporting entity*:**	
7.0 Been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation?	☐ Yes ☐ No
7.1 Been the subject of an indictment, grant of immunity, judgment or conviction (including entering into a plea bargain) for conduct constituting a crime?	☐ Yes ☐ No
7.2 Received any OSHA citation and Notification of Penalty containing a violation classified as serious or willful?	☐ Yes ☐ No
7.3 Had a government entity find a willful prevailing wage or supplemental payment violation or any other willful violation of New York State Labor Law?	☐ Yes ☐ No
7.4 Entered into a consent order with the New York State Department of Environmental Conservation, or received an enforcement determination by any government entity involving a violation of federal, state or local environmental laws?	☐ Yes ☐ No
7.5 Other than previously disclosed: a) Been subject to fines or penalties imposed by government entities which in the aggregate total $25,000 or more; or b) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any government entity?	☐ Yes ☐ No
For each "Yes," explain:	

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VIII. FINANCIAL AND ORGANIZATIONAL CAPACITY	
8.0 Within the past five (5) years, has the Reporting Entity received any formal unsatisfactory performance assessment(s) from any government entity on any contract?	☐ Yes ☐ No
If "Yes," provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.1 Within the past five (5) years, has the Reporting Entity had any liquidated damages assessed over $25,000?	☐ Yes ☐ No
If "Yes," provide an explanation of the issue(s), relevant dates, contracting party involved, the amount assessed and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.2 Within the past five (5) years, have any liens or judgments (not including UCC filings) over $25,000 been filed against the Reporting Entity which remain undischarged?	☐ Yes ☐ No
If "Yes," provide an explanation of the issue(s), relevant dates, the Lien holder or Claimant's name(s), the amount of the lien(s) and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.3 In the last seven (7) years, has the Reporting Entity initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	☐ Yes ☐ No
If "Yes," provide the bankruptcy chapter number, the court name and the docket number. Indicate the current status of the proceedings as "Initiated," "Pending" or "Closed." Provide answer below or attach additional sheets with numbered responses.	
8.4 During the past three (3) years, has the Reporting Entity failed to file or pay any tax returns required by federal, state or local tax laws?	☐ Yes ☐ No
If "Yes," provide the taxing jurisdiction, the type of tax, the liability year(s), the tax liability amount the Reporting Entity failed to file/pay and the current status of the tax liability. Provide answer below or attach additional sheets with numbered responses.	
8.5 During the past three (3) years, has the Reporting Entity failed to file or pay any New York State unemployment insurance returns?	☐ Yes ☐ No
If "Yes," provide the years the Reporting Entity failed to file/pay the insurance, explain the situation and any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
8.6 During the past three (3) years, has the Reporting Entity had any government audit(s) completed?	☐ Yes ☐ No
a) If "Yes," did any audit of the Reporting Entity identify any reported significant deficiencies in internal control, fraud, illegal acts, significant violations of provisions of contract or grant agreements, significant abuse or any material disallowance?	☐ Yes ☐ No
If "Yes" to 8.6 a), provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	

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IX. ASSOCIATED ENTITIES

This section pertains to any entity(ies) that either controls or is controlled by the reporting entity.

(See definition of "associated entity" for additional information to complete this section.)

9.0 Does the Reporting Entity have any Associated Entities? Note: All questions in this section must be answered if the Reporting Entity is either: – An Organizational Unit; or – The entire Legal Business Entity which controls, or is controlled by, any other entity(ies). If "No," SKIP THE REMAINDER OF SECTION IX AND PROCEED WITH SECTION X.	☐ Yes ☐ No
9.1 Within the past five (5) years, has any Associated Entity Official or Principal Owner been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for: a) Any business-related activity; or b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?	☐ Yes ☐ No
If "Yes," provide an explanation of the issue(s), the individual involved, his/her title and role in the Associated Entity, his/her relationship to the Reporting Entity, relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s).	
9.2 Does any Associated Entity have any currently undischarged federal, New York State, New York City or New York local government liens or judgments (not including UCC filings) over $50,000?	☐ Yes ☐ No
If "Yes," provide an explanation of the issue(s), identify the Associated Entity's name(s), EIN(s), primary business activity, relationship to the Reporting Entity, relevant dates, the Lien holder or Claimant's name(s), the amount of the lien(s) and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	
9.3 Within the past five (5) years, has any Associated Entity:	
a) Been disqualified, suspended or debarred from any federal, New York State, New York City or other New York local government contracting process?	☐ Yes ☐ No
b) Been denied a contract award or had a bid rejected based upon a non-responsibility finding by any federal, New York State, New York City, or New York local government entity?	☐ Yes ☐ No
c) Been suspended, cancelled or terminated for cause (including for non-responsibility) on any federal, New York State, New York City or New York local government contract?	☐ Yes ☐ No
d) Been the subject of an investigation, whether open or closed, by any federal, New York State, New York City, or New York local government entity for a civil or criminal violation with a penalty in excess of $500,000?	☐ Yes ☐ No
e) Been the subject of an indictment, grant of immunity, judgment, or conviction (including entering into a plea bargain) for conduct constituting a crime?	☐ Yes ☐ No
f) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any federal, New York State, New York City, or New York local government entity?	☐ Yes ☐ No
g) Initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	☐ Yes ☐ No
For each "Yes," provide an explanation of the issue(s), identify the Associated Entity's name(s), EIN(s), primary business activity, relationship to the Reporting Entity, relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	

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X. FREEDOM OF INFORMATION LAW (FOIL)	
10. Indicate whether any information supplied herein is believed to be exempt from disclosure under the Freedom of Information Law (FOIL). Note: A determination of whether such information is exempt from FOIL will be made at the time of any request for disclosure under FOIL.	☐ Yes ☐ No
If "Yes," indicate the question number(s) and explain the basis for the claim.	

XI. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE		
Name	Telephone ext.	Fax
Title	Email	

NYS Vendor ID: 000000000

NEW YORK STATE

VENDOR RESPONSIBILITY QUESTIONNAIRE
FOR-PROFIT BUSINESS ENTITY

Certification

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC)) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

The undersigned certifies that he/she:

- is knowledgeable about the submitting Business Entity's business and operations;
- has read and understands all of the questions contained in the questionnaire;
- has not altered the content of the questionnaire in any manner;
- has reviewed and/or supplied full and complete responses to each question;
- to the best of his/her knowledge, information and belief, confirms that the Business Entity's responses are true, accurate and complete, including all attachments, if applicable;
- understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
- is under an obligation to update the information provided herein to include any material changes to the Business Entity's responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

Signature of Owner/Official _____

Printed Name of Signatory _____

Title _____

Name of Business _____

Address _____

City, State, Zip _____

Sworn to before me this _____ day of _____, 20___;

_____ Notary Public

EXHIBIT H

(Exhibit H to follow this page)

STATE CONSULTANT SERVICES FORMS

Instructions for Completion of State Consultant Services Forms A and B

Chapter 10 of the Laws of 2006 amended the State Finance Law §§ 8 and 163 [1] resulting in the requirement for additional disclosure concerning employment information on all Consultant Services contracts above $15,000. The definition of contracts for consultant services is expanded to include any contract entered into with a State agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, or similar services.

To enable compliance with the law, State Consultant Services Forms A and B and certification are incorporated into this procurement.

FORM A - to be completed and submitted by the vendor with the initial contract for planned employment data prospectively from the start date of the contract through the end of the contract term.

FORM B – to be completed and submitted by the vendor by May 15th annually for each year that the contract is in effect reporting, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31).

The following definitions apply to the completion of both Form A and B unless otherwise indicated:

- **Scope of Contract (Form B only):** a general classification of the single category that best fits the predominate nature of the services provided under the contract.

- **Employment Category:** the specific occupation(s), as listed in the O*NET occupational classification system, which best describes the employees providing services under the contract.

  (Note: Access the O*NET database, which is available through the US Department of Labor's Employment and Training Administration, on-line at online.onetcenter.org to find a list of occupations.)

- **Number of Employees:** the total number of employees in the employment category employed to provide services under the contract during the Report Period, including part time employees and employees of subcontractors.

- **Number of hours (to be) worked:** for Form A, the total number of hours to be worked, and for Form B, the total number of hours worked during the Report Period by the employees in the employment category.

- **Amount Payable under the Contract:** the total amount paid or payable by the State to the State contractor under the contract, for work by the employees in the employment category, for services provided during the Report Period.

REPORT SUBMISSION

Completed Form B must be sent to the contracting agency, the NYS Office of the State Comptroller, and the NYS Department of Civil Service at the addresses listed below.

By mail: **NYS Division of Housing & Community Renewal**
Office of Financial Administration
38-40 State Street, 3rd Floor
Albany, NY 12207

By Fax: 518-486-3552

By mail: **NYS Office of the State Comptroller**
Bureau of Contracts
110 State Street, 11th Floor
Albany, NY 12236
Attn: Consultant Reporting

By fax: 518-474-8030 or 518-473-8808

By mail: **NYS Department of Civil Service**
Alfred E. Smith Office Building
Albany, NY 12230

No faxes allowed.

FORM A

OSC Use Only:
Reporting Code:
Category Code:
Date Contract Approved:

State Consultant Services - Contractor's Planned Employment From Contract Start Date Through The End Of The Contract Term

State Agency Name: Agency Code:
Contractor Name: Contract Number:
Contract Start Date: / / Contract End Date: / /

Employment Category	Number of Employees	Number of hours to be worked	Amount Payable Under the Contract
Total this page			
Grand Total			

Name of person who prepared this report: _____
Preparer's Signature:_____
Title: _____ Phone #: _____
Date Prepared: / /

FORM B

OSC Use Only:
Reporting Code:
Category Code:

State Consultant Services
Contractor's Annual Employment Report
Report Period: April 1, to March 31,

Contracting State Agency Name: Agency Code:
Contract Number:
Contract Term: / / to / /
Contractor Name:
Contractor Address:
Description of Services Being Provided:

Scope of Contract (Choose one that best fits):
Analysis ☐ Evaluation ☐ Research ☐ Training ☐
Data Processing ☐ Computer Programming ☐ Other IT consulting ☐
Engineering ☐ Architect Services ☐ Surveying ☐ Environmental Services ☐
Health Services ☐ Mental Health Services ☐
Accounting ☐ Auditing ☐ Paralegal ☐ Legal ☐ Other Consulting ☐

Employment Category	Number of Employees	Number of Hours Worked	Amount Payable Under the Contract
Total this page			
Grand Total			

Name of person who prepared this report: _____
Preparer's Signature:_____
Title: Phone #:
Date Prepared: / /

(Use additional pages if necessary) Page of

STATE CONSULTANT SERVICES CERTIFICATION

I understand and will comply with the requirements of Chapter 10 of the Laws of 2006 amending the State Finance Law sections 8 and 163 [1] with regard to the filing of Form A and Form B as described in accordance with Exhibit 5 on the previous pages.

_____	_____	_____
Signature	*Title*	*Date*

EXHIBIT I

(Exhibit I to follow this page)

NEW YORK STATE Homes & Community Renewal

EXHIBIT J

(Exhibit J to follow this page)

NEW YORK STATE Homes & Community Renewal

EXHIBIT K

(Exhibit K to follow this page)

NEW YORK STATE Homes & Community Renewal

EXHIBIT L

(Exhibit L to follow this page)

EXHIBIT L **NOTICE OF INTENT TO BID**	
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 SERVICES	
Mark an (X) for each service to be bid. (Include all that apply)	
	All
	Quantitative analysis of Census and ACS data re: grandfamilies
	Quantitative analysis of affordability of housing rent and ownership costs and fair market rents
	Qualitative research on housing needs of grandfamilies via interviews and focus groups
	Prevalent & best practices in existing multi-family developments for grandfamilies via interviews with funders, developers, and managers, by focus groups with residents, by analysis of development *pro forma* and annual financial statements
	Identification of program, taxation and financing models for providing grandfamily housing using (i) unit-set-asides in existing projects, (ii) developing new multi-family housing, (iii) renovating renter- and owner-occupied single-family homes, and (iv) allocating vouchers for use in the private market

PART III: DESCRIPTION OF BIDDER	
Mark an (X) for the best description of the Bidder.	
	Individual scholar or professor (e.g., demography, social work, program evaluation)
	Individual professional or practitioner
	University-based or independent research &/or policy institute
	Industry-related research &/or policy organization
	National or local intermediary in affordable housing, supportive housing, &/or community development
	Public finance advisory service
	Community-based housing and community development organization or coalition
	Statewide, local or community-based kinship care organization
	Network, coalition, or association engaged in supportive services &/or affordable housing
	Affordable housing & community development consulting firm
	Affordable housing developer &/or financing provider
	Supportive services provider
	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