

# Request for Proposals

**2014 Housing Locator and Listing Service:  
NYHousingSearch.gov Website and  
Customer Care Call Center**

**Issued: June 20, 2014**

**RFP # 06202014**

**Proposals Due Date: JULY 18, 2014, 12:00 p.m., EDT**



***Division of Housing and Community Renewal  
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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, State of New York Mortgage Agency, State of New York Municipal Bond Bank Agency, Tobacco Settlement Financing Corporation, and the Housing Trust Fund Corporation (and 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 multifamily 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](http://www.nyshcr.org) for more information about DHCR and its Affiliates.

### **II. PURPOSE**

DHCR is seeking proposals from qualified firms (“Proposers”) to design, host, and operate NYHousingSearch.gov, a housing locator and listing service that is comprised of a website (“Website”) and a Customer Care Call Center (“Call Center”).

The Website and the Call Center must be fully functional and operational by **November 28, 2014.**

### III. BACKGROUND

NYHousingSearch.gov was created by DHCR in 2009 to connect New Yorkers to affordable, accessible, high quality, and safe rental housing opportunities that meet the needs of their families. The Website is a Statewide, online listing and locator service for rental properties, serving both property owners and prospective tenants. As of March 1, 2014, the service has grown to include more than 130,000 rental units listed by nearly 2,000 property owners. The Website is searched an average of 1,778 times a day. To supplement the information online, a Call Center provides inbound and outbound communication to rental property owners and other users, processing approximately 2,000 calls per month. Moving forward, DHCR seeks creative design concepts for enhancing the functionality and attractiveness of the Website, while expanding its infrastructure to connect New Yorkers to other necessary housing services frequently provided by local not-for-profit organizations and municipalities. This service may include, but is not limited to, available assistance for: (i) home repairs; (ii) homeownership and affordable housing financing; and (iii) accessibility and energy efficiency retrofits.

### IV. DIVERSITY REQUIREMENTS

DHCR is committed to awarding contracts to firms that are dedicated to diversity and high-quality services at competitive rates. The Agency strongly encourages firms that are certified by the State as minority- and/or women-owned business enterprises (“MWBEs”), as well as firms that are not yet certified, but have applied for certification, to submit responses to this request for proposal (“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.

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. Lisa G. Pagnozzi, Contract Administrator, at [LPagnozzi@nyshcr.org](mailto:LPagnozzi@nyshcr.org).

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

## V. PRIMARY CONTRACTOR AND SUBCONTRACTOR(S) TEAM

DHCR seeks a total solution. A Proposer may partner with other entities to provide the Agency with the Scope of Work and meet the procurement’s MWBE participation goals. The Proposer must be the lead vendor (“Primary Contractor”) that will serve as the legal contracting entity with which DHCR will enter into a contract if its proposal is selected. If the proposal includes products or services from any other participating vendors, it is understood that those vendors will serve as subcontractors to the Primary Contractor. The Budget Proposal should include and assume all costs required to meet the Scope of Work and the requirements of the RFP.

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

In the event that a “team approach is proposed, all necessary communications will be directed to the Primary Contractor.

## VI. KEY EVENTS/DATES

Event	Date
Issuance of RFP	June 20, 2014, EDT
Proposers Conference Hampton Plaza 38-40 State Street Albany, New York 12207	June 27, 2014 at 10:00 a.m.
Deadline for RFP Questions	June 30, 2014, 12:00 pm, EDT
Deadline for Responses to RFP Questions	July 8, 2014, 5:00 pm EDT
Proposal Submission Deadline	July 18, 2014, 12:00 pm, EDT
Anticipated Selection Date	July 25, 2014
Anticipated Date for Execution of Contract	August 1, 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>

## VII. SCOPE OF WORK

The successful Proposer must demonstrate the ability, experience, and capacity to operate and provide a fully functioning NYHousingSearch.gov Website and Call Center that must be available no later than **November 28, 2014**. The required services for this RFP include, but are not limited to, the following key elements: (i) Website Hosting and Design; (ii) Customer Care Call Center; (iii) Marketing and Promotion; and (iv) Performance Reporting. The successful Proposer must operate the NYHousingSearch.gov Website in accordance with [Governor Andrew M. Cuomo's Statewide Language Access Policy](#), (hyperlinked herein).

Additionally, DHCR and/or the Office of Information Technology Services may require the successful Proposer to incorporate standard design elements into the Website that are specific to New York State. The Proposer must identify strategies for how it will comply with this policy.

### A. WEBSITE HOSTING AND DESIGN

The successful Proposer will design, host, and operate a website that provides a government sponsored online housing listing and locator search that must be available and free to property owners and prospective tenants 24 hours a day and 7 days a week. The Website must be compliant with Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Investment Act of 1998, and the Assistive Technology Act of 2004, and must meet the Federal accessibility requirements for web service. DHCR makes every effort to assist non-English speaking constituents to the greatest extent possible. In order to further this goal, it is HCR's policy to implement Google translate on all of HCR sponsored websites. In accordance with HCR's policy, the website design must incorporate translation services.

The Website must operate in accordance with the applicable rules, guidelines, and requirements for State websites, including but not limited to, the standards required by the [Office of Information Technology Services](#), hyperlinked herein.

In addition, the Website must comply with security standards as required by the New York State Enterprise Information Security Office. The successful Proposer will be required to complete and satisfactorily answer [the Consensus Assessments Initiative Questionnaire \("CAIQ"\)](#). The CAIQ is produced and approved by the [Cloud Security Alliance](#) and is recognized as an industry leader for cloud security best practices.

The successful Proposer must provide DHCR with a contractual guarantee to keep the Website accessible and properly functioning *in accordance with the service level terms outlined in the proposal that will serve as the basis of a Service Level Agreement ("SLA") between DHCR and the successful Proposer*. The Website must be compatible

with all currently supported versions of major internet browsers (e.g. Firefox, Safari, Internet Explorer, and Chrome), accessible, responsive, extensible, and optimized for mobile devices such as smart phones and tablets. The Website must also be compatible with standard design elements that are specific to State websites.

The Website must include the following functionality:

## 1. **Tenant Search Options**

The tenant search options must include basic, advanced, accessible, and natural or other disaster short-term search options. Tenant search features should include accommodations to assist individuals with hearing and visual impairments.

- a. **Basic Search**: The Basic Search function must include, but should not be limited to, the following categories: rent range, bedroom size, location, and Section 8 voucher friendly.
- b. **Advanced Search**: The Advanced Search function must include, but should not be limited to, the Basic Search features plus distance to local amenities, such as public transportation, shopping, hospitals, and school districts. The search capabilities must include an option to search by school district, zip code, and housing type (i.e. house, apartment, condo, townhouse, assisted living facility, senior housing, etc.). The search feature must identify senior housing and specify housing for residents aged 50+, 55+, and 62+. Additional categories to be included in the Advanced Search function must include other rental requirements such as security deposit amounts, sliding scale rent, acceptance of pets, washer / dryer hookups, availability of on-site laundry facilities, air conditioning, stove and fridge availability, need for a credit and / or criminal background check, and ability to exclude properties that are only currently processing waitlist applications.
- c. **Accessibility Search**: The Accessibility Search function must include search features that allow the landlords to provide as much specific information as possible in order to enable the apartment seeker to determine whether or not the vacant apartment is likely to be suitable for his/her needs without having to incur the costs in time or money of visiting the location for an on-site inspection. This information must include, but should not be limited to descriptions of the means of access (no step, flat entry, ramps, steps or other) to the building at all exterior doorways (including front door, rear door, parking area, and emergency exits); descriptions of the means of access to the laundry room, mail room, recycling and trash receptacles, superintendent's or manager's office, and other common

areas within the building; width of doorways into the building, elevators, and common areas, width of corridors from the building's entry ways, elevators and common areas to the vacant apartment, width of all doorways and corridors within the vacant apartment, dimensions and square footage of all rooms within the vacant apartment, heights of countertops and wall-hanging cabinets in the kitchen and bathroom, bathroom configuration – height of toilet; roll-in shower & no bathtub; roll-in shower & bathtub; dimensions of roll-in shower; location of faucets in roll-in shower; location of grab bars; dimensions and square footage of bathroom excluding bathtub and roll-in shower area,); and availability of accessible parking area at the building.

- d. **Natural or Other Disaster Short-Term Search:** During natural or other disasters, a section of the Website must be devoted to assist affected New Yorkers in search of short-term rental housing.

All options must include an availability search option, such as “immediately available” or “waiting list” and the waitlist time period, if applicable.

The Website must allow landlords and property managers an easy method to upload pictures of different views of the property and a detailed description of each listing.

In order to provide persons with a disability or other special needs with the freedom of choice required by the Supreme Court's Olmstead decision, the site must be able to support a secure search function for such persons to locate both vacancies in “most integrated settings” and also vacancies in less integrated settings with more supportive services.

## 2. **Property Owner Registration and Listing**

The Website must provide the ability for landlords to register new accounts for available properties, manage existing accounts, and to also register properties via the Website or the Call Center. In addition, with respect to property owner registration and listing:

- a. The Website must have the ability to maintain a “live” listing of regularly updated vacancies on the site;
- b. The Call Center staff must monitor the Website to ensure all “filled vacancies” identified by the staff are removed from the Website within 10 days;

- c. The Website must include the ability to upload a PDF rental application with marketing announcements on listed properties;
- d. The Website must include the ability for leased units to remain in the database (but not accessible via search) to allow for quick re-activation if such units should become vacant at another time and
- e. During natural or other disasters, a section of the Website must be devoted to assist landlords and property owners in listing short-term rental housing.

### 3. Other Services

The Website must utilize Geographic Information Systems (“GIS”) technology to provide an interactive map for both tenants and property owners to identify housing-related service providers in the surrounding area where they live. DHCR will provide updated information annually of the names, locations, and available services for local service providers. The Website must be able to accept basic information from users of the site currently living in New York State, and utilize that information to route the users to available housing services where they live. A page of the Website must allow New York State residents to enter an address and locate relevant nearby local service providers that are contracted by DHCR and other State agencies. Throughout the term of the contract, DHCR will provide the successful Proposer with up-to-date information about the different types of New York State local service providers, their locations, and contact information.

During natural or other disasters, DHCR may utilize the Website to provide information on recovery assistance and emergency services. DHCR may utilize the Website to inform its users of new programs or relevant information.

## B. CUSTOMER CARE CALL CENTER

The Website must include a toll-free 1-800 number and email inquiry address for users to obtain more personalized assistance. The Call Center must be able to handle an average of 1,500 to 3,000 incoming calls per month. Call Center staff must be available to answer calls and emails for a minimum of 11 hours per day, from 9 a.m. to 8 p.m., Eastern Time. The Call Center must be able to accept and respond to calls and emails as per the [Governor’s Statewide Language Access Policy](#), hyperlinked herein. Email inquiries must receive an automatic reply acknowledging receipt of the email and substantive follow up response must take place within one business day.

In an effort to reduce the number of displaced and at-risk homeless persons caused by a natural or other disasters, special measures must be taken in preparation of, during, and/or immediately after a disastrous event. During this period, Call Center staff must make targeted efforts to increase the number of listings of short-term rental housing units that are in close proximity to areas impacted by the disaster.

The Call Center services must include:

**1. Inbound Calls and Emails, that:**

- a. Assist landlords in registering in the system and adding new properties, removing properties, etc.;
- b. Assist prospective tenants in fully utilizing the Website search features;
- c. Educate landlords and tenants on how to use NYHousingSearch.gov;
- d. Ensure content remains accurate and update the status of existing listings;
- e. Connect callers to Section 8 and to local housing services;
- f. Answer basic caller questions regarding the housing unit types advertised on the Website and programs including, but not limited to, Section 8, Veteran's Affairs Supported Housing Vouchers, and other rental subsidy programs; and
- g. Receive and appropriately forward complaints of housing discrimination, misleading listings, and poor housing conditions.

**2. Outbound Calls and Emails, that:**

- a. Remind landlords of expiring leases and promote re-listing of vacant units;
- b. Work with landlords to ensure units listed as accessible to persons with a disability or other special needs include detailed accessibility information listed in Section VII.A.1.c of this RFP;
- c. Provide follow-up to potential tenants on new listings;
- d. Send periodic reminders of services to landlords to list new properties;
- e. Obtain additional information regarding complaints; and
- f. Conduct regular customer service surveys to help improve service offering.

## **C. MARKETING AND PROMOTION**

DHCR expects the successful Proposer to proactively take steps to market NYHousingSearch.gov Website and Call Center. The successful Proposer is responsible for the active engagement and recruitment of new landlords and property managers who use NYHousingSearch.gov thereby increasing the overall number of units posted, diversity of units, and locations of available housing units posted on the Website. The successful Proposer must have a plan to quickly set up and promote short-term rental housing in the event of a natural or other disaster that will help displaced or at-risk homeless persons and families.

Proposers should provide a marketing strategy that may include, but should not be limited to, the following elements:

1. Mailings to properties that are regulated and/or receive financing from DHCR and its Affiliates;
2. Attend relevant housing conferences and workshops in New York State in order to promote the Website and increase utilization by tenants and landlords;
3. Utilization of social media, such as Twitter and Facebook;
4. Outreach to local tenants' organizations;
5. Attend or organize media events pre-approved by DHCR's Public Information Office; and
6. Other innovative strategies and incentives to increase the number of users (i.e., landlords and prospective tenants).

## **D. PERFORMANCE REPORTING**

- 1.1 The successful Proposer will be required to provide ongoing data on the use of the Website, strategies to improve the Website and increase the number of users, and the overall effectiveness of the service. Specifically, the successful Proposer will be required to report the following performance indicators, at a minimum, to DHCR on a monthly basis:
  - a. The number of properties and units listed on the Website;
  - b. The number of property owners served;

- c. A geographic distribution of the listings by county;
- d. A breakdown of the properties listed by unit size and type, special needs /supportive units, affordability, and other criteria as requested;
- e. The number of visits to the Website each day and the average number of visits per day;
- f. The number of searches conducted on the Website each day;
- g. The number of calls and emails processed in the Call Center, excluding spam calls or emails, broken down by call / email type (tenant question, landlord post, marketing, etc.);
- h. The number of households referred to local service providers;
- i. The number of households referred for disaster / emergency assistance;
- j. The number of tenants each month who rent a property as a result of utilizing the service;\* and
- k. Other routine data requests as necessary.

**\*Proposers must present a methodology for this performance measure in their proposal.**

- 1.2 Consistent with the locator's importance for advancing the State's accessibility and *Olmstead* goals, the following performance indicators must also be reported to DHCR:
  - a. The numbers of accessible units listed, available, requested, and rented each month;
  - b. The numbers of other special needs units listed, available, requested, and rented each month;
  - c. The number of searches for supportive units on housing locator websites that are linked to NYHousingSearch.gov and are sponsored, managed, funded, or otherwise supported by other New York State agencies or initiatives (including the Medicaid Redesign Team); and
  - d. The number of supportive units rented each month as a result of such "linked" searches.

## VIII. REQUIRED PERFORMANCE STANDARDS

The successful Proposer (“Primary Contractor”) will negotiate a Service Level Agreement (“SLA”) with DHCR as part of their contract. It is anticipated that the performance standards listed below will be incorporated into that contract. However, DHCR reserves the right to add, delete, amend or adjust specific performance standards at the time of contract negotiation and execution. If the Proposer proposes to deviate from any of the standards listed below, the revised standard and an explanation must be provided in the “Approach and Methodology” section of the Proposal Narrative.

### A. TECHNOLOGICAL CAPACITY

The successful Proposer must comply with all New York State Security policies, and may also be required to adhere to standards from the National Institute of Security Standards and/or other generally accepted standards and practices at DHCR’s sole discretion. These standards may include but are not limited to:

1. All code, code development, contractors and employees, including sub-contractors of the successful Proposer must physically reside within the continental United States;
2. All State data must reside within the continental United States;
3. The Successful Proposer will comply with State standards with special emphasis on Identify Assurance, Encryption and Information Security Controls, all of which are publically available on the ITS web site at :  
<http://www.its.ny.gov/tables/technologypolicyindex.htm/security>;
4. Provide automated monitoring of performance, resource utilization, and other events such as failure of service, degraded service, availability of the network, storage, database systems, operating systems, applications, etc.;
5. Provide restoration of an individual file or folder on request as outlined in the SLA;
6. Provide a backup procedure and process that supports the following objectives:
  - Recovery Point Objective (“RPO”) – The Primary Contractor shall be able to recover files for any specific day within a rolling six month period;
  - Recovery Time Objective (“RTO”) – The Primary Contractor shall recover files within 24 hours of request;
  - Data Backup Location – Data backups shall be maintained or replicated at a site geographically disparate from the production site, but located in the

continental United States, such that the loss of one data center does not prohibit recovery of data within the prescribed RTO;

7. Specific Snapshot Objective – At DHCR’s request, Primary Contractor shall create a full snapshot for the platform, content and related data, to be retrieved at DHCR’s request within 24 hours up to a period to be determined by DCHR;
8. All data will be encrypted, according to FIPS 140-2 specification, in flight, in process and at rest;
9. All backups will be encrypted;
10. Upon request and at no additional fee, the successful Proposer shall provide to DHCR all data, scripts, software, virtual machine images, and migration assistance to a DHCR data center or other third party data center, and these include:
  - Provide a list of controls in place to prevent data leakage or intentional/accidental compromise between tenants in a multi-tenant environment;
  - Provide documentation on how DHCR data will be isolated from other cloud customers;
  - Provide documentation of physical security controls in place for datacenter or any facility where tenant data is stored;
  - Audit and access control records stored electronically for a minimum ninety (90) days and made available to DHCR on an as needed basis;
  - The Proposer will notify DHCR in advance of pending changes to the system/infrastructure/environment and as soon as possible for all emergency changes. Additionally, reports should be able to identify who made changes to the system;
  - Encryption algorithm minimum standard of AES-128 and deny all lower levels, must be FIPS 140-2 compliant;
  - Use trusted 3rd party certificates;
  - At minimum, automated weekly full backups of servers and data that support DHCR data;
  - Limit ports to the needs established during the architecture of the site instance, close all other ports;
  - The Primary Contractor will maintain a physically and logically separate environments for development, Q/A – test and production;
  - Support for all systems reside within the continental United States, worldwide follow the sun support is not acceptable;
  - The successful Proposer will maintain a code revision library for the full term of the contract awarded as a result of this RFP process and use industry accepted automated migration strategies for code migration between systems;

- The successful Proposer should have an established process for revoking system access by disabling accounts immediately upon termination of an employee or contractor. Disabling instead of deleting accounts allows preservation of audit trails; and
- Independent reviews and assessments shall be performed at least annually, at the successful Proposer's expense, to ensure the successful Proposer is compliant with policies, procedures, standards and applicable regulatory requirements (i.e., internal/external audits, certifications, vulnerability and penetration testing). Such review findings will be shared with the DHCR.

## **B. BUSINESS CAPACITY**

The successful Proposer must maintain sufficient staffing levels and facilities to operate the Website and Call Center, provide one-on-one assistance to property owners and tenants, and promptly and properly respond to up to an average of between 1,500 and 3,000 incoming calls per month. The successful Proposer must also provide a marketing plan, identify key staff and partners, and provide and a timeline for implementation.

## **C. FINANCIAL CAPACITY**

The successful Proposer must demonstrate ongoing financial stability and sufficient access to capital and resources to sustain service for the next four years. This may include providing yearly audited financial statements.

## **D. MWBE PARTICIPATION**

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

# **IX. ADMINISTRATIVE INFORMATION**

## **A. QUESTIONS FROM PROPOSERS AND UPDATES TO THE RFP**

Proposers may submit their questions regarding this RFP by email to [LPagnozzi@nyshcr.org](mailto:LPagnozzi@nyshcr.org) and [FGreen@nyshcr.org](mailto:FGreen@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 Housing Locator and Listing Service - 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 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, contact:

Kenneth J. Ford, Contact Officer  
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Hampton Plaza, 38-40 State Street  
Albany, NY 12207  
(518) 474-6434  
[iPurchase@nyshcr.org](mailto:iPurchase@nyshcr.org)

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

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

or

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

Other than the three 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

The method of award will be based on best value and a one-year budget up to an amount **not to exceed** \$275,000 and a four-year budget up to an amount **not to exceed** \$1,100,000.

A review team will consider the experience, capacity, and methodology presented by each Proposer to determine which proposal best meets the needs of the Agency. DHCR will issue a notice of contract award to the selected Proposer(s) via e-mail and/or US mail. DHCR will issue a notice of non-award to non-selected proposers via e-mail and/or US mail.

## D. TERMS OF CONTRACT

The term of the contract is anticipated to commence on or about September 26, 2014 and will be for a period of four years, subject to approval by the Office of the State Comptroller (“OSC”) and the Office of the State’s Attorney General (“OAG”) and contingent upon the availability of funding.

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 together with a Services Level Agreement that includes a Security Plan.

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 Contractor 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 the Contractor.

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 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 that will provide high-quality services at a reasonable and competitive cost. Firms 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 the 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 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. 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. IRAN DIVESTMENT ACT ("ACT")**

By submitting a proposal in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, the Proposer (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 website of the State's Office of General Services and further certifies that it will not utilize on such DHCR contract award any subcontractor that is identified on the Prohibited Entities List. Additionally, Proposer is advised that should it seek to renew or extend a contract awarded in response to this 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 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.

## **H. VENDOR RESPONSIBILITY**

Proposers are required to complete, certify, and submit a Vendor Responsibility Questionnaire as part of their Proposal documents.

Proposers are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep Systems or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the instructions available at:

<http://www.osc.state.ny.us/vendrep>

If enrolled, you can log-in directly to the VendRep system online at:

<https://portal.osc.state.ny.us>

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](mailto:helpdesk@osc.state.ny.us)

Proposers opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website.

## **I. SALES TAX CERTIFICATION**

Pursuant to New York State Tax Law Section 5(a), the successful Proposer and its affiliates and/or sub-contractors will be required to certify to the New York State Department of Taxation and Financial Services that the firm is registered to collect New York State and local sales and compensating use taxes, as provided in Tab 3 of this RFP.

## **J. CONSULTANT DISCLOSURE**

Pursuant to New York State Finance Law Section 163(4)(g), the successful Proposer and its sub-contractors 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 must include information for all employees that will be providing services under the contract, whether employed by the contractor 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.

## **K. WORKERS COMPENSATION INSURANCE 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.

## L. 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 listed as a partner, sub-consultant, 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 any person or entity partnering with their firm, 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.

#### **M. 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 Section IX (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.

#### **N. 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.

## **X. 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 conduct a comprehensive review of each proposal to determine which Proposer will provide the "best value" by optimizing quality, cost, and efficiency.

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

The completed Cover Letter and Proposal Narrative must not exceed 22 letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The 22 page limit does not include 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 organizational 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 names of the primary staff personnel who will provide services to DHCR;
- f. The contact name, telephone number, fax number and email address for the firm(s), if any, with which the Proposer intends to partner in undertaking the Scope of Work; and
- 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 they have the necessary experience, expertise, staffing capacity, and methodology to meet or exceed all of the minimum qualifications and Required Performance Standards, and to successfully provide all of the tasks and deliverables outlined in the Scope of Work. The narrative must include:

- a. **Experience.** Provide a descriptive summary indicating the number of comparable engagements the Proposer has been involved in, either as the lead firm or in a supporting role. The Proposer must list and describe related experience delivering each Task and Deliverable identified in the Scope of Work, and provide data that demonstrates the success of its approach, where possible. If a Proposer will be subcontracting or

partnering any portion of the Scope of Work, summarize relevant experience for staff of subcontractors or partners and attach any related contracts or agreements pertaining to this proposal.

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.

- b. Current Capacity and Qualifications.** Attach the résumés and professional qualifications of the Proposer's principals, project managers, key personnel, and staff to be assigned to work in NYHousingSearch.gov, including degrees, licenses and years of relevant experience. Specifically, identify people currently employed by the Proposer who will serve in key roles. In addition, identify 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 should be clearly identified.

Provide an organizational chart for the operation of NYHousingSearch.org that clearly illustrates where all customer service, web design, marketing and program management functions will fit in the overall organizational framework. Identify staff that are already employed by the Proposer or its partners, and provide a plan for hiring any additional staff needed. The Proposer must provide a staffing plan that includes:

- i. The location of the Call Center, if it is known, whether it is currently in operation, and whether it is owned or leased; if it is leased, provide details of the lease including landlord and the length of the lease;
- ii. If the Call Center will be provided by a partnering organization, a subcontractor, or another entity, include a description of the location and indicate if the Call Center location is owned or leased; if it is leased, provide the lease details including the name of the landlord and the length of the lease;

- iii. If the location of the Call Center is not yet identified, provide a timeframe for securing a location, and identify whether the site will be located in New York State;
- iv. A list of staff currently employed or to be employed to perform the Scope of Work, including the number of staff and the related duties; if staff need to be hired, provide a timeline and a plan for how they will be identified;
- v. The anticipated maximum ratio of customer service staff to callers/ emails. Calculate by dividing 3,000 by the number of Call Center's staff full time employees directly contacting landlords to verify the accuracy of vacancy postings and soliciting the posting of additional units and directly receiving and responding to calls and emails (do not count management staff, clerical staff or other support staff that are ancillary to the process); and
- vi. The type of equipment to be provided for the operation of the Call Center to ensure its continuous operation.

c. **Approach and Methodology.**

- i. The Proposer must submit a detailed work plan that establishes goals, sets target dates, and identifies the intended methodology to perform each of the tasks and deliverables in the Scope of Work. The work plan must demonstrate how the Proposer would eliminate or minimize a disruption in service during the transition. The work plan must include plans for existing data and user profile migration. These plans must include: (x) a detailed description of the Proposer's intended means, methods, and timeline for accomplishing each task required in the Scope of Work, including performance measures, as well as any sub-tasks that the Proposer may identify; (y) a description of the Proposer's prior experience using the proposed means and methods; and (z) a rationale for using the specified methods in the Scope of Work. The plan must identify any "best practices" the Proposer will use to assure the timely completion of the work plan. 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.

- ii. The proposal submitted must address the following key components of the Scope of Work and provide a plan to fully execute and meet the requirements outlined by November 28, 2014. For each of the key elements listed below, the Proposer must provide proposed minimum service levels that DHCR may use as the basis for a SLA to be included in the contract. These service levels must include a description of the service, the minimum performance level, measurements for each performance level, and contingency information. The four key elements are:

**(1) Design, Host, and Operate the Website:** The Proposer must illustrate that it will bring new ideas and an innovative approach to the Website on an ongoing basis. The Proposer must have a strategy for continuously identifying opportunities to improve the basic functionality and attractiveness of the Website, while expanding the infrastructure to connect New Yorkers to affordable housing and necessary services.

Additionally, the Proposer must provide specific details regarding its website and database operations including, but not limited to, providing detail on the specific hardware and software; the types and locations of databases to store, retrieve and back-up data; strategies for dealing with fluctuations in website traffic; and contingency plans for dealing with power failures, system failure, etc. At minimum, the Proposer must provide information on the following items, as described more fully in Section VIII of this RFP:

(a) Integrity

- (i) Describe the maintenance of a code revision library for the full term of an awarded contract with DHCR, and the utilization of industry accepted automated migration strategies for code migration between systems;
- (ii) Describe protocols for revoking system access for terminated employees and partners and/or subcontractors that include disabling, rather than deleting, of accounts;

- (iii) Provide procedures for independently reviewing and assessing the Proposer's adherence to DHCR's requirements, at least annually;

(b) Security and Privacy

- (i) Provide a list of controls in place to prevent data leakage or intentional/accidental compromise between tenants in a multi-tenant environment;
- (ii) Provide documentation of physical security controls in place for datacenter or any facility where DHCR data is stored;
- (iii) Provide documentation describing how DHCR data will be isolated from other cloud customers; and
- (iv) Provide a security plan for DHCR to be implemented within thirty days of the contracted procurement, **but in no event shall the implementation date be on or after November 28, 2014.** The security plan for DHCR must be implemented by November 27, 2014.

(c) Availability

- (i) Provide the annual uptime percentage and the maximum number of hours down per year;
- (ii) Provide details on the availability of Help Desk Support and the availability of technical staff dedicated to the project described in the Scope of Work;
- (iii) Describe the anticipated incident response time for critical, high, medium and low priority incidents; and
- (iv) Provide minimum expectations for data back-up and recovery, including recovery point and recovery time objectives.

(d) Confidentiality

Describe the Proposer's security measures and protocols for protecting the confidentiality of the data.

**In addition to their narrative response, the Proposer must also complete the Consensus Assessments Initiative Questionnaire ("CAIQ").** In addition to answering yes/no, the Proposer must provide additional detail in the comments section for each question, or attach additional sheets. Answering no to any of the questions does not automatically result in a disqualification. However, questions that are simply answered yes or no, or where the information provided is vague, will likely score lower than those providing more detailed specifications and performance benchmarks. In order to be fully evaluated, Proposers must describe specific policies, procedures and controls in place, provide samples of documentation to be used, and other relevant information necessary for DHCR to determine and compare service levels.

The responses in this section will be utilized to help establish the SLA in the contract.

- (2) Customer Care Call Center:** The Website will be supported by a fully staffed and experienced Call Center to assist tenants and rental housing providers. The Proposer must demonstrate that it is prepared to serve up to 3,000 incoming calls from tenants and property owners per month by November 28, 2014. As part of this section of the narrative, the Proposer must summarize anticipated service levels. This summary must include, but is not limited to, maximum and average caller wait times, email response times, and other relevant measures, based on an average of between 1,500 and 3,000 incoming calls per month. The Proposer must also explain, to the extent possible, how these service levels will be impacted by a sudden increase in caller and email volume, and what strategies will be employed to manage any increased traffic. The Proposer's response must also identify practices used to improve responsiveness in customer service.

- (3) Promote and Market the Website and the Customer Care Call Center:** The Proposer must describe the specific strategies and deliverables it will implement to increase the use of the Website and the Call Center, and a timeline for implementation. Include a description of any strategies the Proposer used to increase Website usage for other comparable website projects.
- (4) Performance reporting:** The Proposer must provide regular performance monitoring reports to track the site usage for the Website and the Call Center and the effectiveness of its marketing campaigns. Define the specific data analysis methods that will be used to demonstrate the success of this effort in helping New Yorkers find housing.

In addition, the Proposer must provide more specific examples of proposed service levels for each of the key elements above in a proposed Service Level Agreement to be attached in Tab 3.

The successful Proposer will guarantee as well as commit, in writing, to the service levels outlined in its proposal. At the contract's continuous operation and proper functioning of the Website meeting, the successful Proposer will be required, at minimum, to read and agree to abide by the New York State Office of Information Technology's requirements and guidelines.

The successful Proposer will also guarantee continuous operation and proper functioning of the Call Center meeting, at a minimum, the level of performance outlined in the Service Level Agreement submitted by the Proposer.

Your submission may include staff and process flow charts, sample web page interface concepts, samples of previous work, etc. Proposers are encouraged to specifically identify and explain best practices and innovative techniques that have been used in the past or that could be used – in order to:

- Identify instances of housing discrimination and fraud, and report landlords who engage in this behavior;
- Ensure services will be easily accessible to non-English speaking landlords and prospective tenants;
- Utilize new and highly innovative marketing strategies to increase the utilization of the Website;

- Streamline and more directly link site users to local housing providers using GIS and other technology; and
- Track and more accurately report the extent to which the Website directly leads to tenants finding quality affordable housing.

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

Proposers must fully complete and submit the following required forms and information:

- i. EEO Staffing Plan, MWBE Utilization Form, MWBE/EEO Policy Statement Form, Company Demographic Profile and EEOC Statement, attached hereto collectively **as Exhibit A**. 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.
- ii. Lobbying Forms, attached hereto collectively **as Exhibit B**.
- iii. Non-Collusive Bidding Certification Form, attached hereto **as Exhibit C**.
- iv. Contractor/Vendor Information form, attached hereto **as Exhibit D**.
- v. Iran Divestment Act Certification, attached hereto **as Exhibit E**.

- vi. Sales Tax Certification (ST-220 Form), attached hereto **as Exhibit F.**
- vii. Vendor Responsibility Questionnaire – If the Proposer submits the Vendor Responsibility Questionnaire electronically, the Proposer must provide the firm’s Vendor identification number to DHCR. Provide paper Questionnaire or firm’s Vendor identification number **as Exhibit G.**
- viii. Consultant Disclosure, attached hereto **as Exhibit H.**
- ix. Certificate of Insurance evidencing the Proposer’s 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.**
- x. Proposer’s most recent two years of audited financial statement or the federal tax returns, to be provided **as Exhibit J.**
- xi. A 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.

A statement by the Proposer 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.

Provide information requested in this subsection xi. **as Exhibit K.**

- xii. Provide proposed Service Level Agreement, including Security Plan and CAIQ, **as Exhibit L.**

## B. PART II

### **Tab 4: Budget (not to exceed 3 pages)**

The Proposer must submit a **not-to-exceed** budget of \$275,000 per year and a **not to exceed** budget of \$1,100,000 for four years. The budget must be all inclusive and represent the total cost required to provide each of the four elements outlined in the Scope of Work in this RFP for each of the next four years. These costs include, but are not limited to: startup costs; salaries and personnel costs; monthly hosting fees; licensing fees; security, software, and hardware costs; equipment, maintenance, and repair fees and costs; Federal and State compliance costs; and facility, overhead, travel, equipment, management, supervision, and sub-contractor costs. Expenses for an identified State certified MWBE subcontractor or partner must be included in the budget, and the MWBE and the projected expenditure for that MWBE must be noted for each year. It should be noted that DHCR will consider proposals that amortize set-up costs so that the total four year total cost remains within the limited \$1,100,000.

DHCR encourages firms to submit proposals lower than the maximum **not to exceed** budget of \$275,000 per year and the maximum **not to exceed** budget of \$1,100,000 for the four year period. Firms that provide the required services at a cost that is lower than the maximum **not-to-exceed** budget will be allotted additional points in the Evaluation Process.

As supporting documentation, the Proposer must also submit a list of deliverables for each of the four key elements in each of the four years, a flat billing schedule by deliverable, a list of the hourly billing rates for key staff by staffing category, and a detailed narrative describing the method for tracking expenditures.

It should be noted that this contract will be paid based upon satisfactory completion of specified deliverables. Hourly rates and total project costs are being requested for RFP scoring consideration. This is not an “hourly” contract” or a “time and materials” contract.

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The Proposer must provide a budget summary in the following format:

<b>Year 1 – 2014-15</b>	
Budget Element	Projected 12-month maximum cost
A. <i>Website Hosting and Design</i>	
B. <i>Customer Care Call Center</i>	
C. <i>Marketing and Promotion</i>	
D. <i>Performance Reporting.</i>	
Subtotal	
<b>Year 2 – 2015-16</b>	
Budget Element	Projected 12-month maximum cost
A. <i>Website Hosting and Design</i>	
B. <i>Customer Care Call Center</i>	
C. <i>Marketing and Promotion</i>	
D. <i>Performance Reporting.</i>	
Subtotal	
<b>Year 3 – 2016-17</b>	
Budget Element	Projected 12-month maximum cost
A. <i>Website Hosting and Design</i>	
B. <i>Customer Care Call Center</i>	
C. <i>Marketing and Promotion</i>	
D. <i>Performance Reporting.</i>	
Subtotal	
<b>Year 4 – 2017-18</b>	
Budget Element	Projected 12-month maximum cost
A. <i>Website Hosting and Design</i>	
B. <i>Customer Care Call Center</i>	
C. <i>Marketing and Promotion</i>	
D. <i>Performance Reporting.</i>	
Subtotal	
<b><i>Projected 4-year total</i></b>	

## XI. 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: 12:00 noon (EDT) on July 18, 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 12:00 pm (EDT) on July 18, 2014.
2. Electronic proposals must be bookmarked and submitted by email to: Kenneth J. Ford at [iPurchase@nysdcr.org](mailto:iPurchase@nysdcr.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: NYS DHCR, 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** is the **Cover Letter, the Proposal Narrative, and the Administrator 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 NYHousingSearch.gov – Part I"**.

- b. **Part II** is 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 NYHousingSearch.gov – Part II”**.
5. Any proposal delivered after 12:00 pm (EDT), July 18, 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.

## **XII. EVALUATION, SELECTION, AND NOTIFICATION**

### **A. EVALUATION PROCESS**

Proposals must demonstrate that the Proposer is qualified to perform the Scope of Work based on prior relevant professional experience, evidence of Requested Performance Standards, 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 shall be based on the “Best Value” concept. The proposal which “optimizes quality, cost, and efficiency” among the responsive and responsible Proposers will be selected for award.

Proposers must complete and submit all forms, information, and other documentation listed in this RFP as part of their proposal. 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**

DHCR will only score complete, responsive proposals. Seventy (70 %) percent of the score will be based on the Proposer's experience, capacity, methodology to perform the four key elements outlined in the Scope of Work (i.e. Web Hosting and Design, Customer Care Call Center, Marketing and Promoting the Website and Call Center, and Performance Reporting) and compliance and compatibility with New York State security, information technology, and language services requirements. Twenty-five (25%) percent will be based on the proposal budget. Proposals that have already identified MWBEs as the Proposer, subcontractor or sub-consultants to meet the goals outlined Section IV may receive up to five (5%) percentage points. A proposal that exceeds the minimum MWBE participation goals may be allotted additional points in the evaluation process.

An Agency Evaluation Committee will independently score each proposal that meets the submission requirements of this RFP. The Evaluation Committee members will score each Proposer 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. DHCR reserves the right to consider other criteria not specifically identified in this RFP but in the best interest of the State of New York.

### **C. SELECTION AND NOTIFICATION PROCESS**

DHCR expects to award one contract as a result of this RFP; however, DHCR, in its sole discretion, reserves the right to not award a contractor to make an award on a portion of the RFP.

DHCR anticipates making a final decision on the selection of a successful Proposer 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 submitted by the successful Proposer, 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 Deliverables and the specific responsibilities of the successful Proposer.

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.

EXHIBIT A

(Exhibit A to follow this page)

**EQUAL EMPLOYMENT OPPORTUNITY  
STAFFING PLAN**  
Submit with Bid or Proposal – Instructions on page 2

<b>Solicitation/Program Name:</b>	<b>Report includes:</b> <input type="checkbox"/> Workforce to be utilized on this contract <input type="checkbox"/> Contractor/Subcontractor's total work force
<b>Offeror's Name:</b>	<b>Reporting Entity:</b> <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor <b>Subcontractor's name</b> _____
<b>Offeror's Address:</b>	

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								Disabled		Veteran			
		Total Male (M)	Total Female (F)	White (M) (F)		Black (M) (F)		Hispanic (M) (F)		Asian (M) (F)		Native American (M) (F)		(M)	(F)	(M)	(F)
Officials/Administrators																	
Professionals																	
Technicians																	
Service Maintenance Workers																	
Office/Clerical																	
Skilled Craft Workers																	
Paraprofessionals																	
Protective Service Workers																	
Totals																	

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

**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:**

**Federal Identification Number:**

**Address:**

**Solicitation Number:**

**City, State, Zip Code:**

**Telephone Number:**

**Region/Location of Work:**

**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 <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

<b>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).</b>			
<p><b>PREPARED and APPROVED BY:</b></p> <p><b>NAME AND TITLE OF PREPARER (Print or Type):</b></p> <p><b>Signature:</b> _____ Authorized Signature</p> <p><b>DATE:</b></p> <p><b>TELEPHONE NO:</b></p> <p><b>EMAIL ADDRESS:</b></p> <p><b>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.</b></p>	<p><b>FOR AGENCY USE ONLY</b></p> <table border="1" style="width: 100%;"> <tr> <td data-bbox="1192 906 1766 1003"><b>REVIEWED BY:</b></td> <td data-bbox="1766 906 2030 1003"><b>DATE:</b></td> </tr> </table> <p><b>UTILIZATION PLAN APPROVED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Date:</b></p> <p><b>Contract No:</b></p> <p><b>Contract Award Date:</b></p> <p><b>Estimated Date of Completion:</b></p> <p><b>Amount Obligated Under the Contract:</b></p> <p><b>NOTICE OF DEFICIENCY ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____</p> <p><b>NOTICE OF ACCEPTANCE ISSUED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____</p>	<b>REVIEWED BY:</b>	<b>DATE:</b>
	<b>REVIEWED BY:</b>	<b>DATE:</b>	

**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.

Job Categories	Total Number of Employees		Report Employees in only one racial/ethnic category)												Disabled		Veteran (military service between 1/1/1963-5/7/1975)	
			Non-Hispanic or Latino										Hispanic or Latino					
			White		Black or African American		Native Hawaiian or other Pacific Islander		Asian		American Indian or Alaskan Native							
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

EXHIBIT B

(Exhibit B to follow this page)



## **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.



**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: \_\_\_\_\_

\_\_\_\_\_



**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: \_\_\_\_\_

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:**

<hr/>	
Legal name of person, firm or corporation	Legal name of person, firm or corporation
By _____	By _____
(Name)	(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.)

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## 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<sup>1</sup>

**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.

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<sup>1</sup>"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.

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**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<sup>2</sup>

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**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:** \_\_\_\_\_

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<sup>2</sup>"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.

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)



# 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.

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](mailto: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](http://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.

**NEW YORK STATE  
VENDOR RESPONSIBILITY QUESTIONNAIRE  
FOR-PROFIT BUSINESS ENTITY**

<b>I. LEGAL BUSINESS ENTITY INFORMATION</b>			
<u>Legal Business Entity Name</u> *		<u>EIN</u>	
Address of the <u>Principal Place of Business</u> (street, city, state, zip code)		<u>New York State Vendor Identification Number</u>	
		Telephone <span style="float: right;">ext.</span>	Fax
Email		Website	
Additional <u>Legal Business Entity</u> Identities: If applicable, list any other <u>DBA</u> , <u>Trade Name</u> , <u>Former Name</u> , Other Identity, or <u>EIN</u> used in the last five (5) years and the status (active or inactive).			
Type	Name	EIN	Status
1.0 <u>Legal Business Entity</u> Type – Check appropriate box and provide additional information:			
<input type="checkbox"/> <u>Corporation</u> (including <u>PC</u> )		Date of Incorporation	
<input type="checkbox"/> <u>Limited Liability Company (LLC or PLLC)</u>		Date of Organization	
<input type="checkbox"/> <u>Partnership</u> (including <u>LLP</u> , <u>LP</u> or <u>General</u> )		Date of Registration or Establishment	
<input type="checkbox"/> <u>Sole Proprietor</u>		How many years in business?	
<input type="checkbox"/> Other		Date Established	
If Other, explain:			
1.1 Was the <u>Legal Business Entity</u> formed or incorporated in New York State?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If ‘No,’ indicate jurisdiction where <u>Legal Business Entity</u> was formed or incorporated and attach a <u>Certificate of Good Standing</u> from the applicable jurisdiction or provide an explanation if a <u>Certificate of Good Standing</u> is not available.			
<input type="checkbox"/> United States    State    _____			
<input type="checkbox"/> Other                    Country    _____			
Explain, if not available:			
1.2 Is the <u>Legal Business Entity</u> publicly traded?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” provide <u>CIK Code</u> or Ticker Symbol			
1.3 Does the <u>Legal Business Entity</u> have a <u>DUNS</u> Number?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” Enter <u>DUNS</u> 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](http://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 <u>Legal Business Entity's Principal Place of Business</u> is not in New York State, does the <u>Legal Business Entity</u> maintain an office in New York State? (Select "N/A," if <u>Principal Place of Business</u> is in New York State.)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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If "Yes," provide the address and telephone number for one office located in New York State.

1.5 Is the <u>Legal Business Entity</u> a New York State certified <u>Minority-Owned Business Enterprise (MBE)</u> , <u>Women-Owned Business Enterprise (WBE)</u> , <u>New York State Small Business (SB)</u> or a federally certified <u>Disadvantaged Business Enterprise (DBE)</u> ? If "Yes," check all that apply: <input type="checkbox"/> New York State certified <u>Minority-Owned Business Enterprise (MBE)</u> <input type="checkbox"/> New York State certified <u>Women-Owned Business Enterprise (WBE)</u> <input type="checkbox"/> <u>New York State Small Business (SB)</u> <input type="checkbox"/> Federally certified <u>Disadvantaged Business Enterprise (DBE)</u>	<input type="checkbox"/> Yes <input type="checkbox"/> 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 <i>(Enter 0% if not applicable)</i>

**NEW YORK STATE  
VENDOR RESPONSIBILITY QUESTIONNAIRE  
FOR-PROFIT BUSINESS ENTITY**

**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

**NEW YORK STATE  
VENDOR RESPONSIBILITY QUESTIONNAIRE  
FOR-PROFIT BUSINESS ENTITY**

**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 <u>Sanctioned</u> relative to any business or professional permit and/or license?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.1 <u>Suspended, debarred, or disqualified</u> from any <u>government contracting process</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.2 The subject of an <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation for any business-related conduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other
3.3 Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a <u>judgment</u> for: a) Any business-related activity; or b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other

For each “Yes” or “Other” explain:

**IV. INTEGRITY – CONTRACT BIDDING**

*Within the past five (5) years, has the reporting entity:*

4.0 Been <u>suspended or debarred</u> from any <u>government contracting process</u> or been <u>disqualified</u> on any government procurement, permit, license, concession, franchise or lease, including, but not limited to, <u>debarment</u> for a violation of New York State Workers’ Compensation or Prevailing Wage laws or New York State Procurement Lobbying Law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.1 Been subject to a denial or revocation of a government prequalification?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2 Been denied a contract award or had a bid rejected based upon a <u>non-responsibility finding</u> by a <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.3 Had a low bid rejected on a <u>government contract</u> for failure to <u>make good faith efforts</u> on any <u>Minority-Owned Business Enterprise, Women-Owned Business Enterprise or Disadvantaged Business Enterprise</u> goal or <u>statutory affirmative action requirements</u> on a previously held contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.4 Agreed to a voluntary exclusion from bidding/contracting with a <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.5 Initiated a request to withdraw a bid submitted to a <u>government entity</u> in lieu of responding to an information request or subsequent to a formal request to appear before the <u>government entity</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No

For each “Yes,” explain:

**NEW YORK STATE  
VENDOR RESPONSIBILITY QUESTIONNAIRE  
FOR-PROFIT BUSINESS ENTITY**

**V. INTEGRITY – CONTRACT AWARD**

*Within the past five (5) years, has the reporting entity:*

- |   |  |
|---|--|
| 5.0 Been <u>suspended</u> , cancelled or <u>terminated for cause</u> on any <u>government contract</u> including, but not limited to, a <u>non-responsibility finding</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.1 Been subject to an <u>administrative proceeding</u> or civil action seeking specific performance or restitution in connection with any <u>government contract</u> ?     | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5.2 Entered into a formal monitoring agreement as a condition of a contract award from a <u>government entity</u> ?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |

For each “Yes,” explain:

**VI. CERTIFICATIONS/LICENSES**

*Within the past five (5) years, has the reporting entity:*

- |   |  |
|---|--|
| 6.0 Had a revocation, <u>suspension</u> or <u>disbarment</u> of any business or professional permit and/or license?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6.1 Had a denial, decertification, revocation or forfeiture of New York State certification of <u>Minority-Owned Business Enterprise</u> , <u>Women-Owned Business Enterprise</u> or federal certification of <u>Disadvantaged Business Enterprise</u> status for other than a change of ownership? | <input type="checkbox"/> Yes <input type="checkbox"/> 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 <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.1 Been the subject of an indictment, grant of immunity, <u>judgment</u> or conviction (including entering into a plea bargain) for conduct constituting a crime?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.2 Received any OSHA citation and Notification of Penalty containing a violation classified as <u>serious</u> or <u>willful</u> ?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.3 Had a <u>government entity</u> find a willful prevailing wage or supplemental payment violation or any other willful violation of New York State Labor Law?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.4 Entered into a consent order with the New York State Department of Environmental Conservation, or received an enforcement determination by any <u>government entity</u> involving a violation of federal, state or local environmental laws?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7.5 Other than previously disclosed:<br>a) Been subject to fines or penalties imposed by <u>government entities</u> which in the aggregate total \$25,000 or more; or<br>b) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any <u>government entity</u> ? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

For each “Yes,” explain:

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<b>VIII. FINANCIAL AND ORGANIZATIONAL CAPACITY</b>	
8.0 Within the past five (5) years, has the <u>Reporting Entity</u> received any <u>formal unsatisfactory performance assessment(s)</u> from any <u>government entity</u> on any contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” provide an explanation of the issue(s), relevant dates, the <u>government entity</u> 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 <u>Reporting Entity</u> had any <u>liquidated damages</u> assessed over \$25,000?	<input type="checkbox"/> Yes <input type="checkbox"/> 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 <u>liens</u> or <u>judgments</u> (not including UCC filings) over \$25,000 been filed against the <u>Reporting Entity</u> which remain undischarged?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” provide an explanation of the issue(s), relevant dates, the Lien holder or Claimant’s name(s), the amount of the <u>lien(s)</u> 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 <u>Reporting Entity</u> initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	<input type="checkbox"/> Yes <input type="checkbox"/> 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 <u>Reporting Entity</u> failed to file or pay any tax returns required by <u>federal, state or local tax laws</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” provide the taxing jurisdiction, the type of tax, the liability year(s), the tax liability amount the <u>Reporting Entity</u> 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 <u>Reporting Entity</u> failed to file or pay any New York State unemployment insurance returns?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes,” provide the years the <u>Reporting Entity</u> 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 <u>Reporting Entity</u> had any <u>government audit(s)</u> completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a) If “Yes,” did any audit of the <u>Reporting Entity</u> identify any reported significant deficiencies in internal control, fraud, illegal acts, significant violations of provisions of contract or grant agreements, significant abuse or any <u>material disallowance</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes” to 8.6 a), provide an explanation of the issue(s), relevant dates, the <u>government entity</u> 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?

Yes  No

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.

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:

Yes  No

- a) Any business-related activity; or
- b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?

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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "Yes," indicate the question number(s) and explain the basis for the claim.

**XI. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE**

Name	Telephone	Fax
	ext.	
Title	Email	

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**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 15<sup>th</sup> 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](http://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

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

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

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

No faxes allowed.



**FORM B**

<p><b>OSC Use Only:</b>                  Reporting Code:                  Category Code:</p>
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<p><b>State Consultant Services                  Contractor's Annual Employment Report</b></p> <p><b>Report Period: April 1,      to March 31,</b></p>
--

<p>Contracting State Agency Name: _____ Agency Code: _____                  Contract Number: _____                  Contract Term:    /    /      to    /    /                  Contractor Name: _____                  Contractor Address: _____                  Description of Services Being Provided: _____</p>
--

<p><b>Scope of Contract (Choose one that best fits):</b>                  Analysis <input type="checkbox"/> Evaluation <input type="checkbox"/> Research <input type="checkbox"/> Training <input type="checkbox"/>                  Data Processing <input type="checkbox"/> Computer Programming <input type="checkbox"/> Other IT consulting <input type="checkbox"/>                  Engineering <input type="checkbox"/> Architect Services <input type="checkbox"/> Surveying <input type="checkbox"/> Environmental Services <input type="checkbox"/>                  Health Services <input type="checkbox"/> Mental Health Services <input type="checkbox"/>                  Accounting <input type="checkbox"/> Auditing <input type="checkbox"/> Paralegal <input type="checkbox"/> Legal <input type="checkbox"/> Other Consulting <input type="checkbox"/></p>
--

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

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

(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.*

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*Signature*

*Title*

*Date*

EXHIBIT I

(Exhibit I to follow this page)

EXHIBIT J

(Exhibit J to follow this page)

EXHIBIT K

(Exhibit K to follow this page)

EXHIBIT L

(Exhibit L to follow this page)