



Andrew M. Cuomo, Governor

Homes and Community Renewal

Darryl C. Towns, Commissioner/CEO

Request for Proposals for Section 3 Compliance Plan

Proposal Issuance Date: April 29, 2015
Proposal Submission Deadline: May 22, 2015, 12PM EDT

HOUSING TRUST FUND CORPORATION
HAMPTON PLAZA
38-40 STATE STREET • ALBANY, NEW YORK 12207
www.nyshcr.org

Proposal Checklist

CHECKLIST OF ITEMS TO BE COMPLETED AND RETURNED:

- Tab I - Application Coversheet
- Tab I - Cover Letter

Tab 6:

- [Lobbying Reform Law Form 1](#)
- [Lobbying Reform Law Form 2](#)
- [Non-Collusive Bidding Certification Form](#)
- [Contractor and/or Vendor Information Form](#)
- [Vendor Responsibility Questionnaire – For Profit Business Entity OR Non-Profit Entity;](#)
- [EEO Staffing Plan, PROC-1](#)
- [MWBE Utilization Form, PROC-2](#)
- [MWBE & EEO Policy Statement, PROC-4](#)
- [Company Demographic Profile, PROC-7](#)
- [EEOC Statement, PROC-8](#)
- [Diversity Practices Questionnaire, PROC-9](#)
- Conflict Of Interest Statement
- Proof of Errors & Omissions Insurance & additional Insurance Requirements
- Proposer's most recent two years of financial statements or federal tax returns

Application Coversheet

Attach this form to the top of your proposal.

DATE OF APPLICATION:

GENERAL INFORMATION ON FIRM:

Legal Name of Firm:

Firm's Mailing Address:

Firm's Website:

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

Federal Tax ID Number:

SEC Registration Number (if applicable):

MWBE Registration Number (if applicable):

MAIN CONTACT INFORMATION FOR THIS PROPOSAL:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

PRINCIPAL IN CHARGE:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

ADDITIONAL CONTACTS (if applicable):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

HOUSING TRUST FUND CORPORATION REQUEST FOR PROPOSALS

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

I. INTRODUCTION

The Housing Trust Fund Corporation (HTFC or Agency) is a part of New York State Homes and Community Renewal (HCR). HCR is an umbrella organization for the major housing and community renewal agencies within the State of New York (State), including HTFC as well as its Affiliates (Division of Housing and Community Renewal, New York State Housing Finance Agency, New York State Affordable Housing Corporation, State of New York Mortgage Agency, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation).

HTFC was established in 1985 under Section 45-a of the State's Private Housing Finance Law (PHFL), as a public benefit corporation. Its mission is to create decent affordable housing for persons of low income by providing loans and grants for the rehabilitation of existing housing or the construction of new housing. HTFC's reach has expanded over the years to include many State and federal programs, such as the Community Development Block Grant (CDBG) program, HOME Investment Partnerships (HOME) program, and the Section 8 Project-based Contract Administration program.

For further information regarding HTFC's programs, visit our website at:

<http://www.nyshcr.org/>

II. PURPOSE

HTFC seeks proposals from qualified candidates (Proposers) to prepare a New York State Section 3 Compliance Training, Tracking Management System and Plan (Compliance Plan).

HTFC is committed to ensuring that employment and other economic opportunities generated by the United States Department of Housing and Urban Development (HUD) financial assistance shall, to the greatest extent feasible and consistent with existing federal and State laws and regulations, be directed to low- and very low- income persons, particularly those persons that reside in public housing, and to business concerns which provide economic opportunities to those persons.

This request for proposal (RFP) is issued in furtherance of the State and its recipients' compliance with the Section 3 regulations, as outlined at 24 CFR § 135.32.

III. BACKGROUND

Section 3 is a provision of the Housing and Urban Development Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- and very low- income residents in connection with projects and activities in their neighborhoods.

The State of New York is an Entitlement Jurisdiction¹ that receives funds for the CDBG program and a Participating Jurisdiction² for the HOME program and receives a direct, annual allocation of funds for affordable housing and community service initiatives. The State also receives federal funds for the Emergency Solutions Grant and Housing Opportunities for Persons with AIDS programs. In turn, the State makes a major portion of these funds available to non-entitlement local governments, counties and not-for-profit organizations to undertake programs and provide services consistent with federal guidelines and regulations.

IV. DIVERSITY REQUIREMENTS

HTFC is committed to awarding contracts to firms and/or individuals that are dedicated to diversity and provide high-quality services at competitive rates.

HTFC strongly encourages firms and/or individuals that are certified by the State as MWBEs, as well as firms and/or individuals that are not yet certified but have applied for certification, to submit responses to this RFP. All certified MWBEs submitting proposals to this RFP are encouraged to be registered with the State's Empire State Development. MWBEs that are not certified, but have applied for certification, must provide evidence of filing, including the filing date. MWBEs must be certified prior to the Agency making an award of contract.

HTFC is required to implement the provisions of the State's Executive Law Article 15-A ("Article 15-A") and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all contracts, as defined therein, with a value in excess of \$25,000. HTFC strongly encourages joint ventures of MWBEs with majority firms and MWBEs with other MWBEs. For assistance identifying MWBE partners, contact Mr. Kenneth J. Ford, Senior Purchase Agent, at Kenneth.Ford@nyshcr.org and Nyhomes.Proposal@nyshcr.org.

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

¹ Entitlement communities are comprised of the principal cities of Metropolitan Statistical Areas; metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities).

² Participating Jurisdiction means any State or local government that has been designated by HUD to administer a HOME program grant.

V. ASSESSMENT OF DIVERSITY PRACTICES

HTFC has determined, pursuant to Article 15-A, that the assessment of the diversity practices of respondents to this RFP is practical, feasible, and appropriate. Accordingly, Proposers shall be required to include as part of their proposal to this RFP, as described in Sections XII. Part Two, B, Tab 6 and XIV.B. herein, (i) [EEO Staffing Plan, PROC-1](#); (ii) [MWBE Utilization Form, PROC-2](#); (iii) [MWBE/EEO Policy Statement, PROC-4](#); (iv) [Company Demographic Profile PROC-7](#); (v) [EEOC Statement, PROC-8](#), applicable to Proposers with 15 or more employees; and (vi) [Diversity Practice Questionnaire, PROC-9](#), all PROC forms hyperlinked herein.

VI. KEY EVENTS/DATES:

Event	Date
Issuance of RFP	April 29, 2015
Deadline for RFP Questions	May 11, 2015, 12:00pm, Eastern Daylight Time (EDT)
Deadline for Responses to RFP Questions	May 15, 2015
Proposal Submittal Deadline	May 22, 2015, 12:00pm, EDT
Anticipated Notification of Selection Date	June 8, 2015
Anticipated Date for Execution of Contract	July 9, 2015

HTFC reserves the right to modify this schedule at its discretion. HTFC reserves the right to conduct interviews with Proposers for purposes of expanding or clarifying responses.

Notification of changes in connection with this RFP will be made available to all interested parties via HTFC's web page:

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

VII. QUESTIONS FROM PROPOSERS AND UPDATES TO THE RFP

Proposers may submit their questions regarding the RFP by email to Kenneth.Ford@nyshcr.org and Nyhomes.Proposal@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 "2015 Section 3 RFP Questions."

ALL clarifications and exceptions must be resolved prior to submission of the proposal.

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

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

An electronic version of this RFP and all subsequent changes, additions or deletions to the RFP will be posted on the [HCR website](#). Proposers are responsible for checking the [HCR website](#) frequently for notices of any clarifications, changes, additions, or deletions to the RFP.

VIII. SCOPE OF WORK (contents in this section referred to hereinafter as “Scope of Work”)

The successful Proposer (“Contractor”) must produce the deliverables, as listed below, to HTFC on behalf of the State, no later than **November 30, 2015**. Any documents provided must be accurate, appropriately formatted, grammatically correct, well-written and clearly communicate all essential information needed by HTFC and its funding recipients to comply with the requirements of Section 3. HTFC reserves the right to withhold payment for deliverables that are not provided on time and/or to the required standard.

The Contractor will maintain regular contact with HTFC to discuss concerns that either party may raise during the term of the contract. Upon request, the Contractor will submit written progress reports to HTFC. At specified intervals during the term of the contract, the Contractor will prepare and submit drafts of sections of the Compliance Plan for review by HTFC.

Deliverables shall include, but are not limited to:

- **Inform**
 - Training of appropriate HCR staff, including but not limited to CDBG, HOME and Fair and Equitable Housing Office (FEHO) on Section 3 requirements and the most current regulations.
 - Assess Agency Section 3 activities and present report with recommendations.
- **Assist**
 - On-board training and technical assistance of developers, contractors, sub-contractors, vendors, State recipients, sub-recipients, and not-for-profits on Section 3 requirements and the most current regulations.
 - Outreach and education sessions to potential Section 3 residents and businesses on Section 3 requirements and opportunities.
 - Create a Section 3 technical assistance schedule, sessions to be conducted in various regions of the State.
 - Assist with the creation of a Section 3 page for HCR’s website.
- **Monitor and Track**
 - Development of a process for developers, contractors, and sub-contractors to generate Section 3 related contract and workforce reports based on State and federal reporting requirements.
 - Development of enforcement actions for “Failure to Comply.”
 - Development of written procedures and policies for Section 3 compliance.

IX. TERM OF CONTRACT

The term of the contract will be for a one year period, subject to approval by the HTFC Board. HTFC, at its discretion, may exercise its option to revise any provision of the contract, including the term, on an as needed basis, with the written consent of the contracting parties. Any contract that exceeds a five year period will require the affirmative concurrence of HTFC's Board to extend the contract without undergoing a new solicitation process.

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

X. INTENT TO SUBMIT A PROPOSAL

Proposers are requested to indicate their intent to submit a proposal by completing the Notice of intent to bid form, attached hereto as Exhibit C, and submitting the form via emails to Kenneth.Ford@nyschr.org and Nyhomes.Proposal@nyshcr.org, indicating in the subject line "Intent to Submit Proposal – Section 3" followed by the name of the Proposer.

Please submit the form prior to the proposal submission deadline.

Note: The Intent to Submit Proposal is discretionary, not mandatory, and as such is not binding in any way. However, it is highly recommended.

XI. SUBMISSION OF PROPOSALS

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

Submission Instructions

1. Proposals must be delivered by email in two parts no later than by the submission of proposal deadline date indicated in the Key Events/Dates section of this RFP.
2. Proposals must be submitted by email to Kenneth.Ford@nyshcr.org and Nyhomes.Proposal@nyshcr.org in searchable Portable Document Format (PDF) compatible with Adobe Reader XI, version 11.0.4. HTFC will not accept discs, flash drives or FTP file references that require HTFC to download information from the Proposer's or third party's site. If the file is large, it may be submitted in multiple email attachments with the proper Part One or Part Two label (if applicable) and "1 of X", "2

of X”, etc., and the last email as “X of X – Final” for each additional email. This is the only acceptable form of delivery.

3. Proposals must be labeled as follows:
 - (i) **Part One** is the **Cover Letter** and the **Proposal Narrative** (Tabs 1-4) section of this proposal and the subject line of the email for this section must be labeled: “2015 Section 3 RFP: Part 1 - Proposal Narrative”.
 - (ii) **Part Two** is the **Budget Proposal and Required Documentation** (Tabs 5-6) section of the proposal and the subject line of the email for this section must be labeled: “2015 Section 3 RFP: Part 2 - Budget Requirements”.
4. Any proposal delivered after 12:00pm (EDT) on May 22, 2015 will not be opened. Delivery delays shall not excuse late proposal submissions. The Proposer is responsible to ensure that emails and attachments are delivered on time in a legible format. Complete proposals, including all multiple parts, must be received by the deadline in order for a proposal to be considered submitted on time. 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 HTFC.

All submitted proposals shall become the property of HTFC.

XII. CONTENT OF PROPOSALS

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

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

The completed Cover Letter and Proposal Narrative must not exceed **22** letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The 22 page limit does not include resumes, references and other attachments required in Tab 6 and the Appendices.

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

A. Cover Letter (not to exceed 2 pages)

The Proposer’s cover letter should include:

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

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

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

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

Proposers must demonstrate experience and capacity to perform the Scope of Work described in this RFP in the areas numbered below:

Minimum Qualifications

Proposer must demonstrate, at a minimum, experience, expertise, and capacity in the following areas:

1. High level of knowledge of Section 3 of the Housing and Urban Development Act of 1968;
2. High level of knowledge of HUD’s CDBG and HOME programs;

3. Satisfactory record in working with residents of low- and very low-income communities, as well as local officials;
4. Ability to provide services in multiple languages as necessary;
5. Implementation of tracking systems and evaluation plans;
6. Ability to create a web page; and
7. Implementation of/ or participation in a public engagement strategy.

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

- a. A descriptive summary indicating the number of such relevant engagements in which the Proposer has participated, either as the lead firm or in a supporting role. The summary must include an explanation of how at least three of these experiences are relevant or complementary to the Scope of Work described in this RFP. Include a writing sample of not more than ten (10) pages that best demonstrates the Proposer's expertise in, and capacity for, describing and explaining quantitative data that could be pertinent to the performance of the Scope of Work.
- b. A minimum of three references for the Proposer and at least two for each subcontractor, independent contractor or partner, if any. Each reference must include the name, title, company, if relevant, telephone number, and email address for each reference. Attach a brief summary of the relationship between the reference and the Proposer.
- c. PDF files or web links to at least two samples of reports produced by the Proposer or members of the team that are relevant to this RFP.

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

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

A Proposer must submit a work plan that establishes goals, sets target dates, and identifies its intended methodology for performing the Scope of Work (Work Plan). The Work Plan must provide a detailed description of the Proposer's intended means, methods, and timeline for accomplishing each task required by the Scope of Work, as well as any component sub-tasks that the Proposer may identify. The description should indicate the

Proposer's previous experience in using these means and methods as well as its reasons for employing them in this project. The Work Plan should identify any "best practices" the Proposer will use to assure the timely completion of the Work Plan. Finally, the Work Plan should indicate the extent to which the Scope of Work and any of its component sub-tasks will be performed within the State and will utilize MWBEs.

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

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

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

The Proposer must submit a staffing plan that includes the name and describes the position of each employee at the firm who will serve in key roles in managing and completing the Scope of Work, including those who will work on each of its tasks. This material must also include the names of any consultants, joint venture partners, subcontractors and MWBEs required to complete the Scope of Work. This information must be provided in addition to, not in lieu of, the Staffing Plan and MWBE Utilization Form required in Part Two, Tab 6. Proposers must provide and identify:

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

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

1. A description of the services offered by the Proposer together with other relevant information about the Proposer, including: (i) the number of employees; (ii) the locations of all offices; (iii) the office where the work for this contract will be managed; (iv) Proposer's brochures; (v) Proposer's organizational charts; (vi) Proposer's licenses; (vii) evidence of doing business or the capacity to perform the Scope of Work in the State; and (viii) a description of any significant changes to the management structure and/or operational dynamics of the Proposer's organization, including any mergers that occurred in the last three (3) years or are expected in the near future or any subcontracting and/or partnering relationships with any other entity.
2. Resumes and contact information for the Proposer's employees primarily responsible for performing the work under a HTFC contract award, including resumes of subcontractors.
3. If a Proposer will be subcontracting and/or partnering with an entity for any portion of the work described in the Scope of Work, provide resumes and a summary of the relevant qualifications, experience and a detailed explanation for the subcontractor, the partner, and/or the staff of each entity. Attach any contracts, agreements, or letters of intent that have been entered into with such firms that are relevant to the Proposal.

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

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

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

A Proposer must submit its proposed total not-to-exceed cost required to complete the full Scope of Work together with (i) a subtotal not-to-exceed cost for each component of the scope of work and (ii) a detailed cost budget for each component and any sub-component. The detailed budgets should include hourly rates for all persons involved, estimates of the number of hours to be worked by each person, and estimates of reimbursable expenses for other than personal services (OTPS) expenses (travel, printing, mailing, teleconferencing, etc.). Finally, the budget should estimate the amount and percentage of the budgeted funds which will be (i) spent within the State of New York and (ii) allocated to MWBEs.

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

B. Tab 6: Required Forms and Information

Proposers are subject to the requirements described in [HTFC's Standard Clauses and Requirements for Solicitations](#), hyperlinked herein as Exhibit A. Such requirements include, but are not limited to, submission of the following information and forms of HTFC: (a) [Lobbying Procurement Law FORM 1](#) and [Lobbying Procurement Law FORM 2](#); (b) [Non-Collusive Bidding Certification FORM](#); (c) [Contractor and Vendor Information FORM](#); (d) [EEO Staffing Plan, PROC-1](#); (e) [MWBE Utilization Form, PROC-2](#); (f) [MWBE/EEO Policy Statement, PROC-4 form](#); (g) [Company Demographic Profile, PROC-7](#); (h) [EEOC Statement, applicable to Proposers with 15 or more employees, PROC-8](#); (i) [Diversity Practice Questionnaire, PROC-9](#); and (j) [Vendor Questionnaire, For Profit](#) or [Vendor Questionnaire, Not For Profit](#), all forms hyperlinked herein.

Proposers must also submit the following information:

1. If the Proposer is a State-certified MWBE firm, documentation evidencing registration. For MWBE firms that are not certified but have applied for certification, documentation evidencing the application with the State's Empire State Development, including the filing date.
2. If the Proposer is not a State certified MWBE firm, descriptions of the instances, if any, in which the Proposer has worked with MWBE firms on previous transactions by engaging in joint ventures or other partnering or subcontracting arrangements. Responses should include the nature of the engagement, how such arrangement was structured and a description of how the services and fees were allocated.
3. A statement by the Proposer indicating its willingness, if any, to engage in MWBE partnering or mentoring arrangements with an MWBE firm selected by the Proposer. Such statement should include an explanation of how the Proposer would suggest structuring such an arrangement and allocating services and fees between the firms.
4. Certificate of Insurance evidencing the Proposer's General Liability and Errors and Omissions insurance coverage. Minimum acceptable limits for HTFC are **\$1,000,000** per occurrence for General Liability and **\$1,000,000** per occurrence for Errors and Omissions.
5. Proposer's most recent two years of audited financial statement or federal tax returns.

6. A statement indicating whether performing services for HTFC would create any potential conflict of interest, or appearance of impropriety, relating to other clients/customers of the Proposer or former officers and employees of HTFC. Indicate what procedures will be followed to detect, notify HTFC of, and resolve any such conflicts.
7. A statement by the Proposer disclosing in the affirmative or in the negative whether its entity, or any of its principles, employees clients, or customers discussed in the preceding paragraph numbered 6, or its intended partner or any of its intended partner's employees, has been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Ethics (JCOPE) or its predecessor State entities (collectively, "Commission"), and if so, a statement briefly describing how any matter before the Commission was resolved or whether it remains unresolved.

XIII. EVALUATION, SELECTION AND NOTIFICATION

A. Evaluation Process

The evaluation of proposals will be based on the "Best Value" concept. The proposal which "optimizes quality, cost and efficiency" among the responsive and responsible Proposers will be selected for award. A total of 60 percent of the proposal evaluation will be derived from technical ability, prior relevant professional experience, proposed work plan, methodology, timeline, staffing plan, MWBE participation, and budget. Thirty percent will be based on budget and price. Ten Percent will be based on Diversity Practices.

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

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

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

HTFC, at its sole discretion, will determine the proposal that best satisfies its requirements for the Section 3 Compliance Plan. HTFC reserves all rights with respect to the award of a contract for this project. HTFC reserves the right to select a proposal that, in its sole judgment, is consistent with and responsive to the requirements of this

RFP, irrespective of whether it is the apparent lowest cost proposal. Furthermore, the determination of such selection will be made by HTFC to be in the best interest of the citizens of the State of New York.

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

Selection and Notification Process

All Proposers will be notified via U.S. mail or email as to whether or not they were selected.

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

XIV. ADMINISTRATIVE INFORMATION

A. Permissible Contacts

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this RFP imposes certain restrictions on communications between HTFC, including its Affiliates, and a potential Proposer during the procurement process. A Proposer is restricted from making contacts that a reasonable person may infer were intended to influence the selection of a firm to perform the proposed professional services, from the date of publication of this RFP until the awarding of a contract(s) by HTFC (the “Restricted Period”), with 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 HTFC, including any employees of the agencies that constitute HCR, are required to obtain certain information when contacted during the Restricted Period and make a determination of responsibility of the Proposer under the SFL. Findings of non-responsibility can result in rejection for contract award and in the event of two (2) findings within a four (4) year period, the Proposer will be debarred from obtaining governmental contracts.

For more information, please refer to the following website:

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

For all Lobbying Law Contacts, please contact:

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

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

Kenneth J. Ford, Senior Purchase Agent
New York State Homes & Community Renewal
Housing Trust Fund Corporation
38-40 State Street
Albany, NY 12207
Kenneth.Ford@nyshcr.org and Nyhomes.Proposal@nyshcr.org

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

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

1. NEW YORK STATE LAW

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

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

participation of New York State certified MWBEs and the employment of minority groups members and women in the performance of New York State contracts.

2. BUSINESS PARTICIPATION OPPORTUNITIES FOR MWBEs

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

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

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

By submitting a proposal, a Proposer agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Proposer may arrange to provide such evidence via a non-electronic method by contacting Mr. Kenneth J. Ford at Kenneth.Ford@nyshcr.org and Nyhomes.Proposal@nyshcr.org. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Proposers’ MWBE requirements, please click on the following hyperlinked MWBE guidance, “[Your MWBE Utilization and Reporting Responsibilities Under Article 15-A](#),” hyperlinked herein.

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

- (a) [An MWBE Utilization Plan](#) with their proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to HTFC at OFHEO@nyshcr.org.

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

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

HTFC may disqualify a Proposer as being non-responsive under the following circumstances:

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

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

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

3. EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

By submission of a proposal in response to this solicitation, the Proposer agrees with all of the terms and conditions of [*Appendix I – Standard Clauses for All New York State Contracts*](#) including *Clause 7 - Equal Employment Opportunities for Minorities and Women*. The Proposer is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction,

demolition, replacement, major repair *Clause 7 - Equal Employment Opportunities for Minorities and Women*. The Proposer is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

Proposers will be required to submit a [Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, PROC-4 Form](#) to HTFC with their proposals.

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

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

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

NOTICE OF INTENT TO SUBMIT PROPOSAL	
PROPOSED VENDOR CONTACT INFORMATION FOR Section 3 Compliance Plan RFP	
Name of Responsible Individual	
Company Name (if applicable)	
Address	
City, State, Zip Code	
Telephone # & Email Address	
MWBE COLLABORATIONS	
Is the Bidder willing to partner with a minority or women-owned business enterprise to complete the work required for this contract? (Check One.)	
	Yes
	No
	Maybe

Proposers are requested to indicate their intent to submit a proposal by completing this Notice of intent to bid form and submitting the form via emails to Kenneth.Ford@nyschr.org and Nyhomes.Proposal@nyshcr.org, indicating in the subject line “Intent to Submit Proposal – Section 3” followed by the name of the Proposer.

Please submit the form prior to the proposal submission deadline.

Note: The Intent to Submit Proposal is discretionary, not mandatory, and as such is not binding in any way. However, it is highly recommended.