



Homes and Community Renewal

Andrew M. Cuomo, Governor James S. Rubin, Commissioner/CEO

Request for Proposals for Computational Analytic Services

Issuance Date:

September 1, 2015

Submission Deadline:

September 28, 2015, 12PM EDT

**STATE OF NEW YORK MORTGAGE AGENCY
NEW YORK STATE HOUSING FINANCE AGENCY
641 LEXINGTON AVENUE • NEW YORK, NEW YORK 10022
www.nyshcr.org**

Proposal Checklist

CHECKLIST LIMITED TO VARIOUS REQUIRED FORM RELATED ITEMS TO BE COMPLETED AND RETURNED:

- Tab 1 - Application Coversheet
- Tab 1 - Cover Letter

Tab 4:

- [Lobbying Reform Law Form 1](#)
- [Lobbying Reform Law Form 2](#)
- [Non-Collusive Bidding Certification Form](#)
- [Contractor and/or Vendor Information Form](#)
- [Vendor Responsibility Questionnaire – For Profit Business Entity](#) 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](#)
- Evidence of Insurance
- Proposer's most recent two years of financial statements or tax returns
- Conflict of Interest Statement

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 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):

**State of New York Mortgage Agency
New York State Housing Finance Agency**

REQUEST FOR PROPOSALS

FOR

COMPUTATIONAL ANALYTIC SERVICES

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

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

1. Introduction

[New York State Homes and Community Renewal](#) (“**HCR**”) consists of all the major housing and community renewal agencies of the State of New York (“**State**” or “**NYS**”), including the State of New York Mortgage Agency (“**SONYMA**”) and New York State Housing Finance Agency (“**HFA**”) (individually, “**Agency**” and collectively, “**Agencies**”). HCR includes other agencies not involved in this Request for Proposals (“**RFP**”) process.

2. Purpose

The Agencies seek proposals from qualified firms interested in providing certain computational and other analytic services, in connection with single family mortgage revenue bond transactions and multifamily affordable housing revenue bond transactions, and other services which will be included in a contractual arrangement between the Agencies and the successful proposer.

3. Overview of the Agencies

The Agencies are public benefit corporations, co-located and co-administered from their New York City (“NYC”) office. The Agencies actively participate in the issuance of their respective bonds and the Agency staff supervises each step of the financing process.

More detailed information related to the Agencies and their respective programs may be found on the Agencies’ website www.nyshcr.org.

3.1 State of New York Mortgage Agency

The [State of New York Mortgage Agency](#) is a public benefit corporation, created in 1970, to provide single-family homeownership opportunities for low- to moderate-income New Yorkers. The Agency funds its mortgage lending activities through the issuance of taxable and tax-exempt bonds under two resolutions: the Homeowner Mortgage Revenue Bond Resolution and Mortgage Revenue Bond Resolution. The Agency is the only State issuer of single family housing bonds. In 2014, the Agency issued over \$419 million in bonds and funded over 800 mortgages. Together with its sister agency, the New York State Housing Finance Agency, the two agencies combined were the largest housing issuer in the nation last year.

3.2 New York State Housing Finance Agency

The [New York State Housing Finance Agency](#) was created in 1960 to promote the production and preservation of affordable rental housing opportunities for low- to moderate- income citizens of the State. In 2014, HFA issued over \$2.2 billion of bonds to finance over 6,106 affordable units.

Currently, HFA utilizes three financing tools to fund its projects: variable rate demand bonds for its 80/20 developments, fixed rate bonds for its all affordable projects funded under the Affordable Housing Revenue Bond Resolution, and unrated private placements on a case by case basis.

4. Assessment of Diversity Practices

The Agencies have determined, pursuant to New York State Executive Law Article 15-a (“**Article 15-a**”), that the assessment of the diversity practices of respondents to this RFP is practical, feasible, and appropriate. Accordingly, Proposers are required to include as part of their proposal to this RFP, as described in Sections 9 and 11 herein, (i) [EEO Staffing Plan, PROC-1](#); (ii) [MWBE Utilization Form, PROC-2](#); (iii) [MWBE/EEO Policy Statement, PROC-4](#) (iv) [Company Demographic Profile PROC-7](#); (v) [EEOC Statement, PROC-8](#), applicable to Proposers with 15 or more employees; and (vi) [Diversity Practice Questionnaire, PROC-9](#), all forms hyperlinked herein.

4.1 Minority and/or Women Owned Business Enterprise Participation

The Agencies are committed to awarding contracts to firms that are dedicated to diversity and provide high-quality services. The Agencies strongly encourage 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 RFP. All MWBE firms submitting proposals to this RFP should be registered as such with the State’s Department of Economic Development. For MWBE firms that are not certified but have applied for certification, please provide evidence of filing, including the filing date.

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

For purposes of this solicitation, the Agencies hereby establish 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**”).

4.2 MWBE Subcontractor Interest

New York State certified MWBEs may request that their firm’s contact information be included on a list of MWBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Agencies’ website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS MWBE certification to Lisa.Pagnozzi@nyshcr.org . Nothing prohibits an MWBE firm from proposing as a prime contractor.

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5. Calendar of Events and Milestones

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

Event	Date
Issuance of RFP	September 1, 2015
Deadline for RFP Questions	September 17, 2015, 12PM EDT
Deadline for Responses to RFP Questions	September 22, 2015
Deadline for Submission of Proposals	September 28, 2015, 12PM EDT
Interview Notification (if needed)	October 13, 2015
Interview for Selected Proposers (if needed)	Week of October 19, 2015
Anticipated Selection Date	November 12, 2015*

*Subject to the approval of the Agencies' Boards of Directors/Members.

The Agencies reserve the right to modify this schedule at their discretion. Notification of changes in connection with this RFP will be made available to all interested parties via the Agencies' web page at: <http://www.nyshcr.org/AboutUs/Procurement/HCR-Procurement.htm> .

6. Administrative Information

6.1 Questions and Answers

Any questions or requests for clarification regarding the RFP must be submitted via email to Nyhomes.Proposal@nyshcr.org and Lisa.Pagnozzi@nyshcr.org , citing the RFP page and section, no later than the date identified in the “*Calendar of Events and Milestones*” section of this RFP. The “Subject” line of the email should indicate “2015 Computational Analytic Questions.”

Questions will not be accepted orally and any question received after the deadline may not be answered. The list of questions/requests for clarifications and the official responses of the Agencies will be posted in a timely manner on the [HCR “Procurement Opportunities” webpage](#).

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

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

6.2 Amendments and Addenda

The Agencies reserve the right to modify any part of this RFP including, but not limited to, the date and time by which proposals must be submitted and received by the Agencies, at any time prior to the Deadline for Submission of Proposals listed in the “*Calendar of Events and Milestones*” section of this RFP. Modifications to this RFP will be made by issuance of amendments and/or addenda. Any amendment or addendum to this RFP will become part of this RFP.

Prior to the Deadline for Submissions of Proposals date, any such clarifications or modifications as deemed necessary will be posted to [HCR's website](#).

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

There are no designated dates for release of addenda. Therefore, interested Proposers should check the Agencies' website frequently through the Deadline of Submission of Proposals. It is the sole responsibility of the Proposer to be knowledgeable of all addenda related to this RFP process.

6.3 Restriction of Communication

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

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

For all Lobbying Law Contacts, please contact:

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

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

Lisa G. Pagnozzi, Contract Administrator
New York State Homes & Community Renewal
State of New York Mortgage Agency
New York State Housing Finance Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Lisa.Pagnozzi@nyshcr.org

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

6.4 Contract Term

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

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

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

6.5 Vendor Responsibility

6.5.1 General Responsibility

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

6.5.2 Suspension (for Non-Responsibility)

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

6.5.3 Termination (for Non-Responsibility)

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

7. Scope of Services (or “Scope of Work”)

7.1 General Scope of Services

The overall responsibilities of the successful Proposer should include, but are not necessarily limited to, the following services:

- Services relating to the management on a continuing basis of SONYMA’s two major bond resolutions including maintaining a current electronic cashflow model of those resolutions; and completing, when directed by Agency staff, certain analytic exercises which will provide Agency management with data to be used in making strategic business decisions;
- Services relating to bond financings which will include, among other things: (i) structuring transactions; (ii) preparing cashflows and other bond related material needed in connection with these financings to be delivered to the Public Authorities Control Board (“PACB”) and rating agencies; (iii) analyzing the inclusion of interest rate exchanges in these

transactions; and (iv) analyzing matters relating to the inclusion of new money bonds and refunding bonds;

- Services required to review and track tax compliance, including arbitrage, rebate, mortgage yield, and universal cap requirements, various rules imposed on single family mortgage revenue bond transactions and other matters which may arise from time to time;
- Analytic services to assist Agency management with making business determinations relating to resource allocation, and future business plans; and
- For HFA, software and technical support for cash flows related to its Affordable Housing Revenue Bond transactions;
- Any other services that the successful Proposer believes are of a substantive nature as to warrant additional analysis.

7.2 Specific Scope of Services

In addition to the general scope of services listed above, the successful Proposer(s) will be expected to provide the following services for SONYMA, as directed by SONYMA's staff:

- Undertake Analytics Relating to Debt Issuance and Long-Term Planning;
- Provide analysis of the effects of certain programmatic and bond structuring business decisions to assist the Agency in evaluating redemption options and the structure of new bond sales;
- Provide quarterly reports on the financial health of each indenture;
- Project Replacement Refunding Capacity on an as needed basis;
- Prepare PACB Cash Flow Projections;
- Compute Bond Sale Results;
- Prepare Rating Agency Cash Flow Projections;
- Prepare Resolution Cash Flow Statement;
- Provide Prepayment speeds on each of the Agency's outstanding bond series;
- Monitor usage of zeroes to ensure compliance with the 42-month Rule;
- Maintain a Refunding Genealogy;
- Demonstrate Compliance with 10 and 32 Year Rules;
- Calculate Transferred Proceeds;
- Maintain records for each tax plan;
- Determine Bond Yield;
- Undertake Mortgage Spread Calculations;
- Independently Compute Reserve Requirements; and
- Prepare Universal Cap Compliance materials for review by Agency staff and bond counsel.

8. Proposal Requirements

A complete proposal for this RFP is comprised of four (4) separate tabs: (i) Tab One: Application Cover Sheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; and (iv) Tab Four: Administrative Proposal.

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

8.1 Proposal Submission Requirements

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

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

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

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

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

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

All submitted proposals shall become the property of the Agency(ies).

9. Contents of Proposals

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

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

Proposals should demonstrate that the Proposer is qualified to perform the Scope of Work described herein based upon prior relevant professional experience and include a Staffing Plan, MWBE Utilization Plan, and fees. An Agency review committee will conduct a comprehensive review of each proposal.

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

The completed proposal will include Tabs One through Four, as described in the Proposal Submission Requirements section of this RFP. Each Tab must be electronically bookmarked as "Tab 1," "Tab 2," "Tab 3," and "Tab 4" and must be presented in the exact order requested in this RFP. The content in Tab 2 must be limited to five (5) letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The 5 page limit does not include resumes, references, organizational chart, company brochures, etc.

The Proposer's proposal should contain the following:

9.1 TAB 1: Cover Letter

The Proposer's cover letter must not exceed three (3) pages and should include:

1. A summary of the Proposer's organizational history and legal structure (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, evidence of MWBE certification status, etc.);
2. A statement affirming the Proposer's number of years of experience as it relates to the Scope of Work;
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 the Agencies' primary contact concerning the proposal;
5. The name(s) of the primary staff who will provide services to the Agency(ies);
6. The contact name, telephone number, fax number and email address for the firm(s), if any, with which the Proposer intends to enter into a subcontract agreement for engagements with the Agency(ies); and
7. A written certification confirming that the information contained in the proposal is true and accurate and that the person signing the cover letter is authorized to submit the proposal on behalf of the Proposer.

9.2 TAB 2: Technical Proposal

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

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

The contents in Tab 2 must address the following items:

1. Briefly describe your firm's qualifications to provide the Scope of Work described herein;
2. Identify the principals and the key personnel who would be primarily responsible for providing services to the Agency described in the Scope of Work. Provide resumes of such staff person and describe how you would utilize your firm's staff to best serve the Agency;
3. If a Proposer will be subcontracting with an entity for any portion of the work described in the Scope of Work, provide resumes and a summary of the relevant qualifications and experience for the subcontractor(s) and 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. Describe the types of tasks anticipated to be assigned by the subcontractor(s).
4. Provide a detailed description of your firm's systems capabilities to provide the Scope of Work described herein, as well as a detailed statement setting forth your firm's proposed staffing plans for our account, including qualifications; and

5. Provide specific examples of the work that your firm performs for State single family housing issuers who issue under parity bond indentures. We are looking for evidence of your firm's experience in providing the Scope of Work described herein, and a list of clients for whom you have provided this type of service, including individual references who may be contacted with respect to your work on these matters.

9.3 TAB 3: Cost Proposal

The cost proposal must include a not to exceed dollar amount representing the total cost of the firm's services for a three year period and two one year renewal periods. The Agency(ies) reserves the right to further negotiate fees with the firm selected.

9.4 TAB 4: Administrative Proposal

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

In addition to completion of the forms hyperlinked in the paragraph above, Proposers must provide the following information:

- 9.4.1** Provide information on any insurance your firm might have such as general liability, errors and omissions, and fidelity bond.
- 9.4.2** Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Proposer or former officers and employees of the Agencies and their Affiliates, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify the Agency(ies) of, and resolve any such conflicts;
- 9.4.3** The Proposer must disclose whether its entity, or any of its members discussed in the above paragraph, has been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "**Commission**"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved; and
- 9.4.4** Provide the last two years of your firm's most recent audited financial statements (including notes) or unaudited financial statements or tax returns.

9.4.5 Diversity Practices

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

Proposers must provide the following information:

- (i) The Agency(ies) is committed to increasing the utilization of MWBE firms. Please share any ideas you may have for joint venture partnerships which would meet the 30% overall MWBE participation requirement of the Agency(ies);
- (ii) If the Proposer is a State-certified MWBE firm, provide documentation evidencing registration. For MWBE firms that are not certified but have applied for certification, provide documentation evidencing the application with the Empire State Development Corporation, including the filing date;
- (iii) If the Proposer is not a State certified MWBE firm, descriptions of the instances, if any, in which the Proposer has worked with MWBE firms on previous transactions by engaging in joint ventures or other partnering or subcontracting arrangements. Responses should include the nature of the engagement, how such arrangement was structured and a description of how the services and fees were allocated; and
- (iv) A statement by the Proposer indicating its willingness to engage in MWBE partnering, subcontracting 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.

10. Performance and Selection Criteria

10.1 The Selection Process

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of the evaluation is two-fold: (1) to examine the responses for compliance with this RFP; and (2) to identify the firm with the highest probability of satisfactorily performing the Scope of Work, described herein. The evaluation will be conducted in a comprehensive and impartial manner as set forth herein.

The submitted proposals will undergo an evaluation process conducted by a committee selected by the Agency(ies) (“**Committee**”). Evaluation of the firms will take into account the following criteria that includes, but is not limited to:

- Demonstrated capacity to perform the Scope of Work described herein;
- Experience with projects of similar scope;
- Price for all services;
- Maintenance of an office in the State of New York;
- Diversity practices of the firm;
- Financial soundness of the firm;
- Avoidance of any potential conflict of interest, or appearance of impropriety, and policies designed to ensure the avoidance of such conflicts in the future; and
- Interviews to clarify or expand on the responses, to be conducted at the discretion of the Agency(ies).

10.2 Interviews

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

The Agency(ies) reserves the right to negotiate or hold discussions with any Proposer.

10.3 Selection and Notification Process

The selected Proposer will be notified via U.S. mail or email. Proposers who are not selected will be notified of the Agency’s (or Agencies’) determination via U.S. mail or email.

11. Information relating to MWBEs, EEO and use of State Businesses

11.1 Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority-and Women-Owned Business Enterprises and Equal Employment Opportunities (“EEO”) for Minority Group Members and Women

11.1.1 New York State Law

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

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

11.1.2 Business Participation Opportunities for MWBEs

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

In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and the Agency(ies) 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 bidder on the Contract (“**Bidder**” or “**Proposer**”) agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System (“**NYSCS**”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Bidder may arrange to provide such evidence via a non-electronic method by contacting Ms. Lisa.Pagnozzi at Lisa.Pagnozzi@nyshcr.org and Nyhomes.Proposal@nyshcr.org. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Bidder’s MWBE requirements, please click on the following hyperlinked MWBE guidance, “[Your MWBE Utilization and Reporting Responsibilities Under Article 15-A.](#)”

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

- (i) An [MWBE Utilization Plan](#) with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Agency(ies).
- (ii) The Agency(ies) will review the submitted MWBE Utilization Plan and advise the Bidder of any Agency’s acceptance or issue a notice of deficiency within 30 days of receipt.
- (iii) If a notice of deficiency is issued, the Bidder will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Agency(ies) at 641 Lexington Avenue, 4th Floor, New York, NY 10022, Fax number 917-274-0393, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Agency(ies) to be inadequate, the Agency(ies) shall notify the Bidder and direct the Bidder 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 bid or proposal.

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

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver; or
- d) If the Agency(ies) determines that the Bidder has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made

at any time during the term of the Contract to the Agency(ies), but must be made no later than prior to the submission of a request for final payment on the Contract.

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

11.2 Equal Employment Opportunity Requirements

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

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

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

Further, pursuant to Article 15 of the Executive Law (the “**Human Rights Law**”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and 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.

11.3 The Use of New York State Businesses in Contract Performance

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

New York State businesses have a substantial presence in State contracts and strongly contribute to the economics of the State and the nation. In recognition of their economic activity and leadership

in doing business in New York State, Proposers for this Agency procurement are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Agency awarded contract. Such partnering may be as subcontractors, suppliers, protégés, providers of office and work space, and/or other supporting roles.

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

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

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The Agency(ies) therefore expect 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.

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