



Homes and Community Renewal

Andrew M. Cuomo, Governor

James S. Rubin, Commissioner/CEO

Request for Bids & Statement of Qualifications for *2017 Advertising Consultant Services*

Bid Issuance Date:

February 9, 2017

Bid Submission Deadline:

March 6, 2017, 12PM EST

State of New York Mortgage Agency

641 LEXINGTON AVENUE • NEW YORK, NEW YORK 10022

www.nyshcr.org

Request for Bids and Statement of Qualifications for

2017 Advertising Consultant Services

Responses to this Agency solicitation are limited to minority- and women-owned business enterprises (“MWBEs”)

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

Alejandro J. Valella, Vice President and Deputy Counsel
New York State Homes and Community Renewal
State of New York Mortgage Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Email: 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**”), including the State of New York Mortgage Agency (“**SONYMA**” or “**Agency**”). HCR includes other agencies not involved in this Solicitation process.

2. Purpose

The State of New York Mortgage Agency is seeking bids and statements of qualifications from qualified firms (referred to hereinafter as “**Respondents**”) for the provision of advertising consultant services.

3. Overview of the Agency

The State of New York Mortgage Agency was 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 (“**HMRB**”) Resolution and Mortgage Revenue Bond (“**MRB**”) Resolution. SONYMA has approximately \$2.608 billion of bonds outstanding under its HMRB and MRB Resolutions. The majority of the Agency’s recent bond transactions have been issued under its HMRB Resolution. The Agency is one of the nation’s largest issuers of single family housing bonds and the only issuer of such bonds in New York State. In 2016, the Agency issued over \$390 million in bonds and funded 1,898 mortgages.

More detailed information related to the Agency and its respective programs may be found at the Agency’s website www.nyshcr.org.

4. Assessment of Diversity Practices

The Agency has 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 Solicitation is practical, feasible, and appropriate. Accordingly, Respondents shall be required to include the following items as part of their response to this Solicitation, as described more fully in Section 11 herein: (i) [EEO Staffing Plan, PROC-1](#); (ii) [Utilization Form, PROC-2](#); (iii) [MWBE/EEO Policy Statement, PROC-4](#) (iv) [Company Demographic Profile PROC-7](#); (v) [EEOC Statement, PROC-8](#), applicable to Respondents 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

MWBE firms submitting responses to this Solicitation 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.

For purposes of this Solicitation, the Agency hereby establishes an overall goal of 100% of total contract expenditures for MWBE participation.

- REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY -

5. Calendar of Events and Milestones

It is anticipated that a contract(s) will be awarded in response to this Solicitation based on the following schedule:

Event	Date
Issuance of Solicitation	February 9, 2017
Deadline for Solicitation Questions	February 22, 2017, 12PM EST
Deadline for Responses to Solicitation Questions	February 28, 2017
Deadline for Submission of Solicitation Responses	March 6, 2017, 12PM EST
Anticipated Selection Date	April 14, 2017

The Agency reserves the right to modify this schedule at its discretion. Notification of changes in connection with this Solicitation will be made available to prospective Respondents via electronic email.

6. Administrative Information

6.1 QUESTIONS AND ANSWERS

Any questions or requests for clarification regarding this Solicitation must be submitted via email to Nyhomes.Proposal@nyshcr.org and Lisa.Pagnozzi@nyshcr.org, citing the Solicitation page and section, no later than the date identified in the “*Calendar of Events and Milestones*” section of this Solicitation. The “Subject” line of the email should indicate “2017 Ad Consultant 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 Agency responses will be provided prior to the Deadline for Responses to Solicitation Questions listed in the “*Calendar of Events and Milestones*” section of this Solicitation.

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

6.2 AMENDMENTS AND ADDENDA

The Agency reserves the right to modify any part of this Solicitation including, but not limited to, the date and time by which responses must be submitted and received by the Agency, at any time prior to the Deadline for Submission of Solicitation Responses listed in the “*Calendar of Events and Milestones*” section of this Solicitation. Modifications to this Solicitation will be made by issuance

of amendments and/or addenda. Any amendment or addendum to this Solicitation will become part of this Solicitation.

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

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

There are no designated dates for release of addenda. Therefore, interested Respondents should check the Agency's website frequently through the Deadline for Submission of responses date. It is the sole responsibility of the Respondent to be knowledgeable of all addenda related to this Solicitation process.

6.3 RESTRICTION OF COMMUNICATION

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this Solicitation imposes certain restrictions on communications between the Agency and its Affiliates (including the New York Housing Finance Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency, Tobacco Settlement Financing Corporation, Housing Trust Fund Corporation and the NYS Division of Housing and Community Renewal, other agencies constituting HCR), and a potential Respondent during the procurement process. A Respondent 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 Solicitation, from the date of publication of this Solicitation until the awarding of a contract(s) by the Agency (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 Agency, 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 Respondent 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 Respondent 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
641 Lexington Avenue, 4th Floor
New York, New York 10022
Alex.Valella@nyshcr.org

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

Lisa G. Pagnozzi, Vice President, Contracts and Administration
New York State Homes & Community Renewal
State of New York Mortgage Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Lisa.Pagnozzi@nyshcr.org

or

Berniesha Coleman, Assistant Contract Administrator
New York State Homes & Community Renewal
State of New York Mortgage Agency
641 Lexington Avenue, 4th Floor
New York, New York 10022
Berniesha.Coleman@nyshcr.org and Nyhomes.Proposal@nyshcr.org

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

6.4 CONTRACT TERM

The term of the contract will be for a period of one year. In addition, the Agency, at its discretion, may exercise its option to revise any provision of the contract, on an as needed basis, with the mutual written consent of the contracting parties.

The successful Respondent will be required to execute an Advertising Placement and Consultant Services agreement with the Agency that incorporates Appendix I [Standard Clauses for Contracts](#), hyperlinked herein.

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

In furtherance of the Agency’s mission to increase the affordability of homeownership for low-to-moderate income residents of New York State, the Agency rigorously promotes and advertises homeownership opportunities within community newspapers to target specific demographic audiences within various counties of the State, in accordance with Housing and Urban Development (“HUD”) guidelines. Over the last decade, SONYMA has launched several reduced interest rate programs to increase homeownership opportunities among veterans and low-income homebuyers. Federal law requires that at least 20% of the lendable proceeds of every SONYMA bond issue must be made available (and applied with reasonable diligence) for owner-financing of residences in targeted areas. The regulations relating to that legal requirement state that this requirement is satisfied

if, in addition to making this 20% available, “*the issuer (SONYMA) attempts with reasonable diligence to place such proceeds in qualified mortgages.*” Furthermore, the regulations state that “*reasonable diligence requires that the issuer (SONYMA) and the loan originators use reasonable efforts in trying to place mortgages in targeted areas, such as by advertising that mortgage funds are available in targeted areas.*”

Widespread publicity of SONYMA and its programs throughout the State of New York is an indispensable component of carrying forward the Agency’s mission. In an effort to promote public awareness of affordable homeownership opportunities sponsored by SONYMA, exposure through newspaper publications and various media channels is necessary. SONYMA places print advertisements in newspaper publications and other marketing venues. Major considerations in the selection of advertising vendors include vendor location and the demographics of the population served by a vendor. Utilizing this information, SONYMA strategically places advertisements where they will effectively promote SONYMA’s programs.

State law requires that SONYMA advertise to “generate maximum participation by potential mortgagors,” and both federal and State law include provisions that bear on the appropriate Agency targeting strategy.

The successful Respondent will assist SONYMA in its efforts to maximize the effectiveness of SONYMA’s statewide advertising campaign to promote its mortgages and handle direct contract negotiations. The successful Respondent must be able to place advertisements with community-based newspapers throughout the Metropolitan and Non-Metropolitan counties of the State.

The advertising placement and consultant services of the successful Respondent may include, but are not limited to:

- (a) creating strategic media plans based on research and data;
- (b) recommending advertising channels across print, digital, social, broadcast and radio, based on research and SONYMA criteria;
- (c) negotiating fees with selected publications and media outlets;
- (c) placing ads with media outlets;
- (d) processing payment to media outlets; and
- (e) submitting a monthly report listing all ad and media outlet placements, including the cost for each placement.

8. Solicitation Submission Requirements

Interested Respondents must submit completed Solicitation responses to the Agency by e-mail to Nyhomes.Proposal@nyshcr.org in PDF file format. The “Subject” line of the e-mail should state, “2017 Ad Consultant Services - Solicitation.”

Completed responses to this Solicitation must be received by the Agency **no later than 12:00 p.m., EST on March 6, 2017 (“Solicitation Submission Deadline”)**. **Responses must be received by the Solicitation Submission Deadline. Respondents are responsible for ensuring actual receipt of the response by the Agency by the time designated above.**

9. Contents of Solicitation Submissions

Interested Respondents should submit a response which includes the following information:

- 9.1** A brief summary of your firm that includes your firm’s experience and qualifications with the placement of ads in publications and media outlets, including relationships established with publications and media outlets in New York State;
- 9.2** The overall ad placement services that your firm provides including, but not limited to, translation services;
- 9.3** The name, telephone number, resume of the primary contact that will be assigned to this engagement, and a list of the professionals, including resumes, who will perform the services described herein;
- 9.4** A description of at least three similar engagements provided by your firm to other clients; include reference contact information for each engagement;
- 9.5** A fee proposal for the Scope of Work in Section 7 above;
- 9.6** 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 Respondent or former officers and employees of the Agency and its Affiliates, in connection with your rendering services enumerated in this Solicitation. 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 of, and resolve any such conflicts;
- 9.7** Disclose whether your 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
- 9.8** Respondents are subject to the requirements described in SONYMA’s [Standard Clauses and Requirements for Solicitations, hyperlinked herein as Exhibit A](#). Such requirements include but are not limited to submission of the following SONYMA forms: (a) [Contractor and Vendor Information FORM](#); (b) [Lobbying Procurement Law FORM 1](#) and [Lobbying](#)

[Procurement Law FORM 2](#); (c) [Non-Collusive Bidding Certification FORM](#); ; (d) [EEO Staffing Plan, PROC-1](#); (e) [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.

10. Evaluation of RFB Submissions and Selection Process

Solicitation submissions will undergo an evaluation process conducted by the Agency. The Agency will evaluate the Solicitation Submissions based upon the following criteria, not necessarily listed in the order of importance:

All information submitted in response to this Solicitation, including:

- Relevant experience and general qualifications and experience of the staff proposed to be assigned to an Agency engagement;
- Proposed fees and costs;
- Past performance; and
- Overall organization, completeness and quality of response, including cohesiveness and clarity of response.

The selected Respondent(s) will be notified via U.S. mail or email. Respondent(s) who are not selected will be notified of the Agency's determination via U.S. mail or email.

11. INFORMATION RELATING TO MWBES, EEO AND USE OF STATE BUSINESSES

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 New York State Law

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR 140-145, the Agency 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 establish 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.

11.2 Business Participation Opportunities for MWBEs

For purposes of this Solicitation, the Agency hereby establishes an overall goal of 100% for MWBE participation.

The successful Respondent will be required to submit a Cumulative Payment Statement, PROC-6 to the Agency, 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.

11.3 EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

By submission of a response to this Solicitation, the Respondent/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 Respondent will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, PROC-4 Form to the Agency with their response to this Solicitation.

To ensure compliance with this Section, the Respondent will be required to submit with the response 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 Respondent may arrange to provide such report via a non-electronic method by contacting 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.

11.4 THE USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

The Agency 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 Solicitation, 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, Respondents for this Agency's 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.

Respondents 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, Respondents are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

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

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

-REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY-