



Andrew M. Cuomo, Governor

Homes and Community Renewal

RuthAnne Visnauskas, Commissioner/CEO

Request for Bids & Statement of Qualifications for Technical Assistance and Consultant Services for the MWBE Revolving Loan Program

Solicitation Issuance Date: November 30, 2017
Bid Response Submission Deadline: December 22, 2017, 12 PM EST

NEW YORK STATE HOUSING FINANCE AGENCY

641 LEXINGTON AVENUE ▪ NEW YORK, NEW YORK 10022

www.nyshcr.org

Bid Response Checklist

CHECKLIST OF REQUIRED ITEMS FOR A COMPLETE BID RESPONSE

- Tab 1 - Application Coversheet
- Tab 1 - Cover Letter
- Tab 2 – Technical Bid Response
- Tab 2 – Other Attachments/Supporting Documentation
 - References
 - Resumes
 - Flow charts or other supporting materials
- Tab 3 – Bid Response
- Tab 4 – Administrative Bid Response
- [Vendor Information Form](#)
- [Vendor Responsibility Questionnaire – For Profit Business Entity](#) OR [Non-Profit Entity](#)
- [Lobbying Reform Law Form 1](#)
- [Lobbying Reform Law Form 2](#)
- [Non-Collusive Bidding Certification Form](#)
- [EEO Staffing Plan, PROC-1](#)
- [Utilization Form, PROC-2](#)
- [MWBE & EEO Policy Statement, PROC-4](#)
- [Company Demographic Profile, PROC-7](#)
- [EEOC Statement, PROC-8](#)
- [Diversity Practices Questionnaire, PROC-9](#)
- Proof of Errors & Omissions Insurance and Additional Insurance Requirements
- Respondent’s most recent two years of financial statements or federal tax returns
- License, Certification and other Credential Statements
- Conflict of Interest Statement

Application Coversheet

Attach this form to the top of your Bid Response.

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):

MBE Registration Number (if applicable):

WBE Registration Number (if applicable):

MWBE Registration Number (if applicable):

MAIN CONTACT INFORMATION FOR THIS BID RESPONSE:

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

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 New York State Housing Finance Agency. 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):

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NEW YORK STATE HOUSING FINANCE AGENCY

REQUEST FOR BIDS AND STATEMENT OF QUALIFICATIONS

FOR

TECHNICAL ASSISTANCE AND CONSULTANT SERVICES FOR MWBE REVOLVING LOAN PROGRAM

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

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
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 New York State Housing Finance Agency (“HFA” or “Agency”). HCR includes other State agencies not involved in this request for bids and statement of qualifications (“RFB”) process.

2. Background

In response to the provisions of Article 15-A of the State Executive Law, and to ensure compliance with its provisions and requirements, the Agency has increased participation by minority -owned and women -owned business enterprises (“MWBEs”) in many areas of business. However, there are still major barriers to overcome. One of the major barriers is the lack of MWBE Developers currently engaged in the development of affordable housing. In 2014, a survey of developers was conducted to solicit ideas on how to increase MWBE developer participation on the Agency’s projects, and to understand the barriers they faced when seeking

financing. In the survey, MWBE respondents listed the following barriers to receiving funding from the Agency:

- Capital/ start-up funds
- Inability to secure a sufficient line of credit
- Insurance
- Bonding

The Agency seeks to eradicate these barriers by exploring the feasibility in creating a MWBE Revolving Loan Program, a program to assist the MWBE Developer community.

3. Purpose

The New York State Housing Finance Agency requests bids and statements of qualification from qualified State certified MWBE firms (referred to hereinafter as “**Respondents**”) for the provision of Technical Assistance and Consultant Services (“**Consultant Services**”) in assessing the feasibility of creating a MWBE Revolving Loan Program (“**Program**”). The successful Respondent(s) will assist the Agency in assessing the feasibility of creating a MWBE Revolving Loan Program and if the decision is made to move forward with a Program, to assist the Agency to develop and administer the Program. The general scope of services is more fully described in the Scope of Services section of this RFB.

4. Overview of the Agency

The New York State Housing Finance Agency is a public benefit corporation, located and administered from its New York City (“**NYC**”) office.

The [New York State Housing Finance Agency](#) was created in 1960 to promote the production and preservation of affordable rental opportunities for low- to moderate- income citizens of the State. Today, HFA is one of the nation’s most prolific issuers of multifamily housing bonds. In furtherance of its mission, HFA is committed to preserving existing affordable rental housing while continuing to be a strong presence in the financing of new affordable housing throughout the State. In 2016, as one of the primary issuers of municipal bonds for housing in the nation, HFA issued approximately \$2.0 billion of bonds to finance nearly 7,845 units.

As part of its mission, the Agency seeks to continuously explore new and innovative cost-effective financing techniques and efficiencies that can be implemented in its existing financing structures.

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

5. Requirements Relating to Diversity

Minority and/or Women Owned Business Enterprise Participation

For purposes of this solicitation, The Agency hereby establishes an overall goal of 100% for MWBE participation for the contract resulting from this RFB process, 50% for minority-owned business enterprises (“MBEs”) and 50% for women-owned business enterprises (“WBEs”).

6. Calendar of Events and Milestones

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

Event	Date
Issuance of RFB	November 30, 2017
Deadline for RFB Questions	December 8, 2017, 3 PM, Eastern Standard Time (“EST”)
Deadline for Responses to RFB Questions	December 14, 2017
Bid Response Submission Deadline	December 22, 2017, 12 pm, EST
Interview for Selected Respondents (if needed)	Week of January 2, 2018
Anticipated Notification of Selection Date	February 12, 2018
Anticipated Date for Execution of Contract*	February 12, 2018*

*Subject to the approval by the Agency’s Board.

The Agency reserves the right to modify this schedule at its discretion. The Agency reserves the right to conduct interviews with Respondents for purposes of expanding or clarifying responses. Notification of changes in connection with this RFB will be made available to all interested parties via the HCR web page: <http://www.nyshcr.org/AboutUs/Procurement/HCR-Procurement.htm>. It is the responsibility of the Respondent to check the web site for notifications relating to this RFB.

7. Administrative Information

7.1 Questions and Answers

Any questions or requests for clarification regarding this RFB must be submitted via email to Lisa.Pagnozzi@nyshcr.org , citing the RFB page and section, no later than the date identified in the “*Calendar of Events and Milestones*” section of this RFB. The “Subject” line of the email should indicate “Questions - Consultant Services for MWBE Program”.

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 by the Agency will be posted in a timely manner on the [HCR “Procurement Opportunities” webpage](#).

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

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

7.2 Amendments and Addenda

The Agency reserves the right to modify any part of this RFB including, but not limited to, the date and time bid responses must be submitted and received by the Agency at any time prior to the Bid Response Submission Deadline date listed in the “*Calendar of Events and Milestones*” section of this RFB. Modifications to this RFB will be made by issuance of amendments and/or addenda. Any amendment or addendum to this RFB will become part of this RFB.

Prior to the Bid Response Submission Deadline date, 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 RFB, 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 HCR website frequently through the Bid Response Submission Deadline date. It is the sole responsibility of the Respondent to be knowledgeable of all addenda related to this RFB process.

7.3 Restriction of Communication

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this RFB imposes certain restrictions on communications between the Agency and their Affiliates (State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency, Tobacco Settlement Financing Corporation, Housing Trust Fund Corporation and NYS Division of Housing and Community Renewal, i.e., the 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 RFB, from the date of publication of this RFB 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 NYS 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
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 RFB 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 and Community Renewal
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 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 RFB or any bid response(s) submitted pursuant thereto.

7.4 Contract Term

The Contract period is anticipated to be for a two (2) year term. The Agency may elect to extend the term of the Contract, at its discretion, for two additional one year periods. The total fee for any Contract resulting from this RFB process shall not exceed \$200,000. The scope of work, fees, term and other provisions included in this RFB, may be modified by the Agency during the term of the Contract, on an as needed basis, with the mutual written consent of both parties.

Prior written approval must be received by the Agency for the use of any subcontractor, including substitution and/or change in existing subcontractor(s). The sections relating to the scope of services and compensation in the subcontracting agreement must be well-defined. The Agency reserves the right to request a copy of any subcontracting agreement between the successful Respondent and its subcontractor(s), if any.

The successful Respondent will be required to execute a Technical Assistance and Consultant Services Agreement with the Agency that incorporates Exhibit A, HFA's [Standard Clauses for Contracts](#), hyperlinked herein as Appendix I, together with a Confidentiality Pledge signed by both the Respondent and individual consultant(s), attached hereto as Exhibit B.

The Agency currently anticipates awarding one Contract pursuant to this RFB process; however, at the sole discretion of the Agency, and based upon the breadth and experience included in bid responses in response to this RFB process, the Agency may award contracts to more than one Respondent.

If the Agency exercises its right to cancel the Contract with the successful Respondent, the Agency reserves the right to award another Contract to the next most qualified Respondent.

7.5 Affordable Care Act

It is the sole responsibility of the successful Respondent (“**Contractor**”) to provide and maintain all Affordable Care Act (“**ACA**”) requirements/benefits. The ACA mandates employers with 50 or more full-time equivalents to offer coverage to full-time employees and their dependents or pay taxes if an employee obtains Exchange coverage and a premium tax credit¹. Employees of the successful Respondent providing services to the Agency are employees of the Contractor and are not employed by the Agency nor the State of New York.

¹ Exchange coverage allows you to use the State’s insurance exchange marketplace to obtain coverage from competing private health care providers.

8. Scope of Services (“Scope of Work”)

8.1 General Scope of Services

The successful Respondent (the “**Consultant**”) will assist the Agency to assess the feasibility in creating a statewide MWBE Revolving Loan Program to support emerging MWBE developers on the Agency’s construction projects and, if the decision is made to move forward with a Program, to assist the Agency to develop and administer the Program. The Program will respond to the specific needs of the emerging MWBE contractors including, but not limited to, long-term solutions to bonding barriers and a road map for continued growth and success.

8.2 Scope of Services

The Scope of Services include, but are not limited to:

- a) Assisting the Agency in accessing the feasibility of a MWBE revolving loan program that includes, but is not limited to, (1) the appropriate size of the fund, (2) number of loans per year, (3) establishing the term and replacement of the loan, (4) how to handle loan proceeds, (5) creating eligibility criteria for minority developer participation and (6) identifying geographic restrictions;
- b) Identifying and addressing all business areas relevant to the loan application process and procedures;
- c) Addressing relevant accounting and legal matters, including various matters relating to funds control such as (1) allowable uses of funds, (2) ineligible uses of funds, (3) lending criteria, (4) standards for loan approval, (5) credit requirements, (6) collateral requirements, (7) lender’s security position, (8) loan review process and procedures, (9) loan closing process and procedures, (10) loan documentation, (11) loan conditions, (12) loan servicing and monitoring, etc.
- d) Facilitating loan transactions between the emerging MWBE developers and the Agency;
- e) Utilizing the full range of other financing opportunities within the Agency’s finance and development programs to assist emerging MWBE firms with loans;
- f) Providing recommendations to the Agency for any other components that will improve the emerging MWBE developer’s loan-ability and help reduce barriers;
- g) Providing or developing educational materials for the Program; and
- h) Such other related consultant and technical assistance services.

8.3 Qualifications

The Respondent must have:

- Understanding of the financial barriers faced by MWBE firms and their ability to secure public agency/authority contracts and/or financing;
- Experience in working with other State and Local Municipalities in the design building of financial program options to assist MWBEs;
- Extensive relevant experience assisting small business contractors with revolving loan applications;
- Experience providing management consulting services to emerging MWBE developers;
- Access to underwriting capacities sufficient to meet the needs of the Program;
- Experience placing or underwriting loan financing for emerging MWBE developers;
- Experience providing assistance with legal issues including MWBE fraud, construction contract law, joint ventures and teaming and corporate structures that best facilitate MWBE growth and sustainability;
- Ability to produce proven results in building business capacity for MWBE firms; and
- CPA level or equivalent experience with financial capacity building and funds management.

8.4 Minimum Requirements

The Respondent at a minimum must:

- Indicate in its Cover Letter to the Agency **at least three years of experience** in the design building of financial program options to assist MWBEs; and
- Cite **at least two projects, within the past three years**, that the Respondent successfully completed, where the Respondent worked in the design building of financial program options to assist MWBEs, with **at least one of the two projects** implemented for a New York State governmental entity.

The Respondent must meet the qualifications outlined in this section. Failure to do so may result in the rejection of the firm's Bid Response.

9. Bid Response Requirements

A complete bid response for this RFB is comprised of four (4) separate tabs: (i) Tab One: Application Cover Sheet and Cover Letter; (ii) Tab Two: Technical Bid Response; (iii) Tab Three: Bid; and (iv) Tab Four: Administrative Bid Response.

The bid response must be complete and prepared in a format consistent with the instructions provided in this RFB. In all instances, the Agency's determination regarding a bid response will be final. Bid responses not organized in the manner prescribed in this RFB may be considered non-responsive at the Agency's sole discretion. Respondents should not refer to other parts of the bid response, to information that may be publicly available elsewhere, or to the Respondent's or other websites in lieu of answering a specific question.

9.1 Bid Response Submission Requirements

Bid responses must be delivered by email no later than the bid response due date and time indicated in the "*Calendar of Events and Milestones*" section of this RFB.

The bid response must be bookmarked and divided into four parts:

- Tab One: Application Cover Sheet and Cover Letter;
- Tab Two: Technical Bid Response;
- Tab Three: Bid
- Tab Four: Administrative Bid Response.

Bid responses must be sent in two emails and labeled as follows: (a) one email to include Tabs One and Two, with the subject line of the email labeled "Consultant Services for MWBE Program RFB: Tabs 1 and 2 ("**Part One**")"; and (b) the other email to include Tabs Three and Four, with the subject line of the email labeled "Consultant Services for MWBE Program RFB: Tabs 3 and 4" ("**Part Two**").

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

Any bid response delivered after the RFB due date and time indicated in the "*Calendar of Events and Milestones*" section of this RFB may be deemed ineligible. It is the Respondent's sole

responsibility to ensure that all emails and attachments are delivered on time in a legible format. Respondents assume all risk for proposal delivery.

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

The determination of whether any bid response is complete or was received on time is at the sole discretion of the Agency. All submitted bid responses shall become the property of the Agency.

10. Contents of Bid Response

The Bid Response should demonstrate that the Respondent is qualified to perform the Scope of Work.

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

The completed bid response will include Tabs One through Four, as described in the Bid Submission Requirements section of this RFB. 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 RFB. The content in Tab 2 must be no more than ten (10) letter-size pages (single or double spaced, minimum 12-point font, and at least one inch margins).

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

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

The Respondent's bid response must include the information indicated below for Tabs 1 - 4

10.1 TAB 1: Application Coversheet & Cover Letter

The Respondent must submit, as part of its Bid Response Submission, the Application Coversheet (pages 3 and 4 of this RFB) and a Cover Letter.

The Respondent's Cover Letter must not exceed two (2) pages and should include:

- A. A brief summary of the Respondent's organizational history and legal structure (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, evidence of certification status as a MWBE etc.);
- B. A statement affirming the Respondent's Minimum Requirements (Section 8.4 of this RFB)
- C. A written certification confirming that the information contained in the bid response is true and accurate and that the person signing the cover letter is authorized to submit the bid response on behalf of the Respondent.

10.2 TAB 2: Technical Bid Response (“Statement of Qualifications”)

This section of the RFB provides instructions to Respondents regarding information that is to be included in the Technical Bid Response. Bid responses must be complete, factual and as detailed as necessary to allow the Agency to adequately evaluate capabilities and experience.

The purpose of the Technical Bid Response is to provide the Respondent an opportunity to demonstrate its qualifications, competence and capacity to undertake the Scope of Work described in this RFB, in a manner which complies with the requirements of this RFB. Respondents must specifically detail a Respondent's qualifications and experience in providing services sought by the Agency. Your bid response must include responses to the items indicated.

- A. **FIRM OVERVIEW.** Provide a brief overview of your firm, including the full legal name and state of organization of the company, including the number of years of providing technical and financial assistance consulting services to MWBEs and/or small businesses and efforts to serve firms that are economically disadvantaged.
- B. **LOCATION.** Demonstrate your firm's ability to provide services in the geographic area and/or targeted populations served by the Agency, indicate the number and location of offices your firm has in New York State.
- C. **EXPERIENCE.** Provide the professional qualifications of your firm's principals, project managers, key personnel, and staff to be assigned to provide the Scope of Services to the Agency, with particular emphasis on bond assistance. Include resumes, degrees, licenses and years of relevant experience of staff to be assigned to this project. In addition, identify frequently used sub-consultants and sub-contractors with their relevant experience, if any.

Describe your firm's:

- (i) understanding of the financial barriers faced by MWBE firms and their ability to secure public agency/authority contracts and/or financing;
- (ii) experience in working with other State and Local municipalities in the design building of financial program options to assist MWBEs;
- (iii) experience providing management consultant services to emerging MWBE developers;
- (iv) relevant experience assisting small business contractors with revolving loan applications;
- (v) access to underwriting capacities sufficient to meet the needs of the Program;
- (vi) experience placing or underwriting loan financing for emerging MWBE developers;
- (vii) experience providing assistance with legal issues including MWBE fraud, construction contract law, joint ventures and teaming corporate structures that best facilitate MWBE growth and sustainability;
- (viii) ability to produce proven results in building business capacity for MWBE firms; and
- (ix) experience with financial capacity building and funds management.

- D. **CAPACITY TO PERFORM SERVICES.** Submit a history of the services provided by your firm, with particular emphasis on performing the Scope of Services described herein including such clients as financial institutions and governmental agencies. Include any work with startups, credit risks, other businesses that lack access to credit, and whether other community development organizations serve this geographic area and/or target population.

Describe your firm's marketing strategy and coordination with other community-based organizations. Please be specific about how your firm works with other community-based organizations to reach MWBEs and where possible, quantify referrals made by other community based organizations or provide details to illustrate the depth of the relationship. Please include efforts to work with women and minority organizations, associations or chambers of commerce.

Describe the management capacity/professional experience of your firm's key staff.

- E. **PRIOR EXPERIENCE AND REFERENCES.** Include three reference letters from prior clients for engagements entered into in the last three years, two of which are for the projects enumerated in (i) below. Your firm must include the types of financial and technical assistance products and services offered and how many clients receive these services each year. Also state whether your firm has performed services for the Agency in the past. Include other governmental agencies your firm provided similar services to those described in the Scope of Work, if any.
- (i) Describe at least two projects, within the past three years, that have been successfully completed by your firm, where your firm worked in the design building of financial program options to assist MWBEs, with at least one of the two projects implemented for a New York State governmental entity and provide references for each of the two projects.
- F. Explain in detail how your firm would assist the Agency in assessing the feasibility of a MWBE Program.
- F. Describe the unique capabilities of your firm.
- G. Tell us why your firm should be selected. Tell us what your firm can do for the Agency that other firms cannot.

10.3 TAB 3: Bid (“Costs”)

Tab 3 is comprised of your firm's Costs to provide the services in the Scope of Work, which shall include the fee for all labor and all direct and indirect Costs, including but not limited to staffing, equipment (if any), and travel, for providing the Consultant Services as described in the Scope of Work.

The Costs shall also include the estimated monthly fee for operating the established Program.

The Bid must be signed by an authorized signatory of your organization.

10.4 TAB 4: Administrative Requirements

Respondents are subject to the requirements described in the Agency'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 the Agency: (a) [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) [MWBE/EEO Policy Statement, PROC-4 form](#); (f) [Company Demographic Profile, PROC-7](#); (g)

[EEOC Statement](#), applicable to Respondents with 15 or more employees, PROC-8; (h) [Diversity Practice Questionnaire, PROC-9](#); and (i) [Vendor Questionnaire, For Profit](#) or [Vendor Questionnaire, Not For Profit](#) , all forms hyperlinked herein.

In addition to completion of the forms hyperlinked in the paragraph above, Respondents must provide the information indicated below:

10.4.1 Insurance

The successful Respondent (“**Consultant**”) and its sub-consultants, if any, are required to provide and maintain, at its sole cost and expense, the insurance requirements at the minimum limits specified herein during the term of the contract and for two (2) years after completion of work. All required insurance policies shall be maintained with insurance companies licensed within the State of New York and holding an AM Best rating of no less than A- VIII. Said policies shall contain a provision that coverage will not be canceled, non-renewed or materially changed, until at least thirty (30) days’ prior written notice has been provided to the New York State Housing Finance Agency and any and all other parties-in-interest as the Agency may designate in writing from time to time (collectively, the “**Additional Insureds**”), all as their interests may appear, shall be named as additional insureds. Consultant (and its sub-consultants, if any) agrees to have included in each of the above policies for Contractor’s Parties, a waiver of the insurer’s right of subrogation against the Additional Insureds.

The Contractor (and its subcontractors, if any) shall furnish to the Agency evidence of the following insurance requirements prior to execution of awarded Agreement:

A. Worker's Compensation Insurance and Disability Benefits Coverage providing statutory benefits for the Contractor and the Contractor’s Parties’ (defined as the Contractor and those working on its behalf being, i.e., sub-Contractors and vendors) employees and Employer's Liability coverage in an amount that is no less than Five Hundred Thousand Dollars (\$500,000).

(i) Worker's Compensation Coverage is acceptable on one of the forms below:

- **Form C-105.2** – Certificate of Workers’ Compensation Insurance issued by private insurance carriers; **OR**
- **Form U-26.3** issued by the State Insurance Fund; **OR**
- **Form SI-124** – Certificate of Workers’ Compensation Self-Insurance; **OR**
- **Form GSI-105.2** - Certificate of Participation in Workers’ Compensation Group Self-Insurance; **OR**
- **CE-2006** – Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

(ii) Disability Benefits Coverage is acceptable on one of the forms below:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; **OR**
- **Form DB-155** - Certificate of Disability Benefits Self-Insurance; **OR**
- **CE-200** – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

B. Automobile Liability Insurance including owned, non-owned and hired vehicle liability insurance, for combined limits of liability of One Million Dollars (\$1,000,000) per occurrence.

C. Professional Errors and Omissions Liability - Errors and Omissions (or Professional Liability) insurance with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the general aggregate.

Certificates of Insurance, presented on Acord form 25, accompanied with additional insured endorsement CG2010 (1001) and CG2037 (0704), if determined it is necessary, or, if acceptable to the Agency, their equivalent, shall be delivered to the Agency, prior to beginning the work, evidencing the coverage required hereunder and showing all such coverages as noted above being in force. All insurance policies provided by the Contractor’s Parties shall be maintained under terms and conditions reasonably satisfactory to the Agency, and Contractor’s Parties shall provide such other insurance coverage as the Agency may reasonably request from time to time. The Agency will not accept any exculpatory language such as “endeavor to” and “but failure to do shall impose no obligation or liability of any kind upon the insurer, its agents or representatives” on the Certificate of Insurance, i.e., the certificates shall meet the insurance requirements above.

10.4.2 Financial Capacity

Provide the last two years of your firm’s most recent tax returns, or if available audited financial statements.

10.4.3 Licenses, Certifications and other Credentials

Respondent must respond affirmatively that it, and its subcontractors (if any), will have prior to commencement of work under the Contract, all necessary licenses, certifications, approvals, and other needed credentials to perform the Scope of Work in this RFB.

10.4.4 Conflict of Interest

The Respondent must disclose:

- a) Any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated entity, 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 the services enumerated in this RFB;

- b) If a conflict does or might exist, please describe how your firm would eliminate or prevent it; and
- c) Indicate what procedures will be followed to detect, notify the Agency of, and resolve any such conflicts.

10.4.5 Disclosure of Commission Findings

The Respondent 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.

11. Performance, Evaluation, Selection and Notification

11.1 Preliminary Review

The Agency reserves the right to reject all bid responses received after the RFB due date and time. All bid responses will be reviewed to determine if they contain all required submittals specified in this RFB. Incomplete bid responses may be rejected.

11.2 Selection Process

The selection process will begin with the review and evaluation of each of the written bid responses. The purpose of the evaluation is two-fold: (1) to examine the responses for compliance with this RFB; and (2) to identify the Respondent with the highest probability of satisfactorily performing the Scope of Work described herein at a reasonable cost. The evaluation will be conducted in a comprehensive and impartial manner.

The submitted bid responses will undergo an evaluation process conducted by the Agency. Evaluation of the bid responses will take into account the following criteria that includes, but is not limited to:

- Demonstrated competence, knowledge and technical expertise and capacity to perform the services in the Scope of Work;
- Cost effectiveness;
- Presence of an office in the State of New York;

- Avoidance of any potential conflict of interest or appearance of impropriety and policies designed to ensure the avoidance of such conflicts in the future;
- Financial stability;
- Review of insurance information;
- Overall completeness of all information provided in the bid response; and
- Interviews to clarify or expand on the responses (to be conducted at the Agency's discretion).

11.3 Interviews

The Agency reserves the right to determine whether interviews will be necessary and the number of firms to be interviewed. If the Agency deems interviews necessary, interviews are anticipated to be held during the dates specified in the “*Calendar of Events and Milestones*” section of this RFB. The Respondent’s primary staff person, (if any) who would be responsible for the Agency’s relationship with the Respondent, 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 Respondent’s ability to provide the required services, and to impart to the Agency’s Review 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 Respondent in its written response to this RFB, and any other information requested by the Agency prior to the interview.

The Agency reserves the right to negotiate or hold discussions with any Respondent.

11.4 Selection and Notification Process

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

12. Information Relating to Equal Employment Opportunity Requirements and Use of State Business

12.1 Equal Employment Opportunity Requirements

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 bid response.

To ensure compliance with this Section, the Respondent will be required to submit with the bid 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 Utilization Report](#) identifying the

workforce actually utilized on the Contract, via email to Econ.Opportunity@nyshcr.org; provided, however, that a Respondent may arrange to provide such report via a non-electronic method by contacting Lisa G. Pagnozzi, Vice President of Contracts and Administration at Lisa.Pagnozzi@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 successful Respondent and its 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.

12.2 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 RFB, 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 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.

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 Respondents and its New York State business partners. New York State businesses will promote the contractor’s optimal performance under the contract award, thereby benefiting the public-sector programs that are supported by associated procurements.

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

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EXHIBITS AND APPENDIX

- Exhibit A The Agency's [Standard Clauses and Requirements for Solicitations](#), hyperlinked herein
- Exhibit B Confidentiality Pledge, attached herein below
- Appendix I Agency's [Standard Clauses for Contracts](#), hyperlinked herein

CONFIDENTIALITY PLEDGE

I, _____, am an employee of _____]doing business as _____] with an office at _____] (the “**Employer**”) and am not an employee of the New York State Housing Finance Agency (“**HFA**” or “**Agency**”)

In the course of my employment with Employer, I will perform certain official duties for the Agency and have executed this Confidentiality Pledge (“**Pledge**”) as of this _____] day of _____, 2017 in order to induce The Agency to allow me to access Data so that I may use such Data in the performance of my official duties for the Agency while an employee of Employer.

“Data”, as used in this Pledge, means any and all records, data, or any other information not generally known to the public belonging to, generated by, provided to me by, or otherwise related to the Agency (whether in written, oral or electronic form), whether of a technical, business or other nature, that I may access, read, become aware of, or otherwise come into contact with in any way in the performance of my official duties for the Agency or for Employer.

1. I will use the Data only as may be required for the performance of my official duties for the Agency, and not for any other purpose.
2. I understand that applicable laws and regulations require the Agency to safeguard the confidentiality of certain information contained in the Data.
3. I will exercise extreme caution to safeguard the confidentiality of the Data and will not release, reveal, publish, or permit the public to obtain access to any portion of the Data without the prior written consent of the Agency.
4. I will exercise extreme caution to safeguard the confidentiality of any password that may be issued by the Agency. I will not permit any person, other than myself (including, but not limited to, any other employee of Employer), to use any such password at any time.
5. I will not attempt to copy any Data (other than as may be required for the performance of my official duties for the Agency) nor will I create any record, public or private, from which any Data could be regenerated.
6. This pledge shall continue indefinitely and shall survive the termination of my employment with Employer and any date on which I may cease to perform any official duties for the Agency.

In addition, in the course of my employment with Employer, I will perform certain official duties for the Agency (“The Agency’s Engagement”). I shall not accept any engagement in conflict with the Agency’ interest in the subject matter of The Agency’s Engagement.

I shall not offer to any employee, member or director of the Agency any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director.

In witness whereof, I have executed this Pledge as of the date and year first above written.

[_____], EMPLOYER

Signature

Printed Name

Phone Number

[_____], EMPLOYEE of EMPLOYER

Signature

Printed Name

Phone Number