



Homes and Community Renewal

Andrew M. Cuomo, Governor

RuthAnne Visnauskas, Commissioner/CEO

Request for Proposals for 2018 Housing Locator and Listing Service: NYHousingSearch.Gov Website and Customer Care Call Center

Request for Proposals Issuance Date:

May 24, 2018

Proposal Submission Deadline:

June 25, 2018, 12pm, EDT

NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL

Hampton Plaza | 38-40 State Street | Albany, NY 12207

641 Lexington Avenue | New York, NY 10022

www.nyshcr.org

Request for Proposals for
2018 Housing Locator and Listing Service:
NYHousingSearch.Gov Website and Customer Care Call Center

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**NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL**

**REQUEST FOR PROPOSALS for
2018 Housing Locator and Listing Service:
NYHousingSearch.Gov Website and Customer Care Call Center**

IMPORTANT NOTICE: A Restricted Period under the Procurement Lobbying Law is currently in effect for this Procurement and will remain in effect until State Comptroller approval of the Contract. Proposers are prohibited from Lobbying Law Contacts related to this procurement with any New York State employee other than the Designated Contact listed below.

Designated Contact: Stacey Mickle at Stacey.Mickle@nyshcr.org

If you have inquiries regarding this request for proposal or would like to contact the New York State Division of Housing and Community Renewal regarding issues not relating to Lobbying Law Contacts, please forward inquiries via electronic email to Nyhomes.proposal@nyshcr.org **AND:**

Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org **AND**

Christopher Davis at Christopher.Davis@nyshcr.org **AND**

Libria Gibson-Obama at Libria.Gibson-Obama@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 New York State Division of Housing and Community Renewal (“**DHCR**” or “**Agency**”). HCR includes other agencies not involved in this request for proposals (“**RFP**”) process.

DHCR fosters the creation and preservation of high quality affordable housing and strategically revitalizes neighborhoods and communities throughout the State by integrating and leveraging the State’s housing resources. DHCR’s mission is far reaching, encompassing single and multifamily housing finance, home improvement, rent regulation, housing subsidies, and community development. DHCR’s four offices located in New York City, Albany, Buffalo and Syracuse, provide funding for

developers, lenders, local governments, and not-for-profit service providers who are committed to empowering low and moderate-income families.

Visit HCR's website at www.nyshcr.org for more information about DHCR and its HCR affiliated agencies.

2. Purpose

DHCR is seeking proposals from qualified firms (“**Proposers**”) to design, provide, host, and operate NYHousingSearch.gov, a housing locator and listing service that is comprised of a website (“**Website**”) and a Customer Care Call Center (“**Call Center**”). **Please note that the Budget for this project may not exceed an annual cost of \$245,000 and a five year cost of \$1,225,000.**

The Website and Call Center must be fully functional and operational by **November 29, 2018.**

This RFP outlines the terms and conditions, and all applicable information required for submission of a proposal. To prevent possible disqualification and to ensure compliance with the requirements of the RFP, Proposers should pay strict attention to the Proposal Submission Deadline indicated in the Calendar of Events and Milestones section of this RFP and follow the format and instructions contained herein.

3. Background

NYHousingSearch.Gov was created by DHCR in 2009 to connect New Yorkers to affordable, accessible, high quality, and safe rental housing opportunities that meet the need of their families. The Website is a Statewide, online listing and locator service for rental properties, serving both property owners and prospective tenants. As of March 31, 2018, the Website and Call Center has grown to include nearly 150,000 rental units listed by more than 3,000 property owners. The Website is searched an average of 1,929 times a day. To supplement the information online, a Call Center provides inbound and outbound communication to rental property owners and other users, processing approximately 2,000 calls per month.

Moving forward, DHCR seeks creative design concepts for enhancing functionality and attractiveness of the Website, while expanding its infrastructure to connect New Yorkers to other necessary housing services frequently provided by local not-for-profit organizations and municipalities

4. Assessment of Practices relating to Minority- and/or Women-owned Business Enterprises and Service Disabled Veteran Owned Business Enterprises

DHCR has determined, pursuant to New York State Executive Laws Article 15-a (“**Article 15-A**”) and Article 17-b (“**Article 17-B**”), respectively, that the assessment of participation by minority- and/or women-owned business enterprises (“**MWBEs**”) and service disabled veteran owned business enterprises (“**SDVOBs**”) of Proposers responding to this RFP is practical, feasible, and appropriate.

4.1 Minority and/or Women Owned Business Enterprise Participation (“Diversity”)

DHCR is committed to awarding contracts to firms that are dedicated to Diversity and provide high-quality services. DHCR strongly encourages firms that are certified by the State as MWBEs to submit responses to this RFP. All MWBE firms submitting proposals to this RFP should be registered as such with the State’s Empire State Development (“**ESD**”).

DHCR is required to implement the provisions of Article 15-A and 5 NYCRR Parts 142-144 (“**MWBE Regulations**”) for all contracts of DHCR, as defined therein, with a value in excess of \$25,000. DHCR strongly encourages joint ventures of MWBE firms with majority firms and MWBE firms with other MWBE firms. For assistance identifying MWBE partners, review [the list of certified State certified MWBEs](#), hyperlinked herein.

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

4.2 Service-Disabled Veteran-Owned Business Enterprise Participation

DHCR is committed to awarding contracts to SDVOBs that provide high-quality services. DHCR strongly encourages firms that are certified as SDVOBs to submit responses to this RFP. All SDVOB firms submitting proposals to this RFP should be certified with the State’s Office of General Services (“**OGS**”).

DHCR is required to implement the provisions of Article 17-B for all DHCR contracts, as defined therein, with a value in excess of \$25,000. For assistance identifying SDVOB partners, review the [list of certified State SDVOBs](#), hyperlinked herein, and visit the [State’s SDVOB webpage](#), also hyperlinked herein.

For purposes of this solicitation, DHCR hereby establishes a goal of 6% of total contract expenditures for SDVOB participation.

4.3 MWBE and SDVOB Partner/Subcontractor Interest

MWBEs and SDVOBs certified in the State may request that their firm's contact information be included on a list of MWBE and SDVOB firms interested in serving as a partner or subcontractor for this RFP. The listing will be publicly posted on DHCR's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its MWBE certification and/or SDVOB certification to Nyhomes.proposal@nyshcr.org. Nothing prohibits an MWBE or a SDVOB firm from proposing as a prime contractor.

5 Primary Contractor and Subcontractor(s) Team

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

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

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

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6. Calendar of Events and Milestones

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

Event	Date
Issuance of RFP	May 24, 2018
Pre-Proposers' Conference*, Hampton Plaza, 38-40 State Street, Albany, New York 12207 Parking may be available on the street. In addition, parking is available at parking garages located in Albany, NY on Beaver Street between Green and Broadway.	May 31, 2018 at 11am, Eastern Daylight Time ("EDT") In person or via WebEx. WebEx information++
Deadline for RFP Questions	June 13, 2018, 12pm, Eastern Daylight Time ("EDT")
Deadline for Responses to RFP Questions	June 18, 2018
Deadline to Submit the <u>Non-Mandatory</u> Intent to Submit Proposal Form	June 18, 2018, 5pm EDT
Proposal Submission Deadline	June 25, 2018, 12pm, EDT
Interview for Selected Proposers (if needed)	TBD
Anticipated Notification of Selection**	July 12, 2018
Anticipated Date for Execution of the Contract	August 1, 2018
Anticipated Date for OSC Approval of Contract(s)	November 1, 2018

++ US Toll Free: 1-844-633-8697 Local: 1-518-549-0500
 Meeting Number: 645 230 824
 Meeting Password: 3QQ3pkbr

To join this meeting from mobile devices,

1. Go to <https://meetny.webex.com/meetny/j.php?MTID=mafb2e03d6e3e1c24917d6bb4f6dae778>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: 3QQ3pkbr
4. Click "Join".
5. Follow the instructions that appear on your screen.

*Attendance for Pre-Proposer Conference, whether in person or by WebEx, is optional and is not mandatory.

**Subject to the approval of the Office of the New York State Comptroller (“OSC”).

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

Notification of changes in connection with this RFP will be made available to all interested parties via DHCR’s website at: <http://www.nyshcr.org/AboutUs/Procurement/HCR-Procurement.htm>. It is the responsibility of the Proposer to check the web site for notifications relating to this RFP.

7. Intent to Submit Proposal Form

Prospective Proposers meeting the experience and qualifications of the RFP are encouraged, but not required, to complete and submit the “*Intent to Submit Proposal*” form, attached hereto as Attachment 1. The Intent to Submit Proposal Form must be emailed to Christopher Davis at Christopher.Davis@nyshcr.org AND Libria Gibson-Obama at Libria.Gibson-Obama@nyshcr.org on or before the Deadline to submit the Intent to Submit Proposal Form as cited in the Calendar of Events and Milestones section of this RFP. Completion of this form is non-mandatory and failure to submit the Intent to Submit Proposal form will not preclude any Proposer from submitting a Proposal Submission.

8. Proposer Inquiries/Revisions to this RFP

Questions or requests for clarification regarding this RFP should be submitted via email, citing the RFP page and section to Lisa.Pagnozzi@nyshcr.org on or before the specified Deadline for RFP Questions cited in the Calendar of Events and Milestones section of this RFP.

Questions will not be accepted orally and any question received after the deadline may not be answered. The comprehensive list of questions/requests for clarifications and the official Agency responses will be posted to DHCR’s website.

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be made by addendum and posted to DHCR’s website at <http://www.nyshcr.org/AboutUs/Procurement/HCR-Procurement.htm>. Any addendum to this RFP will become part of this RFP and part of any contract awarded as a result of this RFP.

Further, a Proposer who discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP, must immediately notify DHCR of such error and request clarification or modification to the

document. DHCR shall make RFP modifications by addendum, provided that any such modification would not materially benefit or disadvantage any Proposer.

If a Proposer fails to notify DHCR of a known error or an error that reasonably should have been known, prior to the Proposal Submission Deadline, the Proposer shall assume the risk. If awarded the contract, the Proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.

There are no designated dates for release of addenda. Interested Proposers should check DHCR's website frequently from the time of RFP issuance through the Proposal Submission Deadline. It is the sole responsibility of the Proposer to be knowledgeable of all addenda related to this procurement.

9. Scope of Work

The successful Proposer must demonstrate the ability, experience, and capacity to operate and provide a fully functioning NYHousingSearch.gov Website and Call Center that must be available no later than **November 29, 2018**. The required services for this RFP include, but are not limited to, the following key elements: (9.1) Website Hosting and Design; (9.2) Customer Care Call Center; (9.3) Website Functionality Updates; (9.4) Compliance Management and (9.5) Performance Reporting. The successful Proposer must operate the NYHousingSearch.gov Website in accordance with [Governor Andrew M. Cuomo's Statewide Language Access Policy](#), hyperlinked herein.

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

9.1 Website Hosting and Design

The successful Proposer will design, host, and operate a website that provides a government sponsored online housing listing and locator search that must be available and free to property owners and prospective tenants 24 hours a day and 7 days a week.

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

Any web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Enterprise IT Policy NYS-P08-005, Accessibility of Web-Based Information and Applications as such policy may be amended, modified or superseded, which requires that state agency web-based information and applications are accessible

to persons with disabilities. Web-based information and applications must conform to New York State Enterprise IT Policy NYS-P08-005 as determined by quality assurance testing. Such quality assurance testing will be conducted by DHCR, contractor or other and the results of such testing must be satisfactory to DHCR before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

Additionally, the Website must meet WCAG 2.0 and AA guidelines and be manually tested by the Association of the Blind to evaluate for accessibility.

Specific policies related to websites that must be met include:

<https://its.ny.gov/document/new-york-state-universal-web-navigation>

<https://its.ny.gov/document/domain-names-state-government-entities>

<https://its.ny.gov/document/encryption-standard>

Additionally, the Website will need to meet State Website Style Guidelines and be reviewed by the NY.Gov Digital Team before release.

DHCR makes every effort to assist non-English speaking constituents to the greatest extent possible. In order to further this goal, it is HCR's policy to implement Google translate on all of HCR sponsored websites. In accordance with HCR's policy, the website design must incorporate translation services.

In addition, the Website must comply with security standards as required by the New York State Enterprise Information Security Office. The successful Proposer will be required to complete and satisfactorily answer [the Consensus Assessments Initiative Questionnaire \("CAIQ"\)](#), hyperlinked herein. The CAIQ may also be downloaded at:

<https://cloudsecurityalliance.org/download/consensus-assessments-initiative-questionnaire-v3-0-1/>.

The CAIQ is produced and approved by the [Cloud Security Alliance](#) and is recognized as an industry leader for cloud security best practices.

The successful Proposer must provide DHCR with a contractual guarantee to keep the Website accessible and properly functioning *in accordance with the service level terms outlined in the proposal that will serve as the basis of a Service Level Agreement ("SLA") between DHCR and the successful Proposer*. The Website must be compatible with all currently supported versions of major internet browsers (e.g. Firefox, Safari, Internet Explorer, and Chrome), accessible, responsive, extensible, and optimized for mobile devices such as smart phones and tablets. The Website must also be compatible with standard design elements that are specific to State websites.

The website will utilize standard addressing as per United State Postal Service ("USPS") and web standards: "Draft Standardization and Validation for USPS standard."

The Website must include the following functionality:

9.1.1 Tenant Search Options

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

- a. **Basic Search:** The Basic Search function must include, but should not be limited to, the following categories: (i) rent range; (ii) bedroom size; and (iii) location.

- b. **Advanced Search:** The Advanced Search function must include, but should not be limited to, the Basic Search features plus distance to local amenities, such as public transportation, shopping, hospitals, and school districts. The search capabilities must include an option to search by school district, zip code, housing type (i.e. house, apartment, condo, townhouse, assisted living facility, senior housing, etc.), and whether the apartment is funded by DHCR or one of its HCR affiliated agencies. The search feature must identify senior housing and specify housing for residents aged 55+ or 62+. Additional categories to be included in the Advanced Search function must include other rental requirements such as security deposit amounts, sliding scale rent, acceptance of pets, washer / dryer hookups, availability of on-site laundry facilities, air conditioning, stove and fridge availability, need for a credit and / or criminal background check, and ability to exclude properties that are only currently processing waitlist applications.

- c. **Accessibility Search:** The Accessibility Search function must include search features that allow the landlords to provide as much specific information as possible in order to enable the apartment seeker to determine whether or not the vacant apartment is likely to be suitable for his/her needs without having to incur the costs in time or money of visiting the location for an on-site inspection. This information must include, but should not be limited to: (i) descriptions of the means of access (no step, flat entry, ramps, steps or other) to the building at all exterior doorways (including front door, rear door, parking area, and emergency exits); (ii) descriptions of the means of access to the laundry room, mail room, recycling and trash receptacles, superintendent's or manager's office, and other common areas within the building; (iii) width of doorways into the building, elevators, and common areas; (iv) width of corridors from the building's entry ways, elevators and common areas to the vacant apartment; (v) width of all doorways and corridors within the vacant apartment; (vi) dimensions and square footage of all rooms within the vacant apartment; (vii) heights of countertops and wall-hanging cabinets in the kitchen and bathroom; (viii) bathroom configuration – height of toilet, roll-in shower and no bathtub, roll-in shower and bathtub; (ix) dimensions of roll-in shower; location of faucets in roll-in shower; location of grab bars; (x) dimensions and square footage of bathroom

excluding bathtub and roll-in shower area,); and (xi) availability of accessible parking area at the building.

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

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

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

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

9.1.2 Property Owner Registration and Listing

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

- a. The Website must have the ability to maintain a “live” listing of regularly updated vacancies on the site;
- b. The Call Center staff must monitor the Website to ensure all “filled vacancies” identified by the staff are removed from the Website within 10 days;
- c. The Call Center staff must monitor the vacancies located within the five boroughs of the City of New York at weekly intervals;
- d. The Website must include the ability to upload a PDF rental application with marketing announcements on listed properties;
- e. The Website must include the ability for all properties of DHCR and its HCR affiliated agencies to be viewed at request via a public search;

- f. The Website must include the ability for all leased units to remain in the database (but not accessible via search) to allow for quick re-activation if such units should become vacant at another time;
- g. The Website must include the capability for searchers to view properties with available units, those with a wait list, and also properties that received New York State investment whether or not there is a current vacancy via a public search; and
- h. During natural or other disasters, a section of the Website must be devoted to assist landlords and property owners in listing short-term rental housing.

9.1.3 Other Services

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

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

9.2 Customer Care Call Center

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

In an effort to reduce the number of displaced and at-risk homeless persons caused by a natural or other disaster, special measures must be taken in preparation of, during, and/or immediately after a disastrous event. During this period, Call Center staff must make targeted efforts to increase the

number of listings of short-term rental housing units that are in close proximity to areas impacted by the disaster.

The Call Center services must include the tasks indicated below.

9.2.1 Inbound Calls and Emails and related tasks to include:

- a. Assisting landlords to register in the system and add new properties, remove properties, etc.;
- b. Assisting prospective tenants in fully utilizing the Website search features;
- c. Educating landlords and tenants on how to use NYHousingSearch.gov;
- d. Ensuring content remains accurate and updating the status of existing listings;
- e. Connecting callers to Section 8 and to local housing services;
- f. Answering basic caller questions regarding the housing unit types advertised on the Website and programs including, but not limited to, Section 8, Veteran's Affairs Supported Housing Vouchers, and other rental subsidy programs; and
- g. Receiving and appropriately forwarding complaints of housing discrimination, misleading listings, and poor housing conditions.

9.2.2 Outbound Calls and Emails and related tasks to include:

- a. Reminding landlords of expiring leases and promoting re-listing of vacant units;
- b. Working with landlords to ensure units listed as accessible to persons with a disability or other special needs include detailed accessibility information listed in Section 9.1.1.c of this RFP;
- c. Providing follow-up to potential tenants on new listings;
- d. Sending periodic reminders of services to landlords to list new properties;
- e. Obtaining additional information regarding complaints; and
- f. Conducting regular customer service surveys to help improve service offering.

9.3 Website Functionality Updates

The successful Proposer will be required to continually update the Website functionality according to industry and market driven needs and at the request of DHCR. Examples of these updates include, but are not limited to:

- a. Allowing regionalized reporting and marketing of listed properties;
- b. Allowing searchers to save requests and receive email responses when matches to their request become available;
- c. Allowing searchers to identify one or more regions or zip codes within a search field;
- d. Creating a featured property function on the homepage to highlight properties as requested by DHCR;

9.4 Compliance Management

The successful Proposer will design a system to monitor the compliance of properties required to list on the Website and generate reports to DHCR on such compliance in a manner to be agreed upon with DHCR. The Proposer will also work with DHCR to create and send emails and other correspondence to property owners determined to be non-compliant as determined by DHCR.

9.5 Performance Reporting

9.5.1 Ongoing Monthly Reporting

The successful Proposer will be required to provide ongoing data on the use of the Website, strategies to improve the Website and increase the number of users, and the overall effectiveness of the Website and service. Specifically, the successful Proposer will be required to report the following performance indicators, at a minimum, to DHCR on a monthly basis:

- a. The number of listings rented as a result of being listed on the Website;
- b. The number of properties and units listed on the Website;
- c. The number of property owners served;
- d. A geographic distribution of the listings by county;
- e. A breakdown of the properties listed by unit size and type, special needs /supportive units, affordability, and other criteria as requested;

- f. The number of visits to the Website each day and the average number of visits per day;
- g. The number of searches using the Website each day;
- h. The number of calls and emails processed in the Call Center, excluding spam calls or emails, broken down by call / email type (tenant question, landlord post, marketing, etc.);
- i. The number of households referred to local service providers;
- j. The number of households referred for disaster / emergency assistance;
- k. The number of tenants each month who rent a property as a result of utilizing the service¹; and
- l. Other routine data requests as necessary.

9.5.2 State Accessibility and Olmstead Goals

Consistent with the locator's importance for advancing the State's accessibility and *Olmstead* goals, the following performance indicators must also be reported to DHCR:

- a. The numbers of accessible units listed, available, requested, and rented each month;
- b. The numbers of other special needs units listed, available, requested, and rented each month;
- c. The number of searches for supportive units on housing locator websites that are linked to NYHousingSearch.gov and are sponsored, managed, funded, or otherwise supported by other New York State agencies or initiatives (including the Medicaid Redesign Team); and
- d. The number of supportive units rented each month as a result of such "linked" searches.

9.6 Internet Service

The successful Proposer must certify, in accordance with the requirements of Executive Order Number 175, that it will adhere to net neutrality principles in the provision of internet services, regardless of delivery method, to all end users in New York State. As used herein, "net neutrality" means that Contractor will not block, throttle, or prioritize internet content or applications or require that end users pay different or higher rates to access specific types of content or application.

¹ The Proposer must present a methodology for this performance measure in their proposal.

10. Required Performance Standards

The successful Proposer will negotiate a Service Level Agreement with DHCR as part of their contract. It is anticipated that the performance standards listed below will be incorporated into that contract. However, DHCR reserves the right to add, delete, amend or adjust specific performance standards at the time of contract negotiation and execution. If the Proposer proposes to deviate from any of the standards listed below, the revised standard and an explanation must be provided in the “Approach and Methodology” section of the Tab 2, Proposal Narrative.

10.1 Technological Capacity

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

- a. All code, code development, contractors and employees, including sub-contractors of the successful Proposer must physically reside within the continental United States;
- b. All State data must reside within the continental United States;
- c. The Successful Proposer will comply with State standards with special emphasis on Identify Assurance, Encryption and Information Security Controls, all of which are publicly available on the web site of the State’s Office of Information of Technology Services (“ITS”) at : <http://www.its.ny.gov/tables/technologypolicyindex.htm/security>;
- d. Provide automated monitoring of performance, resource utilization, and other events such as failure of service, degraded service, availability of the network, storage, database systems, operating systems, applications, etc.;
- e. Provide restoration of an individual file or folder on request as outlined in the SLA;
- f. Provide a backup procedure and process that supports the following objectives:
 - Recovery Point Objective (“RPO”) – The successful Proposer shall be able to recover files for any specific day within a rolling six month period;
 - Recovery Time Objective (“RTO”) – The successful Proposer shall recover files within 24 hours of request;

- Data Backup Location – Data backups shall be maintained or replicated at a site geographically disparate from the production site, but located in the continental United States, such that the loss of one data center does not prohibit recovery of data within the prescribed RTO;
- g. Specific Snapshot Objective – At DHCR’s request, successful Proposer shall create a full snapshot for the platform, content and related data, to be retrieved at DHCR’s request within 24 hours up to a period to be determined by DHCR;
- h. All data will be encrypted, according to FIPS 140-2 specification, in flight, in process and at rest;
- i. All backups will be encrypted;
- j. Upon request and at no additional fee, successful Proposer shall provide to DHCR all data, scripts, software, virtual machine images, and migration assistance to a DHCR data center or other third party data center. Such requests will include:
- Provide a list of controls in place to prevent data leakage or intentional/accidental compromise among tenants in a multi-tenant environment;
 - Provide documentation on how DHCR data will be isolated from other cloud customers;
 - Provide documentation of physical security controls in place for datacenter or any facility where tenant data is stored;
 - Audit and access control records stored electronically for a minimum ninety (90) days and made available to DHCR on an as needed basis;
 - The successful Proposer will notify DHCR in advance of pending changes to the system/infrastructure/environment and as soon as possible for all emergency changes. Additionally, reports should be able to identify who made changes to the system;
 - Encryption algorithm minimum standard of AES-128 and deny all lower levels, must be FIPS 140-2 compliant;
 - Use trusted 3rd party certificates;

- At minimum, automated weekly full backups of servers and data that support DHCR data;
- Limit ports to the needs established during the architecture of the site instance, close all other ports;
- The successful Proposer will maintain a physically and logically separate environments for development, Q/A – test and production;
- Support for all systems reside within the continental United States, worldwide follow the sun support is not acceptable;
- The successful Proposer will maintain a code revision library for the full term of the contract awarded as a result of this RFP process and use industry accepted automated migration strategies for code migration between systems;
- The successful Proposer should have an established process for revoking system access by disabling accounts immediately upon termination of an employee or contractor. Disabling instead of deleting accounts allows preservation of audit trails; and
- Independent reviews and assessments shall be performed at least annually, at the successful Proposer's expense, to ensure the successful Proposer is compliant with policies, procedures, standards and applicable regulatory requirements (i.e., internal/external audits, certifications, vulnerability and penetration testing). Such review findings will be shared with the DHCR;

10.2 Business Capacity

The successful Proposer must maintain sufficient staffing levels and facilities to operate the Website and Call Center, provide one-on-one assistance to property owners and tenants, and promptly and properly respond to up to an average of between 1,500 and 3,000 incoming calls per month.

10.3 Financial Capacity

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

10.4 MWBE and SDVOB Participation

The successful Proposer must demonstrate evidence of [good faith efforts](#) to meet DHCR's MWBE and SDVOB participation goals as stated in Sections 4.1 and 4.2, respectively, of this RFP.

10.5 Method of Award

The method of award will be based on best value and a one-year budget up to an amount not to exceed \$245,000 and a five-year budget up to an amount not to exceed \$1,225,000.

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

11. Contents of Proposals

A complete proposal for this RFP is comprised of five (5) separate tabs: (i) Tab One: Application Cover Sheet, Cover Letter and Proposal Certification; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; (iv) Tab Four: Diversity and SDVOB Proposal; and (v) Tab Five: Administrative Proposal.

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

The Proposer must submit a proposal that clearly provides all the information required in this RFP. Emphasis should be made 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-responsive.

DHCR does not require, nor desire, any promotional material that does not specifically address the response requirements in this RFP. Proposals must demonstrate that the Proposer meets or exceeds the requirements specified in Section 9 of this RFP and is qualified to perform the Scope of Work based upon prior relevant professional experience. A DHCR 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 Five, as described in the Proposal Submission Requirements section of this RFP. Each Tab must be bookmarked as “Tab 1,” “Tab 2,” “Tab 3,” “Tab 4,” and “Tab 5” and must be presented in the exact order requested in this RFP. The content in Tab 2 must be limited to twenty (20) letter-size pages (single or double spaced, minimum 12 point font, and at least one inch margins). The twenty-page limit in Tab 2 does not include resumes, references, organizational chart, etc.

The Proposer’s proposal must contain responses to the items listed below.

11.1 TAB 1: Proposal Coversheet, Cover Letter & Proposal Certification

Proposers shall submit, as part of its Proposal Submission, the Proposal Coversheet, Cover Letter and Proposal Submission Certification, as outlined in Attachment 2 of this RFP.

11.1.1 Proposal Coversheet

Proposers shall complete and submit a Proposal Coversheet which contains identifying information for the firm. The Coversheet must be submitted utilizing the template provided in Attachment 2, Proposal Coversheet.

11.1.2 Cover Letter

The Proposer’s Cover Letter must not exceed three (3) pages and must include:

- a.** A summary of the Proposer’s organizational history and legal structure (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, MWBE, etc.);
- b.** A summary of the Proposer’s qualifications;
- c.** The Proposer’s name, address, telephone number, fax number, email address and website address, if applicable;
- d.** The name, title, telephone number, fax number and email address of the individual within the Proposer’s organization who will be DHCR’s primary contact concerning the proposal;
- e.** The names of the primary staff personnel who will provide services to DHCR;

- f. The contact name, telephone number, fax number and email address for the firm(s), if any, with which the Proposer intends to partner in undertaking the Scope of Work;
- g. A statement relating to the ability of the Proposer to meet the MWBE and SDVOB participation goal requirements set forth in Sections 4.1 and 4.2, respectively, in this RFP;
- h. A statement confirming that the Proposer's cost proposal remains within the budget indicated in Section 11.3 of this RFP;
- i. A statement confirming the Proposer's ability to provide DHCR with a fully functional and operational Website and Call Center by November 29, 2018; and
- j. Written certification that the information contained in the proposal is true and accurate and that the person signing the cover letter is authorized to submit the proposal on behalf of the Proposer.

11.1.3 Proposal Certification

Proposers shall complete and submit with their Proposal Submission an original signed certification (**Proposal Certification**) which affirms that the information contained in the proposal is true and accurate and that the person signing the Proposal Certification is authorized to sign and submit the proposal on behalf of the Proposer. The Proposal Certification must be submitted utilizing the template provided as Attachment 2 of this RFP.

11.2 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 DHCR to adequately evaluate capabilities and experience.

The purpose of the Technical Proposal is to provide the Proposer an opportunity to demonstrate they have the necessary experience, expertise, staffing capacity, and methodology to meet or exceed all of the qualifications and Required Performance Standards, and to successfully provide all of the tasks and deliverables outlined in the Scope of Work. The Proposer's proposal must include responses to the items indicated below in this Section 11.2.

The Proposer must identify its subcontractor(s), if any. The Proposer must also provide the information in this section for its subcontractor(s), if any, and as applicable.

11.2.1 Experience.

Provide a descriptive summary indicating the number of comparable engagements the Proposer has been involved in, either as the lead firm or in a supporting role. The Proposer must list and describe related experience delivering each Task and Deliverable identified in the Scope of Work, and provide data that demonstrates the success of its approach, where possible. If a Proposer will be subcontracting or partnering any portion of the Scope of Work, summarize relevant experience for staff of subcontractors or partners and attach any related contracts or agreements pertaining to this proposal.

11.2.2 References.

Provide a minimum of three client references for the Proposer and at least two for any subcontractor or partner. Each reference should include the name, title, telephone number, and email address for each contact person and each company. Attach a brief summary of the relationship between the reference and the Proposer. Provide the same summary for any partner or subcontractor. DHCR may use information provided by references for the evaluation of proposals. DHCR is not responsible for the degree of, or lack of responsiveness of, the references listed by a Proposer, subcontractor, or partner. DHCR is not required to alert Proposers about a reference's unresponsiveness during the evaluation of a proposal.

11.2.3 Current Capacity and Qualifications.

Attach the résumés and professional qualifications of the Proposer's principals, project managers, key personnel, and staff to be assigned to work in NYHousingSearch.gov, including degrees, licenses and years of relevant experience. Specifically, identify people currently employed by the Proposer who will serve in key roles. In addition, identify partners and subcontractors who the Proposer will be engaging with as part of this proposal. Specify the primary contact person for the Proposer (name, title, location, telephone number, and e-mail address). If the Proposer or any of its subcontractors are certified MWBEs in New York State, those firms should be clearly identified.

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

- i.** The location of the Call Center, if it is known, whether it is currently in operation, and whether it is owned or leased; if it is leased, provide details of the lease including landlord and the length of the lease;

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

11.2.4 Approach and Methodology

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

The Proposer must indicate the extent to which the Scope of Work and any of its component subtasks will be performed within the State of New York and will utilize MWBEs.

- ii. The proposal submitted must address the following key components of the Scope of Work and provide a plan to fully execute and meet the requirements outlined by November 29, 2018. For

each of the key elements listed below, the Proposer must provide proposed minimum service levels that DHCR may use as the basis for a SLA to be included in the contract. These service levels must include a description of the service, the minimum performance level, measurements for each performance level, and contingency information. The four key elements are:

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

Additionally, the Proposer must provide specific details regarding its website and database operations including, but not limited to, providing (a) detail on the specific hardware and software, (b) the types and locations of databases to store, retrieve and back-up data, (c) strategies for dealing with fluctuations in website traffic, and (d) contingency plans for dealing with power failures, system failure, etc. At minimum, the Proposer must provide information on the items listed below, as described more fully in Section 9 of this RFP.

A. Integrity:

- (i) Describe the maintenance of a code revision library for the full term of an awarded contract with DHCR, and the utilization of industry accepted automated migration strategies for code migration between systems;
- (ii) Describe protocols for revoking system access for terminated employees and partners and/or subcontractors that include disabling, rather than deleting, of accounts; and
- (iii) Provide procedures for independently reviewing and assessing the Proposer's adherence to DHCR's requirements, at least annually.

B. Security and Privacy:

- (i) Provide a list of controls in place to prevent data leakage or intentional/accidental compromise between tenants in a multi-tenant environment;
- (ii) Provide documentation of physical security controls in place for datacenter or any facility where DHCR data is stored;
- (iii) Provide documentation describing how DHCR data will be isolated from other cloud customers; and
- (iv) Provide a security plan for DHCR to be implemented within thirty days of the contracted procurement, **but in no event shall the implementation date be on or after November 29, 2018. The security plan for DHCR must be implemented by November 27, 2018.**

C. Availability:

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

D. Confidentiality:

- (i) Describe the Proposer's security measures and protocols for protecting the confidentiality of the data.

In addition to their narrative response, the Proposer must also complete the Consensus Assessments Initiative Questionnaire (“CAIQ”). On the CAIQ, in addition to answering “yes” or “no,” the Proposer must provide additional detail in the comments section for each question, or attach additional sheets. Answering “no” to any of the questions does not automatically result in a disqualification. However, questions that are simply

answered “yes” or “no,” or where the information provided is vague, will likely score lower than those providing more detailed specifications and performance benchmarks. In order to be fully evaluated, Proposers must describe specific policies, procedures and controls in place, provide samples of documentation to be used, and other relevant information necessary for DHCR to determine and compare service levels.

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

- (2) **Customer Care Call Center.** The Website will be supported by a fully staffed and experienced Call Center to assist tenants and rental housing providers. The Proposer must demonstrate that it is prepared to serve up to 3,000 incoming calls from tenants and property owners per month by November 29, 2018. As part of this section of the narrative, the Proposer must summarize anticipated service levels. This summary must include, but is not limited to, maximum and average caller wait times, email response times, and other relevant measures, based on an average of between 1,500 and 3,000 incoming calls per month. The Proposer must also explain, to the extent possible, how these service levels will be impacted by a sudden increase in caller and email volume, and what strategies will be employed to manage any increased traffic. The Proposer’s response must also identify practices used to improve responsiveness in customer service.
- (3) **Performance reporting:** The Proposer must provide regular performance monitoring reports to track the site usage for the Website and the Call Center. Define the specific data analysis methods that will be used to demonstrate the success of this effort in helping New Yorkers find housing.

In addition, the Proposer must provide more specific examples of proposed service levels for each of the key elements above in a proposed Service Level Agreement to be attached in Tab 2.

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

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

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

- Identify instances of housing discrimination and fraud, and report landlords who engage in this behavior;
- Ensure services will be easily accessible to non-English speaking landlords and prospective tenants;
- Streamline and more directly link site users to local housing providers using GIS and other technology; and
- Track and more accurately report the extent to which the Website directly leads to tenants finding quality affordable housing.

11.3 TAB 3: Diversity and SDVOB Proposal

11.3.1 Equal Employment Opportunity (“EEO”) and Diversity Information

Proposers must provide responses relating to the EEO items listed below as part of your response:

- (i) [Equal Employment Opportunity Staffing Plan, PROC-1 form](#), attached hereto as **Exhibit A** and hyperlinked herein;
- (ii) [Utilization Plan, PROC-2 form](#), attached hereto as **Exhibit B** and hyperlinked herein;
- (iii) If applicable, [Request for Waiver Form, PROC-3 form](#), attached hereto as **Exhibit C** and hyperlinked herein;
- (iv) [Minority and Women Business Enterprises – Equal Employment Opportunity Policy Statement, PROC-4 form](#), attached hereto as **Exhibit D** and hyperlinked herein.
- (v) [Company Demographic Profile, PROC-7 form](#), attached hereto as **Exhibit E** and hyperlinked herein.

- (vi) [EEOC Statement, PROC-8 form](#), attached hereto as **Exhibit F** and hyperlinked herein. Please note that completion of the PROC-8 form is applicable to Proposers with 15 or more employees.
- (vii) [Diversity Practices Questionnaire](#), attached hereto as **Exhibit G** and hyperlinked herein.

11.3.2 MWBE Information

Proposers must provide responses relating to the MWBE items listed below as part of your response to **Exhibit H**.

- (i) DHCR is committed to increasing the utilization of MWBE firms. Please share any ideas you may have relating to subcontracting which would meet the 30% overall MWBE participation requirement in this RFP.
- (ii) If the Proposer is a State certified MWBE firm, provide documentation evidencing certification.
- (iii) If the Proposer is not certified as a MWBE firm by the State, include 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.

11.3.3 SDVOB Information

Proposers must provide responses relating to the SDVOB items listed below as part of your response to **Exhibit I**.

- (i) Please share any ideas you may have relating to subcontracting which would meet the 6% SDVOB participation requirement in this RFP;
- (ii) If the Proposer is a NYS certified SDVOB firm or is certified as a SDVOB by another state, provide documentation evidencing certification.

- (iii) If the Proposer is not certified as a SDVOB firm by NYS or any other state, include descriptions of the instances, if any, in which the Proposer has worked with SDVOB 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 SDVOB partnering, subcontracting, or mentoring arrangements with a SDVOB 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.

11.4 TAB 4: Cost Proposal (“Budget”)

Tab 4 is comprised of the Cost Proposal Form, attached hereto as Attachment 3. The Proposer must provide hourly rates for the specific itemize areas listed in each Cost Proposal Form. Additional categories may not be added. Each Cost Proposal Form must be signed by an authorized signatory of your organization.

The Proposer must submit a **not-to-exceed** budget of \$245,000 per year and a **not to exceed** budget of \$1,225,000 for five years. The budget must be all inclusive and represent the total cost required to provide each of the four elements outlined in the Scope of Work section of this RFP for each of the next five years. These costs include, but are not limited to: (i) startup costs; (ii) salaries and personnel costs; (iii) monthly hosting fees; (iv) licensing fees; (v) security, software, and hardware costs; (vi) equipment, maintenance, and repair fees and costs; (vii) Federal and State compliance costs; and (viii) facility, overhead, travel, equipment, management, supervision, and sub-contractor costs. Expenses for an identified State certified MWBE subcontractor or partner must be included in the Budget, and the MWBE and the projected expenditure for that MWBE must be noted for each year. **It should be noted that DHCR will consider proposals that amortize set-up costs so that the total five year total cost remains within the limited \$1,225,000.**

DHCR encourages firms to submit proposals lower than the maximum **not to exceed** budget of \$245,000 per year and the maximum **not to exceed** budget of \$1,225,000 for the five year period.

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

It should be noted that invoices provided to DHCR by the successful Proposer under the contract resulting from this RFP process will be paid based upon satisfactory completion of specified

deliverables. Hourly rates and total project costs are being requested for RFP scoring consideration. This is not an “hourly” contract” or a “time and materials” contract.

11.5 TAB 5: Administrative Proposal

Proposers must complete and submit the required forms and information indicated below.

11.5.1 General Forms

- (i) [Non-Collusive Bidding Certification Form](#), attached hereto as **Exhibit J** and hyperlinked herein.
- (ii) [Vendor Information Form](#), attached hereto as **Exhibit K** and hyperlinked herein.
- (iii) Iran Divestment Act Certification, attached hereto as **Exhibit L**.
- (iv) Procurement Lobbying Provision Forms, attached hereto collectively as **Exhibit M** (the Proposer’s Affirmation of Understanding of Agreement, Certification of Compliance and Disclosure of Prior Non-Responsibility Determinations and collectively, the “**Lobbying Forms**”).
- (v) [Vendor Responsibility Questionnaire\(s\) \(“VRO Questionnaire”\)](#). Pursuant to Section 19.3, if the Proposer submits the VRQ Questionnaire electronically (“**VendRep Questionnaire**”), a Proposer may do so in the OSC online VendRep System. Proposal Submission Instructions for submitting the VendRep Questionnaire electronically are provided in Section 19.3 of this RFP. Proposers electing to submit a VendRep Questionnaire must include an affirmative statement of the foregoing within its Proposal Submission, citing its New York State Vendor Identification Number and the date of its certification. Alternatively, if the Proposer does not wish to file the VRQ Questionnaire electronically, an original signed and notarized paper version of the [Vendor Responsibility Questionnaire for For-Profit Business Entity](#), attached hereto as **Exhibit N.1** or the [Vendor Responsibility Questionnaire for Non-Profit Business Entity](#), attached hereto as **Exhibit N.2** must be included within its Proposal Submission. All questionnaires must be certified within the six (6) months of the Proposal Submission Deadline. Proposed subcontractors of the Proposer with subcontracts valued at \$100,000 or more are also required to submit a certified questionnaire as outlined in the above paragraph.

11.5.2 Disclosures, Licenses and Evidence of Insurance

(i) Financial Disclosures. Proposer's most recent two years of audited financial statements or federal tax returns to be provided as **Exhibit O**.

(ii) Disclosure of Conflict of Interest. Provide information requested in this subsection as **Exhibit P**.

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 DHCR and its HCR Affiliates (i.e., New York State Housing Financing Agency, Housing Trust Fund Corporation, New York State Affordable Housing Corporation, State of New York Mortgage Agency, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation), 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 DHCR of, and resolve any such conflicts.

A response is required for this subsection.

(iii) Disclosure of Commission Findings. The Proposer must disclose whether its entity, or any of its members discussed in the above subsection 11.5.2 (ii) entitled "Disclosure of Conflict of Interest," has been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Ethics or its predecessor NYS 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. Provide information requested in this subsection as **Exhibit Q**.

A response is required for this subsection.

(iv) Form ST-220-CA Contractor Certification to Covered Agency, **Exhibit S**

(v) NYS Consultant Services Contractor's Planned Employment Form A, **Exhibit T.1**

(vi) NYS Consultant Services Contractor's Annual Employment Form B, **Exhibit T.2**

(vii) Licenses, Certifications and Other Credentials. The Proposer must respond affirmatively that it, and its subcontractors (if any), will have, if awarded a Contract, prior to commencement of work, all necessary licenses, certifications, approvals, and other needed credentials to perform

the Scope of Services in the RFP, if applicable. Provide information requested in this subsection as **Exhibit R**.

- (viii) Minimum Insurance Requirements. Upon request by DHCR, the successful Proposer must submit the following insurance documentation within forty-eight (48) hours of notification of selection for award:

The Contractor is required to procure and maintain (at its sole expense) throughout the term of the Contract, the insurance levels indicated below that will protect the Contractor and DHCR from claims (as set forth below) which may result from the Contractor's operations or performance of the work, whether such operations be conducted by the Contractor, a subcontractor, or anyone directly employed or acting as an agent by either for whose act any may be liable. DHCR and the New York State Office of Information Technology together with each entities officers, employees and agents must be identified as named insured. The Contractor must also require their subcontractors to carry levels of insurance that include the following coverage:

- Claims under Workers' Compensation, disability benefits, and other similar employee benefit acts;
- Claim for damages because of bodily injury, occupational sickness or disease, or death of its employees;
- Claims for damages because of bodily injury, sickness or disease, or death of any person other than its employees;
- Claims for damages insured by personal injury liability coverage which are sustained (a) by any person as a result of an offense directly or indirectly related to the employment of such person by the Contractor and/or (b) by any other person;
- Claims for damages, other than to the work itself, because of injury to or destruction of tangible property, including loss of use resulting there from;
- Claims for damage because of bodily injury of any person or property damage arising out of the ownership, maintenance, or use of any motor vehicle; and
- Claims for damages due to loss of money or other property sustained through any fraudulent or dishonest acts committed by any board members (officers) or employers.

The insurance required by this section shall not be written for less than the limits of liability specified below, or the statutory amounts required by law, whichever is greater. Such insurance shall also include contractual liability insurance applicable to the Contractor's obligations as provided for in the agreement between DHCR and the Contractor.

1. Workers' Compensation Limits:
 - (a) State.....Statutory
 - (b) Applicable Federal (e.g., Longshoremen's).....Statutory
 - I Employer's Liability.....\$500,000 to Unlimited

Workers' Compensation Documentation.

Upon notification of award, the successful Proposer will be requested to submit one (1) of the following forms as Workers' Compensation Insurance documentation:

- **CE-200** – Certificate of Attestation for New York Entities with No Employees and Certain Out-of-State Entities that New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required; or
- **C-105.2** – Certificate of Workers' Compensation Insurance (or **U-26.3** if insured through the State Insurance Fund); or
- **SI-12** – Certificate of Workers' Compensation Self-Insurance (or **GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance).

Disability (“Employer’s Liability”) Insurance Documentation.

Upon notification of award, the successful Proposer(s) will be requested to submit one of the following forms as Disability documentation:

- **CE-200** – Certificate of Attestation for New York Entities with No Employees and Certain Out-of-State Entities that New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required; or
- **DB-120.1** – Certificate of Disability Benefits Insurance; or
- **DB-155** – Certificate of Disability Benefits Self-Insurance.

ACORD forms are not acceptable proof of insurance. Further information is available at the Workers' Compensation Board website, which can be accessed through this link: <http://www.wcb.ny.gov>. Please note that these forms are not required as part of the proposal submissions.

2. Comprehensive General Liability (including Premises – Operations; Independent Contractor's Protective; Products and Completed Operation Broad Form Property Damage):
 - (a) Bodily Injury (each occurrence).....\$500,000*
 - (b) Property Damage (each occurrence).....\$500,000*

**instead of the \$500,000 per occurrence limits in 2 (a) and (b), the Proposer(s) may opt to obtain \$1,000,000 Single Limit Liability coverage for bodily injury and property damage.*

3. Completed Operations and Products Liability shall be maintained for two years after final payment.
4. Comprehensive Automobile Liability:
 - (a) Bodily Injury
 - (1) Each person.....\$1,000,000
 - (2) Each occurrence.....\$1,000,000
 - (b) Property Damage (each occurrence).....\$1,000,000
5. Fidelity Bond: A Blanket Employee Honestly Bond shall be maintained with DHCR as named insured, with a blanket rider for non-compensated board members (officers) in an amount which represents the larger of \$100,000 or 30% of the total single-year budget amount.
6. Umbrella Liability Insurance: Commercial Excess Liability Insurance in the amount of \$1,000,000.
7. Data Breach and Privacy/Cyber Liability Insurance, which shall include individual limits of not less than One Million Dollars (\$1,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the general aggregate. Such coverage shall include failure to protect confidential information and failure of the security of the Contractor’s computer systems due to the actions of the Contractor which results in unauthorized access to unauthorized users or data. Said insurance shall provide coverage for damages arising from, but not limited to the following: (i) breach of duty to protect the security and confidentiality of nonpublic proprietary information; (ii) personally identifiable nonpublic information; (iii) privacy notification costs; (iv) regulatory defense and penalties; (v) website media liability; and (vi) cyber theft of customer’s property, including but not limited to money and securities. If the policy is written on a claims made basis, Contractor must submit to DHCR an Endorsement providing proof that the policy provides the option to purchase an Extended Reporting Period (“tail coverage”) providing coverage for no less than one (1) year after work is completed in the event that coverage is cancelled or not renewed. This requirement applies to both primary and excess liability policies, as applicable.

Certificates of Insurance in accordance with minimum requirements set forth above must be on file with DHCR indicating coverage prior to commencement of the work. These

certificates shall identify DHCR as the certificate holder and additional insured, and must contain a provision that the insurer shall give notice that the coverage afforded under the policies will not be cancelled and DHCR's interest will not otherwise be affected until at least thirty days prior written notice has been given to DHCR.

12. Proposal Submission Instructions

A complete proposal for this RFP is comprised of five (5) separate tabs: (i) Tab One: Application Coversheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Diversity and SDVOB Proposal; (iv) Tab Four: Cost Proposal; and (v) Tab Five: Administrative Proposal.

On or before the Proposal Submission Deadline, one (1) original sealed Proposal Submission must be mailed or delivered to the contact specified in Section 12.1 AND one electronic e-mail submission of the PDF of the Proposal Submission must be emailed to the e-mail address provided in Section 12.2

12.1 Instructions for Mailing or Delivery of Sealed Proposals

Proposers must submit hardcopy and electronic versions of their proposals in accordance with the instructions indicated below (A Proposal Checklist is located in Addendum 1 to assist Proposers in compilation of proposals).

Original Hardcopy Submission

1. Tabs 1 to 5 must be bound individually, but may be mailed in one package (i.e., (i) Tab One: Application Coversheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Diversity and SDVOB Proposal; (iv) Tab Four: Cost Proposal; and (v) Tab Five: Administrative Proposal.
2. Clearly mark the package as “**RFP – NYHousingSearch.Gov submitted by [Proposer’s name]**”.

Hardcopy proposals should be sent to the following address:

Lisa G. Pagnozzi, Vice President, Contracts and Administration
Christopher Davis, Contract Management Specialist
Libria Gibson-Obama, Contract Management Specialist
New York State Division of Housing and Community Renewal
641 Lexington Avenue, 4th Floor
New York, New York 10022

NOTE: The paper-based hard copy must be formatted on 8.5x11 standard size paper, but must not be permanently bound, and include original signatures and certifications that must be received by DHCR no later than 12:00pm EDT on June 25, 2018, the Proposal Submission Deadline.

Any proposal delivered after the Proposal Submission Deadline will **not** be considered for award, even if electronic copies of the proposal arrive before the Proposal Submission Deadline. The Proposer submitting a proposal assumes all risks associated with delivery. The determination of whether any proposal was received on time is at the sole discretion of DHCR.

12.2 Instructions for the Electronic Submission of Proposals

Proposals must be delivered by email in two parts by the Proposal Submission Deadline. In addition, electronic proposals must be bookmarked and submitted by email to Lisa G. Pagnozzi at Nyhomes.proposal@nysher.org in searchable Portable Document Format (“PDF”) compatible with Adobe Reader XI, version 11.0.4. DHCR will not accept discs, flash drives or FTP file references that require DHCR to download information from the Proposer’s, or third party’s website. If the file is large, it may be submitted in multiple email attachments, with the proper Part One or Part Two label (if applicable) and “1 of X”, “2 of X”, etc., and the last email as “X of X – Final” for each additional email. This is the only acceptable form of e-delivery.

Electronic versions of each Proposal Submission must be broken down and labeled as separate attachments as indicated below:

- A. **Part I shall include two attachments, Tabs 1, 2 and 3** of the proposal, and the subject line of the email for this section must be labeled: **“2018 Website and Call Center RFP – Part I, Tabs 1, 2 & 3”**.
- B. **Part II** shall include two attachments, **Tabs 4 and 5** of the proposal, and the subject line of the email for this section must be labeled: **“2018 Website and Call Center RFP – Part II, Tabs 4 & 5”**.

All proposals and accompanying documentation become the property of the State of New York and will not be returned. DHCR reserves the right to use any portions of the Proposer’s proposal not specifically noted as proprietary.

13. Evaluation, Selection and Notification

13.1 Evaluation Process

Proposals must demonstrate that the Proposer is qualified to perform the Scope of Work based on prior relevant professional experience, evidence of Required Performance Standards, proposed work plan, methodology, timeline, staffing plan, MWBE participation, and budget including, but not limited to, the required documentation submitted in Tab 5 of the proposal.

The evaluation of proposals shall be based on the “Best Value” concept. The proposal which “optimizes quality, cost, and efficiency” among the responsive and responsible Proposers will be selected for award.

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

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

DHCR reserves the right to conduct in-person, web video, or telephone interviews with Proposers for purposes of expanding or clarifying responses.

DHCR, at its sole discretion, will determine which proposal best satisfies its requirements. DHCR reserves all rights with respect to the award of a contract for this RFP project. DHCR reserves the right to select a proposal that, in its sole judgment, is consistent with and responsive to the goals of DHCR, irrespective of whether it is the apparent lowest cost proposal. Furthermore, the determination of such selection will be made by DHCR to be in the best interest of the citizens of the State of New York.

DHCR may deem a proposal non-responsive and disqualify a Proposer, if any of the required forms, information or other documentation is missing or incomplete. DHCR reserves the right, in its sole judgment, to disregard any apparent errors in a proposal that it deems insignificant.

During the evaluation process, DHCR may require information from a Proposer. If specific sections of the written proposal require clarification, DHCR will request clarifications in writing. The Proposer

should respond by the deadline stated in the correspondence. In addition, DHCR may use the proposal, information obtained through any interviews, and DHCR's own investigation of a Proposer's qualifications, experience, ability or financial standing, and any other material or information submitted by the Proposer in the course of evaluation and selection under this RFP. DHCR reserves the right to contact other sources not necessarily identified in the proposal to obtain information.

13.2 Scoring and Evaluation

DHCR will only score complete and responsive proposals.

13.2.1 Technical Proposal Evaluation – 70 Points

DHCR's Review Committee ("**Committee**") will independently score each Technical Proposal that meets the submission requirements of this RFP. The Committee will score Technical Proposals to identify the Proposer with the highest probability of satisfactorily providing the services described in the Scope of Services of this RFP. Evaluations will be based on the Proposer's demonstration of its ability to provide the services required through its Technical Proposal. Committee member scores will be averaged to calculate a technical score for each responsive Proposer.

13.2.2 Cost Proposal – 25 Points

DHCR's Contract Unit will examine the Cost Proposal documents and review them for responsiveness to cost requirements. If a Cost Proposal is found to be non-responsive, that proposal will be eliminated from consideration. All complete, responsive proposals will receive a cost score. Cost Proposals will be evaluated on a pre-determined formula based on the proposal budget. The maximum score (25 points) will be allocated to the proposal with the lowest cost according to this formula. All other proposals will receive a proportionate score to the proposal with the lowest cost, according to the following formula:

Cost points awarded = (25 potential points) X (Low bid / Proposer's bid)

13.2.3 MWBE Diversity Practices – 5 Points

DHCR's Office of Economic Opportunity & Partnership Development ("**OEOPD**") will examine the MWBE documents and review them for responsiveness to MWBE requirements. Proposals that have identified MWBEs as the Proposer, subcontractor or sub-consultant to meet the Scope of Services outlined in Section 9 may receive up to five (5) points. A proposal that exceeds the minimum MWBE participation goals may be allotted additional points in the evaluation process.

13.2.4 Finalists and Interviews

An initial composite score for each responsive Proposer will be calculated by adding the Technical Proposal points, MWBE Diversity Practices points, and Cost Proposal points. If interviews are deemed necessary by DHCR, the Finalist Proposers will be the Proposers with the three highest Initial Composite Scores.

If DHCR determines that interviews are necessary, Finalists will be notified of the date, location and time of their interview. The interview will be designed to allow Finalists to demonstrate their ability to provide the required services. The proposed Proposer and proposed subcontractor(s), if any, as well as other key personnel who would be responsible for providing the required services, should be present and participate in the interview.

Further information regarding the format of this stage of the evaluation may be provided to the Proposer prior to the interview. The interview should substantiate the characteristics and attributes claimed by the Proposer and its subcontractor(s), if any, in the written response to the RFP. Technical scores may be revised based on the information gained from Finalist interviews. However, the interviews will not be an opportunity to cure material omissions in Proposers' proposals and are not a substitute for a well-written proposal.

DHCR may choose to forego interviews, at its discretion.

14. SELECTION AND NOTIFICATION PROCESS

DHCR expects to award one contract as a result of this RFP process; however, DHCR, in its sole discretion, reserves the right to not award a contract or to make an award on a portion of the RFP. DHCR anticipates making a final decision on the selection of a successful Proposer at the time noted in the Calendar of Events and Milestones section of this RFP.

Notification of award or non-award will be provided to all Proposers. The RFP (including all attachments, appendices and hyperlinks), all amendments/clarifications thereto, and the proposal submitted by the successful Proposer, and any clarifications thereto, will serve as the basis for, and will be included as appendices to, the contract with DHCR.

In the event an agreement cannot be made with the highest rated qualified Proposer, DHCR reserves the right to negotiate with the next highest rated qualified Proposer.

15. Debriefing and Protest Procedures

Unsuccessful Proposers shall be notified upon DHCR's selection of a Contractor. Consistent with New York State Finance Law Section 163(9)(c), any Proposer that is not selected for award may, within ten (10) days of notice of the contract award, request a debriefing to discuss the evaluation of its Proposal. A debriefing must be requested in writing and the request shall be submitted to Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org AND Nyhomes.proposal@nyshcr.org .

A Proposer will be accorded fair and equal treatment with respect to its opportunity for debriefing. The debriefing shall be scheduled within ten business days of receipt of written request by DHCR, or as soon after that time as practicable under the circumstances.

An unsuccessful Proposer may file a protest concerning the contract award to Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org AND Nyhomes.proposal@nyshcr.org within ten business days from the date of the notice of the contract award, except that any protest concerning the terms and conditions of the solicitation (or other matters that would be apparent to an interested party prior to the date set in this RFP for the receipt of proposals) must be filed on or before the date set in this RFP for the receipt of proposals.

16. Contract Award

The term of the contract will be for five years, which contract award shall be subject to approval by the Office of the State Comptroller (“OSC”) and the Office of the State’s Attorney General (“OAG”) and contingent upon the availability of funding. DHCR reserves the right to revoke a contract award if such approval is not granted by the OAG and OSC. DHCR will evaluate each proposal based on the “Best Value” concept and a first-year budget not to exceed \$245,000, and a five year budget not to exceed \$1,225,000.

DHCR may, upon thirty (30) days’ notice, terminate the contract(s) resulting from this RFP in the event of a successful Proposer’s failure to comply with any of the proposal’s requirements unless the successful Proposer obtained a waiver of the requirement.

In addition, DHCR may also terminate any contract resulting from this RFP upon ten (10) days’ notice if a Contractor makes any arrangement or assignment for the benefit of creditors.

Further, DHCR shall have the right, in its sole discretion, at any time to terminate a contract resulting from this RFP or any unit portion thereof, with or without cause, by giving a thirty (30) day written notice to the Contractor.

DHCR reserves the right to terminate a contract resulting from this RFP process in the event it is found that a certification filed by the Proposer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, DHCR may exercise its termination right by providing written notification to the Contract awardee.

This written contract shall be governed by the laws of the State of New York. The entire Agreement shall consist of the documents, appendices and forms listed below. Conflicts between these documents shall be resolved in the following order of precedence:

1. [Standard Clauses for New York State Contracts](#), attached hereto as Appendix A;
2. The Contract, including all exhibits, appendices, forms and attachments (including [DHCR's Participation by Minority Group Members and Women Requirements and Procedures for Contracts](#), attached hereto as Appendix B);
3. The RFP and any all modifications and clarifications thereto; and
4. The Contractor's Proposal and any clarifications thereto.

In the event an agreement cannot be made with the highest rated qualified Proposer, DHCR reserves the right to negotiate with the next highest rated qualified Proposer.

The delivery of services based on an approved contract is expected to commence on November 29, 2018.

Upon contract award, public announcements or news releases pertaining to the contract(s) shall not be made without the prior written consent of DHCR.

17. Information relating to MWBEs, EEO, SDVOB and use of State Business

17.1 Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority-and Women-Owned Business Enterprises

17.1.1 New York State Law

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

17.1.2 Business Participation Opportunities for MWBEs

For purposes of this solicitation, DHCR hereby establishes an overall goal of 30% for MWBE participation, 15% for NYS certified MBE participation and 15% for NYS certified 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, partners or suppliers in the performance of the Contract and the Contractor agrees that DHCR may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=3972>. For guidance on how DHCR 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 DHCR may withhold payment from the Contractor as liquidated damages.

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

By submitting a proposal, a Proposer on the Contract 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/frontend/diversityusers.asp> , provided, however, that a Proposer may arrange to provide such evidence via a non-electronic method by contacting Ms. Lisa G. 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 Proposer's MWBE requirements, please click on the following hyperlinked MWBE guidance, "[Your MWBE Utilization and Reporting Responsibilities Under Article 15-A.](#)"

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

- a) A 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 DHCR.
- b) DHCR will review the submitted MWBE Utilization Plan and advise the Proposer of DHCR's acceptance or issue a notice of deficiency within 30 days of receipt.
- c) If a notice of deficiency is issued, the Proposer will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to DHCR at 641 Lexington Avenue, 4th Floor, New York, NY 10022, Fax number 917-274-0364, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DHCR to be inadequate, DHCR shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

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

- d) If a Proposer fails to submit a MWBE Utilization Plan;
- e) If a Proposer fails to submit a written remedy to a notice of deficiency;
- f) If a Proposer fails to submit a [request for waiver](#); or
- g) If DHCR determines that the Proposer has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DHCR, 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 [Cumulative Payment Statement](#) to DHCR, 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.

17.2 Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the Proposer agrees with all of the terms and conditions of the below clause titled, "Equal Employment Opportunities for Minorities and Women."

EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this Contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby DHCR, is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to DHCR, then the following shall apply and by signing the agreement the Contractor certifies and affirms that in Contractor's equal employment opportunity policy that:

(a) the Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on DHCR contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of DHCR, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of this Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract. Section 312 does not apply to: (i) work, goods or services unrelated to this Contract; or (ii) employment outside New York State. DHCR shall consider compliance by a Contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. DHCR shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict

exists, DHCR shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

(d) If the procurement of the goods or services provided herein is subject to minority and women-owned participation requirements pursuant to Article 15-A of the Executive Law, the Contractor shall be liable to DHCR for liquidated or other appropriate damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payments 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 this Contract. This Contract may provide for other appropriate remedies on account of such breach in the event it is found that the Contractor willfully and intentionally failed to comply with the minority and women-owned participation requirements set-forth in Article 15-A of the Executive Law.

The Proposer will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, a model statement is attached hereto as Exhibit D, to DHCR with their proposal.

To ensure compliance with this Section, the Proposer 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. If awarded a Contract, Proposer shall submit a quarterly [EEO Workforce Utilization Report, PROC-5](#), hyperlinked herein with [Instructions](#), and shall require each of its subcontractors, if any, to submit a Workforce Utilization Report, on a quarterly basis during the term of the Contract for the quarters ending March 31st, June 30th, September 30th and December 31st. Quarterly EEO Workforce Utilization Reports shall be submitted, in PDF format, to Econ.Opportunity@nyshcr.org by April 10th, July 10th, October 10th and January 10th.

Pursuant to Executive Order #162, contractors and subcontractors, if any, will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the EEO Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors, if any, 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.

17.3 CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES

Article 17-B of the State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into the State’s economy. DHCR recognizes the need to promote the employment of service-disabled veterans and to ensure that SDVOB’s have opportunities for maximum feasible participation in the performance of DHCR contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in the State, bidders/proposers are expected to consider SDVOBs in the fulfillment of the requirements of the awarded Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

17.3.1 Contract Goals

- a) DHCR hereby establishes a goal of 6% for SDVOB participation on the Contract resulting from this solicitation process, based on the current availability of qualified SDVOB(s). For purposes of providing meaningful participation by SDVOBs, the bidder/proposer/Contractor should reference the directory of State certified SDVOBs found at: <https://ogs.ny.gov/Core/SDVOBA.asp>. Questions regarding compliance with SDVOB participation goals should be directed to Ms. Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org. Additionally, following Contract execution, the Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs.
- b) The Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract (see subsection 17.3.4 below).

17.3.2 SDVOB Utilization Plan

- a) In accordance with 9 NYCRR § 252.2(i), bidders/proposers are required to submit a completed SDVOB [Utilization Plan](#), hyperlinked herein, with their proposal or bid.

- b) The Utilization Plan shall list the SDVOB(s) that the bidder/proposer intends to use, a description of the work that the Offeror intends the SDVOB(s) to perform to meet the goals on the awarded Contract, the estimated dollar amounts to be paid to the SDVOB(s), or, if not known, an estimate of the percentage of Contract work the SDVOB(s) will perform. By signing the Utilization Plan, the bidder/proposer acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future proposals/bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOB(s) after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to DHCR.
- c) DHCR will review the submitted SDVOB Utilization Plan and advise the bidder/proposer of DHCR's acceptance or issue a notice of deficiency within twenty (20) business days of receipt.
- d) If a notice of deficiency is issued, the bidder/proposer agrees that it shall respond to the notice of deficiency, within seven (7) business days of receipt, by submitting to DHCR a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DHCR to be inadequate, DHCR shall notify the bidder/proposer and direct the bidder/proposer to submit, within five (5) business days of notification by DHCR, a request for a partial or total waiver of SDVOB participation goals. Failure to file the waiver in a timely manner may be grounds for disqualification of the bid or proposal.
- e) DHCR may disqualify an bidder's/proposer's bid or proposal as being non-responsive under the following circumstances:
- i. If a bidder/proposer fails to submit an SDVOB Utilization Plan;
 - ii. If a bidder/proposer fails to submit a written remedy to a notice of deficiency;
 - iii. If a bidder/proposer fails to submit a request for waiver; or
 - iv. If DHCR determines that the bidder/proposer has failed to document good faith efforts.
- f) If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOB(s) on the Contract pursuant to the prescribed SDVOB contract goal set forth above.
- g) The bidder/proposer further agrees that a failure to use SDVOB(s) as agreed in the Utilization Plan shall constitute a material breach of the terms of the awarded Contract. Upon the

occurrence of such a material breach, DHCR shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

17.3.3 Request for Waiver

Prior to submission of a request for a partial or total waiver, bidder/proposer/Contractor shall contact the Designated Contact(s) at DHCR for guidance.

- a) In accordance with 9 NYCRR § 252.2(m), an bidder/proposer/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in subsection 17.3.4 below, may submit a request for a partial or total waiver, accompanied by supporting documentation. A bidder/proposer may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by DHCR at that time, the provisions of subsection 17.3.2 (c), (d) and (e) will apply. If the documentation included with the bidder's/proposer's/Contractor's waiver request is complete, DHCR shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) business days of receipt.
- b) The Contractor shall attempt to utilize, in good faith, the SDVOB(s) identified within its SDVOB 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 awarded Contract to DHCR, but must be made no later than prior to the submission of a request for final payment.
- c) If DHCR, upon review of the SDVOB Utilization Plan and Quarterly SDVOB [Cumulative Payment Statement](#) report, hyperlinked herein, determines that the Contractor is failing or refusing to comply with the goals and no waiver has been issued in regards to such non-compliance, DHCR may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to DHCR at 641 Lexington Avenue, 4th Floor, New York, NY 10022, Fax number 917-274-0364.

17.3.4 Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs. Evidence of required good faith efforts shall include, but not be limited to, the following:

- a) Copies of solicitations to SDVOBs and any responses thereto;

- b) Explanation of the specific reasons each SDVOB that responded to Contractor's solicitation was not selected;
- c) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by DHCR with SDVOB(s) that DHCR determined were capable of fulfilling the SDVOB goal set in the awarded Contract;
- d) Information describing the specific steps undertaken to reasonably structure the scope of work for the purpose of subcontracting with, or obtaining supplies from SDVOB(s); and
- e) Other information deemed relevant to the waiver request.

17.3.5 Quarterly SDVOB Contractor Cumulative Payment Statement Report

In accordance with 9 NYCRR § 252.2(q), the Contractor is required to submit a Quarterly SDVOB [Contractor Cumulative Payment Statement](#), hyperlinked herein, to DHCR during the term of the awarded Contract for the preceding quarter's activity, documenting progress made towards achieving the SDVOB goals. This information must be submitted using the [Contractor Cumulative Payment Statement](#), hyperlinked herein, and should be completed by the Contractor and submitted to DHCR, for the quarters ending March 31st, June 30th, September 30th and December 31st. Quarterly [Contractor Cumulative Payment Statement](#) reports shall be submitted, in PDF format, to Econ.Opportunity@nyshcr.org by April 10th, July 10th, October 10th and January 10th.

17.3.6 Breach of Contract and Damage

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the awarded Contract, shall be found to have breached the Contract and the Contractor shall pay liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to the SDVOB had the Contractor achieved the contractual SDVOB goal; and (2) all sums actually paid to SDVOB(s) for work performed or materials supplied under the awarded Contract.

17.4 The Use of New York State Businesses in Contract Performance

DHCR is committed to awarding a contract to a firm that will provide high-quality services at a reasonable and competitive cost 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 DHCR procurement are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the DHCR awarded contract. Such partnering may be as subcontractors, suppliers, 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, and service-disabled veteran businesses consistent with current State law.

Utilizing New York State businesses in DHCR contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the proposers and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract award, thereby benefiting the public sector programs that are supported by associated procurements. Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. DHCR therefore expects the successful Proposer to provide maximum assistance to New York businesses in its use of the awarded contract. The potential participation of all kinds of New York businesses will deliver great value to the State and its taxpayers.

18. Restriction of Communication

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this RFP imposes certain restrictions on communications between DHCR, its HCR Affiliates, employees of the State and a potential Proposer during the RFP 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 DHCR (the “**Restricted Period**”) with any person other than the designated contacts named on Page 5 of this RFP, unless it is a contact that is included among certain statutory exceptions set forth in SFL §139-j(3)(a). Employees of DHCR, including any employees of

its HCR Affiliates, 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.

19. Ethics

19.1 Public Officers Law

Contractors, consultants, vendors, and subcontractors may hire former State Agency or Authority employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of the State Agency or Authority may neither appear nor practice before the State Agency or Authority, nor receive compensation for services rendered on a matter before the State Agency or Authority, for a period of two years following their separation from State Agency or Authority service. In addition, former State Agency or Authority employees are subject to a “lifetime bar” from appearing before the State Agency or Authority or receiving compensation for services regarding any transaction in which they personally participated or which was under their active consideration during their tenure with the State Agency or Authority.

19.2 Ethics Requirements

The successful Proposer(s) and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics (“**JCOPE**”), or its predecessors (**collectively, the “Ethics Requirements”**). The Proposer certifies that all of its employees and those of its subcontractors who are former employees of the State and who are assigned to perform services under any contract resulting from this RFP process shall be assigned in accordance with all Ethics Requirements. During the term of any resulting contract, no person who is employed by the successful Proposer(s) or its subcontractors and who is disqualified from providing services under any resulting contract pursuant to any Ethics Requirements may share in any net revenues of the successful Proposer(s) or its subcontractors derived from any resulting contract.

The successful Proposer shall identify and provide the State with notice of those employees of the successful Proposer and its subcontractors who are former employees of the State that are proposed to perform services under any resulting contract, and make sure that such employees comply with all applicable laws and prohibitions. The State may request that the successful Proposer provide it with whatever information the State deems appropriate about each such person’s engagement, work cooperatively with the State to solicit advice from the New York State Joint Commission on Public

Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. The State shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed hereunder would be in conflict with any of the Ethics Requirements. The State shall have the right to terminate any resulting contract at any time if any work performed hereunder is in conflict with any of the Ethics Requirements.

19.3 Vendor Responsibility Determination

DHCR will conduct a review of each Proposer's Vendor Responsibility Questionnaire (Exhibits N.1 or N.2) to provide reasonable assurances that the Proposer is responsible. All identified subcontractors (as indicated in the Utilization Plan, PROC-2 Form) of the RFP of the successful Proposer, projected to earn more than \$100,000 in total expenditures during the term of the Contract, will be required to complete a Vendor Responsibility Questionnaire. DHCR will make a finding of responsibility or non-responsibility before making a contract award, considering any information that comes to its attention concerning the Proposer's responsibility.

If DHCR identifies potentially negative information in its review, DHCR will notify the Proposer. If DHCR makes a preliminary finding that the Proposer is non-responsible, DHCR will detail in writing to the Proposer the reasons(s) for the preliminary determination, and will provide an opportunity for the Proposer to respond before the determination is finalized.

A successful Proposer(s) is required to update their responsibility determination if a material event occurs requiring an amendment. The successful Proposer(s) is also required to update their Vendor Responsibility Questionnaires as new information becomes available.

The successful Proposer(s) shall at all times during the contract term remain responsible. During the term of any resulting contract, any changes in the provided Questionnaire shall be disclosed to DHCR, in writing, in a timely manner. Failure to make such disclosure may result in a determination of non-responsibility and termination of the contract. Furthermore, the successful Proposer agrees, if requested by DHCR, to present evidence of its continuing legal authority to do business in New York State, its integrity, experience, ability, prior performance, and organizational and financial capacity.

DHCR, in its sole discretion, reserves the right to suspend any or all activities under any resulting contract, at any time, when it discovers information that calls into question the responsibility of the successful Proposer. In the event of such suspension, the successful Proposer will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the successful Proposer must comply with the terms of the suspension order. Contract activity may resume at such time as DHCR issues a written notice authorizing a resumption of performance under the contract.

Upon written notice to the successful Proposer, and a reasonable opportunity to be heard by the appropriate DHCR officials or staff, the contract may be terminated by DHCR at the Proposer's expense where the Proposer is determined by DHCR to be non-responsible. In such event, DHCR may complete contractual requirements in any manner it deems advisable and pursue available legal or equitable remedies for breach. DHCR reserves the right to terminate a contract for non-responsibility, including failure to disclose information. This provision shall also apply to any proposed subcontractor performing services under the resulting contract in excess of \$100,000. Proposers and applicable subcontractors are required to complete, certify, and submit a Vendor Responsibility Questionnaire as part of their Proposal Submission.

20. Sales Tax Certification

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

Section 5-a of the Tax Law requires certain Contractors awarded State Contracts for commodities, services and technology valued at more than \$100,000 to certify to the NYS Department of Taxation and Finance (“DTF”) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to Contracts where the total amount of such Contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

Upon notification of award, the Contractor is required to file the completed and notarized [Form ST-220-CA](#) with DHCR certifying that the Contractor filed the [ST-220-TD](#) form (hyperlinked herein) with DTF. Note: DTF receives the completed [Form ST-220-TD](#), not DHCR. DHCR only receives the [Form ST-220-CA](#). Contractor should complete and return the certification forms within five (5) business days of request from DHCR. Failure to make either of these filings may render a Contractor non-responsive and non-responsible. Contractor shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law.

Website links to the Contractor certification forms and instructions are provided in the hyperlinks above. Unless the information upon which the [ST-220-TD](#) is based changes, this form only needs to be filed once with DTF. If the information changes for the Contractor, its affiliate(s), or its subcontractor(s), a new Form No. [ST-220-TD](#) must be filed with DTF.

Form [ST-220-TD](#) must be submitted upon notification of award by DHCR. This form provides the required certification that the Contractor filed the [ST-220-TD](#) with DTF.

Proposers may call DTF at (518) 485-2889 for any and all questions relating to Section 5-a of the Tax Law and relating to a company's registration status with the DTF.

21. Iran Divestment Act (“Act”)

By submitting a proposal in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, the Proposer (or any assignee) certifies that it is not on the “[Entities Determined To Be Non-Responsive Proposers Pursuant to The New York State Iran Divestment Act of 2012](#)” list (“Prohibited Entities List”) posted on the website of the State’s Office of General Services and further certifies that it will not utilize on such DHCR contract award any subcontractor that is identified on the Prohibited Entities List. Additionally, Proposer is advised that should it seek to renew or extend a contract awarded in response to this solicitation, it must provide the same certification at the time the contract is renewed or extended.

During the term of the contract, should DHCR receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DHCR will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DHCR shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

DHCR reserves the right to reject any proposal, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

22. Freedom of Information Law (“FOIL”)

New York State's Freedom of Information Law (Public Officers Law, Article 6, Sections 84-90), available at: <http://www.dos.state.ny.us/coog/index.html>, promotes the public’s right to know the process of governmental decision-making and grants maximum public access to governmental records. The proposal of the successful Proposer and the proposals of unsuccessful Proposers may be subject to disclosure under FOIL.

However, pursuant to Section 87(2)(d) of FOIL, a State agency may deny access to those portions of proposals or portions of a successful Proposer's contract which are "trade secrets" or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.

Please note that all information that a Proposer may claim as proprietary, copyrighted or rights-reserved is not necessarily protected from disclosure under FOIL.

If there is information in a Proposer's proposal that a Proposer claims meets the definition set forth in Section 87(2)(d), the Proposer should provide a letter in its Administrative Proposal outlining any specific concerns.

Failure to identify the information which a Proposer believes should be protected by Section 87 (2)(d) may result in such information being disclosed if a request is received. It is a Proposer's responsibility to consult an attorney with any questions the Proposer may have about New York State's Freedom of Information Law. All work products described herein may also be subject to FOIL disclosure.

The State will not honor any attempt by a Proposer either to designate its entire bid proposal as proprietary and/or to claim copyright protection for its entire proposal.

The Contractor must provide to DHCR all information, records, and other written material it produces, possesses, or relies upon if such material is the object of a legitimate request to DHCR pursuant to the Freedom of Information Law.

23. Negative Findings

A proposal may be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent DHCR from selecting the Proposer. These findings may pertain to: (i) the Primary Contractor; (ii) any firm listed as a partner, sub-consultant, or subcontractor in the proposal; (iii) any owners, primary shareholders, or executive staff in the Primary Contractor or any of its partners; or (iv) any of the principal staff expected to perform or supervise the work outlined in the Scope of Work. Such adverse findings include, but are not limited to:

- Negative findings from the New York State Inspector General, a federal Inspector General or from the U.S. Government Accountability Office, or from an Inspector General in another state;
- Pending or unresolved legal action from the U.S. Attorney General or from an attorney general in New York State or another state;

- Pending or unresolved litigation with the Federal government, any State government, or a local municipality regarding contract performance;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- Local, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure;
- Sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;
- Defaults under any Federal, State or locally-sponsored program;
- A record of substantial building code violations or litigation against properties owned and / or managed by the Proposer or by any entity or individual that comprises the Proposer;
- Past or pending voluntary or involuntary bankruptcy proceeding;
- Conviction for fraud, bribery or grand larceny; or
- Listing on the federal or State excluded parties lists.

If the Proposer believes that any of the adverse findings listed above may be applicable to their firm, or any person or entity partnering with their firm, they should provide a detailed explanation of the finding either in the Proposer Disclosure of Prior Non-Responsibility Determinations Form, as provided in Tab 5 of this RFP, or in an attached sheet. Failure to disclose any relevant findings may result in disqualification of the proposal.

24. Reservation of Rights

DHCR reserves the right to:

- Reject any or all proposals received in response to the RFP;
- Withdraw the RFP at any time, at DHCR's sole discretion;
- Make an award under the RFP in whole or in part;
- Disqualify any Proposer whose qualifications, conduct and/or proposal fails to conform to the requirements of the RFP;
- Seek clarifications and revisions of proposals;
- Use information obtained through DHCR's investigation of a Proposer's qualifications, experience, ability or financial standing, and any material or information submitted by the Proposer in response to DHCR's request for clarifying information in the course of evaluation and/or selection under the RFP;
- Prior to the contract award, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the contract award, direct Proposers to submit modifications addressing subsequent RFP amendments;
- Change any part of the scheduled timeline;

- Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Proposers;
- Waive any requirements that DHCR deems are not material;
- Negotiate with the successful Proposer within the scope of the RFP in the best interests of the State;
- Conduct contract negotiations with the next responsible Proposer, should DHCR be unsuccessful in negotiating with the selected Proposer;
- Utilize any and all ideas submitted in the proposals received;
- Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 60 days from the contract award; and,
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's proposal and/or to determine a Proposer's compliance with the requirements of the solicitation.

Depending on the nature of the procurement, there may be additional State reserved rights beyond those presented here.

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Proposal Checklist

- Intent to Submit Proposal form, attached hereto as **Attachment 1** (*submission of this form is optional*)

- TAB 1 – Proposal Coversheet, Cover Letter & Certification, attached hereto as **Attachment 2**

- TAB 2 – Technical Proposal (not included in the 20 page limit of the Technical Proposal)
 - References with contact information for prior engagements listed in the Proposal Narrative
 - Resumes for Proposer’s principals and training staff and staff of Proposer’s subcontractors listed in the Proposal Narrative
 - Flow charts or other supporting materials referenced in the Technical Proposal

- TAB 3 – Diversity and SDVOB Practices
 - [Equal Employment Opportunity Staffing Plan, PROC-1 form](#), attached hereto as **Exhibit A** and hyperlinked herein
 - [Utilization Plan, PROC-2 form](#), attached hereto as **Exhibit B** and hyperlinked herein
 - If applicable, [Request for Waiver Form, PROC-3 form](#), attached hereto as **Exhibit C** and hyperlinked herein
 - [Minority and Women Business Enterprises – Equal Employment Opportunity Policy Statement, PROC-4 form](#), attached hereto as **Exhibit D** and hyperlinked herein
 - [Company Demographic Profile, PROC-7 form](#), attached hereto as **Exhibit E** and hyperlinked herein
 - [EEOC Statement, PROC-8 form](#), attached hereto as **Exhibit F** and hyperlinked herein. Please note that completion of the PROC-8 form is applicable to Proposers with 15 or more employees.
 - [Diversity Practices Questionnaire](#), attached hereto as **Exhibit G** and hyperlinked herein.
 - MWBE Information, **Exhibit H** (Section 11.4.2)
 - SDVOB Information, **Exhibit I** (Section 11.4.3)

- TAB 4 – Cost Proposal Form (utilizing template attached hereto as **Attachment 3**)

- TAB 5 - Administrative Proposal
 - [Non-Collusive Bidding Certification Form](#), **Exhibit j**
 - [Vendor Information Form](#), **Exhibit K**
 - Iran Divestment Act Certification, **Exhibit L**
 - Procurement Lobbying Provisions and Forms, **Exhibit M**

- [Vendor Responsibility Questionnaire for For-Profit Business Entity](#), **Exhibit N.1** or [Vendor Responsibility Questionnaire for Non-Profit Business Entity](#), **Exhibit N.2**
- Financial Statements or Tax Returns as per Section 11.5.2(i), **Exhibit O**
- Conflicts of Interest, Section 11.5.2(ii), **Exhibit P**
- Disclosure of Commission (JCOPE) Findings, Section 11.5.2(iii), **Exhibit Q**
- Statement of Licensure as per Section 11.5.2(iv), **Exhibit R**
- Form ST-220-CA Contractor Certification to Covered Agency, **Exhibit S**
- NYS Consultant Services Contractor's Planned Employment Form A, **Exhibit T.1**
- NYS Consultant Services Contractor's Annual Employment Form B, **Exhibit T.2**

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