



Homes and Community Renewal

Andrew M. Cuomo, Governor

RuthAnne Visnauskas, Commissioner/CEO

Request for Proposals for 2019 Insurance Consultant Services

Issuance Date: May 02, 2019

Submission Deadline: May 30, 2019, 3:00 PM, EDT

RFP NO. HFA-HTFC-RFP-190502

**NEW YORK STATE HOUSING FINANCE AGENCY
HOUSING TRUST FUND CORPORATION**

**641 LEXINGTON AVENUE • NEW YORK, NEW YORK 10022
HAMPTON PLAZA, 38-40 STATE STREET, ALBANY, NEW YORK 12207**

hcr.ny.gov

Proposal Checklist

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

- Tab I - Application Coversheet
- Tab I - Cover Letter
- Tab 2 – Technical Proposal
- Tab 3 – Cost Proposal Form

- Tab 4 - Administrative Proposal
- [Lobbying Reform Law Form 1](#)
- [Lobbying Reform Law Form 2](#)
- [Non-Collusive Bidding Certification Form](#)
- [Vendor Information Form](#)
- [Vendor Responsibility Questionnaire – For Profit Business Entity](#)
- Conflict of Interest Statement
- Statement regarding Disclosure of Commission Findings

- Tab 5 - Diversity and SDVOB Proposal
- [EEO Staffing Plan, PROC-1](#)
- [Utilization Plan, PROC-2](#)
- [Company Demographic Profile, PROC-7](#)
- [EEOC Statement, PROC-8](#)
- [Diversity Practices Questionnaire, PROC-9](#)

Standard Clauses and Requirements

[Standard Clauses and Requirements for Solicitations, Exhibit A](#)

[Standard Clauses for Contracts, Appendix I](#)

[MWBE Participation Requirements and Procedures for Contracts, Appendix II](#)

Application Coversheet

Attach this form to the top of your proposal.

DATE OF APPLICATION: _____

GENERAL INFORMATION ON FIRM:

Legal Name of Firm:

Firm's Mailing Address:

Firm's Website:

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

Federal Tax ID Number:

FINRA and/or SEC Registration Number (if applicable):

MWBE Registration Number (if applicable):

Service-Disabled Veteran-Owned Business Registration Number (if applicable):

MAIN CONTACT INFORMATION FOR THIS PROPOSAL:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

PRINCIPAL IN CHARGE:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

ADDITIONAL CONTACTS (if applicable):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

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**New York State Housing Finance Agency
Housing Trust Fund Corporation**

REQUEST FOR PROPOSALS

FOR

INSURANCE CONSULTANT SERVICES

IMPORTANT NOTICE: A Restricted Period under the Lobbying Procurement Law is currently in effect for this procurement process and will remain in effect until approval of the Contract(s). Vendors are prohibited from Contacts related to this procurement process with any employee of the New York State Housing Finance Agency (“**HFA**”) and Housing Trust Fund Corporation (“**HTFC**”), or their Affiliates, other than the Designated Contact Officers listed below.

Lobbying Law Designated Contact Officer:

Alejandro J. Valella, Vice President and Deputy Counsel
New York State Homes & Community Renewal
New York State Housing Finance Agency
Temporary address:
415 Madison Avenue, 16th Floor New York, New York 10017
Alex.Valella@nyshcr.org

Lobbying Law Designated Contact Officer:

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

If you have inquiries regarding this request for proposal or would like to contact HFA and/or HTFC regarding issues not relating to Lobbying Procurement Law Contacts, please forward inquiries via electronic email to Lisa G. Pagnozzi at Lisa.Pagnozzi@nyshcr.org .

Further information regarding the Lobbying Procurement Law policies of HFA and HTFC are available in the [Standard Clauses and Requirements for Solicitations for HFA and HTFC](#), hyperlinked herein as Exhibit A.

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 Housing Finance Agency and Housing Trust Fund Corporation (singularly and/or collectively, hereinafter referred to as “**Agency**”). HCR includes other agencies not involved in this request for proposal (“**RFP**”) process.

2. Purpose

The Agency seeks competitive proposals from qualified insurance consultant firms (“**Firms**”). The purpose of this solicitation is to pre-qualify eligible firms to provide insurance consultant services to the Agency, from time to time. This solicitation seeks to (i) replace, not supplement, HFA’s prequalified list of insurance consultant firms and (ii) establish a prequalified list of insurance consultant firms for HTFC. Accordingly, firms on an existing Agency list must, if they wish to continue to be pre-qualified, respond to this RFP.

3. Overview of HFA and HTFC

3.1 New York State Housing Finance Agency

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

3.2 Housing Trust Fund Corporation

The [Housing Trust Fund Corporation](#) was established in 1985 under Section 45-a of the State’s Private Housing Finance Law as a public benefit corporation. Its mission is to create decent affordable housing for persons of low-income by providing loans and grants for the rehabilitation of existing housing or the construction of new housing.

More detailed information relating to HFA and HTFC and their respective programs may be found at the Agency’s website <https://hcr.ny.gov/>, hyperlinked herein.

4. Assessment of Practices relating to Diversity and Service Disabled Veteran Owned Business Enterprises (“SDVOBs”)

The Agency 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**”) (assessment of participation by MWBEs hereinafter referred to as “**Diversity**”) and SDVOB practices of Firms responding to this RFP is practical, feasible, and appropriate.

4.1 Minority and/or Women Owned Business Enterprise Participation

The Agency is committed to awarding contracts to firms that are dedicated to diversity and provide high-quality services. The Agency 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 must be registered as such with the State’s Empire State Development (“**ESD**”).

The Agency is required to implement the provisions of Article 15-A and 5 NYCRR Parts 142-144 (“**MWBE Regulations**”) for all Agency contracts, as defined therein, with a value in excess of \$25,000. The Agency 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, HFA 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:

The Agency is committed to awarding contracts to service-disabled veteran-owned business enterprises that provide high-quality services. The Agency strongly encourages firms that are certified as SDVOBs to submit responses to this RFP. All SDVOB firms submitting proposals to this RFP must be certified with the State’s Office of General Services (“**OGS**”).

The Agency is required to implement the provisions of Article 17-B for all Agency 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.

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

5. Calendar of Events and Milestones

It is anticipated that prequalified panels of Firms will be established, eligible for engagements, as a result of this RFP process based on the following schedule:

Event	Date
Issuance of RFP	May 2, 2019
Deadline for RFP Questions	May 17, 2019, 3PM, Eastern Daylight Time (“ EDT ”)
Deadline for Responses to RFP Questions	May 23, 2019
Deadline for Submission of Proposals	May 30, 2019, 3PM EDT
Interview (if necessary)	To Be Determined
Anticipated Selection Date*	September 6, 2019

*Subject to the approval of each Agency’s Board Members.

The Agency reserves the right to modify this schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties via the Agency’s web page at: <https://hcr.ny.gov/procurement-opportunities>.

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

The successful Firm(s) will be expected to provide the insurance consultant services (“**Consultant Services**”) indicated below. In addition, the successful Firm(s) may be called upon to provide advice and/or reports in other insurance related areas, such as (i) current practices of other multi-family housing lenders, and/or (ii) opinions regarding Bid Submissions from borrowers regarding insurance alternatives to the Agency’s requirements.

6.1 Consultant Services for Proposed Construction and Permanent Mortgages

6.1.1 Perform insurance compliance reviews for proposed construction and permanent mortgages.

- 6.1.2 Regularly interact with the Agency's borrower(s) and borrower's insurance broker(s). If a successful Firm is an insurance broker, the Firm must provide assurances to the Agency that they are not providing brokerage services to Agency borrowers.
- 6.1.3 Review evidence of insurance coverage, waiver requests, and related submissions, in a timely manner.
- 6.1.4 Inform the Agency when revisions to insurance requirements may be appropriate.
- 6.1.5 Provide a final written report, with supporting documentation, assessing each borrower's compliance with Agency insurance requirements and such written report must be presented to the Agency at least three full business days prior to the scheduled closing.
- 6.1.6 Provide a written opinion as to whether the Agency should grant any waiver request.
- 6.1.7 Review insurance requirements listed in Chapter 7 of the [Capital Programs Manual](#), hyperlinked herein.
- 6.1.8 Provide such other related Consultant Services as directed by the Agency.

6.2 Consultant Services for Professional Services Contracts, including Information Technology Contracts

- 6.2.1 Be knowledgeable of the Agency's insurance requirements (including deductible and limits by policy type) and inform the Agency when revisions to insurance requirements may be appropriate for various types of professional services and information technology ("IT") contracts.
- 6.2.2 Review insurance documents from Contractors (and when applicable, their subcontractors) for compliance with insurance requirements.
- 6.2.3 Be knowledgeable with multiple types of insurance policies including, but not limited to, (i) commercial general liability insurance, (ii) automobile liability insurance, (iii) commercial umbrella and excess liability insurance, (iv) crime and fidelity bond insurance, (v) workers' compensation and disability insurance, (vi) data breach and privacy/cyber liability insurance, and (vii) errors and omissions liability.
- 6.2.4 The Firm must provide guidance to the Agency on protective insurance clauses to include in Agency contracts and solicitation documents to protect the Agency from possible loss(es) (i.e. subrogation language). Familiarity of the [State's Adopted Guidelines for Insurance Requirements in Contract, Updated October 2015](#), hyperlinked herein is recommended.

6.3 Minimum Requirement

License by the State of New York to provide insurance services.

7. Proposal Requirements

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

7.1 Proposal Submission Requirements

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

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

The proposal must be bookmarked and divided into five parts: (i) Tab One: Application Cover Sheet and Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; (iv) Tab Four: Administrative Proposal; and (v) Tab Five: Diversity and SDVOB Proposal. Proposals must be sent in two emails and labeled as follows: (a) one email to include Tabs One and Two and the subject line of the email must be labeled: "2019 Insurance Consultant Services Tabs 1 and 2"; and (b) the other email must include Tabs Three, Four and Five and the subject line of the email must be labeled "2019 Insurance Consultant Services Tabs 3, 4 and 5".

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

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

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

All submitted proposals shall become the property of the Agency.

8. Contents of Proposals

The Firm 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 Firm is advised to thoroughly read and follow all instructions contained in this RFP. Proposals that do not comply with these instructions, or do not meet the full intent of all the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsible.

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

Proposals should demonstrate that the Firm is qualified to perform the Scope of Work based upon prior relevant professional experience. An Agency review committee will conduct a comprehensive review of each proposal.

Each Firm 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 electronically 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 ten (10) letter-size pages (double spaced, minimum 12-point font, and at least one-inch margins). The ten-page limit in Tab 2 does not include resumes, references, organizational chart, etc.

The Firm’s proposal should address the items listed below.

8.1 TAB 1: Cover Letter

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

1. The Firm’s name, address, telephone number, fax number, email address and web site address, if applicable;
2. The name, title, telephone number, fax number and email address of the individual within the Firm’s organization who will be the Agency’s’ primary contact concerning the proposal;
3. A summary of the Firm’s organizational history and legal structure (e.g. corporation, evidence of MWBE and/or SDVOB certification status, etc.) and indicate if Firm is an insurance broker;
4. Indicate if Firm is an insurance broker.

5. A written statement affirming that Firm is licensed by the State of New York to provide insurance services.
6. A statement affirming the number of years that the Firm or its principals have provided insurance consultant services;
7. The name(s) of the primary staff who will provide services to the Agency; and
8. A written certification confirming that the information contained in the proposal is true and accurate and that the person signing the cover letter is authorized to submit the proposal on behalf of the Firm.

8.2 TAB 2: Technical Proposal

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

The purpose of the Technical Proposal is to provide the Firm an opportunity to demonstrate its qualifications, experience and competence to undertake the Scope of Work described in Section 6 herein, in a manner which complies with the requirements of this RFP. Proposals should specifically detail a Firm's qualifications and experience in providing services sought by the Agency (including the experience of its subcontractor(s), if applicable). The proposal must include responses to the items listed below.

1. Briefly describe your Firm's qualifications to serve as an insurance consultant and demonstrate experience and competence to undertake the Scope of Work described herein.
2. Identify the principals and the key personnel who would be primarily responsible for providing insurance consultant services to the Agency and include resumes of such staff person.
3. Briefly describe experience of your Firm or principal(s) as insurance consultant(s) during the last five years, specifying experience that relates to the Scope of Work described in Section 6 herein.
4. List three clients with similar engagements to those described in the Scope of Work, Section 6 herein, that your Firm has provided insurance consultant services within the last three years, indicating the following information for each client:
 - (i) Name of client;
 - (ii) Type of client (e.g., government entity [local, State, Federal], private company, etc.;
 - (iii) Project description and services provided; and

- (iv) Any other information regarding the engagement that would assist the Agency in determining the success experienced by the client.
- 5. If your Firm has done business with the Agency, list the scope of services provided, Agency name, contract value and indicate if any problems have occurred and how they were resolved.
- 6. If subcontracting with a MWBE or SDVOB, describe the types of tasks to be subcontracted.
- 7. Discuss your Firm's presence in New York State including offices maintained in the State.
- 8. Provide Firm's technical capabilities, including systems used to meet processing and reporting requirements of bond issues and on-line access to account information.
- 9. Provide evidence of NYS license to provide insurance services.
- 10. Provide a minimum of two client references of the Firm's engagements in 4. above of this subsection 8.2 and least two references for any subcontractors. Each reference should include the name, title, telephone number and email address for each contact person that can speak with authority for each company. Include a brief summary of the relationship between the reference and the Firm.

Information provided by references may be used by the Agency in the evaluation of Firm's proposal. The Agency is not responsible for the degree of or lack of responsiveness of the references listed by a Firm or its subcontractor(s).

8.3 TAB 3: Cost Proposal

Complete the fee schedule, attached to this RFP as Schedule 1, that includes a schedule of all charges associated with the Scope of Work. Although proposed fees will be taken into account, the Agency reserves the right to negotiate a lower or different fee structure with selected Firms.

8.4 TAB 4: Administrative Proposal

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

In addition to completion of the forms hyperlinked in the paragraph above, Firms must provide all other information indicated in this Section for Tab 4.

8.4.1 Insurance

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

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

- a. Workers’ Compensation Documentation. The Contractor will be required to provide the Agency with written evidence of their workers’ compensation insurance coverage utilizing ONE of the following forms:
 - ✓ **Form C-105.2** – Certificate of Workers’ Compensation Insurance issued by private insurance carriers; **OR**
 - ✓ **Form U-26.3** issued by the State Insurance Fund; **OR**
 - ✓ **Form SI-124** – Certificate of Workers’ Compensation Self-Insurance; **OR**
 - ✓ **Form GSI-105.2** - Certificate of Participation in Workers’ Compensation Group Self- Insurance; **OR**
 - ✓ **CE-2006** – Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

- b. Disability Benefits Documentation. The Contractor will be required to provide the Agency with written evidence of disability benefits insurance coverage utilizing ONE of the following forms:
 - ✓ **Form DB-120.1** - Certificate of Disability Benefits Insurance; **OR**
 - ✓ **Form DB-155** - Certificate of Disability Benefits Self-Insurance; **OR**
 - ✓ **CE-200** – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

- c. Errors and Omissions Liability Insurance (or Professional Liability Insurance), which shall include individual limits of not less than One Million Dollars (\$1,000,000) per occurrence.

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

For additional information regarding workers' compensation and disability benefits requirements, please refer to www.wcb.ny.gov or call their Bureau of Compliance at (518) 486-6307 with any questions regarding the law and its requirements.

In the event any insurance coverage is cancelled, the Agency must be notified immediately.

1. In addition to the foregoing, Contractor and any subcontractor(s) shall procure and maintain any and all insurance which is required by any applicable current or future law, rule, regulation, ordinance, permit, license, order or other legal requirement.
2. All insurance shall be primary and non-contributory and shall waive subrogation against the Agency and all of either of their former, current, or future officers, directors, and employees. No deductible of more than \$50,000 shall be permitted without advance written approval by the Agency, which the Agency may withhold, condition or deny in its sole and exclusive discretion.
3. The Contractor shall provide Certificates of Insurance to the Agency prior to the commencement of work and shall provide full and complete copies of the actual policies and all endorsements upon request. Subcontractor(s), if any, shall be required to maintain insurance meeting all of the requirements set forth above; however, Contractor shall require subcontractor(s) to maintain greater limits and/or other or additional insurance coverages if greater limits and/or other or additional insurance coverages are (a) generally imposed by the Contractor given its normal course of business for subcontracts for similar work or services to those being provided by the subcontractor at issue; or (b) reasonable and customary in the industry for similar work or services to those anticipated hereunder.
4. If the above insurance requirements are potentially excessive because they exceed the type and/or amount of insurance which is reasonable and customary for similar work or services in the same general geographic area, Contractor shall, within fifteen (15) calendar days of the execution of the contract, provide written notice of the same to the Agency, along with a written summary of the type and amount of insurance Contractor believes is reasonable and customary for similar work or services in the same general geographic area. The Agency may, in its sole and exclusive discretion, but is under no obligation to, waive, decrease, or

otherwise alter or amend the insurance requirements in light of the notice. However, notwithstanding anything to the contrary herein, nothing in this paragraph requires or shall be deemed to require the Agency to waive, decrease, alter or amend, in whole or in part, any insurance requirements as a result of the foregoing notice from Contractor or for any other reason, and no waiver, decrease, alteration or amendment shall be made except as approved in advance and in writing by the Agency.

If the above insurance requirements are potentially inadequate because they do not meet or exceed the type and/or amount of insurance which is reasonable and customary for similar work or services in the same general geographic area, Contractor shall, within fifteen (15) calendar days of the execution of the contract, provide written notice of the same to the Agency, along with a written summary of the type and amount of insurance Contractor believes is reasonable and customary for similar work or services in the same general geographic area. The Agency may, in its sole and exclusive discretion, but is under no obligation to increase, supplement, expand, or otherwise alter or amend the insurance requirements in light of this notice. However, notwithstanding anything to the contrary herein, nothing in this paragraph requires or shall be deemed to require the Agency to increase, supplement, expand, or otherwise alter or amend, in whole or in part, any insurance requirements as a result of the foregoing notice from Contractor or for any other reason, and no increase, supplement, expansion or other alteration or amendment shall be made except in an amendment to this RFP or subsequent agreement, as approved in advance and in writing by the Agency.

8.4.2 Conflict of Interest

Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated entity, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Firm or former officers and employees of the Agency and their HCR affiliates, in connection with your Firm's rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your Firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify the Agency of, and resolve any such conflicts.

8.4.3 Disclosure of Commission Findings

The Firm must disclose whether its entity, or any of its members discussed in the above paragraph, has been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "**Commission**"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

8.4.4 Licenses, Certifications and other Credentials

The Firm must respond affirmatively that it, and its subcontractor(s) (if any), will have, prior to commencement of work under the contract resulting from this RFP, all necessary licenses,

certifications, approvals, and other needed credentials to perform the Scope of Work in the RFP, if applicable.

8.5 TAB 5: Diversity and SDVOB Proposal

The Firm must complete the following hyperlinked forms for inclusion in their Tab 5 Proposal: (a) [EEO Staffing Plan, PROC-1](#); (b) [Utilization Plan](#) (c) [Company Demographic Profile PROC-7](#); and (d) [EEOC Statement, PROC-8](#), applicable to Proposers with 15 or more employees.

8.5.1 Equal Opportunity Requirements

Pursuant to Executive Order #162, the Contractor and its subcontractor(s), if any, are required to report the gross wages paid to each of their employees for the work performed by such employees under an executed contract with the Agency, on a quarterly basis.

The [EEO Workforce Utilization Report, PROC-5 form](#) and [Instructions](#), may be downloaded at the following addresses in Excel format:

<http://www.nyshcr.org/AboutUs/Procurement/Proc5-WorkforceUtilization.xlsx>

and

<http://www.nyshcr.org/AboutUs/Procurement/Proc5-WorkforceUtilization-instructions.pdf>

9. Administrative Information

9.1 Questions and Answers

Any questions or requests for clarification regarding this RFP must be submitted via email to Lisa.Pagnozzi@nyshcr.org, citing the RFP page and section, no later than the date identified in the “*Calendar of Events and Milestones*” section of this RFP. The “Subject” line of the email should indicate “2019 Insurance Consultant RFP Questions.”

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

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

An electronic version of this RFP will be posted on [HCR’s website](#) in addition to any subsequent changes, additions or deletions to the RFP, including the timelines and target dates. **The Agency will not be responsible to notify prospective Firms of any changes to the RFP. Firms are encouraged to check [HCR’s website](#) frequently for notices of any clarifications, changes, additions, or deletions to the RFP.**

9.2 Amendments and Addenda

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

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

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

10. Evaluation of Proposals

10.1 The Selection Process

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

10.2 Preliminary Review

All proposals will be reviewed to determine if they contain all required submittals specified in this RFP. Incomplete proposals may be rejected.

10.3 Evaluation and Criteria for Selection

Proposals will undergo an evaluation process conducted by a committee of the Agency (“**Committee**”). The Agency will evaluate proposals based on the qualifications of both the Firm and its current personnel, which will include an individual’s experience at other firms during the relevant time period. The Committee will evaluate the proposals based upon the following criteria, not necessarily listed in the order of importance:

- Demonstrated experience, competence, expertise and ability to provide the services in the Scope of Work described in Section 6 of this RFP;
- Proposed fees and costs (including discount to governmental agency);

- Presence of an office in the State of New York;
- Diversity and commitment to equal employment opportunity, including MWBE and SDVOB programs;
- Overall organization, completeness and quality of response, including cohesiveness and clarity of response; and
- Interviews to clarify or expand on the RFP response (to be conducted at the discretion of the Agency).

10.4 Interviews

The Agency reserves the right to determine whether interviews will be necessary and the number of Firms to be interviewed. If the Agency deems interviews necessary, selected Firms will be notified. The Firm's primary contact person who would be responsible for the Agency's relationship with the Firm, as well as other key personnel proposed to provide services, including subcontractor(s), if any, must be present and participate in the interview. The purpose of the interview is to further document the Firm's ability to provide the required services, and to impart to the Agency's Committee an understanding of how specific services will be furnished. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the Firm in its written response to this RFP and any other information requested by the Committee prior to the interview.

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

10.5 Selection and Notification Process

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

11. Award of Contract

The Agency anticipates establishing a pre-qualified panel(s) of firms for insurance consultant services as a result of this RFP process ("**Panel**"). The engagement term will be for a five-year period; however, the Agency may exercise its option to extend the engagement, subject to approval by the Agency's Members and at management's discretion.

Any Firm selected for an engagement will be required to execute a written agreement with the Agency that incorporates Appendix I [Standard Clauses for Contracts](#), and if applicable, Appendix II [Participation by Minority Group Members and Women Requirements and Procedures for Contracts](#), both Appendices hyperlinked herein. Inclusion on the Panel does not guarantee participation in a minimum number of engagements with the Agency.

12. Important Information for Proposers

12.1 Proposal Requirements

A Firm may withdraw a proposal by written notification any time prior to the due date and time indicated in the “*Calendar of Events and Milestones*” section of this RFP. The written notification must be signed by an authorized signatory of the Firm, and addressed to the contact person identified on page 6 of this RFP. The proposal may thereafter be resubmitted, but not after the final due date and time.

By responding to this RFP, the Firm indicates its acceptance of the provisions and conditions enumerated in this RFP. The Firm warrants and affirms that the terms of this RFP, and any resultant agreement, do not violate any contracts or agreements to which it is a party, and that its other contractual obligations will not adversely influence its capabilities to perform under a contract resulting from this RFP process.

12.2 Miscellaneous Provisions

By submitting a proposal, the Firm covenants that it will not make any claims or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.

The Agency shall not be obligated for any cost incurred by the Firm in proposal preparation or in activities related to the review of this RFP or any interview costs.

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Cost Proposal Form

**RFP for 2019 Insurance Consultant Services
Cost Proposal Form**

Line Item #	Service Provided	Unit of Measure	Price
1	Review of Construction Period insurance documentation and report submission to Agency where a third party financial institution provides credit enhancement of Agencies's loan or bonds	Per Loan*	\$
2	Review of Permanent Period insurance documentation and report submission to Agency where a third party financial institution provides credit enhancement of Agencies's loan or bonds	Per Loan	\$
3	Review of Construction Period insurance documentation of borrowers and report submission to Agency where there is no third party financial institution provides credit enhancement of Agencies's loan or bonds	Per Loan	\$
4	For any special projects requested by the Agencies.	Project Type	\$
5	Recommend insurance policies, limits and provisions for Agency solicitation resulting in procurement contracts.	Solicitation Document	\$
6	Review insurance evidence provided by Contractor and subcontractor(s), for procurement contracts.	Procurement Contract	\$
7			
8			
9			

Add discounts, if any, if borrower has two or more projects under the same insurance program, and other related discounts.

Add discounts, if any, for governmental entities.