



Andrew M. Cuomo, Governor

Homes and Community Renewal

RuthAnne Visnauskas, Commissioner/CEO

Annual Procurement Report

Fiscal Year 2019 – 2020

For the Period Commencing November 1, 2019 and Ending October 31, 2020¹

March 11, 2021

***NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY
NEW YORK STATE AFFORDABLE HOUSING CORPORATION
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY
TOBACCO SETTLEMENT FINANCING CORPORATION***



**Homes and
Community Renewal**

641 Lexington Avenue | New York, NY 10022

212-688-4000 | www.nyshcr.org

¹ Although AHC's fiscal year runs from April 1st through March 31st, for purposes of this consolidated Report, AHC's procurement activity is reported using a November 1, 2019 – October 31, 2020 period, which conforms to the fiscal period shared by four of the five Agencies.



**Homes and
Community Renewal**

***NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY
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TOBACCO SETTLEMENT FINANCING CORPORATION***

Annual Procurement Report

For the Period Commencing November 1, 2019 and Ending October 31, 2020

Annual Procurement Report Index

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TAB 1

Agencies' Listing of Pre-qualified Panels



Agencies' Listing of Pre-Qualified Panels 2019-2020

Advertising Consultant Services Pre-Qualified Panel of the:

- ▶ State of New York Mortgage Agency
 - Butler/Till Media Services, Inc. ²
 - Dixon Schwabl Advertising, Inc. ²

Arbitrage Rebate Services Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
 - BLX Group LLC
 - Hawkins, Delafield & Wood LLP
 - Omnicap Group LLC
- ▶ State of New York Mortgage Agency
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation
 - Hawkins, Delafield & Wood LLP

Audit Services Pre-qualified Panel of the:

- ▶ New York State Affordable Housing Corporation
 - Accounting Firm of Susan Rich, CPA d/b/a Long Island Financial Management Services ²
 - BCA Watson Rice¹
 - Cohn Reznick LLP
 - EFPR Group, LLP (*formerly known as Toski & Co., CPAs*)
 - Les S. Thompson & Co., LLP¹
 - Lumsden & McCormick LLP
 - Padilla and Company LLP
 - RSM US (*formerly known as McGladrey LLP*)
 - Tabriztchi & Co., CPA, P.C.
 - Wei Wei & Co., LLP¹

¹Minority-Owned Business Enterprise

²Women-Owned Business Enterprise

³Minority and Women-Owned Business Enterprise



Agencies' Listing of Pre-Qualified Panels 2019-2020

Financial and Swap Advisor Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation
 - A.C. Advisory, Inc. ³
 - Acacia Financial Group, Inc. ²
 - Caine Mitter & Associates Incorporated
 - CSG Advisors Incorporated
 - Mohanty Gargiulo LLC³
 - Public Resources Advisory Group, Inc.
 - Swap Financial Group LLC

Insurance Consultant Services Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
 - Insurance Advisors LLC
 - Sullivan-Hernandez Agency, Inc.³

Information Technology Temporary Staffing Consultant Services Pre-qualified Panel:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
 - Currier, McCabe and Associates d/b/a CMA Consulting Services ²
 - Computer Aid, Inc.
 - Edwards Daniels Group, Inc. ²
 - InfoPeople Corporation¹
 - Infosys International, Inc. ¹
 - InnoSoul, Inc. ³
 - Mindlance Inc. *
 - Novisync Inc. ¹
 - Quantilus, Inc. ¹
 - Resourcesys Inc. ³

**In January 2018, Mindlance Inc. was added to the Panel.*

¹Minority-Owned Business Enterprise

²Women-Owned Business Enterprise

³Minority and Women-Owned Business Enterprise



Agencies' Listing of Pre-Qualified Panels 2019-2020

Information Technology Temporary Staffing Consultant Services Pre-qualified Panel (continued from previous page):

- Spruce Technology, Inc.¹
- Systems Application Information Network, Inc. d/b/a Computer Resources of America, Inc. ("CRA")¹
- Tech Valley Talent, LLC²
- Unique Comp, Inc.³

Outside Bond Counsel Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation
 - Barclay Damon, LLP (*formerly known as Hiscock & Barclay LLP*)
 - Cozen O'Connor*
 - Dentons US LLP
 - Tiber Hudson, LLC¹ (*formerly known as Graves, Horton, Askew & Johns, LLC*)
 - Harris Beach LLP
 - Hawkins, Delafield & Wood LLP
 - Mintz Levin Cohn Ferris Glovsky and Popeo, P.C.
 - Nixon Peabody LLP
 - Orrick Herrington & Sutcliffe LLP
 - Pugh, Jones & Johnson, P.C.¹
- ▶ State of New York Mortgage Agency
 - Hawkins Delafield & Wood LLP

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**In October 2018, Cozen O'Connor was added to the Panel.*

¹Minority-Owned Business Enterprise

²Women-Owned Business Enterprise

³Minority and Women-Owned Business Enterprise



Agencies' Listing of Pre-Qualified Panels 2019-2020

Outside Co-Bond Counsel Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation
 - Brown & Hutchinson LLP¹
 - Bryant Rabbino LLP¹
 - Drohan Lee, LLP¹
 - D. Seaton and Associates, P.A.¹
 - Golden Holley James, LLP¹
 - Hardwick Law Firm, LLC¹
 - Law Offices of Joseph C. Reid, P.A.¹
 - Lewis & Munday, P.C.¹
 - McGlashan Law Firm, P.C.¹
 - Pearlman & Miranda, LLC³
 - Soeder Associates, LLC²
 - Thompson & Thompson, PLLC¹

Outside Non-Bond Counsel Pre-qualified Panel firms for legal services other than those pertaining to municipal finance matters of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ New York State Affordable Housing Corporation
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation

PANEL A – MAJORITY FIRMS

- Anderson Kill & Olick, P.C.
- Arent Fox LLP
- Boylan, Brown, Code, Vigdor & Wilson, LLP
- Day Pitney LLP
- Dentons (US) LLP
- Edwards Wildman Palmer LLP
- Golenbock Eisman Assor Bell & Peskoe LLP
- Harris Beach, PLLC
- Holland & Knight, LLP
- Jaspan Schlesinger Hoffman, LLP

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³Minority and Women-Owned Business Enterprise



Agencies' Listing of Pre-Qualified Panels 2019-2020

Outside Non-Bond Counsel Pre-qualified Panel firms for legal services other than those pertaining to municipal finance matters of the:

- Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
- Nixon Peabody, LLP
- Seyfarth Shaw LLP
- Squire, Sanders & Dempsey, LLP
- Venable, LLP

PANEL A – M/WBE FIRMS

- Bryant Rabbino LLP¹
- Brown & Hutchinson LLP¹
- Drohan Lee, LLP¹
- Hoguet Newman Regal & Kenney LLP²
- Love & Long LLP³
- McGlashan Law Firm P.C.¹
- Morris, Duffy, Alonso & Faley³
- Pacheco & Lugo, PLLC³
- Schoeman Updike Kaufman Stern & Ascher LLP²
- Wilson & Chan LLP¹
- Younkins & Schector LLP²

Davis Bacon Prevailing Wage Monitoring Services Pre-qualified Panel of the:

- New York State Housing Finance Agency

Davis Bacon Prevailing Wage Monitoring Services (11 firms)

- BANC3, Inc. ¹
- Cashin Associates, PC
- Clampett Industries LLC (d/b/a EMG)
- Gandhi Engineering, Inc. ¹
- The Institute for Building Technology and Safety
- Inspection & Valuation International, Inc.
- Kenneth O. Wille & Associates, Inc.
- NobleStrategy NY, Inc. ¹
- Thacher Associates, LLC
- Works-In-Progress Associates²

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³Minority and Women-Owned Business Enterprise



Agencies' Listing of Pre-Qualified Panels 2019-2020

Professional Temporary Staffing Consultant Services Pre-qualified Panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ New York State Affordable Housing Corporation
 - 22nd Century Technologies, Inc. ¹
 - ALS Staffing, Inc. d/b/a All About People, Inc.
 - COGO Sourcing, LLC d/b/a COGO Partners ¹
 - Datrose, Inc. ¹
 - Diamond Personnel, LLC
 - LanceSoft, Inc.
 - Mindlance Inc.
 - MP Engineers, P.C. ¹
 - New Wave People, Inc. ³
 - Nexus Staffing, Inc. ¹
 - Penda Aiken, Inc. ³
 - Special Counsel Inc.
 - TemPositions, Inc.
 - The Execu-Search Group
 - Yorkson Legal for Staffing Services ²

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¹Minority-Owned Business Enterprise

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³Minority and Women-Owned Business Enterprise

TAB 2

Summary of the Agencies' Procurement Activities

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Audit and Accounting Services</u>														
HFA	Ernst & Young LLP 5 Times Square % New York, NY 10035-6530	AUDIT SERVICES	3085	09/16/2015 09/15/2021	RFP 03/03/2015	6	Y	216,800	100%					1,020,253
SONYMA	Ernst & Young LLP 5 Times Square % New York, NY 10035-6530	AUDIT SERVICES	3086	09/16/2015 09/15/2021	RFP 03/03/2015	6	Y	167,200		100%				831,605
MBBA	Ernst & Young LLP 5 Times Square % New York, NY 10035-6530	AUDIT SERVICES	3101	09/16/2015 09/15/2020	RFP 03/03/2015	6	Y	17,800				100%		84,040
TSFC	Ernst & Young LLP 5 Times Square % New York, NY 10035-6530	AUDIT SERVICES	3102	09/16/2015 09/15/2020	RFP 03/03/2015	6	Y	18,700					100%	88,275

% Subcontracting with a MWBE

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Audit and Accounting Services</u>														
AHC	Ernst & Young LLP 5 Times Square % New York, NY 10035-6530	AUDIT SERVICES	3103	09/16/2015 09/15/2020	RFP 03/03/2015	6	Y	13,300 See End Notes	100%					62,854
AHC	Padilla and Company, LLP + 175-61 Hillside Ave, Ste 200 Jamaica, NY 11432	AUDIT SERVICES FOR PROJECT RESIDENTIAL HOME IMPROVEMENT PROJECT NUMBER #3032	3331	11/13/2019 11/12/2020	Comp Bid 07/29/2019	5	Y	8,000			100%			8,000
AHC	Tabriztchi & Co. CPA, P.C. 4102 31st Ave Ste A Astoria, NY 11103 ^^	AUDIT SERVICES AGREEMENT	3333	11/18/2019 11/17/2020	Comp Bid 07/29/2019	5	Y	15,000			100%			15,000
<u>Communications/Marketing Services</u>														
SONYMA	++Dixon Schwabl Advertising, Inc. % 1595 Moselley Road Victor, NY 14564	ADVERTISING CONSULTANT SERVICES	3310	06/03/2019 10/31/2022	Preq List 07/13/2017	10	Y	266,074		100%				354,411
<u>Debt Issuance Services</u>														

++ Women-Owned Business Enterprise
% Subcontracting with a MWBE
+ Minority-Owned Business Enterprise

^^ Small Business Enterprise

Bold and Italics indicate Procurement Contracts Executed During '19 - '20 (11/01/2019 to 10/31/2020)

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Debt Issuance Services														
HFA SONYMA	++Acacia Financial Group, Inc 13000 Lincoln Drive West Suite 206 Marlton, NJ 08053	FINANCIAL ADVISORY SERVICES	3109	12/10/2015 12/09/2020	Preq List 08/17/2015	11	Y	10,000	100%					207,500
HFA SONYMA	Bondlink Inc. 330 Congress Street - 5th Fl Boston, MA 02210	ELECTRONIC PLATFORM FOR SERVICES RELATING TO INVESTOR RELATIONS	3298	01/29/2019 / / Upon Notice	Single Src 01/29/2019	1	Y	102,985	57%	43%				134,426
HFA SONYMA	CSG ADVISORS INCORPORATED 1 Post Street, Suite 2130 San Francisco, CA 94104	FINANCIAL ADVISORY SERVICES	3123	12/10/2015 12/09/2020	Preq List 08/17/2015	11	N	75,000		100%				350,000
HFA SONYMA	Caine Mitter & Associates Inc 225 West 35th Street Suite 900 New York, NY 10001	FINANCIAL ADVISORY SERVICES	3152	12/10/2015 12/09/2020	Preq List 08/17/2015	11	N	80,000	100%					467,000

++ Women-Owned Business Enterprise

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Debt Issuance Services														
HFA	Caine Mitter & Associates Inc 225 West 35th Street Suite 900 New York, NY 10001	COMPUTATIONAL ANALYTIC SERVICES	3304	01/01/2019 12/31/2021	RFP 09/27/2018	4	N	252,500	100%					556,000
SONYMA	Cfx Incorporated 55 Broadway Suite 2608 New York, NY 10006	COMPUTATIONAL ANALYTIC SERVICES	3184	01/01/2016 12/31/2020	RFP 09/01/2015	3	Y	850,000		100%				4,037,500
HFA SONYMA AHC MBBA TSFC	Digital Assurance Certification LLC 315 E. Robinson St Suite 300 Orlando, FL 32801	DISCLOSURE COMPLIANCE AND DISSEMINATION AGENT SERVICES	3340	03/17/2020 03/16/2025	Single Src 12/05/2019	1	Y	25,000	25%	25%		25%	25%	25,000
HFA SONYMA	ImageMaster LLC + 1182 Oak Valley Drive Ann Arbor, MI 48108	FINANCIAL PRINTING	3100	09/08/2015 09/09/2021	RFP 04/20/2015	1	Y	19,550	44%	56%				149,441

+ Minority-Owned Business Enterprise

Bold and Italics indicate Procurement Contracts Executed During '19 - '20 (11/01/2019 to 10/31/2020)

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Debt Issuance Services														
HFA SONYMA	++Mohanty Gargiulo LLC + 100 Park Avenue Suite 1600 New York, NY 10017	SWAP ADVISORY SERVICES	3125	12/10/2015 12/09/2020	Preq List 08/17/2015	11	Y	88,000	11%	89%				324,500
MBBA TSFC	Public Resources Advisory Group, Inc. 39 Broadway, Suite 1210, New York, NY 10006-3007	FINANCIAL ADVISORY SERVICES	3258	11/01/2016 12/09/2020	Preq List 08/17/2015	11	Y	1,925				100%		17,625
HFA	Sustainalytics U.S., Inc. 125 Maiden Lane - Ste 602 New York, NY 10038	CLIMATE BOND VERIFICATION SERVICES	3255	03/16/2018 / / Upon Notice	Single Src 03/16/2018	1	Y	12,000	100%					48,000
HFA SONYMA	Swap Financial Group LLC 76 South Orange Avenue Suite 212 South Orange, NJ 07079	SWAP ADVISORY SERVICES	3124	12/10/2015 12/09/2020	Preq List 08/17/2015	11	N	9,500		100%				155,167
Facilities & Administrative Services														

++ Women-Owned Business Enterprise

+ Minority-Owned Business Enterprise

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

% Subcontracting with a MWBE
+ Minority-Owned Business Enterprise

^^ Small Business Enterprise

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
HFA SONYMA AHC	Elrac, Inc. 1550 Route 23 North Wayne, NJ 07470	AUTO RENTAL	1975	08/15/2005 10/18/2019	St Ctrct 08/15/2005	0	NYD	530	100%					105,438
HFA SONYMA AHC	Elrac, Inc. 1550 Route 23 North Wayne, NJ 07470	PASSENGER VEHICLE RENTAL	3339	02/04/2020 09/15/2021	St Ctrct 02/04/2020	0	NYD	1,507	100%					1,507
HFA	Fire Service, Inc. 39-27 59th Street Flushing, NY 11377	MAINTENANCE OF FIRE ALARM SYSTEM & EQUIPMENT	2305	05/01/2008 04/30/2021	Single Src 05/01/2008	1	Y	1,789	48%	50%		1%	1%	18,134
SONYMA	Iron Mountain, Inc. One Federal Street Boston, MA 02110	TEMPORARY STORAGE	3308	01/04/2019 02/04/2020	NonCmp/Crit 12/17/2018	1	Y	42,287		100%				117,020

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Bold and Italics indicate Procurement Contracts Executed During '19 - '20 (11/01/2019 to 10/31/2020)

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
HFA SONYMA	The Switzer Group, Inc. *902 Broadway % New York, NY 10010	ARCHITECTURAL DESIGN SERVICES	3210	05/11/2017 05/10/2020	RFP 03/14/2017	5	Y	236,194	100%					1,585,341
HFA SONYMA AHC	The Hertz Corporation 8501 Williams Rd. Estero, FL 33928	AUTO RENTAL	3337	10/19/2019 05/21/2021	St Ctrct 10/19/2019	0	NYD	462	95%	5%				462
HFA SONYMA AHC	United Parcel Service P.O. Box 7247-0244 Philadelphia, PA 19170-0001	COURIER SERVICES	2354	01/02/2009 03/20/2021	St Ctrct 01/02/2009	0	NYD	19,281	48%	50%		1%	1%	312,554
HFA SONYMA AHC	Verizon Business 11 Wards Lane Menands, NY 12204	COMMUNICATION SERVICES	1906	05/19/2002 09/15/2024	St Ctrct 05/19/2002	0	NYD	4,274	49%	49%		1%	1%	2,676,019
HFA SONYMA AHC	Verizon Business 11 Wards Lane Menands, NY 12204	COMMUNICATION SERVICES	3318	09/16/2019 09/15/2024	St Ctrct 09/16/2019	0	NYD	734,333	55%	44%		1%	1%	796,564
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.														
% Subcontracting with a MWBE + Minority-Owned Business Enterprise														

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
Financial Services														
HFA	BLX Group LLC 51 West 52nd St New York, NY 10019	ARBITRAGE REBATE CALCULATIONS	3029	09/09/2014 09/08/2020	RFP 04/09/2014	4	Y	48,700	100%					229,150
HFA SONYMA	Bloomberg, L.P. 499 Park Ave. New York, NY 10022	ELECTRONIC INFO SERVICES - LEASE OF DATA DISTRIBUTION	173	05/01/2003 / / Upon Notice	Sole Src 05/01/2003	1	NYD	28,835	48%	50%		1%	1%	437,894
HFA SONYMA	Hawkins, Delafield, & Wood 28 Liberty Street -42nd Fl New York, NY 10005	ARBITRAGE REBATE CALCULATIONS	3061	03/04/2015 03/03/2021	RFP 04/09/2014	4	Y	67,800	100%					361,490
HFA SONYMA	Joseph C. Reid, P.A. + 230 Park Ave, Suite 1000 New York, NY 10169	ARBITRAGE REBATE CALCULATIONS	3128	03/04/2015 03/03/2021	RFP 04/09/2014	4	Y	18,370	92%			8%		70,910

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

+ Minority-Owned Business Enterprise

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Financial Services														
HFA	Omnicap Group LLC 437 Madison Ave- 18th Fl New York, NY 10022	ARBITRAGE REBATE CALCULATIONS	3057	03/04/2015 03/03/2021	RFP 04/09/2014	4	Y	31,000	100%					161,125
Information Technology Services														
HFA	Amazon Web Services, Inc. 410 Terry Ave North Seattle, WA 98109	HOSTING SERVICES	3177	09/21/2016 / / Upon Notice	RFP 06/15/2015	7	N	629,063	81%	19%				1,067,705
SONYMA	Application Oriented 9100 NW 36 Street Doral, FL 33178	SOFTWARE MAINTENANCE SERVICES	27	03/05/1984 / / Upon Notice	Single Src 03/05/1984	1	N	135,904		100%				2,483,525
HFA SONYMA	Systems Application Information Network, + 64 West 48th Street Fl 4 New York, NY 10036	IT TEMPORARY STAFFING CONSULTANT SERVICES	3174	12/15/2016 12/14/2020	Preq List 02/03/2016	66	Y	373,430	100%					3,957,990
HFA	Gartner, Inc. 291 Broadway, 9th Floor New York, NY 10007	PROFESSIONAL CONSULTANT SERVICES	3295	12/13/2018 10/31/2020	Single Src 12/13/2018	1	Y	243,342	100%					625,266
+ Minority-Owned Business Enterprise														

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
Information Technology Services														
HFA SONYMA	++Edward Daniels Group, Inc. 5 Main St Kisco Park Mount Kisco, NY 10549	IT TEMPORARY STAFFING CONSULTANT SERVICES	3273	08/20/2018 12/14/2021	Preq List 02/03/2016	66	Y	7,639,855	100%					19,982,644
HFA SONYMA	InfoPeople Corporation + 450 Seventh Ave, Suite # 1106 New York, NY 10123	IT TEMPORARY STAFFING CONSULTANT SERVICES	3175	12/15/2016 12/14/2021	Preq List 02/03/2016	66	Y	2,768,124	96%	4%				3,849,114
HFA SONYMA	++Innosoul Inc. + 24 Fairfield Ave Albany, NY 12205	IT TEMPORARY STAFFING CONSULTANT SERVICES	3342	04/09/2020 12/14/2020	Preq List 02/03/2016	66	Y	41,500	100%					41,500
HFA	Prolink Solutions, Inc. 98 Inverness Drive East Suite 250 Englewood, CO 80112	HOSTED TECHNOLOGY SERVICES	3277	08/08/2016 08/08/2021	RFP 06/15/2015	7	Y	1,307,014	100%					2,619,021

++ Women-Owned Business Enterprise

+ Minority-Owned Business Enterprise

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Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract	
									HFA	SONYMA	AHC	MBBA	TSFC	Amount Paid	
Information Technology Services															
HFA SONYMA	Quantilus Innovation, Inc. + 1345 Avenue of the Americas 33rd Fl New York, NY 10105	IT CONSULTANT SERVICES	3341	03/30/2020 12/14/2021	Preq List 02/03/2016	66	Y	152,280	100%					152,280	
HFA	RealPage, Inc. 4000 International Parkway Carrollton, TX 75007-1913	HOUSING SOFTWARE LICENSING FOR SECTION 8 HAP PAYMENTS	2567	08/13/2010 / / Upon Notice	Single Src 08/13/2010	1	NYD	-2,275 See End Notes	100%					18,912	
HFA	SAP Public Services Inc. 3999 West Chester Pike Newtown Square, PA 19073	STAFF AUGMENTATION SERVICES	3271	07/01/2018 08/19/2018	NonCmp/Crit 07/01/2018	1	NYD	-237,272 See End Notes	100%					553,108	
HFA SONYMA	++Tech Valley Talent, LLC 1360 Kania road Amsterdam, NY 12010	IT TEMPORARY STAFFING CONSULTANT SERVICES	3213	06/26/2017 12/14/2021	Preq List 02/03/2016	66	Y	2,378,275	92%	8%				5,713,556	
HFA SONYMA	TierPoint New York, LLC 17 Skyline Drive Hawthorne, NY 10532	DISASTER RECOVERY SERVICES	3209	06/01/2015 02/23/2021	RFP 07/19/2011	5	Y	68,550	48%	50%		1%	1%	191,940	
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.															
++ Women-Owned Business Enterprise + Minority-Owned Business Enterprise															
Bold and Italics indicate Procurement Contracts Executed During '19 - '20 (11/01/2019 to 10/31/2020)															

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- ++ Women-Owned Business Enterprise
- + Minority-Owned Business Enterprise

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Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
<u>Insurance Services</u>														
<u>Legal - Bond Counsel Services</u>														
HFA	Barclay Damon, LLP 80 State Street Albany, NY 12207	BOND COUNSEL SERVICES	3084	06/01/2015 01/28/2021	Preq List 04/16/2013	28	Y	180,315	100%					996,656
SONYMA	D. Seaton and Associates, P.A. ‡245 Park Ave, 39th Fl New York, NY 10167	DISCLOSURE COUNSEL SERVICES	3107	09/15/2015 01/28/2021	Preq List 04/16/2013	28	Y	210,000		100%				680,000
HFA	Drohan Lee LLP ‡680 Fifth Avenue, 10th Fl New York, NY 10019	CO-BOND COUNSEL SERVICES	3303	11/01/2018 10/31/2020	Preq List 12/15/2015	28	Y	3,354		100%				3,354
HFA	Harris Beach PLLC 99 Garnsey Road Pittsford, NY 14534	BOND COUNSEL SERVICES	3024	01/29/2014 01/28/2020	Preq List 04/16/2013	28	Y	5,596	100%					607,749

+ Minority-Owned Business Enterprise

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- + Minority-Owned Business Enterprise

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Legal - Bond Counsel Services														
HFA	Orrick, Herrington & Sutcliffe, LLP 666 Fifth Ave. New York, NY 10103-0001	BOND COUNSEL SERVICES	2975	01/29/2014 01/28/2021	Preq List 04/16/2013	28	N	192,823	100%					1,871,277
HFA	Orrick, Herrington & Sutcliffe, LLP 666 Fifth Ave. New York, NY 10103-0001	DISCLOSURE COUNSEL SERVICES	2978	01/29/2014 01/28/2022	Preq List 04/16/2013	28	N	35,000	100%					790,000
HFA	++Pearlman & Miranda LLC +2 Broad Street Ste 510 Bloomfield, NJ 07003	DISCLOSURE COUNSEL SERVICES	3176	05/26/2016 01/28/2022	Preq List 04/16/2013	28	Y	35,000	100%					430,300
Legal - Other Outside Counsel Services														
HFA	Ganfer Shore Leeds & Zauderer LLP 360 Lexington Avenue - 14th Fl New York, NY 10017	NON-BOND COUNSEL LEGAL SERVICES	3076	05/01/2015 04/30/2020	Single Src 05/01/2015	1	Y	19,273	100%					137,379

++ Women-Owned Business Enterprise

+ Minority-Owned Business Enterprise

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract
									HFA	SONYMA	AHC	MBBA	TSFC	
Legal - Other Outside Counsel Services														
HFA SONYMA	Holland & Knight LLP 31 West 52nd Street New York, NY 10019	NON-BOND COUNSEL SERVICES	2906	01/29/2013 01/28/2021	Preq List 08/24/2012	36	Y	30,560	98%	2%				475,164
HFA SONYMA	++Schoeman Updike Kaufman Gerber LLP 551 Fifth Ave New York, NY 10176 ^^	NON-BOND COUNSEL SERVICES	3312	11/01/2018 01/28/2021	Preq List 07/10/2013	36	Y	147,330	54%	44%		1%	1%	174,515
HFA SONYMA	Venable LLP 1270 Avenue of the Americas New York, NY 10020	NON-BOND COUNSEL SERVICES	2976	12/20/2013 01/28/2021	Preq List 08/24/2012	36	Y	388,008	48%	50%		1%	1%	1,124,898
Legal - Other Services														
HFA SONYMA	++Love and Long, LLP +156 W. 56th Street, Suite 803 New York, NY 10019-3800	NON BOND COUNSEL SERVICES	3317	07/29/2019 01/28/2021	Preq List 07/10/2013	36	Y	14,087	48%	50%		1%	1%	14,087
HFA SONYMA AHC	Special Counsel, Inc. 10151 Deerwood Park Blvd Building 200, Suite 400 Jacksonville, FL 32256	PROFESSIONAL TEMPORARY STAFFING CONSULTANT SERVICES	3319	11/14/2019 07/13/2021	Preq List 03/04/2016	21	Y	26,039	48%	50%		1%	1%	26,039
++ Women-Owned Business Enterprise + Minority-Owned Business Enterprise														
^^ Small Business Enterprise Bold and Italics indicate Procurement Contracts Executed During '19 - '20 (11/01/2019 to 10/31/2020)														

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

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									HFA	SONYMA	AHC	MBBA	TSFC	Amount Paid
<u>Legal - Other Services</u>														
<u>Legal - Research, Library Services</u>														
HFA	CQ Roll Call 1255 22nd St NW Washington, DC 20037	ELECTRONIC LICENSES FOR FEDERAL LEGISLATIVE TRACKING	3257	04/12/2018 06/21/2021	Single Src 04/12/2018	1	NYD	7,000	48%	50%		1%	1%	26,504
HFA	Legislative Retrieval System State of New York Legislative Bill Drafting Comm 55 Elk Street Albany, NY 12210	ELECTRONIC LEGISLATIVE INFO. SERVICES FOR NYS	1983	03/13/2002 03/12/2021	Single Src 03/13/2002	1	NYD	4,250	48%	50%		1%	1%	81,064
HFA	Reed Elsevier, Inc. 125 Park Ave.-23rd Floor New York, NY 10017	ELECTRONIC ONLINE DATABASE ACCESS SERVICES (LEX/NEX)	1896	01/01/2017 12/31/2021	St Ctrct 01/01/2017	0	N	20,700	48%	50%		1%	1%	465,304
HFA	Reed Elsevier, Inc. 28330 Network Place Chicago, IL 60673	ELECTRONIC INFORMATION SERVICES (ACCURINT)	3118	01/01/2016 12/31/2021	St Ctrct 01/01/2016	0	NYD	4,290	48%	50%		1%	1%	21,450
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Includes payment for prior services performed by Commonwealth Mortgage Assurance Company and Amerlin. Commonwealth Mortgage Assurance Company and Amerlin merged to form successor entity "Radian Guaranty Inc."

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									HFA	SONYMA	AHC	MBBA	TSFC	
Non Procurement Services														
HFA SONYMA	345 Park Ave L.P. c/o Rudin Management Co 345 Park Ave New York, NY 10154	345 PARK SWING SPACE LEASE AGREEMENT (SKELETON RECORD)	3343	01/01/2020 06/30/2020	Brd Res 01/23/2020	0	NYD	200,000	48%	50%		1%	1%	200,000
HFA SONYMA	First Lexington Corporation C/O Rudin Management Co., Inc. 345 Park Avenue New York, NY 10154-0101	RENEWAL OF LEASE FOR 641 LEXINGTON AVENUE, NY, NY	3297	12/06/2018 07/31/2040	Brd Res 12/06/2018	0	Y	2,160,722	70%	29%		1%		3,844,181
HFA	Gary Weinstock 1211 5th Avenue New Hyde Park, NY 11040	CONSULTANT SERVICES	3316	08/01/2019 12/31/2020	Sole Src 08/01/2019	1	Y	68,864	100%					80,339
SONYMA	George M. Leocata 181 Railroad Ave Norwood, NJ 07648	CONSULTANT SERVICES	3105	10/08/2015 12/13/2019	Sole Src 10/08/2015	1	N	13,000		100%				145,635

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Non Procurement Services</u>														
HFA SONYMA AHC	Guardian Life Insurance Company of 7 Hanover Square New York, NY 10004	DENTAL INSURANCE SERVICES	3260	06/01/2018 05/31/2021	Comp Bid 06/01/2018	1	Y	915,757	55%	35%	8%	1%	1%	2,104,954
HFA	ISKALO DEVELOPMENT CORP. 5166 Main Street Williamsville, NY 14221	OFFICE LEASE FOR 535 WASHINGTON ST, BUFFALO, NY	2438	05/11/2009 10/31/2024	Brd Res 05/11/2009	0	NYD	30,032	100%					327,214
HFA	State Of New York Employee Benefits Division P.O. Box 1369 New York, NY 10116-1369	EMPLOYEE HEALTH INSURANCE-HFA	1960	11/01/2004 / / Upon Notice	Brd Res 11/01/2004	0	Y	3,075,472	62%	24%	12%	1%	1%	33,425,657
SONYMA	State Of New York Employee Benefits Division P.O. Box 1369 New York, NY 10116-1369	EMPLOYEE HEALTH INSURANCE -SONYMA	1961	11/01/2004 / / Upon Notice	Brd Res 11/01/2004	0	Y	3,860,922	50%	45%	3%	1%	1%	34,747,205
<u>Other Services</u>														

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract	
									HFA	SONYMA	AHC	MBBA	TSFC	Amount Paid	
<u>Other Services</u>															
HFA SONYMA AHC	Execu-Search Holdings, LLC dba P.O. Box 844276 Boston, MA 02284-4276	CONSULTANT SERVICES	3314	07/10/2019 07/13/2021	RFP 03/04/2016	21	N	123,615	100%					123,615	
HFA	Global Background Screening, Inc 20900 NE 30 Avenue, Ste 843 Aventura, FL 33180	BACKGROUND SCREENING & REPORTING SERVICES	3058	03/30/2015 / / Upon Notice	Comp Bid 03/30/2015	5	Y	4,330	48%	50%		1%	1%	28,588	
HFA SONYMA AHC	LanceSoft Inc. 13454 Sunrise Valley Drive, St Herndon, VA 20171	PROFESSIONAL TEMPORARY STAFFING CONSULTANT SERVICES	3293	10/15/2018 07/13/2021	Preq List 03/04/2016	21	Y	41,130	100%					94,713	
HFA SONYMA AHC	Nexus Staffing, Inc. +99 Tulip Ave, Suite 106 Floral Park, NY 11001	PROFESSIONAL TEMPORARY STAFFING CONSULTANT SERVICES	3223	09/06/2017 07/13/2021	Preq List 03/04/2016	21	Y	46,845	48%	50%		1%	1%	265,089	
<u>Single Family Services</u>															
SONYMA	Bela Vizy 7009 Spur Rd Springfield, VA 22153	IT CONSULTANT SERVICES FOR SONYMA EXPRESS	3088	10/12/2015 10/11/2021	Sole Src 10/12/2015	1	Y	150,000		100%				754,542	
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+ Minority-Owned Business Enterprise															

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									HFA	SONYMA	AHC	MBBA	TSFC	Amount Paid
Single Family Services														
SONYMA	Conduent Mortgage Services, Inc. 101 Yorkshire Boulevard Lexington, KY 40509	IMAGING SERVICES	3228	03/01/2017 / / Upon Notice	Single Src 05/13/2011	1	NYD	59,592		100%				211,388
SONYMA	Hsin-Hua Alice Chen 13205 Valley Drive Rockville, MD 20850	IT CONSULTANT SERVICES FOR SONYMA EXPRESS	3089	10/12/2015 10/11/2021	Sole Src 10/12/2015	1	N	150,000		100%				732,034
Trustee Services														
TSFC	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1426	05/29/2003 / / Upon Notice	RFP 05/29/2003	0	Y	3,000					100%	330,392
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1428	12/29/2003 / / Upon Notice	RFP 12/29/2003	0	Y	2,000	100%					29,904

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract
									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1435	01/22/2003 / / Upon Notice	RFP 01/22/2003	0	Y	1,000	100%					20,738
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1453	12/29/2003 / / Upon Notice	RFP 12/29/2003	0	Y	4,200	100%					33,381
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2085	08/23/2006 / / Upon Notice	RFP 08/23/2006	5	Y	3,000	100%					6,750
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2220	08/31/2007 / / Upon Notice	RFP 08/31/2007	4	Y	27,560	100%					564,925
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2224	10/26/2007 / / Upon Notice	RFP 10/26/2007	4	Y	3,000	100%					6,000

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2273	06/08/2008 / / Upon Notice	RFP 06/08/2008	3	Y	4,000	100%					29,080
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2507	09/01/1991 / / Upon Notice	RFP 09/01/1991	0	Y	40	100%					3,604
MBBA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2579	12/16/2010 / / Upon Notice	RFP 12/16/2010	5	Y	3,040				100%		49,494
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2726	03/22/2012 / / Upon Notice	RFP 03/22/2012	3	Y	4,500	100%					55,000

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2797	10/11/2012 / / Upon Notice	RFP 10/11/2012	2	Y	4,580	100%					77,870
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2898	09/13/2013 / / Upon Notice	RFP 09/13/2013	3	Y	3,000	100%					41,500
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2918	12/05/2013 / / Upon Notice	RFP 12/05/2013	3	Y	2,000	100%					23,400
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2919	12/05/2013 / / Upon Notice	RFP 12/05/2013	3	Y	5,000	100%					49,000
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2983	05/14/2014 / / Upon Notice	RFP 05/14/2014	3	Y	2,500	100%					27,500

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3015	10/10/2014 / / Upon Notice	RFP 10/10/2014	3	Y	9,000	100%					66,500
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3016	11/14/2014 / / Upon Notice	RFP 11/14/2014	4	Y	6,000	100%					36,000
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3041	11/21/2014 / / Upon Notice	RFP 11/12/2014	3	Y	2,080	100%					34,360
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3042	11/25/2014 / / Upon Notice	RFP 11/19/2014	1	Y	24,000	100%					145,035

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3065	05/22/2015 / / Upon Notice	RFP 04/30/2015	1	Y	7,500	100%					93,800
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3071	07/07/2015 / / Upon Notice	RFP 06/19/2015	2	Y	1,500	100%					19,500
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3081	09/23/2015 / / Upon Notice	RFP 09/11/2015	1	Y	9,000	100%					91,500
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3095	10/28/2015 / / Upon Notice	RFP 10/08/2015	2	Y	7,500	100%					25,000
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3138	07/28/2016 / / Upon Notice	RFP 07/15/2016	2	Y	2,080	100%					19,660

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3172	10/12/2016 / / Upon Notice	RFP 10/07/2016	3	Y	9,000	100%					24,500
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	3207	04/21/2017 / / Upon Notice	RFP 04/21/2017	0	Y	61,980	100%					142,480
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE SERVICES	3286	07/18/2018 / / Upon Notice	RFP 10/11/2012	2	Y	3,250	100%					7,250
SONYMA	Bank Of New York Mellon 101 Barclay Street Floor 7W New York, NY 10286	TRUSTEE	1883	10/15/1997 / / Upon Notice	RFP 10/15/1997	0	NYD	143,644		100%				3,832,236

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
SONYMA	Bank Of New York Mellon 101 Barclay Street Floor 7W New York, NY 10286	CUSTODY SERVICES	2050	06/01/1999 / / Upon Notice	RFP 06/01/1999	0	NYD	7,500		100%				174,705
HFA	Bank Of New York Mellon P.O. Box 19445A Newark, NJ 07195-0445	TRUSTEE, PAYING AGENT AND REGISTRAR SERVICES	3274	01/16/2018 / / Upon Notice	RFP 09/11/2015	1	NYD	6,000	100%					6,000
SONYMA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	2940	10/30/2009 / / Upon Notice	RFP 10/30/2009	6	Y	500		100%				8,100
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3011	10/07/2014 / / Upon Notice	RFP 10/07/2014	2	Y	6,000	100%					49,033

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									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3066	06/05/2015 / / Upon Notice	RFP 05/01/2015	2	Y	8,000	100%					80,017
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3067	06/05/2015 / / Upon Notice	RFP 05/08/2015	2	Y	5,500	100%					17,500
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3068	06/05/2015 / / Upon Notice	RFP 05/01/2015	3	Y	2,000	100%					39,381
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3070	06/11/2013 / / Upon Notice	RFP 06/11/2013	3	Y	1,200	100%					7,200

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Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3082	09/23/2015 / / Upon Notice	RFP 09/11/2015	2	Y	3,500	100%					15,525
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3087	10/28/2015 / / Upon Notice	RFP 10/08/2015	3	Y	4,000	100%					23,055
MBBA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3090	03/12/2009 / / Upon Notice	RFP 12/11/2008	1	Y	1,000				100%		5,000
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3129	04/28/2016 / / Upon Notice	RFP 03/31/2016	3	Y	6,500	100%					18,500

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Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3160	12/09/2016 / / Upon Notice	RFP 10/07/2016	2	Y	28,750	100%					145,808
HFA	Manufacturers & Traders Trust Company Corporate Trust Admin., 7th Fl One M&T Plaza Buffalo, NY 14203	TRUSTEE	3220	08/11/2017 / / Upon Notice	RFP 07/26/2017	1	Y	3,000	100%					13,000
HFA	U.S. Bank National Association 100 Wall St New York, NY 10005	TRUSTEE	2677	11/04/2011 / / Upon Notice	RFP 11/04/2011	4	Y	4,000	100%					6,000
HFA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	TRUSTEE	2865	06/30/2013 / / Upon Notice	RFP 06/30/2013	3	Y	3,250	100%					17,500

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Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
SONYMA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	TRUSTEE	2948	09/27/2011 / / Upon Notice	RFP 09/27/2011	1	Y	19,600		100%				117,450
HFA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	CUSTODIAN AND ESCROW AGENT SERVICES	3185	02/08/2017 / / Upon Notice	RFP 01/23/2017	2	Y	3,000	100%					13,000
HFA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	TRUSTEE	3190	02/08/2017 / / Upon Notice	RFP 01/31/2017	3	Y	4,250	100%					16,500
HFA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	TRUSTEE	3230	09/20/2017 / / Upon Notice	RFP 09/14/2017	4	Y	5,000	100%					12,000
HFA	U.S. Bank National Association 100 Wall Street- Suite 1600 New York, NY 10005	TRUSTEE	3250	01/25/2018 / / Upon Notice	RFP 01/19/2018	2	Y	3,000	100%					11,000

Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2400	03/24/2009 / / Upon Notice	RFP 12/11/2008	5	N	1,750	100%					23,250
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2401	03/24/2009 / / Upon Notice	RFP 12/11/2008	5	N	1,750	100%					23,250
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2406	03/24/2009 / / Upon Notice	RFP 12/11/2008	5	N	1,750	100%					24,000
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2407	03/24/2009 / / Upon Notice	RFP 12/11/2008	5	N	1,750	100%					22,500

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Run Date: 01/11/2021

Procurement Contract Report For '19 - '20 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/19 to 10/31/20					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Trustee Services														
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2408	03/24/2009 / / Upon Notice	RFP 12/11/2008	5	N	1,750	100%					22,500

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Endnotes for Procurement Contract Report For 2019-2020 (11/01/2019 to 10/31/2020)

Agency(s)	Vendor Name	Scope of Services	Contract No.	Contract Date	ENDNOTE
HFHA SONYMA	Coffee Distributing Corp.	SUPPLYING OF COFFEE, ETC., PREPARATION PRODUCTS & MAINTENANCE OF EQUIPMENT	2140	01/25/2007	10/31/2020 Payment will be reclassified against a PO effective 11/1/20.
HFHA	RealPage, Inc.	HOUSING SOFTWARE LICENSING FOR SECTION 8 HAP PAYMENTS	2567	08/13/2010	04/30/2020 Negative payment is a vendor refund received for a payment issued last year
AHC	Ernst & Young LLP	AUDIT SERVICES	3103	09/16/2015	10/31/2020 Effective date 11/1/2020, adjustment to reverse allocation of payment to AHC.
HFHA	SAP Public Services Inc.	STAFF AUGMENTATION SERVICES	3271	07/01/2018	10/31/2020 Negative payment corrects overpayments in connection with PO's 19769 and 19768

Run Date: 12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

Payments														
11/01/2019 - 10/31/2020														
Agency	Vendor	Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date	
SONYMA	345 Park Ave L.P. c/o Rudin Management Co 345 Park Ave New York, NY 10154		Cleaning & Maintenance	Uniquely Qualified Source	NYD	Exempt	S	10,224	48%	50%		1%	1%	10,224
SONYMA	Arctic Falls Spring Water, Inc. 58 Sand Park Road Cedar Grove, NJ 07009		Kitchen Expenses	Competitive Bid	Y	Exempt	S	18,826	48%	50%		1%	1%	18,826
SONYMA	CDW Government Inc. 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515		Info. Tech. -Acquisition	State Contract	NYD	Exempt	S	16,749	48%	50%		1%	1%	16,749
SONYMA	Central Security Integration Solutions 345 Park Avenue Level B New York, NY 10154		Cleaning & Maintenance Leasehold Improvements Office Supplies	Competitive Bid Single Source Uniquely Qualified Source	N	Exempt	S	14,890	48%	50%		1%	1%	14,890
SONYMA	Citrix Systems, Inc. 851 West Cypress Creek Road Fort Lauderdale, FL 33309		Info.Tech. - Maintenance	State Contract	NYD	Exempt	S	12,375	48%	50%		1%	1%	12,375
SONYMA	Coffee Distributing Corp. P.O. Box 766 Garden City Park, NY 11040		Kitchen Expenses	Competitive Bid	Y	MWBE		25,072	48%	50%		1%	1%	25,072
SONYMA	Compulink Technologies, Inc. + 260 West 39th St.		Info.Tech. - Maintenance	Competitive Bid	Y	MWBE	S	29,045	48%	50%		1%	1%	29,045

+ Minority owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Run Date: 12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

Payments													
11/01/2019 - 10/31/2020													
Agency	Vendor	Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
	Suite 302 New York, NY 10018												
SONYMA	Corporate Computer Solutions, Inc. 55 Halstead Ave Harrison, NY 10528	++ Info.Tech. - Maintenance Office Supplies	Competitive Bid State Contract	Y	Exempt	S	26,541	48%	50%		1%	1%	26,541
SONYMA	DYNTEK P.O. Box 640296 Pittsburgh, PA 15264	Info.Tech. - Maintenance	Competitive Bid	NYD	Exclusion	S	49,950	48%	50%		1%	1%	49,950
SONYMA	De Lage Landen Financial Services, Inc 1111 Old Eagle School Road Wayne, PA 19087	Maint of Office Equipment Rental of Office Equipmnt	State Contract	Y	Exempt	S	70,013	48%	50%		1%	1%	70,013
SONYMA	Dell Marketing L.P. PO Box 643561 Pittsburgh, PA 15264-3561	Info. Tech. -Acquisition Info.Tech. - Maintenance	State Contract	Y	Exempt	S	99,851	48%	50%		1%	1%	99,851
SONYMA	EMC Corporation 176 South Street Hopkinton, MA 01748	Info.Tech. - Maintenance	State Contract	NYD	Exempt	S	40,294	48%	50%		1%	1%	40,294
HFA	Europa Bar & Grill 1776 Broadway Suite 1500 New York, NY 10019	Reimbursed by Project Workshops	Competitive Bid RFP Prequalified List	NYD	Exempt	S	6,377	73%	27%				6,377
HFA	Executive Charge, Inc. 1440 39th Street Brooklyn, NY 11218	Reimbursed by Project Travel- Conf & Seminars	Competitive Bid	NYD	Exempt	S	6,981	60%	37%		2%	2%	6,981

++ Women owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Run Date:12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

														Payments
														11/01/2019 - 10/31/2020
Agency	Vendor		Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
			Travel- Local Travel- Out-of-Town											
SONYMA	HOSELTON CHEVROLET INC. 909 Fairport Road East Rochester, NY 14445		Auto Expenses	Competitive Bid	NYD	Exempt	S	11,350	48%	50%		1%	1%	11,350
SONYMA	ISI Telemanagement Solutions, Inc. 1051 Perimeter Drive Suite 200 Schaumburg, IL 60173		Communications	Sole Source Uniquely Qualified Source	NYD	Exempt	S	5,757	48%	50%		1%	1%	5,757
HFA	JP Morgan Chase Bank 12 Corporate Woods Blvd.-4th F Albany, NY 12211		Fees & Exp- Trustee	Single Source	Y	Exclusion	S	43,509	61%	39%				43,509
SONYMA	Jennifer Temps Inc. 80 Maiden Lane - Suite 605 New York, NY 10038	+++	Temp Employees- Empl Agy	State Contract	Y	MWBE	S	15,180	48%	50%		1%	1%	15,180
SONYMA	MCI Communications Services, Inc. One Verizon Way Basking Ridge, NJ 07920		Communications	State Contract	Y	Exempt	S	26,208	50%	50%		0%	0%	26,208
SONYMA	Metropolitan Office & Computer 345 Park Avenue New York, NY 10154		Info. Tech. -Acquisition Office Supplies	Competitive Bid Emergency	Y	Exempt	G	17,990	49%	50%		0%	0%	17,990

++ Women owned business enterprise
+ Minority owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Run Date:12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

Payments													
11/01/2019 - 10/31/2020													
Agency	Vendor	Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
		Purchase of Office Equip											
SONYMA	NYS Office Of General Services Division Of Fiscal Services Accounting Unit 40th Floor, Corning Tower Empire State Plaza Albany, NY 12242	Sponsorship Fees	Single Source	Y	Exempt	S	7,500		100%				7,500
SONYMA	New York Housing Conference 1780 Broadway Suite 600 New York, NY 10019	Sponsorship Fees	Competitive Bid	NYD	Exempt	S	5,500	48%	50%		1%	1%	5,500
SONYMA	P.J. Mechanical Service & Maintenance 55 Broad Street, 4th Fl New York, NY 10004	Cleaning & Maintenance	Single Source	Y	Exempt	S	9,244	48%	50%		1%	1%	9,244
HFA	Project Renewal, Inc. 200 Varick Street, 9th fl New York, NY 10014	Fiduciary Exp (SONYMA) Reimbursed by Project Travel- Bus Lunch & Recpt	Competitive Bid	Y	Exempt	S	5,997	87%	13%		0%	0%	5,997
SONYMA	Protek Information Technology Services 492 Mitchell Dr Valley Cottage, NY 10989	Info. Tech. -Acquisition	State Contract	NYD	Exempt	S	12,026	48%	50%		1%	1%	12,026

Run Date:12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

														Payments
														11/01/2019 - 10/31/2020
Agency	Vendor		Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
SONYMA	Robert Half International, Inc 2613 Camino Ramon San Ramon, CA 94583		Temp Employees- Empl Agy	State Contract	Y	Exempt	S	19,797	48%	50%		1%	1%	19,797
SONYMA	Royel Marketing 555 Fifth Avenue, 17th Fl New York, NY 10017	+	Marketing Fees Office Supplies	Competitive Bid Single Source Sole Source	Y	MWBE	S	32,215	20%	80%		0%	0%	32,215
HFA	SAP Public Services Inc. 3999 West Chester Pike Newtown Square, PA 19073		Capitalized Prog Cost	Board Resolution	NYD	Exclusion	S	756,494	100%					756,494
SONYMA	SHI International Corp. Weston Canal Plaza Two Riverview Drive Somerset, NJ 08873		Info. Tech. -Acquisition Info.Tech. - Maintenance Prepaid Expense	Competitive Bid State Contract	NYD	Exempt	S	65,594	48%	50%		1%	1%	65,594
HFA	Sher-Del Transfer & Relocation Services, 140 Varick Avenue Brooklyn, NY 11237		Reimbursed by Project	State Contract	Y	Exempt	S	78,145	96%			2%	2%	78,145
SONYMA	SolarWinds, Inc. d/b/a 3711 S. MoPac Expressway Building Two Austin, TX 78746		Info.Tech. - Maintenance	Single Source	NYD	Exempt	S	7,788	48%	50%		1%	1%	7,788
SONYMA	Source Media, Inc. PO Box 71633		Books & Periodicals	Single Source	NYD	Exempt	S	5,085	48%	50%		1%	1%	5,085

+ Minority owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Run Date:12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

Payments													
11/01/2019 - 10/31/2020													
Agency	Vendor	Subject Matter	Selection Code	NYS	Desig	Goods/ Svcs	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
	Chicago, IL 60694-1633		Uniquely Qualified Source										
SONYMA	Staff Today Inc. 212 E. Rowland St #313 Covina, CA 91723	Temp Employees- Empl Agy	State Contract	Y	Exempt	S	17,957	48%	50%		1%	1%	17,957
SONYMA	Staples Contract & Commercial Inc. 500 Staples Drive Framingham, MA 01702	Info.Tech. - Maintenance Office Supplies Purchase of Office Equip	State Contract	Y	Exempt	S	50,023	48%	50%		1%	1%	50,023
SONYMA	Trisec Group, Inc. 19 North Broadway, Suite 5 Tarrytown, NY 10591	Info.Tech. - Maintenance	Emergency State Contract	NYD	Exempt	S	62,526	48%	50%		1%	1%	62,526
SONYMA	Veritiv Operating Company P.O. Box 644520 Pittsburgh, PA 15264	Office Supplies	State Contract	NYD	Exempt	S	6,476	48%	50%		1%	1%	6,476
HFA	Verizon Business PO Box 15124 Albany, NY 12212-5124	Reimbursed by Project	State Contract	NYD	Exempt	S	137,401	100%					137,401
HFA	Verizon Network Intergration Corp. P.O. Box 650457 Dallas, TX 75265--045	Communications Info.Tech. - Maintenance Reimbursed by Project	State Contract	NYD	Exempt	S	382,209	91%	9%		0%	0%	382,209

Run Date:12/23/2020

Purchase Orders

11/01/2019 - 10/31/2020

Payments													
11/01/2019 - 10/31/2020													
Agency	Vendor	Subject Matter	Selection Code	NYS	Desig	Goods/ Svces	Current Payment	HFA	SON	AHC	MBBA	TSFC	To Date
SONYMA	West Publishing Corp. DBA West Group P.O. Box 6292 Carol Stream, IL 60197-6292	Books & Periodicals	Single Source State Contract	NYD	Exempt	S	19,334	48%	50%		1%	1%	19,334
SONYMA	Xerox Corporation P.O. Box 827598 Philadelphia, PA 19182-7598	Maint of Office Equipment Rental of Office Equipmnt	Competitive Bid	Y	Exempt	S	6,426	48%	50%		1%	1%	6,426
SONYMA	ZOHO Corporation 4900 Hopyard Road, Suite 310 Pleasanton, CA 94588-7100	Info.Tech. - Maintenance	Uniquely Qualified Source	NYD	Exempt	S	10,795	48%	50%		1%	1%	10,795
SONYMA	Zones , Inc. P.O. Box 34740 Seattle, WA 98124-1740	Communications Consultants Fees Info. Tech. -Acquisition Info.Tech. - Maintenance Maint of Office Equipment	Competitive Bid	N	Exclusion	S	98,678	48%	50%		1%	1%	98,678

TAB 3

MWBE Analysis for Procurement Contracts and Purchase Orders

MWBE Annual Purchase Order Procurement Report for 2019-2020
For the Period Commencing November 1, 2019 through October 31, 2020

Agency	Name/Address	Subject Matter	Selection Method	NYSBE	Designation	Goods/Service	Amount	MWBE	Exclusion	Exemption	Justification	Life-To-Date Paid	MBE	WBE
SONYMA	345 Park Ave L.P. c/o Rudin Management Co 345 Park Ave New York, NY 10154	Cleaning & Maintenance	Uniquely Qualified Source	NYD	Exempt	S	\$10,224.00			\$10,224.00	<=\$25,000	\$10,224.00		
SONYMA	Arctic Falls Spring Water, Inc. 58 Sand Park Road Cedar Grove, NJ 07009	Kitchen Expenses	Competitive Bid	Y	Exempt	S	\$18,826.00			\$18,826.00	<=\$25,000	\$18,826.00		
SONYMA	CDW Government Inc. 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	Info. Tech. -Acquisition	State Contract	NYD	Exempt	S	\$16,749.00			\$16,749.00	State Contract	\$16,749.00		
SONYMA	Central Security Integration Solutions 345 Park Avenue Level B New York, NY 10154	Cleaning & Maintenance Leasehold Improvements Office Supplies	Competitive Bid	N	Exempt	S	\$14,890.00			\$14,890.00	<=\$25,000	\$14,890.00		
SONYMA	Citrix Systems, Inc. 851 West Cypress Creek Road Fort Lauderdale, FL 33309	Info.Tech. - Maintenance	State Contract	NYD	Exempt	S	\$12,375.00			\$12,375.00	State Contract	\$12,375.00		
SONYMA	Coffee Distributing Corp. P.O. Box 766 Garden City Park, NY 11040	Kitchen Expenses	Competitive Bid	Y	Exempt	S	\$25,072.00	\$25,072.00				\$25,072.00		
SONYMA	Compulink Technologies, Inc. # 260 West 39th St. Suite 302 New York, NY 10018	Info.Tech. - Maintenance	Competitive Bid	Y	MWBE	S	\$29,045.00	\$29,045.00				\$29,045.00	\$29,045.00	
SONYMA	Corporate Computer Solutions, Inc. + 55 Halstead Ave Harrison, NY 10528	Info.Tech. - Maintenance Office Supplies	Competitive Bid	Y	MWBE	S	\$26,541.00	\$26,541.00				\$26,541.00		\$26,541.00
SONYMA	DYNTEK P.O. Box 640296 Pittsburgh, PA 15264	Info.Tech. - Maintenance	Competitive Bid	NYD	Exempt	S	\$49,950.00	\$49,950.00				\$49,950.00		
SONYMA	De Lage Landen Financial Services, Inc 1111 Old Eagle School Road Wayne, PA 19087	Maint of Office Equipment Rental of Office Equipmnt	State Contract	Y	Exempt	S	\$70,013.00			\$70,013.00	State Contract	\$70,013.00		
SONYMA	Dell Marketing L.P. PO Box 643561 Pittsburgh, PA 15264-3561	Info. Tech. -Acquisition Info.Tech. - Maintenance	State Contract	Y	Exempt	S	\$99,851.00			\$99,851.00	State Contract	\$99,851.00		
SONYMA	EMC Corporation 176 South Street Hopkinton, MA 01748	Info.Tech. - Maintenance	State Contract	NYD	Exempt	S	\$40,294.00			\$40,294.00	State Contract	\$40,294.00		
HFA	Europa Bar & Grill 1776 Broadway Suite 1500 New York, NY 10019	Reimbursed by Project Workshops	Competitive Bid	NYD	Exempt	S	\$6,377.00			\$6,377.00	<=\$25,000	\$6,377.00		
HFA	Executive Charge, Inc. 1440 39th Street Brooklyn, NY 11218	Reimbursed by Project Travel- Conf & Seminars Travel- Local Travel- Out-of-Town	Competitive Bid	NYD	Exempt	S	\$6,981.00			\$6,981.00	<=\$25,000	\$6,981.00		
SONYMA	HOSELTON CHEVROLET INC. 909 Fairport Road East Rochester, NY 14445	Auto Expenses	Competitive Bid	NYD	Exempt	S	\$11,350.00			\$11,350.00	<=\$25,000	\$11,350.00		
SONYMA	ISI Telemanagement Solutions, Inc. 1051 Perimeter Drive Suite 200 Schaumburg, IL 60173	Communications	Sole Source	NYD	Exempt	S	\$5,757.00			\$5,757.00	<=\$25,000	\$5,757.00		
HFA	JP Morgan Chase Bank 12 Corporate Woods Blvd.-4th F Albany, NY 12211	Fees & Exp- Trustee	Single Source	Y	Exclusion	S	\$43,509.00		\$43,509.00			\$43,509.00		
SONYMA	Jennifer Temps Inc. + 80 Maiden Lane - Suite 605 New York, NY 10038	Temp Employees- Empl Agy	State Contract	Y	MWBE	S	\$15,180.00	\$15,180.00				\$15,180.00		\$15,180.00
SONYMA	MCI Communications Services, Inc. One Verizon Way Basking Ridge, NJ 07920	Communications	State Contract	Y	Exempt	S	\$26,208.00			\$26,208.00	State Contract	\$26,208.00		
SONYMA	Metropolitan Office & Computer 345 Park Avenue New York, NY 10154	Info. Tech. -Acquisition Office Supplies Purchase of Office Equip	Competitive Bid	Y	Exempt	G	\$17,990.00			\$17,990.00	<=\$25,000	\$17,990.00		

MWBE Annual Purchase Order Procurement Report for 2019-2020
For the Period Commencing November 1, 2019 through October 31, 2020

SONYMA	NYS Office Of General Services Division Of Fiscal Services Accounting Unit 40th Floor, Corning Tower Empire State Plaza Albany, NY 12242	Sponsorship Fees	Single Source	Y	Exempt	S	\$7,500.00			\$7,500.00	<=\$25,000	\$7,500.00		
SONYMA	New York Housing Conference 1780 Broadway Suite 600 New York, NY 10019	Sponsorship Fees	Competitive Bid	NYD	Exempt	S	\$5,500.00			\$5,500.00	<=\$25,000	\$5,500.00		
SONYMA	P.J. Mechanical Service & Maintenance 55 Broad Street, 4th Fl New York, NY 10004	Cleaning & Maintenance	Single Source	Y	Exempt	S	\$9,244.00			\$9,244.00	<=\$25,000	\$9,244.00		
HFA	Project Renewal, Inc. 200 Varick Street, 9th fl New York, NY 10014	Fiduciary Exp(SONYMA) Reimbursed by Project Travel- Bus Lunch & Recpt	Competitive Bid	Y	Exempt	S	\$5,997.00			\$5,997.00	<=\$25,000	\$5,997.00		
SONYMA	Protek Information Technology Services 492 Mitchell Dr Valley Cottage, NY 10989	Info. Tech. -Acquisition	State Contract	NYD	Exempt	S	\$12,026.00			\$12,026.00	<=\$25,000	\$12,026.00		
SONYMA	Robert Half International, Inc 2613 Camino Ramon San Ramon, CA 94583	Temp Employees- Empl Agy	State Contract	Y	Exempt	S	\$19,797.00			\$19,797.00	<=\$25,000	\$19,797.00		
SONYMA	Royel Marketing # 555 Fifth Avenue, 17th Fl New York, NY 10017	Marketing Fees Office Supplies	Competitive Bid	Y	MWBE	S	\$32,215.00	\$32,215.00				\$32,215.00	\$32,215.00	
HFA	SAP Public Services Inc. 3999 West Chester Pike Newtown Square, PA 19073	Capitalized Prog Cost	Board Resolution	NYD	Exclusion	S	\$756,494.00		\$756,494.00			\$756,494.00		
SONYMA	SHI International Corp. Weston Canal Plaza Two Riverview Drive Somerset, NJ 08873	Info. Tech. -Acquisition Info.Tech. - Maintenance Prepaid Expense	State Contract	NYD	Exempt	S	\$65,594.00			\$65,594.00	State Contract	\$65,594.00		
HFA	Sher-Del Transfer & Relocation Services, 140 Varick Avenue Brooklyn, NY 11237	Reimbursed by Project	State Contract	Y	Exempt	S	\$78,145.00			\$78,145.00	State Contract	\$78,145.00		
SONYMA	SolarWinds, Inc. d/b/a 3711 S. MoPac Expressway Building Two Austin, TX 78746	Info.Tech. - Maintenance	Single Source	NYD	Exempt	S	\$7,788.00			\$7,788.00	<=\$25,000	\$7,788.00		
SONYMA	Source Media, Inc. PO Box 71633 Chicago, IL 60694-1633	Books & Periodicals	Single Source	NYD	Exempt	S	\$5,085.00			\$5,085.00	<=\$25,000	\$5,085.00		
SONYMA	Staff Today Inc. 212 E. Rowland St #313 Covina, CA 91723	Temp Employees- Empl Agy	State Contract	Y	Exempt	S	\$17,957.00			\$17,957.00	State Contract	\$17,957.00		
SONYMA	Staples Contract & Commercial Inc. 500 Staples Drive Framingham, MA 01702	Info.Tech. - Maintenance Office Supplies Purchase of Office Equip	State Contract	Y	Exempt	S	\$50,023.00			\$50,023.00	State Contract	\$50,023.00		
SONYMA	Trisec Group, Inc. 19 North Broadway, Suite 5 Tarrytown, NY 10591	Info.Tech. - Maintenance	Emergency	NYD	Exempt	S	\$62,526.00			\$62,526.00	Emergency	\$62,526.00		
SONYMA	Veritiv Operating Company P.O. Box 644520 Pittsburgh, PA 15264	Office Supplies	State Contract	NYD	Exempt	S	\$6,476.00			\$6,476.00	State Contract	\$6,476.00		
HFA	Verizon Business PO Box 15124 Albany, NY 12212-5124	Reimbursed by Project	State Contract	NYD	Exempt	S	\$137,401.00			\$137,401.00	State Contract	\$137,401.00		
HFA	Verizon Network Intergration Corp. P.O. Box 650457 Dallas, TX 75265--045	Communications Info.Tech. - Maintenance Reimbursed by Project	State Contract	NYD	Exempt	S	\$382,209.00			\$382,209.00	State Contract	\$382,209.00		
SONYMA	West Publishing Corp. DBA West Group P.O. Box 6292 Carol Stream, IL 60197-6292	Books & Periodicals	Single Source	NYD	Exclusion	S	\$19,334.00			\$19,334.00	<=\$25,000	\$19,334.00		

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Agency	Vendor	Contact No	Description	Sel Method	Begin Date	End Date	Amount Paid	MWBE	Exclusion	Exemption	Justification	Life	MBE	WBE	Goods	Servi	Subcontracting
HFA	InfoPeople Corporation #	3175	IT TEMPORARY STAFFING CONSULTANT SERVICE	Preq List	12/15/2016	12/14/2020	2,768,124	2,768,124				3,849,114	2,768,124			X	
HFA	Systems Application Information Netw	3174	IT TEMPORARY STAFFING CONSULTANT SERVICE	Preq List	12/15/2016	12/14/2020	373,430	373,430				3,957,990	373,430			X	
HFA	The Switzer Group, Inc. #	3210	ARCHITECTURAL DESIGN SERVICES	RFP	5/11/2017	05/10/2020	236,194	236,194				1,585,341	236,194			X	X
SONYMA	D. Seaton and Associates, P.A. #	3107	DISCLOSURE COUNSEL SERVICES	Preq List	9/15/2015	01/28/2021	210,000	210,000				680,000	210,000			X	
HFA	Quantilus Innovation, Inc. #	3341	IT CONSULTANT SERVICES	Preq List	3/30/2020	12/14/2020	152,280	152,280				152,280	152,280			X	
HFA	McGlashan Law Firm, P.C. #	3133	CO-BOND COUNSEL SERVICES	Preq List	1/29/2016	10/31/2020	95,876	95,876				330,506	95,876			X	
SONYMA	Mohanty Gargiulo LLC +	3125	SWAP ADVISORY SERVICES	Preq List	12/10/2015	12/09/2020	88,000	88,000				324,500	88,000			X	
HFA	Deluxe Delivery Systems, Inc. d/b/a #	2771	OFF SITE STORAGE	Single Src	8/1/2012	07/31/2021	74,995	74,995				519,545	74,995			X	
HFA	Nexus Staffing, Inc. #	3223	PROFESSIONAL TEMPORARY STAFFING CONSULTA	Preq List	9/6/2017	07/13/2021	46,845	46,845				265,089	46,845			X	
HFA	Innosoul Inc. +	3342	IT TEMPORARY STAFFING CONSULTANT SERVICE	Preq List	4/9/2020	12/14/2020	41,500	41,500				41,500	41,500			X	
HFA	Pearlman & Miranda LLC +	3176	DISCLOSURE COUNSEL SERVICES	Preq List	5/26/2016	01/28/2022	35,000	35,000				430,300	35,000			X	
SONYMA	ImageMaster LLC #	3100	FINANCIAL PRINTING	RFP	9/8/2015	09/09/2021	19,550	19,550				149,441	19,550			X	
HFA	Joseph C. Reid, P.A. #	3128	LEGAL OPINION FOR ARBITRAGE REBATE CALCU	RFP	3/4/2015	03/03/2021	18,370	18,370				70,910	18,370			X	
HFA	Love and Long, LLP +	3317	NON BOND COUNSEL	Preq List	7/29/2019	01/28/2021	14,087	14,087				14,087	14,087			X	
HFA	Sullivan-Hernandez Agency, Inc. +	3131	INSURANCE CONSULTING SERVICES	Preq List	9/8/2015	09/07/2019	12,530	12,530				45,410	12,530			X	
HFA	E.G. Bowman Co., Inc. #	3036	INSURANCE BROKERAGE SERVICES	RFP	5/3/2014	05/02/2021	87,880	11,864		76,016	Insurance Co.	1,780,722	11,864			X	
AHC	Padilla and Company, LLP #	3331	AUDIT SERVICES FOR PROJECT RESIDENTIAL H	Comp Bid	11/13/2019	11/12/2020	8,000	8,000				8,000	8,000			X	
HFA	Drohan Lee LLP #	3303	LEGAL SERVICES CO-BOND COUNSEL	Preq List	11/1/2018	10/31/2020	3,354	3,354				3,354	3,354			X	
HFA	Edward Daniels Group, Inc. +	3273	IT TEMPORARY STAFFING CONSULTING SERVICE	Preq List	8/20/2018	12/14/2020	7,639,855	7,639,855				19,982,644		7,639,855		X	
HFA	Tech Valley Talent, LLC +	3213	IT TEMPORARY STAFFING CONSULTANT SERVICE	Preq List	6/26/2017	12/14/2020	2,378,275	2,378,275				5,713,556		2,378,275		X	
SONYMA	Dixon Schwabl Advertising, Inc. +	3310	ADVERTISING CONSULTANT SERVICES	Preq List	6/3/2019	10/31/2022	266,074	266,074				354,411		266,074		X	X
HFA	Schoeman Updike Kaufman Gerber LLP	3312	NON-BOND COUNSEL SERVICES FORECLOSURE	Preq List	11/1/2018	01/28/2021	147,330	147,330				174,515		147,330		X	
HFA	Acacia Financial Group, Inc +	3109	FINANCIAL ADVISORY SERVICES	Preq List	12/10/2015	12/09/2020	10,000	10,000				207,500		10,000		X	
AHC	Accounting Firm of Susan A Rich d/b/a -	3335	AUDIT SERVICES FOR THE HOME REPAIR PROJE	Comp Bid	11/21/2019	11/20/2020	4,100	4,100				4,100		4,100		X	
SONYMA	Application Oriented	27	>MAINTAIN SOFTWARE WITH INCLUDING UPDATE	Single Src	3/5/1984	Upon Notice	135,904			135,904	Proprietary Software Svc	2,483,525				X	
HFA	Bloomberg, L.P.	173	LEASE OF EQUIPMENT FOR DATA DISTRIBUTION	Sole Src	5/1/2003	Upon Notice	28,835			28,835	Proprietary Software Svc	437,894				X	
TSFC	The Bank Of New York Mellon	1426	>2003A TOBACCO SETTLEMENT FINANCING	RFP	5/29/2003	Upon Notice	3,000			3,000	Bank	330,392				X	
HFA	The Bank Of New York Mellon	1428	1477 2000A 66 W 38TH ST 1477 2000	RFP	12/29/2003	Upon Notice	2,000			2,000	Bank	29,904				X	
HFA	The Bank Of New York Mellon	1435	0155 0155 SCOR BONDS 03E155 0155	RFP	1/22/2003	Upon Notice	1,000			1,000	<=\$25,000	20,738				X	
HFA	The Bank Of New York Mellon	1453	1473 2000A 501-503 W 41ST AKA THE VIC	RFP	12/29/2003	Upon Notice	4,200			4,200	Bank	33,381				X	
HFA	Benefit Resource, Inc.	1872	PLAN, IMPLEMENT & MAINTAIN QUALIFIED	Comp Bid	5/5/2005	Upon Notice	14,431		14,431			152,466				X	
SONYMA	Bank Of New York Mellon	1883	HOMEOWNER MORTGAGE REVENUE BONDS (HMB)	RFP	10/15/1997	Upon Notice	143,644			143,644	Bank	3,832,236				X	

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HFA	Reed Elsevier, Inc.	1896	ELECTRONIC INFORMATION SERVICES (LEXIS N	St Ctrct	1/1/2017	12/31/2021	20,700		20,700	State Contract	465,304					X		
HFA	Verizon Business	1906	COMMUNICATION SERVICES	St Ctrct	5/19/2002	09/15/2019	4,274		4,274	State Contract	2,676,019					X		
SONYMA	Radian Guaranty	1944	REINSURANCE & ADMINISTRATIVE SERVICES F	Single Src	1/1/2001	Upon Notice	14,426	14,426			8,746,073					X		
HFA	State Of New York	1960	EMPLOYEE HEALTH INSURANCE -HFA	Brd Res	11/1/2004	Upon Notice	3,075,472		3,075,472	State Contract	33,425,657					X		
SONYMA	State Of New York	1961	EMPLOYEE HEALTH INSURANCE -SONYMA	Brd Res	11/1/2004	Upon Notice	3,860,922		3,860,922	State Contract	34,747,205					X		
HFA	Automatic Data Processing, Inc.	1972	PAYROLL SERVICES	Single Src	10/1/2005	Upon Notice	15,272	15,272			119,205					X		
SONYMA	Automatic Data Processing, Inc.	1973	PAYROLL SERVICES	Single Src	10/1/2005	Upon Notice	26,035	26,035			217,964					X		
AHC	Automatic Data Processing, Inc.	1974	PAYROLL SERVICES	Single Src	10/1/2005	Upon Notice	21,180	21,180			159,361					X		
HFA	Elrac, Inc.	1975	AUTO RENTAL	St Ctrct	8/15/2005	10/18/2019	530		530	State Contract	105,438					X		
HFA	Legislative Retrieval System	1983	ELECTRONIC INFORMATION SERVICES (LEGISL	Single Src	3/13/2002	03/12/2021	4,250	4,250			81,064					X		
SONYMA	Bank Of New York Mellon	2050	MIF ACCOUNTS	RFP	6/1/1999	Upon Notice	7,500		7,500	Bank	174,705					X		
HFA	The Bank Of New York Mellon	2085	CAPITAL GREEN APARTMENTS HOUSING REVENUE	RFP	8/23/2006	Upon Notice	3,000		3,000	<=\$25,000	6,750					X		
HFA	Coffee Distributing Corp.	2140	>SUPPLYING OF PREPARATION PRODUCTS AND M	RFP	1/25/2007	01/24/2012	50	50			72,667					X		
HFA	The Bank Of New York Mellon	2220	AFFORDABLE HOUSING REVENUE BOND GENERAL	RFP	8/31/2007	Upon Notice	27,560		27,560	Bank	564,925					X		
HFA	The Bank Of New York Mellon	2224	OVERLOOK APARTMENTS HOUSES HOUSING REVEN	RFP	10/26/2007	Upon Notice	3,000		3,000	<=\$25,000	6,000					X		
HFA	The Bank Of New York Mellon	2273	80 DEKALB AVENUE HOUSING REVENUE BONDS S	RFP	6/8/2008	Upon Notice	4,000		4,000	Bank	29,080					X		
HFA	Fire Service, Inc.	2305	MAINTENANCE OF FIRE ALARM SYSTEM & EQUIP	Single Src	5/1/2008	04/30/2021	1,789		1,789	<=\$25,000	18,134					X		
HFA	United Parcel Service	2354	COURIER SERVICES	St Ctrct	1/2/2009	03/20/2021	19,281		19,281	State Contract	312,554					X		
HFA	Wells Fargo Bank, NA	2400	363 WEST 30TH ST HOUSING REVENUE BONDS S	RFP	3/24/2009	Upon Notice	1,750		1,750	<=\$25,000	23,250					X		
HFA	Wells Fargo Bank, NA	2401	THEATRE ROW HOUSING REVENUE BONDS SERIES	RFP	3/24/2009	Upon Notice	1,750		1,750	<=\$25,000	23,250					X		
HFA	Wells Fargo Bank, NA	2406	1500 LEXINGTON AVENUE HOUSING REVENUE BO	RFP	3/24/2009	Upon Notice	1,750		1,750	<=\$25,000	24,000					X		
HFA	Wells Fargo Bank, NA	2407	NORTH END AVENUE HOUSING REVENUE BONDS	RFP	3/24/2009	Upon Notice	1,750		1,750	<=\$25,000	22,500					X		
HFA	Wells Fargo Bank, NA	2408	THE HELENA HOUSING REVENUE BONDS SERIES	RFP	3/24/2009	Upon Notice	1,750		1,750	<=\$25,000	22,500					X		
SONYMA	Genworth Financial Services, Inc.	2415	ADMINISTRATIVE SERVICES REGARDING SONYMA	RFP	2/1/2005	12/31/2020	36,730	36,730			592,703					X		
HFA	ISKALO DEVELOPMENT CORP.	2438	OFFICE LEASE FOR 535 WASHINGTON ST, BUFF	Brd Res	5/11/2009	10/31/2024	30,032		30,032	Real Property Lease/Svcs	327,214					X		
HFA	West Publishing Corp. DBA West Group	2484	ELECTRONIC INFORMATION SERVICES (WESTLAW	St Ctrct	7/1/2009	12/31/2021	28,743		28,743	State Contract	280,672					X		
HFA	The Bank Of New York Mellon	2507	MULTI-FAMILY HOUSING REVENUE BONDS (SECU	RFP	9/1/1991	Upon Notice	40		40	<=\$25,000	3,604					X		
MBBA	The Bank Of New York Mellon	2579	STATE OF NEW YORK MUNICIPAL BOND BANK AG	RFP	12/16/2010	Upon Notice	3,040		3,040	Bank	49,494					X		
HFA	U.S. Bank National Association	2677	CLINTON STREET PHASE II HOUSING REVENUE	RFP	11/4/2011	Upon Notice	4,000		4,000	<=\$25,000	6,000					X		
HFA	The Bank Of New York Mellon	2726	RELATED 30TH AND 10TH HOUSING REVENUE BO	RFP	3/22/2012	Upon Notice	4,500		4,500	Bank	55,000					X		
HFA	The Bank Of New York Mellon	2797	175 WEST 60TH STREET HOUSING REVENUE BON	RFP	10/11/2012	Upon Notice	4,580		4,580	Bank	77,870					X		
HFA	136 East 55th Street Garage LLC	2801	LEASED GARAGE SPACE/ VERBAL AGREEMENT W	Brd Res	12/31/2012	Upon Notice	13,442		13,442	Real Property Lease/Svcs	95,113					X		

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HFA	U.S. Bank National Association	2865	44th DRIVE APARTMENTS HOUSING REVENUE BO	RFP	6/30/2013	Upon Notice	3,250		3,250	<=\$25,000	17,500					X		
HFA	The Bank Of New York Mellon	2898	626 FLATBUSH AVENUE REVENUE BONDS SERIE	RFP	9/13/2013	Upon Notice	3,000		3,000	Bank	41,500					X		
HFA	Holland & Knight LLP	2906	REAL ESTATE, LAND USE, CONSTRUCTION AND	Preq List	1/29/2013	01/28/2021	30,560	30,560			475,164					X		
HFA	The Bank Of New York Mellon	2918	RELATED-205 EAST 92ND STREET HOUSING REV	RFP	12/5/2013	Upon Notice	2,000		2,000	<=\$25,000	23,400					X		
HFA	The Bank Of New York Mellon	2919	149 KENT AVENUE APARTMENTS HOUSING REVEN	RFP	12/5/2013	Upon Notice	5,000		5,000	Bank	49,000					X		
SONYMA	Manufacturers & Traders Trust Company	2940	SONYMA STUDENT LOANS	RFP	10/30/2009	Upon Notice	500		500	<=\$25,000	8,100					X		
SONYMA	Hawkins, Delafield, & Wood	2944	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2021	879,621	879,621			4,090,664					X		
SONYMA	U.S. Bank National Association	2948	SONYMA MORTGAGE REVENUE BONDS - VARIOUS	RFP	9/27/2011	Upon Notice	19,600		19,600	Bank	117,450					X		
HFA	Orrick, Herrington & Sutcliffe, LLP	2975	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2021	192,823	192,823			1,871,277					X		
HFA	Venable LLP	2976	NON-BOND COUNSEL SERVICES	Preq List	12/20/2013	01/28/2021	388,008	388,008			1,124,898					X		
HFA	Hawkins, Delafield, & Wood	2977	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2021	672,131	672,131			5,407,598					X		
HFA	Orrick, Herrington & Sutcliffe, LLP	2978	DISCLOSURE COUNSEL SERVICES	Preq List	1/29/2014	01/28/2022	35,000	35,000			790,000					X		
HFA	The Bank Of New York Mellon	2983	605 WEST 42ND ST HOUSING REVENUE BONDS	RFP	5/14/2014	Upon Notice	2,500		2,500	Bank	27,500					X		
HFA	Manufacturers & Traders Trust Company	3011	625 WEST 57TH STREET HOUSING REVENUE BON	RFP	10/7/2014	Upon Notice	6,000		6,000	Bank	49,033					X		
HFA	Nixon Peabody, LLP	3013	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2021	186,178	186,178			1,002,471					X		
HFA	The Bank Of New York Mellon	3015	606 WEST 57TH STREET HOUSING REVENUE BO	RFP	10/10/2014	Upon Notice	9,000		9,000	Bank	66,500					X		
HFA	The Bank Of New York Mellon	3016	BAM SOUTH HOUSING REVENUE BONDS SERIES 2	RFP	11/14/2014	Upon Notice	6,000		6,000	Bank	36,000					X		
HFA	Harris Beach PLLC	3024	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2020	5,596	5,596			607,749					X		
HFA	Mintz, Levin Cohn, Ferris, Glovsky	3027	BOND COUNSEL SERVICES	Preq List	1/29/2014	01/28/2021	46,179	46,179			741,712					X		
HFA	BLX Group LLC	3029	ARBITRAGE REBATE CALCULATIONS	RFP	9/9/2014	09/08/2020	48,700	48,700			229,150					X		
HFA	The Bank Of New York Mellon	3041	TRUSTEE SERVICES - 555 10TH AVENUE HOUSI	RFP	11/21/2014	Upon Notice	2,080		2,080	Bank	34,360					X		
HFA	The Bank Of New York Mellon	3042	TRUSTEE SERVICES - 525 WEST 52ND STREET	RFP	11/25/2014	Upon Notice	24,000		24,000	Bank	145,035					X		
HFA	Omnicap Group LLC	3057	ARBITRAGE REBATE CALCULATIONS	RFP	3/4/2015	03/03/2021	31,000	31,000			161,125					X		
HFA	Global Background Screening, Inc	3058	BACKGROUND SCREENING & REPORTING SERVICE	Comp Bid	3/30/2015	Upon Notice	4,330	4,330			28,588					X		
HFA	Hawkins, Delafield, & Wood	3061	ARBITRAGE REBATE CALCULATIONS	RFP	3/4/2015	03/03/2021	67,800	67,800			361,490					X		
HFA	The Bank Of New York Mellon	3065	TRUSTEE - SERIES 2015 A-1, A-2, A-3, 201	RFP	5/22/2015	Upon Notice	7,500		7,500	Bank	93,800					X		
HFA	Manufacturers & Traders Trust Company	3066	TRUSTEE	RFP	6/5/2015	Upon Notice	8,000		8,000	Bank	80,017					X		
HFA	Manufacturers & Traders Trust Company	3067	TRUSTEE	RFP	6/5/2015	Upon Notice	5,500		5,500	<=\$25,000	17,500					X		
HFA	Manufacturers & Traders Trust Company	3068	TRUSTEE	RFP	6/5/2015	Upon Notice	2,000		2,000	Bank	39,381					X		
HFA	Manufacturers & Traders Trust Company	3070	TERRANCE GARDENS APARTMENTS HOUSING REVE	RFP	6/11/2013	Upon Notice	1,200		1,200	<=\$25,000	7,200					X		
HFA	The Bank Of New York Mellon	3071	TRUSTEE	RFP	7/7/2015	Upon Notice	1,500		1,500	<=\$25,000	19,500					X		
HFA	Ganfer Shore Leeds & Zauderer LLP	3076	LEGAL SERVICES - CONDOMINIUM AND COOPERA	Single Src	5/1/2015	04/30/2020	19,273	19,273			137,379					X		
HFA	The Bank Of New York Mellon	3081	TRUSTEE	RFP	9/23/2015	Upon Notice	9,000		9,000	Bank	91,500					X		

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HFA	Manufacturers & Traders Trust Company	3082	TRUSTEE	RFP	9/23/2015	Upon Notice	3,500		3,500	<=\$25,000	15,525					X		
HFA	Barclay Damon, LLP	3084	BOND COUNSEL SERVICES (PARTNERING WITH G	Preq List	6/1/2015	01/28/2021	180,315	180,315			996,656					X		
HFA	Ernst & Young LLP	3085	AUDIT SERVICES	RFP	9/16/2015	09/15/2021	216,800	216,800			1,020,253					X	X	
SONYMA	Ernst & Young LLP	3086	AUDIT SERVICES	RFP	9/16/2015	09/15/2021	167,200	167,200			831,605					X	X	
HFA	Manufacturers & Traders Trust Company	3087	TRUSTEE	RFP	10/28/2015	Upon Notice	4,000		4,000	<=\$25,000	23,055					X		
SONYMA	Bela Vizy	3088	IT CONSULTANT SERVICES FOR SONYMA EXPRES	Sole Src	10/12/2015	10/11/2021	150,000		150,000	Sole Source	754,542					X		
SONYMA	Hsin-Hua Alice Chen	3089	IT CONSULTANT SERVICES FOR SONYMA EXPRES	Sole Src	10/12/2015	10/11/2021	150,000		150,000	Sole Source	732,034					X		
MBBA	Manufacturers & Traders Trust Company	3090	MBBA SPECIAL PURPOSE REVENUE BONDS SERIE	RFP	3/12/2009	Upon Notice	1,000		1,000	<=\$25,000	5,000					X		
HFA	The Bank Of New York Mellon	3095	TRUSTEE	RFP	10/28/2015	Upon Notice	7,500		7,500	<=\$25,000	25,000					X		
MBBA	Ernst & Young LLP	3101	AUDIT SERVICES	RFP	9/16/2015	09/15/2020	17,800	17,800			84,040					X	X	
TSFC	Ernst & Young LLP	3102	AUDIT SERVICES	RFP	9/16/2015	09/15/2020	18,700	18,700			88,275					X	X	
AHC	Ernst & Young LLP	3103	AUDIT SERVICES	RFP	9/16/2015	09/15/2020	13,300	13,300			62,854					X	X	
SONYMA	George M. Leocata	3105	IT CONSULTANT SERVICES	Sole Src	10/8/2015	12/13/2019	13,000		13,000	Sole Source	145,635					X		
HFA	Reed Elsevier, Inc.	3118	ELECTRONIC INFORMATION SERVICES (ACCURIN	St Ctct	1/1/2016	12/31/2021	4,290		4,290	State Contract	21,450					X		
SONYMA	CSG ADVISORS INCORPORATED	3123	FINANCIAL ADVISORY SERVICES	Preq List	12/10/2015	12/09/2020	75,000	75,000			350,000					X		
SONYMA	Swap Financial Group LLC	3124	SWAP ADVISORY SERVICES	Preq List	12/10/2015	12/09/2020	9,500	9,500			155,167					X		
HFA	Manufacturers & Traders Trust Company	3129	TRUSTEE	RFP	4/28/2016	Upon Notice	6,500		6,500	<=\$25,000	18,500					X		
HFA	Insurance Advisors LLC	3134	INSURANCE CONSULTING SERVICES	Preq List	9/8/2015	09/07/2019	17,740	17,740			42,520					X		
HFA	The Bank Of New York Mellon	3138	TRUSTEE	RFP	7/28/2016	Upon Notice	2,080		2,080	<=\$25,000	19,660					X		
HFA	Caine Mitter & Associates Inc	3152	FINANCIAL ADVISORY SERVICES	Preq List	12/10/2015	12/09/2020	80,000	80,000			467,000					X		
HFA	Manufacturers & Traders Trust Company	3160	TRUSTEE - RIVERSIDE CENTER	RFP	12/9/2016	Upon Notice	28,750		28,750	Bank	145,808					X		
HFA	The Bank Of New York Mellon	3172	TRUSTEE 79 AVENUE D STREET HOUSING REVEN	RFP	10/12/2016	Upon Notice	9,000		9,000	<=\$25,000	24,500					X		
HFA	Amazon Web Services, Inc.	3177	HOSTING SERVICES - SONYMA EXPRESS	RFP	9/21/2016	Upon Notice	629,063	629,063			1,067,705					X		
SONYMA	Cfx Incorporated	3184	COMPUTATIONAL ANALYTIC SERVICES	RFP	1/1/2016	12/31/2020	850,000	850,000			4,037,500					X		
HFA	U.S. Bank National Association	3185	CUSTODIAN AND ESCROW AGENT SERVICES	RFP	2/8/2017	Upon Notice	3,000		3,000	<=\$25,000	13,000					X		
HFA	U.S. Bank National Association	3190	TRUSTEE - 810 FULTON STREET	RFP	2/8/2017	Upon Notice	4,250		4,250	<=\$25,000	16,500					X		
HFA	The Bank Of New York Mellon	3207	TRUSTEE - AFFORDABLE HOUSING REVENUE BON	RFP	4/21/2017	Upon Notice	61,980		61,980	Bank	142,480					X		
HFA	TierPoint New York, LLC	3209	DISASTER RECOVERY SERVICES	RFP	6/1/2015	02/23/2021	68,550	68,550			191,940					X		
HFA	Manufacturers & Traders Trust Company	3220	TRUSTEE - HALLETTS POINT 2017 A & B, SER	RFP	8/11/2017	Upon Notice	3,000		3,000	<=\$25,000	13,000					X		
SONYMA	Conduent Mortgage Services, Inc.	3228	IMAGING SERVICES	Single Src	3/1/2017	Upon Notice	59,592	59,592			211,388					X		
HFA	U.S. Bank National Association	3230	TRUSTEE - 572 11TH AVENUE	RFP	9/20/2017	Upon Notice	5,000		5,000	<=\$25,000	12,000					X		
HFA	U.S. Bank National Association	3250	TRUSTEE - 260 KENT AVENUE	RFP	1/25/2018	Upon Notice	3,000		3,000	<=\$25,000	11,000					X		
HFA	CASO Document Management d/b/a	3253	ELECTRONIC RECORD MANAGEMENT SYSTEM	RFP	2/28/2018	02/27/2021	933,260	933,260			2,584,756					X	X	
HFA	Sustainalytics U.S., Inc.	3255	CLIMATE BOND VERIFICATION SERVICES	Single Src	3/16/2018	Upon Notice	12,000	12,000			48,000					X		
HFA	CQ Roll Call	3257	ELECTRONIC LICENSES FOR FEDERAL LEGISLAT	Single Src	4/12/2018	06/21/2021	7,000	7,000			26,504					X		
MBBA	Public Resources Advisory Group, Inc.	3258	FINANCIAL ADVISORY SERVICES	Preq List	11/1/2016	12/09/2020	1,925	1,925			17,625					X		

HFA	Guardian Life Insurance Company of	3260	DENTAL AND LONG TERM DISABILITY INSURANC	Comp Bid	6/1/2018	05/31/2021	915,757			915,757	Insurance Co.	2,104,954				X		
HFA	Bank Of New York Mellon	3274	TRUSTEE SERVICES FOR 325 KENT AVENUE HOU	RFP	1/16/2018	Upon Notice	6,000			6,000	<=\$25,000	6,000				X		
HFA	Prolink Solutions, Inc.	3277	HOSTED TECHNOLOGY SERVICES FIRST AMENDM	RFP	8/8/2016	08/08/2021	1,307,014		1,307,014			2,619,021				X		
HFA	The Bank Of New York Mellon	3286	TRUSTEE SERVICES FOR 605 WEST 42NS STREE	RFP	7/18/2018	Upon Notice	3,250			3,250	<=\$25,000	7,250				X		
HFA	Gartner, Inc.	3295	ASSESSMENT OF BAM PROJECT	Single Src	12/13/2018	10/31/2020	243,342		243,342			625,266				X		
HFA	First Lexington Corporation	3297	LEASE FOR 641 LEXINGTON AVENUE	Brd Res	12/6/2018	07/31/2040	2,160,722			2,160,722	Real Property Lease/Svcs	3,844,181				X		
HFA	Bondlink Inc.	3298	INVESTOR PORTAL USER AGREEMENT	Single Src	1/29/2019	Upon Notice	102,985		102,985			134,426				X		
HFA	Caine Mitter & Associates Inc	3304	COMPUTATIONAL SERVICES	RFP	1/1/2019	12/31/2021	252,500		252,500			556,000				X		
SONYMA	Iron Mountain, Inc.	3308	TEMPORARY STORAGE	NonCmp/Crit	1/4/2019	02/04/2020	42,287		42,287			117,020				X		
HFA	Execu-Search Holdings, LLC dba	3314	CONSULTANT SERVICES	RFP	7/10/2019	07/13/2021	123,615	123,615				123,615				X		
HFA	Gary Weinstock	3316	CONSULTANT SERVICES	Sole Src	8/1/2019	12/31/2020	68,864			68,864	Sole Source	80,339				X		
HFA	Verizon Business	3318	COMMUNICATION SERVICES	St Ctrct	9/16/2019	09/15/2024	734,333			734,333	State Contract	796,564				X		
HFA	Special Counsel, Inc.	3319	PROFESSIONAL TEMPORARY STAFFING CONSULTA	Preq List	11/14/2019	07/13/2021	26,039	26,039				26,039				X		
HFA	AT&T	3329	TELECOMMUNICATION S CONNECTIVITY SERVICES	St Ctrct	9/16/2019	09/15/2024	8,028			8,028	State Contract	8,028				X		
HFA	Cellico Partnership	3330	WIRELESS COMMUNICATION SERVICES	St Ctrct	9/16/2019	09/15/2024	140,967			140,967	State Contract	140,967				X		
AHC	Tabrizchi & Co. CPA, P.C.	3333	AUDIT SERVICES FOR THE STATEN ISLAND GRE	Comp Bid	11/18/2019	11/17/2020	15,000			15,000	<=\$25,000	15,000				X		
HFA	Insurance Advisors LLC	3336	INSURANCE CONSULTING SERVICES	Preq List	9/8/2019	09/07/2024	5,400			5,400	<=\$25,000	5,400				X		
HFA	The Hertz Corporation	3337	AUTO RENTAL	St Ctrct	10/19/2019	05/21/2021	462			462	State Contract	462				X		
HFA	Eirac, Inc.	3339	PASSENGER VEHICLE RENTAL	St Ctrct	2/4/2020	09/15/2021	1,507			1,507	State Contract	1,507				X		
HFA	Digital Assurance Certification LLC	3340	DISCLOSURE COMPLIANCE AND DISSEMINATION	Single Src	3/17/2020	03/16/2025	25,000		25,000			25,000				X		
HFA	345 Park Ave L.P.	3343	345 PARK SWING SPACE LEASE AGREEMENT	Brd Res	1/1/2020	06/30/2020	200,000			200,000	Real Property Lease/Svcs	200,000				X		
HFA	LanceSoft Inc.	3293	PROFESSIONAL TEMPORARY STAFFING CONSULTA	Preq List	10/15/2018	07/13/2021	41,130	41,130				94,713				X		
							\$35,274,387.00	\$19,044,706.00	\$9,872,157.00	\$12,357,524.00				\$4,209,999.00	\$10,445,634.00	\$14,655,633.00		
Totals - Contracts																		
Percentage of Total - Contracts							53.99%	10.98%	35.03%					22.11%	54.85%	76.95%		
Count - Contracts							155	52	83					18	6	24		

TAB 4

Agencies' Consolidated Procurement and Contract Guidelines

**PROCUREMENT AND CONTRACT GUIDELINES OF
THE NEW YORK STATE HOUSING FINANCE AGENCY,
STATE OF NEW YORK MORTGAGE AGENCY,
NEW YORK STATE AFFORDABLE HOUSING CORPORATION,
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY,
AND TOBACCO SETTLEMENT FINANCING CORPORATION
ESTABLISHING STANDARDS
FOR THE USE, AWARD, MONITORING AND REPORTING
OF PROCUREMENT CONTRACTS**
(effective as of December 15, 2005, revised as of September 12, 2013)

ARTICLE I

1. STATEMENT OF PURPOSE AND APPLICABILITY

- a. Statement of Purpose. These Guidelines are adopted pursuant to the provisions of the Acts and §2879 of the Public Authorities Law, as guidelines of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation (collectively hereinafter referred to as "Agencies" or each individually as "Agency") and, in accordance therewith, are to be reviewed and approved by the Members and Directors of each respective Agency at least annually.
- b. Applicability. These Guidelines apply to the Procurement by the Agencies of goods or services in the actual or estimated amount of \$5,000 or more.
- c. Title. Outside of this document, these Guidelines may be referred to as the "Procurement and Contract Guidelines" and herein may be referred to as "Guidelines."

ARTICLE II

2. DEFINITION OF TERMS

- a. Definitions. The following terms shall, for purposes of these Guidelines, have the following meanings unless the context shall clearly indicate some other meaning:
 - i. "Act" or "Acts" shall mean, either individually, or collectively, the Acts of each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State

of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.

- ii. "Agency" or "Agencies" shall mean, either individually or collectively, each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.
- iii. "Affiliated Agencies" shall mean all of the affiliated and co-located Agencies, being the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation, including the Housing Trust Fund Corporation, a subsidiary of the New York State Housing Finance Agency, located in Albany, New York.
- iv. "Annual Procurement Report" shall mean the annual report required by Article XII hereof.
- v. "Article 15-A of the Executive Law" or "Article 15-A" shall mean, the statute that governs the participation by Minority Group Members and women with respect to Agency Contracts.
- vi. "By-Laws" shall mean the By-Laws adopted by the Members and Directors of each Agency.
- vii. "Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any oral, written or electronic communication from a Contractor or Vendor, or their representatives, with any Agency, under circumstances where a reasonable person would infer that the communication was intended to influence any Agency's conduct or decision regarding an Agency Governmental Procurement.
- viii. "Contract" shall mean a written agreement whereby an Agency undertakes Procurement, and shall include, but not be limited to, accepted Purchase Orders and Procurement Contracts. Contracts in excess of \$25,000 for goods and services and Contracts in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair, or renovation of real property and improvements thereon are subject to the Agencies' MWBE Directives. Additionally, pursuant to Article 15-A, solely for the purpose of providing the opportunity for meaningful participation for certified MWBEs in the performance of Agency Contracts, Agency Contracts shall

include leases of real property by any Agency to a Lessee where: (a) the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee; and (b) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon shall exceed the sum of \$100,000.

- ix. "Contractor" shall mean a supplier of goods or services to any Agency pursuant to a written Contract.
- x. "Counsel" shall mean an attorney in the regular employment of any Agency.
- xi. "Critical Contract" shall mean a Contract which must be awarded within a set time period because delay of the award would have a serious adverse effect on the contracting Agency that outweighs the benefits of advertisement in the "New York State Contract Reporter," as determined by the President, and a Senior Officer designated by the President. Examples of Critical Contracts include Contracts related to bond issuances. All Emergency Selection Contracts shall be Critical Contracts. Emergency Foreign Business Enterprise Contracts are not Critical Contracts unless the Agency independently determines those Contracts to be Critical Contracts.
- xii. "Designated Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Contact made between an Offerer and the Agency's Designated Contact Officer(s), as set forth in Article VII of these Guidelines.
- xiii. "Designated Contact Officer(s)" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the person(s) the Agency appoints to such position, in accordance with the provisions of the Lobbying Law, who may be the recipient of Designated Contacts, as set forth in Articles VII and XI of these Guidelines.
- xiv. "Designated MWBE Officer(s)" shall mean the senior staff member(s) the Agency appoints to such position, who reports directly to the President to oversee the Agencies' MWBE Program, as set forth in Articles VI and XI of these Guidelines.
- xv. "Determination of Responsibility" shall mean, in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a final determination required to be made by the Agency of the proposed Contractor or Vendor to whom the Contract is to be awarded in accordance with Public Authorities Law § 2879 (3) (b)

(iii). For Determinations of Responsibility hereunder, the Lobbying Law requires that proposed Contractors and Vendors disclose findings of non-responsibility against them within the previous four years by any other governmental agency.

- xvi. "Director(s)" shall mean the Directors of each of the State of New York Mortgage Agency and State of New York Municipal Bond Bank Agency and collectively, both of them.
- xvii. "Discriminatory Jurisdiction" shall mean any other county, nation, province, state or political subdivision thereof which employs a preference or price distorting mechanism to the detriment of, or otherwise discriminates against, a New York State Business Enterprise in the Procurement of goods or services by the same, or a non-governmental entity influenced by the same.
- xviii. "Disparity Study of 2010" or "Disparity Study" shall refer to the disparity study commissioned by the Empire State Development Corporation ("ESDC"), pursuant to Article 15-A, and published on April 29, 2010.
- xix. "Emergency Foreign Business Enterprise Contract" shall mean any Contract awarded on an emergency or critical basis or where the New York State Commissioner of Economic Development (hereinafter referred to as the "Commissioner") waives provisions otherwise applying to Contracts with Foreign Business Enterprises which are equal to or greater than \$1,000,000, pursuant to Article VIII of these Guidelines.
- xx. "Emergency Selection Contract" shall mean any Contract exempt from competitive selection due to an Agency determination of an emergency justifying such exemption.
- xxi. "Employee" shall mean an employee of any Agency, whether full or part time.
- xxii. "Ethics Officer" shall mean the person the Agency appoints to such position for purposes of administering matters in connection with the State Ethics laws, or any other State law which requires the existence of such an officer to review, monitor and impose sanctions related to Procurement matters including, but not limited to, Lobbying Law Directives.
- xxiii. "Foreign Business Enterprise" shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods sought by any Agency and which are substantially produced outside the State, or services sought by any Agency, and which are substantially performed outside the State.

- xxiv. "Formal Contract" shall mean a Contract which is required to be in writing and formally executed by the Contractor and the Agency.
- xxv. "Formal Solicitation" shall mean a Request for Proposal process.
- xxvi. "Governance Committee Member(s)" shall mean the members of each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation, and collectively, all of them.
- xxvii. "Governmental Procurement" shall mean the (a) public announcement, public notice, or public communication to any potential Vendor of a determination of a need for a Procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, RFPs, or evaluation criteria for a Procurement Contract, (b) solicitation for a Procurement Contract, (c) evaluation of a Procurement Contract, (d) award, approval, denial or disapproval of a Procurement Contract, or (e) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the Procurement Contract as it was finally awarded or approved by the State's comptroller, as applicable), renewal or extension of a Procurement Contract, or any other material change in the Procurement Contract resulting in a financial benefit to the Offerer.
- xxviii. "Guidelines" shall mean these Guidelines, as they may be amended from time to time.
- xxix. "Impermissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any Contact that is not a Designated Contact.
- xxx. "Informal Solicitation" shall mean a Request for Bid process.
- xxxi. "Invitation for Bid" process or "IFB" shall mean the informal solicitation, by way of a statement of qualification, proposal and/or, as appropriate, price bid from at least three prospective Contractors or Vendors, one of which shall be from a MWBE, if possible, for Procurements not expected to exceed \$50,000. Procurements anticipated to exceed \$25,000 or more must include MWBE participation goals.
- xxxii. "Lessee" shall have the same meaning defined in Article 15-A.

- xxxiii. "Lobbying Law Directives" shall mean, in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the requirements of the provisions of the Lobbying Law, and as set forth in Article VII of these Guidelines.
- xxxiv. "Lobbying Law" shall mean the provisions of the Legislative Law and the State Finance Law enacted on August 23, 2005, Chapter 1 of the laws of 2005 and amended on March 20, 2010, Chapter 4 of the laws of 2010.
- xxxv. "Member(s)" shall mean the members of each of the New York State Housing Finance Agency, New York State Affordable Housing Corporation, and Tobacco Settlement Financing Corporation, and collectively, all of them.
- xxxvi. "Minority Owned Business Enterprise" or "MBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that is:
- (1) at least 51% owned by one or more Minority Group Members, or in the case of a publicly-owned business, at least 51% of the common stock or other voting interests of which is owned by one or more Minority Group Members;
 - (2) an enterprise in which the minority ownership is real, substantial and continuing;
 - (3) an enterprise in which the minority ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
 - (4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;
 - (5) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a Personal Net Worth that does not exceed \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
 - (6) an enterprise that is a Small Business.
- xxxvii. "Minority and/or Women-Owned Business Enterprise" or "MWBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that meets the qualifications for an MBE, a WBE, or both an MBE and a WBE.

xxxviii. "Minority Group Member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

- (1) Black persons having origins in any of the Black African racial groups not of Hispanic origin;
- (2) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;
- (3) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (4) Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian sub-continent or the Pacific Islands.

xxxix. "MWBE Director" shall mean the director of the division of minority and women's business development in the Department of Economic Development.

xl. "MWBE Directives" shall mean the requirements of the Agencies' MWBE Program in accordance with the provisions in §2879 of the Public Authorities Law and Article 15-A, and as set forth in Article VI of these Guidelines.

xli. "MWBE Program" shall mean the Agencies' Procurement procedures and policies for providing opportunity for meaningful participation of certified businesses in the performance of Agency Contracts, as more fully described in Article VI of these Guidelines.

xlii. "New York State Business Enterprise" or "NYSBE" shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, goods which are sought by any Agency and which are substantially manufactured, produced or assembled in the State, or services which are sought by any Agency and which are substantially performed within the State.

xliii. "Offerer" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts any Agency about an Agency Governmental

Procurement during the Restricted Period of such Agency Governmental Procurement, whether or not the caller has a financial interest in the outcome of the Governmental Procurement.

- xliv. "Officer" shall mean any person so defined in the By-Laws of the Agencies.
- xlvi. "Permissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Designated Contact.
- xlvi. "Permissible Subject Matter Communication" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the communications set forth as such in Article VII of these Guidelines.
- xlvi. "Personal Net Worth" shall have the same meaning defined in Article 15-A.
- xlvi. "Personal Services" shall mean any services performed for fee, commission or other compensation by persons or organizations who are not providing such services as Officers or Employees of any Agency or any State agency or public corporation.
- xlix. "Preferred Source" shall mean the status afforded to certain contractors or vendors for purposes of Procurement under §162 of the State Finance Law.
- l. "President and Chief Executive Officer" or "President" shall mean the Senior Officer having such title according each Agency's By-Laws.
- li. "Procurement" shall mean the acquisition of goods, materials and services including, but not limited to, Personal Services, by any Agency. The term goods shall include, but not be limited to, personal property, including furniture, fixtures, stationery and supplies. Services shall include, but not be limited to, the performance of legal, accounting, management, consulting, investment banking, planning, training, statistical, research, public relations, architectural, engineering, surveying or other Personal Services of a consulting, professional or technical nature for a fee, commission or other compensation by a person or persons who are not providing such service as Officers or Employees of any Agency or any State agency or public corporation.

- lii. "Procurement and Contract Guidelines" shall mean the guidelines to Procurement of goods or services by the Agencies, adopted by the Agencies' Members and Directors on December 15, 2005 and revised as of September 14, 2010, pursuant to the provisions of the Acts and §2879 of the Public Authorities Law, as guidelines of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.
- liii. "Procurement Contract(s)" shall mean, (a) *(following the definition in §2879 of the Public Authorities Law)* any written agreement for Procurement in the actual or estimated amount of \$5,000 or more or (b) *(following the definition in the Lobbying Law for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000)* any Contract, including an amendment, extension, renewal, or change order to an existing Contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the Contract as it was finally awarded), for a Governmental Procurement.
- liv. "Procurement Contract Officer" shall mean the person appointed by the President to such position, as set forth in Article XI of these Guidelines.
- lv. "Procurement Record" shall mean documentation of the decisions made and the approach taken in the Procurement process together with other documentation with respect to Contracts and Contractors/Vendors, as set forth in these Guidelines.
- lvi. "Purchase Order(s)" shall mean written authorization to a Vendor to deliver specified goods or services at a stipulated price.
- lvii. "Quarterly Procurement Report(s)" shall mean the quarterly reports required by Article XII, as described herein.
- lviii. "Request for Proposal" or "RFP" shall mean the formal solicitation, by way of a detailed description of services and/or related work required by any Agency, of a comprehensive response from qualified potential Contractors or Vendors, indicating the manner in which each would perform the tasks involved and the compensation requested, which response would be the basis for a contractual agreement. *(It is generally expected that a qualifying response to an RFP would be sufficiently comprehensive to supply all essential information necessary to enter into a Contract.)*

- lix. "Request for Qualification or "RFQ" shall mean a request for statement of qualifications, which shall contain detailed information, so as to enable recipients to determine the desirability of participating in the selection process and to develop a competitive statement. An RFQ may request other information in addition to qualifications. *(An RFQ requests less information than an RFP. The response may or may not provide enough information upon which to base a Contract, but if it is not sufficient to base a Contract upon, supplementary information would likely be necessary to determine the scope of tasks to be performed under the Contract.)*
- lx. "Restricted Period" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the period of time commencing with the earliest determination of a Procurement need by any Agency to any potential Contractor or Vendor, including, but not limited to, any oral or written communication, notice, advertisement or solicitation of an RFP, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from contractors or vendors intending to result in a Procurement Contract with the Agency and ending with the Agency's approval of the final Contract award.
- lxi. "Senior Officer" shall mean a Senior Officer as defined in the By-Laws of the Agencies.
- lxii. "Senior Vice President and Counsel" shall mean the Senior Vice President and Counsel of the Agencies.
- lxiii. "Single Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President and a Senior Officer designated by the President, that one firm is uniquely qualified or has a unique advantage with respect to the provision of a particular service or good, such that competitive procedures are rendered futile.
- lxiv. "Small Business" shall have the same meaning defined in Article 15-A.
- lxv. "Sole Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President and a Senior Officer designated by the President, that there is only one source for a particular service or good, such that competitive procedures are rendered futile.
- lxvi. "State" shall mean the State of New York.
- lxvii. "Vendor" shall mean a supplier of goods or services to any Agency.

lxviii. "Women-Owned Business Enterprise ("WBE")" shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

- (1) at least 51% owned by one or more United States citizens or permanent resident aliens who are women or, in the case of a publicly-owned business, at least 51% percent of the common stock or other voting interests of which is owned by United States citizens or permanent resident aliens who are women;
- (2) an enterprise in which the ownership interest of women is real, substantial and continuing;
- (3) an enterprise in which the women ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
- (4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;
- (5) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a Personal Net Worth that does not exceed \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
- (6) an enterprise that is a Small Business.

b. Construction of Language. Any other capitalized terms used herein shall have the meaning given by the By-Laws. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa.

ARTICLE III

3. USE OF PROCUREMENT CONTRACTORS AND VENDORS

a. Threshold Criteria for Use of Procurement Contractors for Personal Services. The general responsibilities of the Agencies are performed by Employees. Accordingly, it is the policy of the Agencies that before Personal Services are used, it first be considered whether it would be more appropriate for Employees to provide such services. Personal Services Contractors may be used when it has been determined:

- (1) that such service is necessary or convenient to the performance of any Agency's responsibilities, and;
- (2) (x) that such service is not available from Employees, or;
(y) that the performance of such service requires it be undertaken by someone independent of the Agencies, or;
(z) that use of personnel of any Agency for such service would not be efficient or cost effective.

Such determination shall be made by a Senior Officer except that, in the case of Personal Services set forth below in this Article, such determination may be made by Senior Officers as they may deem administratively appropriate. Non-Personal Services Contracts shall be entered into when any Agency requires goods, materials and non-Personal Services to function effectively and efficiently.

- b. Areas Requiring Use of Procurement Contracts for Personal Services. Personal Services Contracts have typically been and are anticipated to be executed in the following areas, pursuant to a determination of appropriateness in accordance with the requirements of subparagraph a. of this Article:

Types of Services, Responsibilities and Description of Services to be Provided.

- i. Appraisal. Provide appraisals, analyses and reports with respect to properties which are or may be the subject of Agency loans or loans insured by the Agency.
- ii. Architectural and Engineering. Provide professional architectural and/or engineering services relative to the construction of properties which are or may be the subject of Agency loans, or loans insured by the Agency.
- iii. Audit and Accounting. Provide audit services pertaining to the year-end preparation of financial statements for the Agency in conformance with generally accepted accounting principles. Perform special audits as requested.
- iv. Custody & Safekeeping Services. Provide custody and safekeeping services to secure Agency investments and receive and evaluate underlying collateral for secured Agency investments.
- v. Equipment Maintenance. Provide maintenance for the routine service or repair of office and data processing equipment.
- vi. Information Technology Consulting. Provide analyses and recommendations on the Agencies' data processing structure and operations.

- vii. Information Technology Services. Provide report generating and printing services, computer systems hardware, programming and related services to the Agency(s).
- viii. Investment Banking. Provide: (a) financial advisory services; (b) marketing services for Agency bond issues; and (c) recommendations and analyses with respect to Agency investments, and the preparation, sale, marketing and distribution of Agency bond issues.
- ix. Legal. Provide legal services, opinions and analyses related to bond and note financings, real estate matters, corporate matters, litigation matters and labor matters.
- x. Management Consulting. Provide analyses and recommendations concerning the Agencies' organizational structure and the management of its operations.
- xi. Minority Business Enterprise Consultants. Provide technical assistance in the Agencies' effort to facilitate MBE participation in Agency programs.
- xii. Printing. Provide: (a) financial printing services based upon specifications and details developed by the Agency; (b) technical printing services relative to the reproduction of loan and insurance documents; (c) graphic, layout and printing services in connection with production of the Agencies' annual report(s); and any special reports that may be required; and (d) other printing and offset services.
- xiii. Training. Provide supervisory and other skills training to Agency Officers and Employees.
- xiv. Trustee Banking Services. Provide banking services to monitor the timely receipt of payments, retirement of debt, collateral evaluations and other services as required by the various bond resolutions.
- xv. Others. The examples of Personal Services listed above in clauses (i) through (xiv) reflect anticipated Personal Services and are not meant to be exhaustive; other services, in other areas, may be utilized subject to these Guidelines.

These Personal Services are not required to be provided as Personal Services Contracts, and may sometimes be performed by Agency staff.

ARTICLE IV

4. SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

- a. Preferred Selection Criteria and Approach. It is the preference of the Agencies that Vendors and Contractors shall be selected from as broad a spectrum of providers as is practicable, and that Contracts be awarded and purchases be made consistent with the quality of services, or goods and materials required, at fair and reasonable prices. In addition, it is the preference of the Agencies to encourage the participation and utilization of MWBEs in accordance with the MWBE Directives, as set forth in Article VI of these Guidelines and to encourage the participation of New York State Business Enterprises. Contracts shall be regulated in accordance with Lobbying Law Directives, and as set forth in Article VII of these Guidelines.
- b. Selection on a Competitive Basis. It is the preference of the Agencies that Procurement, unless otherwise prescribed, be by competitive process, and that the process be as competitive as is possible. It is the policy of the Agencies that the selection of Procurement Contractors and Vendors be exempt from the competitive process only under certain exceptional circumstances as specified herein. As appropriate, the following competitive processes may be used in order to select Contractors and Vendors:
 - i. Competitive Lowest Price Bid for Goods or Materials. Solicitation of at least three price bids, one of which shall be from a MWBE, if feasible, for specified Procurement, other than Personal Services (goods and materials), to be awarded to qualifying Contractors or Vendors primarily on the basis of the lowest price. Competitive bids are to be solicited when the goods and materials required are of a standardized nature that may reasonably be made the subject of specifications to which bidders respond with required qualification data and price offers.
 - ii. Invitation for Bid ("IFB") process for Contracts Not Expected to Exceed \$50,000. If a Senior Officer determines it is appropriate, an Agency may commence an informal Procurement process by soliciting statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Contractors or Vendors, one of which shall be from a MWBE, if feasible, for Procurements not expected to exceed \$50,000. Procurements valued at \$25,000 or more must include MWBE participation goals. Award of a Contract within this method is made on the basis of an evaluation of the characteristics, quality and cost of such statements of qualifications and proposals.
 - iii. RFP (without negotiation). Solicitation of specific proposals which indicate an understanding of identified financial, organizational, logistical and technical requirements and/or problems, and which detail elements of

performance, including techniques and procedures as well as prices. Award of a Contract within this method is made on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.

- iv. RFP with Competitive Negotiations. Solicitation of qualifying potential Contractors or Vendors who have submitted materials pursuant to: (a) an RFP to further negotiate their proposals; (b) an RFP which stated that the Agency might further negotiate proposals; or (c) a determination by the Agency, subsequent to issuing an RFP, that further negotiation is appropriate or that the RFP should be revised to permit further negotiations. Further negotiation may include, but shall not be limited to, prices for Contract award on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.
- v. Pre-qualified Panel. The Agency may select Contractors for any Procurement activity from a qualified panel of potential Contractors, selected on the basis of an RFP or RFQ. The purpose of using a pre-qualified panel is to allow aspects of the competitive process to be addressed early in a phased selection process. This is so that Vendors and Contractors on the panel can be subsequently engaged on an accelerated or more efficient basis. In accordance therewith, panels shall be administered so that the Contract award is based upon a formal evaluation of qualifications and/or the subsequent negotiation of fair and reasonable compensation for specific services actually required. At such time as a panel is created, the Agency shall document for the Procurement Record with respect to that panel, which aspects of the competitive process (a) are being addressed prior to the panel's establishment and (b) shall be fulfilled subsequent to the establishment of the panel. The award of assignments to respective Vendors on a panel need not be based purely on competitive selection processes, to the extent that assignments based on distribution of workload, distribution of risk, and/or a policy of rotation intended to benefit the Agency are reasonable. Panels shall be identified to the Agency Procurement Contract Officer, reported in the Annual Procurement Contract Report, and reviewed and recertified annually to the Agencies' Procurement Contract Officer by the Agency Officer in charge of administering the panel.
- vi. State Contract. Any Agency can enter into Contracts with eligible Vendors, where the State has engaged in a competitive process to create eligible Vendors; and an Agency can enter into a Contract with those Vendors for such services upon comparable terms, provided a Senior Officer determines this is appropriate.
- vii. GSA Contract (or contract of the U.S. General Services Administration or US GSA). Any Agency can enter into Contracts with eligible Vendors, where the US GSA has engaged in a competitive process to create eligible

Vendors; and an Agency can enter into a Contract with those Vendors for such services upon comparable terms, provided a Senior Officer determines this is appropriate.

viii. Affiliated Agency Contract or Affiliated Agency Competitive Selection Process. Whenever an Affiliated Agency has completed a competitive process to create a list of Vendors eligible for the provision of goods or services, any other Agency can enter into a Contract with those Vendors for such services, if for the same services and upon comparable terms. Whenever an Affiliated Agency has engaged in a competitive process, and that process has not yet created a list of eligible Vendors, and an Agency can complete that process to create eligible Vendors, the Agency may do so in order to enter into a Contract with those Vendors for such services for which Vendors are ultimately determined eligible to provide, provided a Senior Officer determines this is appropriate.

c. Selection on a Non- Competitive Basis. The competitive processes established above in this Article shall not apply or are hereby waived in the following situations:

- i. Preferred Source Providers. Every Agency Procurement shall be conducted in accordance with §162 of the State Finance Law, which, in certain instances, affords Preferred Source status to certain Contractors and Vendors to advance special social and economic goals and precludes the use of competitive selection procedures.
- ii. Existing Centralized State Contracts. Any Agency may carry out a Procurement using existing centralized State Contracts pursuant to which the Agencies are eligible to procure goods and/or services, according to the State negotiated terms.
- iii. Existing GSA Contracts. Any Agency may carry out a Procurement using existing centralized GSA Contracts pursuant to which the Agencies are eligible to procure goods and/or services, according to the State negotiated terms.
- iv. Emergency. When an emergency requires that selection of a Contractor or Vendor cannot be delayed long enough for the use of a competitive procedure because immediate action is required, the President, and a Senior Officer designated by the President, may award a Contract, as the President and the designated Senior Officer deems appropriate, without competitive procedures or following less than the full complement of competitive procedures which would otherwise be required. Circumstances requiring such immediate action must be significant, such as those affecting property of the Agency(s), life, health or safety. Emergencies should only arise out

of accident or other unforeseen occurrence. The circumstances under which such Contract was entered into shall be set forth and maintained in the Procurement Record. Such record should, among other things, address whether such circumstances should have been foreseen. Consideration should always be given to whether a Contract entered into on an emergency basis can be supplanted by a subsequent Contract entered into through a competitive process. If the Emergency Contract exceeds \$100,000 in amount or one year in duration, the Contract must be taken to the next Agency Governance Meeting or Board Meeting for approval. The emergency nature of the Contract must be shown in the Quarterly Procurement Report covering the period in which the Contract was executed.

- v. Sole Source Contract. Sole Source Contracts may be awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President and a Senior Officer designated by the President. For purposes of determining whether a Contract is a Sole Source Contract, the Agency shall identify if there is only one source for a particular service or good, such that competitive procedures are rendered futile.
- vi. Single Source Contract. Single Source Contracts may be awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President and a Senior Officer designated by the President. Competitive procedures may be considered futile for purposes of determining whether a Contract is a Single Source Contract, if, among other things, the submission of bids or proposals by other Contractors or Vendors would not afford them a meaningful likelihood of selection. Any time the Agency considers it appropriate, the Agency may conclusively reach such a determination by relying upon the determination of the State or an Affiliated Agency that a Vendor is uniquely qualified, if the Agency seeks to enter into a Contract or contract with those Vendors for such services upon comparable terms.
- vii. Inconsistent Industry Selection Process with Competitive Price Assurance. Where practice in an industry does not normally involve competitive submission of proposals and where it is determined that it would be cost-effective to award such Contract or otherwise select from among possible Vendors in some other manner, provided steps are taken to assure that the cost is comparable to that generally charged for similar goods or services, and that the Procurement Record contains written evidence of these steps, a Contract may be awarded without competitive process.

- viii. Competitive Proposal Exception for Contracts Not Expected to Exceed \$5,000. In the case of Contracts not expected to exceed \$5,000, if it is determined that soliciting at least three Vendors is not appropriate, such Contract may be awarded without soliciting competitive proposals, if a clear scope of goods or services is utilized and due consideration is given to the market value of such goods or services.
- ix. Option to Waive Competition for Certain Kinds of Contracts. Notwithstanding any other provision of law requiring competition, the competitive process may be waived to include Contracts for the purchase of goods or services from Small Businesses or certified MWBEs, or goods or technology that are recycled or remanufactured, in amounts at or below \$200,000.

ARTICLE V

5. STANDARDS AND PRACTICES FOR COMPETITIVE SELECTION OF CONTRACTORS.

It is the policy of the Agencies to seek out the maximum practicable number of qualified Vendors interested in offering their goods or services to the Agencies and to establish certain minimum standards for their selection. The following standards shall apply:

- a. Advertisement Requirements for Competitive Source Selection Methods. The solicitation of bids, proposals, offers or submissions of qualification data from Vendors with respect to Contracts shall be made by the Agencies in a manner determined by the President, or a Senior Officer designated by the President, to be the most cost effective for providing reasonable competition for the Agencies' Contracts. This may include advertisement in appropriate newspapers or trade journals, direct mailings to firms considered qualified and such other outreach mechanisms as are consistent with the policy of these Guidelines, including outreach efforts to MWBEs in accordance with the provisions of Article VI herein and the Agencies' MWBE Goal Plan ("MWBE Goal Plan"), and including providing information with respect thereto via the Agencies' website. In addition, in the case of Procurement Contracts in the actual or estimated amount of \$50,000 or more, and in the establishment of pre-qualified panels, as of January 1, 1990, the Agencies shall advertise all such opportunities in the "New York State Contract Reporter" or "Reporter," the official weekly listing of bidding opportunities for the State published by the New York State Department of Economic Development, and any other publication as required by State law, unless the Contract is determined to be a Critical Contract. Already advertised Contract opportunities being re-bid or re-solicited within 45 business days after proposals were originally due, pursuant to publication in the "Reporter," are not required to be published again. Contracts determined to be Single Source Contracts need not be advertised in the "Reporter,"

but in many instances such advertising should be done to assist in the determination that a Contract is a Single Source Contract.

- b. Minimum of Three Prospective Vendors for Competitively Bid Procurement Contracts. For all Procurement Contracts required to be selected on a competitive basis, the Agency shall solicit statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Vendors. In the case of Contracts not expected to exceed \$5,000, the Agency shall solicit prices, statements of qualifications and proposals from at least three prospective Vendors unless the Agency affirmatively determines it is not appropriate. The Agency shall include at least one MWBE, if feasible, in all Procurement processes for contracts not expected to exceed \$25,000.
- c. Requirements for Agency Bid Documents. Except for Procurement Contracts for which the Agency(s) would be expending funds received from another state, the Agencies shall include in all bid documents provided to potential bidders a statement that information concerning the availability of State subcontractors and suppliers is available from the State Department of Economic Development, which shall include the directory of certified MWBEs, and an affirmative statement that it is the policy of the Agencies to encourage the use of State subcontractors and suppliers, and to promote the participation of MWBEs, where possible, in the Procurement of goods and services. Additional requirements for Agency Bid Documents relating to the Agencies policies to promote the participation of New York State Business Enterprises is more fully described in Article VIII.8.a. of these Guidelines.

The Agencies shall also require that solicitation documents set forth the expected degree of MWBE participation based, in part, on (1) the potential subcontract opportunities available in the prime Procurement Contract; and (2) the availability of MWBEs to respond competitively to the potential subcontract opportunities.

- i. Required Bid Notices to Professional and other Organizations serving MWBEs. In an effort to award Procurement Contracts to MWBEs in compliance with the Agencies' MWBE Procurement goals, as set forth in the Agencies' MWBE Goal Plan, the Agencies shall provide notice of Governmental Procurements, along with any other notice required by law, to professional and other organizations serving MWBEs that provide the types of services procured by the Agencies. Professional and other organizations can include, but is not limited to, social networking websites, magazines, and/or newspapers catering to a majority of MBE and/or WBE clientele. For the purposes of these Procurement efforts and for other Agency Procurement efforts, the Agencies shall establish procedures for maintaining list(s) of qualified MWBEs. In addition, the Agencies shall establish procedures for maintaining lists to include media outlets and other organizations serving MWBEs. The Agencies will provide such list(s) to

Contractors in the Procurement process, requiring that potential Contractors shall consult and contact appropriate MWBEs to solicit their bids, in accordance with Article VI of these Guidelines.

- ii. Lobbying Law Directives. All Agency solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law, pursuant to the Lobbying Law Directives as described in Article VII of these Guidelines and in the Agencies' Lobbying Reform Law Policies.
- iii. Promoted Contracts. All Agency solicitations shall follow the directives for the participation of promoted Contracts, as is more fully described in Article VIII of these Guidelines.
- d. Criteria for Selection. Procurement Contracts shall be entered into based on an evaluation of all proposals or bids received, considering all relevant factors, including, but not limited to terms, costs, goods or services offered, experience and capabilities, financial security, reputation in the field, staff availability, personnel expected to be involved and possible conflicts of interest. Where a Senior Officer determines that there is a suitably neutral and reliable publisher or publicly available industry ratings or evaluations of products or firm qualifications, such ratings or evaluations may be allowed to substitute, in whole or in part, as determined to be appropriate, for required submission of qualifications where it is determined that requiring independent submission of such from Vendors would be duplicative. The criterion for selection are not intended to supersede the fact that the Agencies have certain promoted Contracts and certain prohibited Contracts and Contracts subject to limitations, as set forth in Article VIII of these Guidelines.
- e. Compliance with Additional Procedures for Requests for Proposals and Requests for Qualifications. The Agencies shall also comply with any additional procedures issued by it, from time to time, with respect to the conduct of Requests For Proposals and Requests For Qualifications.

ARTICLE VI.

6. MWBE PROGRAM ESTABLISHING PROCEDURES FOR MWBE PARTICIPATION AND UTILIZATION IN AGENCY PROCUREMENTS

The requirements of the Agencies' MWBE Program, in accordance with the provisions of §2879 of the Public Authorities Law, Article 15-A, and the directives of the Governor, and as set forth in this Article, shall be referred to as the Agencies' MWBE Directives. The Agencies shall work to increase MWBE participation and utilization through certain Procurement procedures, as described in the Agencies' consolidated Annual MWBE Goal

Plan and these Guidelines, and incorporated in the Agencies' MWBE Program. These procedures shall include (i) the appointment of a Designated MWBE Officer(s) by the President to oversee the Agencies' MWBE Program, as described more fully in Article XI of these Guidelines, (ii) the establishment of appropriate goals for participation by MWBEs in Procurement Contracts awarded by the Agencies and (iii) the utilization of MWBEs as subcontractors and suppliers by Contractors having Procurement Contracts with the Agencies.

The Agencies have established numerical participation target goals identified in their MWBE Goal Plan based on the findings of the Disparity Study and directives from the Governor. For each new Contract, the Agencies shall gauge the appropriateness of the Procurement goals by considering the availability of Contractors to perform the Contract's anticipated scope of services, weighted by the extent those scope of services represent the total Contract price.

In the event the projected goals cannot be achieved, the Agencies will provide adequate documentation of a good faith effort to meet these goals in its submission of its Annual MWBE Goal Plan.

The Agencies, for the purposes of reaching these goals, shall establish procedures for maintaining list(s) of qualified and certified MWBEs, that have expressed an interest in doing business with the Agencies, and ensuring that such lists are updated periodically, but no less than once annually, and include a firm profile that will, if possible, describe the firm's history, key personnel and core work areas. The Agencies shall also consult the list(s) of certified MWBEs maintained by the Department of Economic Development, pursuant to Article 15-A.

The Agencies shall update these MWBE participation goals annually in an effort to (1) obtain the maximum feasible participation of MWBEs in Agency Contracts, (2) evaluate each Contract to determine the appropriateness of the goal, and (3) examine Agency goals to determine if their implementation will duplicate or conflict with any federal law. The Agencies shall waive the applicability of these goals to the extent of such duplication or conflict. These MWBE goals are subject to change by industry and region pursuant to findings contained within the Disparity Study of 2010, future Disparity Studies by the ESDC and Agency findings evidencing relevant industry and region-specific availability of certified MWBEs

b. Requirements to Conduct Procurements to Ensure Maximum Participation and Utilization by MWBEs. To enable the Agencies to achieve the maximum feasible portion of the Agencies' goals established in their MWBE Goal Plan, that eliminates barriers to participation by MWBEs in the Agencies' Procurements, Agency MWBE Directives shall include:

i. Measures and Procedures. The Agency shall establish measures and procedures to: (a) ensure that certified MWBEs shall be given the

opportunity for maximum feasible participation in the performance of Agency Contracts; and (b) to assist in the Agencies' identification of those Agency Contracts for which certified MWBEs may best bid to actively and affirmatively promote and assist their participation in the performance of Agency Contracts so as to facilitate the Agencies' achievement of the maximum feasible portion of the goals for Agency Contracts to such businesses. The Agencies' measures and procedures shall include the following MWBE Directives:

- (1) For competitive Procurements requiring a minimum of three bids, quotes must be obtained from at least one MBE or WBE. If not feasible, the reasons for not doing so shall be documented in writing and included in the Procurement record. Agency staff issuing solicitations will comply with this requirement whenever MWBEs are available for goods or services being procured;
 - (2) Encouraging Contractors to consider partnering with MWBEs, if feasible; and practicable; and
 - (3) For non-competitive Procurements, Agency staff issuing the solicitation shall strongly consider using a certified MWBE, if available, and if the MWBE meets the needs of the Agency.
- ii. Designation of the Division of Minority and Women-Owned Business Development ("Division of MWBEs"). The Agencies shall designate the Division of MWBEs to certify and decertify MWBEs for the Agencies.
 - iii. Expected Degree of MWBE Participation. The Agencies shall require that each Contract solicitation set forth the expected degree of MWBE participation, as set forth in Article VI of these Guidelines.:
 - iv. Current List of MWBEs. The Agencies shall provide a current list of certified MWBEs to each prospective Contractor, as set forth in Article VI of these Guidelines.
 - v. Joint Ventures and MWBE Participation Goals. The MBE portion or the WBE portion of joint ventures shall count toward meeting the Agencies' MWBE participation goals. A firm owned by a Minority Group Member who is also a woman may be certified as a MBE, a WBE, or both, and may be counted towards either a MBE goal or a WBE goal, in regard to any Contract or any goal, set by the Agencies, but such participation may not be counted towards both such goals. Such an enterprise's participation in a Contract may not be divided between the MBE goal and the WBE goal.

- vi. Waiver of Obligations of Contractor relating to MWBE Participation. The Agencies may waive obligations of the Contractor relating to MWBE participation after a showing of good faith effort to comply with the MWBE participation requirements, pursuant Chapter 174 and Chapter 175 of the laws of 2010 that amend §2879 of the Public Authorities Law and Article 15-A, §313, subdivision six, respectively, both enacted on July 15, 2010.
- vii. Verification of MWBE Participation. The Agencies shall verify that MWBEs listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted, including verification that the procured primary Contractors are truly providing for the participation of MWBEs as described in the Procurement Contract. Participation of MWBEs shall be verified by (i) electronically monitoring and tracking the utilization, prompt payment and unauthorized substitutions of MWBE subcontractors and (ii) the provision of the following data, by the Contractor to the Agency, for each MWBE subcontract:
 - (1) name(s) of the MWBE subcontractor;
 - (2) total dollar amount of the MWBE's participation;
 - (3) scope of work of the MWBE subcontractor; and
 - (4) dates of participation.
- viii. In the implementation of this section of this Article, the Agencies shall:
 - (1). consider, where practicable, the severability of construction projects and other bundled Contracts; however, unbundling must be conducted within the constraints of the Agencies' need to ensure efficiency and limit costs;
 - (2) implement its MWBE Program to enable the Agencies to evaluate each Contract to determine the appropriateness of the goal, as set forth in this Article, which shall include:
 - (a) increasing MWBE outreach and communication efforts by use of the internet to facilitate access to information and build relationships between MWBEs and potential partners by:
 - (i) Posting a list on the Agencies' website of Agency contracting staff; and

- (ii) Requiring Agency staff to include certified MWBEs in the solicitation lists for Procurements not expected to exceed \$25,000;
 - (b) consider the number and types of MWBEs located in the region in which the Agency Contract is to be performed;
 - (c) consider the total dollar value of the Agency Contract, the scope of work to be performed, and the project size and term;
 - (d) consider whether the Contractor has advertised in general circulation media, trade association publications, and minority-focus and women-focus media and, in such event,
 - (i) whether or not certified MWBEs that have been solicited by the Contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
 - (ii) whether certified MWBEs which have been solicited by the Contractor have responded in a timely fashion to the Contractor's solicitations for timely competitive bid quotations prior to the Agency's bid date;
 - (e) consider whether there has been written notification to appropriate certified MWBEs that appear in the directory of certified MWBEs, and
 - (f) consider whether the Contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified MWBEs.
3. consider compliance with the requirements of any federal law concerning opportunities for MWBEs which effectuates the purpose of this Article; and
 4. consult the most recent disparity study, pursuant to Article 15-A.

ARTICLE VII

7. REQUIRED DESIGNATIONS AND DISCLOSURES UNDER LOBBYING LAW DIRECTIVES IN THE SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

Contacts shall be regulated in accordance with Lobbying Law Directives as follows:

For any Governmental Procurement or Contract made subject to the Lobbying Law, the Agency shall notify every potential Contractor or Vendor that the Agency has a Designated Contact Officer(s) who is the only Agency representative(s) permitted to receive Designated Contacts from the Contractors or Vendors, or their representatives, during the Restricted Period with respect to such Governmental Procurement (*effective June 10, 2010, the Agencies have designated, the Vice President and Deputy Counsel or when appropriate, an Agency Senior Officer with technical knowledge of the Governmental Procurement, as the Designated Contact Officer(s) for all Governmental Procurement for which such appointment is required*). A Contractor or Vendor is restricted from making Contacts with the Agency(s) from the date of any public announcement, public notice, or public communication by any Agency to any potential Vendor of a determination of a need for a Governmental Procurement through final award and approval of the Procurement Contract by the Agency to anyone other than the Designated Contact Officer(s) with respect to the Governmental Procurement unless such communication is any one of the following Permissible Subject Matter Communications:

- (a) the submission of written proposals in response to a Request for Proposals, invitation for bids or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (b) the submission of written questions by a method set forth in a RFP, or invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract, when all written questions and responses are to be disseminated to all Offerers who have expressed an interest in the RFP, or invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (c) participation in a demonstration, conference or other means for exchange of information in a setting open to all potential bidders provided for in a RFP, invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;

- (d) complaints by an Offerer regarding the failure of the person or persons designated by the Agency pursuant to this section to respond in a timely manner to authorized Offerer Contacts, made in writing to the office of general counsel of the Agency, provided that any such written complaints shall become a part of the Procurement Record;
- (e) Offerers who have been tentatively awarded a Contract and are engaged in communications with the Agency solely for the purpose of negotiating the terms of the Procurement Contract after being notified of tentative award;
- (f) communications between designated staff of the Agency and an Offerer to request the review of a Procurement Contract award;
- (g) communications by Offerers in protests, appeals or other review proceedings (including the apparent successful bidder and his or her representatives) before the Agency conducting the Governmental Procurement seeking a final administrative determination, or in a subsequent judicial proceeding; or
- (h) communications between Offerers and governmental entities that solely address the determination of responsibility entity of an Offerer.

Unless the communication(s) is any one of the above Permissible Subject Matter Communications, the Vice President and Deputy Counsel or the designated Senior Officer are the only representative(s) of the Agencies permitted to receive Contacts from bidders, potential Contractors or Vendors, or their representatives, during the Restricted Period with respect to an Agency Governmental Procurement.

All Agency solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law. All potential Contractors or Vendors must complete and return to the Agency with their proposal or bid response to an Agency solicitation, the *Affirmation of Understanding of and Agreement*, and *Potential Contractor or Vendor Disclosure of Prior Non-Responsibility Determinations*, Lobbying Law Forms 1 and 2, respectively. Form 1 is a written affirmation of a Contractor's or Vendor's understanding of the Governmental Procurement lobbying procedures of the Agencies and Form 2 requires the potential Contractor or Vendor to certify that all information provided to the Agencies with respect to the Lobbying Law is complete, true and accurate. Prior to awarding a Procurement Contract to which these provisions apply, the Agency shall make a final Determination of Responsibility. All solicitations for proposals by the Agency shall require that potential Contractors or Vendors disclose to the Agency any findings of non-responsibility against them within the previous four years by any other governmental agency and must contain certifications that the same are complete, true and accurate.

For Contractors or Vendors who fail to comply with the Agencies' Lobbying Law Directives, refer to Article VIII of these Guidelines and the Agencies' Lobbying Reform Law Policies.

ARTICLE VIII

8. PROMOTED AND PROHIBITED CONTRACTS & CONTRACTS SUBJECT TO OTHER LIMITATIONS

Notwithstanding the general practices of the Agencies with respect to selection of Contractors and Vendors and adherence to competitive practices, as set forth in in these Guidelines, the following shall apply or be given weight in order that certain Contracts, or the award thereof, may be promoted, prohibited or subject to certain limitations.

a. Promoted Contracts. It is the policy of the Agency to promote certain contracts as follows:

i. Minority- and Women-Owned Business Enterprises. It is the policy of the Agencies to promote and encourage the use of MWBEs and New York State subcontractors and suppliers in competition for Procurement Contracts. Furthermore, for Procurements anticipated to be in the amount of \$25,000 or less, if the performance of any Contract requires or permits the use of a subcontractor, it is preference of the Agencies to encourage the participation of MWBEs, as set forth in these Guidelines. The Agencies encourage bidders to include demonstrations that their selection promotes the use of MWBEs in bid responses, for example, through proposals for joint ventures with MWBEs. Procurements exceeding \$25,000 must include MWBE participation goals in solicitation documents.

In order to promote and assist participation by, and facilitate the awarding of a fair share of Contracts to, MWBEs, the Agencies have identified the following services as those areas or types of Contracts for which MWBEs may best bid: Archival Off-Site Services; Audit/Accounting Services; Appraisal Services; Architectural/Engineering Services; Equipment Maintenance Services; Information Technology Consulting/Services; Investment Banking Services; Legal Services; Management Consulting Services; and Printing Services; and Temporary Employee Services.

ii. New York State Business Enterprises and New York State Residents. It is the goal of the Agencies to promote the participation of New York State Business Enterprises and New York State residents in Procurement Contracts. Accordingly, the following procedure shall apply:

- (1) The Agencies shall collect and consult the specifications of NYSBEs in developing specifications for any Procurement Contract for the purchase of goods where possible, practicable, feasible and consistent with open bidding, except for Procurement Contracts for which the Agency would be expending funds received from another state. The Agencies shall, where feasible, make use of the stock item specification forms prepared by the State Commissioner of General Services, and where necessary, consult with the State Commissioner of the Office of General Services, in developing such specifications and make such determinations;
- (2) The Agencies shall, with the cooperation of the Department of Economic Development and through cooperative efforts with Contractors and Vendors, (i) notify NYSBEs of opportunities to participate as subcontractors and suppliers on Agency Procurement Contracts in amounts estimated to be equal to or greater than \$1,000,000 and (ii) promulgate procedures which will assure compliance by Contractors and Vendors with such notification. Once awarded the Contract, such Contractors shall document their efforts to encourage the participation of NYSBEs as suppliers and subcontractors on Procurement Contracts equal to or greater than \$1,000,000, pursuant to §2879 of the Public Authorities Law;
- (3) The Agencies shall, with the cooperation of the Community Services Division of the Department of Labor and through cooperative efforts with Contractors and Vendors, notify New York State residents of employment opportunities arising out of Procurement Contracts let by the Agencies in an amount estimated to be equal to or greater than \$1,000,000. Contractors shall, as supplementary materials to their bids, document their efforts to provide such notification.
- (4) The Agency shall include in all bid documents, (i) a statement notifying potential bidders located in foreign countries that the Agency may assign or otherwise transfer offset credits created by the Procurement Contract to third parties located in New York State and (ii) a provision for the assignment or other form of transfer of offset credits created by such Procurement Contracts, directly or indirectly, to third parties located in the State. Such assignment or other form of transfer shall be in accordance with the written directions of the Commissioner of Economic Development. The Agency shall cooperate with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York State created by the Agency's Procurement Contracts.

- iii. Businesses with Anti-discriminatory Employment Practices. It is the Agencies' policy to have procedures in place that will ensure, to the extent of the Agencies' ability, that Contractors and Vendors comply with the federal Equal Employment Opportunity Act of 1972, as amended.

For any Contractor or Vendor with fifteen or more employees responding to an RFP, RFQ, IFB or other type of invitation for bids, included with such response must be a statement disclosing whether the Contractor or Vendor is currently operating under or negotiating, or has at some time in the last five years operated under or negotiated, a conciliation agreement with the Equal Employment Opportunity Commission ("EEOC"); has been, at some time in the last five years, or is currently the subject of a civil action brought against it by the EEOC; has been, at some time in the last five years, or is currently the subject of an action brought against it by the EEOC for permanent, temporary or preliminary relief; has operated, at some time in the last five years, or is currently operating under an order of a court to take affirmative action as a result of a civil action brought against it by EEOC.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that it is an unlawful employment practice for such Contractor or Vendor to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, or to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, or national origin, or because an individual opposed any practice made unlawful by Title VII of the Civil Rights Act of 1964, as amended, or because he or she made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under that Title; and that it shall be an unlawful employment practice to print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification, or discrimination on the basis of race, color, religion, sex, or national origin.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that such Contractor or Vendor shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods as the EEOC shall prescribe by regulation, and (3) make such reports therefrom as the EEOC shall prescribe by regulation or order.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that such Contractor or Vendor must post and keep posted in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted a notice prepared or approved by the EEOC setting forth excerpts from, or summaries of, pertinent provisions of Title VII of the Civil Rights Act of 1964, as amended, and information pertinent to the filing of a complaint.

The Agencies' goal is to award Contracts to those Contractors and Vendors who have evidenced compliance with the laws of the State prohibiting discrimination in employment. The Agencies recognize that this goal may be achieved by awarding Procurement Contracts to those firms who have demonstrated that they do not discriminate with respect to employment.

For all Personal Services Contracts over \$25,000, and for all Contracts for goods and materials over \$100,000, bidders shall submit to the Agencies data regarding the race and gender of their partners, members and employees by job category. Bidders whose Affirmative Action plans are not found acceptable to the Agencies shall be rejected.

- b. Prohibited Contracts and Contracts Permitted Subject to Specified Exceptions or Limitations. It is the policy of the Agencies that certain Contracts be prohibited or permitted only subject to certain exceptions or limitations as follows.
 - i. Special Criteria Rule for Evaluation of Architects, Engineers and Surveyors. For purposes of this subparagraph, the term "Professional Firm" shall be defined as any individual or sole proprietorship, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture, engineering, or surveying. The Agency shall not refuse to negotiate with a Professional Firm solely because the ratio of the "allowable indirect costs" to direct labor costs or the hourly rate in any labor category of the Professional Firm exceeds a limitation generally set by the Agency in the determination of the reasonableness of the estimated cost of services to be rendered by the Professional Firm, but rather the Agency should also consider the reasonableness of cost based on the total estimated cost of the service of the Professional Firm which should include, among other things, all the direct labor costs of the Professional Firm for such services plus all "allowable indirect costs," other direct costs, and negotiated profit of the Professional Firm. For purposes of this subparagraph, "allowable indirect costs" of a Professional Firm are defined as those costs generally associated with overhead which cannot be specifically identified with a single project or Contract and are considered reasonable and allowable under specific Contract or allowability limits.

- ii. Contracts with Businesses with Operations in Northern Ireland. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Agencies shall not enter into Procurement Contracts with Vendors who have operations in Northern Ireland unless the Agencies receive contractual assurance that the Contractor shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in §165 of the New York State Finance Law), and agrees to permit independent monitoring of its compliance with such principles.
- iii. Contracts with Foreign Business Enterprise. The Agencies shall notify the New York State Commissioner of Economic Development (“Commissioner”) of the award of a Procurement Contract for the purchase of goods from a Foreign Business Enterprise in an amount equal to or greater than \$1,000,000, simultaneously with notifying the successful bidder therefor. The Agencies shall not thereafter enter into a Procurement Contract for said goods until at least 15 days have elapsed, except for Procurement Contracts awarded as Emergency Selection Contracts or where the Commissioner waives the provisions of this section. The notification to the Commissioner shall include the name, address and telephone and facsimile numbers of the Foreign Business Enterprise, a brief description of the goods or services to be obtained pursuant to the proposed Procurement Contract, the amount of the proposed Procurement Contract, the term of the proposed Procurement Contract, and the name of the individual at the Foreign Business Enterprise or acting on behalf of the same who is principally responsible for the proposed Procurement Contract. *(The purpose of such notification is solely to allow the Commissioner to use the information to provide notification to NYSBEs of opportunities to participate as subcontractors and suppliers on such Procurement Contracts; to promote and encourage the location and development of new business in the State; to assist NYSBEs in obtaining offset credits from foreign countries; and to otherwise investigate, study and undertake means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of NYSBEs, industry and commerce.)*
- iv. Contracts with Discriminatory Jurisdiction Business Enterprises. The Agencies shall not, except as hereinafter provided, solicit bids from, or enter into a Procurement Contract with, a Foreign Business Enterprise which has its principal place of business in a jurisdiction that discriminates against New York businesses, as contained on the list prepared by the Commissioner pursuant to §165(6)(b) of the State Finance Law. *(Currently, as of the date of these revisions of these Guidelines, the states of Alaska, Hawaii, Louisiana, South Carolina, West Virginia and Wyoming have discriminatory policies against New York State bidders.)* The Agencies may waive this section only when the President, or a Senior Officer

designated by the President, determines in writing that it is in the best interest of the State to do so.

v. Vendors Failing to Comply with Lobbying Law Directives. The Agencies shall not enter into Contracts with Contractors or Vendors when:

- (1) proposed Vendor or Contractor has failed to timely disclose accurate and complete information or otherwise cooperate with the Agencies in administering the Lobbying Law Directives; or
- (2) there has been a finding that an Offerer has knowingly and willfully violated the provisions set forth in Article VII . of these Guidelines and the Agencies' Lobbying Reform Law Policies. This finding shall also result in a determination of non-responsibility against the Offerer. *(Violations of the Lobbying Law are expected to typically involve Contacts made to persons at the Agencies other than the Designated Contact Officer(s)).*

The Agencies shall not enter into Contracts in the case of either (1) or (2) of this subparagraph (v), section (b) of this Article, unless the Agencies determine that the award of the Procurement Contract:

- (a) is necessary to protect public property or public health or safety, and
- (b) that the Contractor or Vendor is the only source capable of supplying the required goods or services within the necessary time frame.

In order for the Agency determinations in (1) and (2) (a) and (b) above to be effective as exceptions, the above required findings, including a statement describing the basis of such determination by the Agency must be made a part of the Procurement Record.

Any subsequent determination of non-responsibility due to violations of the requirements of the Lobbying Law, if such determination is separated by less than four years, shall result in the proposed Vendor or Contractor being rendered ineligible to submit a proposal on or be awarded any Procurement Contract for a period of four years from the date of the second final determination of non-responsibility.

vi. Contracts with Former Agency Officers and Employees. The Agencies shall not enter into Contracts which contemplate, violate or affirmatively, by their terms, allow former Officers and Employees of the Agencies to violate §73 (8) (a) of the State Ethics Law. Specifically, and not by way of limitation, (except for employment contracts pursuant to which former Employees resume employee status to again work directly for the Agencies), the Agencies shall not enter into Contracts which provide for or

permit a former Officer or Employee of the Agencies, either as an individual contracting directly with the Agencies or as an officer or employee of a private business entity, to appear, practice, communicate or otherwise render services before the Agencies or receive compensation for any such services rendered by such former Officer or Employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction:

- (1) with respect to which such Officer or Employee was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration or over which that Employee or Officer exercised decision-making power during the performance of his or her official duties at the Agencies, or
- (2) in connection with any matter before the Agencies or its business for a period of two years after termination of such service or employment.

If the President deems it appropriate, the preceding prohibitions may be temporarily waived provided that, prior thereto, the State Ethics Commission grants an exception in accordance with the requirements of Chapter 523 of the Laws of 2004, or, for employees who left Agency employment before December 31, 1996 and otherwise qualify, a waiver has been granted pursuant to the provisions of Chapter 229 of the Laws of 1995. Notwithstanding the foregoing, the preceding prohibitions shall not apply when a former Officer or Employee carries out official duties as an elected official or employee of a federal, state or local government, or any agency of such government. Thus, a former Employee may appear, practice, communicate or render compensated services before the Agencies if he or she is acting as an elected official or employee of a federal, state or local government or one of its agencies. This exception applies only to government officials and employees; it does not apply to paid consultants of government entities.

In addition, in determining whether or not to enter into Contracts with respect to which any former Officer or Employee of the Agency plays a role, and with respect to the ethical administration thereof, the Agencies shall give due consideration to whether the execution or administration of the Contract raises an appearance of impropriety.

The Agencies shall, as it deems appropriate, include provisions in its Contracts to effect the purposes of this section.

ARTICLE IX

9. GENERAL CONTRACT PROVISIONS AND CONTINUING EVALUATION OF PROCUREMENT CONTRACTS IN EFFECT FOR LIMITED TERMS.

- a. General Contract Provisions. The Agencies shall include general Contract provisions in its Procurement Contracts, as follows:
 - i. In Writing and Duly Executed. All Procurement Contracts shall be in writing and shall, at a minimum, be duly executed by an individual empowered to do so in accordance with the Agency By-Laws and, as the case may be, the provision for delegation of signing authority thereunder.
 - ii. Scope and Description. Procurement Contracts shall specifically provide for a scope of services indicating the nature of the work to be performed or goods to be provided, and for the time for performance, the monitoring or reviewing of that performance by personnel of the Agencies, any conditions generally applicable to Contracts with the Agency(s), any applicable provisions for insurance, and, where appropriate, any permitted use of supplies, facilities or personnel of the Agencies.
 - iii. Compensation and Payment Terms. Such Procurement Contracts shall also state the compensation for the goods or services, and the terms of payment including the conditions for receiving payment from the Agencies.
 - iv. Non-collusion. Formal Contracts shall, whenever appropriate, include Contractor Certifications that:
 - (1) The prices in the bid(s) or proposal(s) were arrived at independently, without collusion, consultation, communication, or agreement for the purpose of restricting competition, or as to any matter relating to such prices with any other Contractor or with any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in the bid(s) or proposal(s) were not knowingly disclosed by a Contractor prior to the opening of bid submissions, directly or indirectly, to any other Contractor or to any competitor.
 - (3) No attempt was made or will be made by the Contractor to induce any other person, partnership or corporation to submit or not submit bid(s) or proposal(s) for the purpose of restricting competition.

- v. False or Inaccurate Lobbying Law Directives Certifications. Every Governmental Procurement with an estimated annual expenditure over \$15,000 shall contain:
 - (1) certifications that the representations required by the Lobbying Law Directives, if applicable, are complete, true and accurate, and
 - (2) a provision authorizing the Agency(s) to immediately terminate such Contract in the event that any certification in accordance with the provisions of the Lobbying Law Directives is found to be intentionally false or intentionally inaccurate.
 - vi. Prohibitions and violations in Contracts. In accordance with § 316-a of Article 15-A, Contracts shall include a provision expressly providing that any Contractor who willfully and intentionally fails to comply with the minority and women-owned participation requirements, as set forth in such Contract shall be liable to the Agencies for liquidated or other appropriate damages and shall provide for the appropriate remedies on account of such breach. If the Agencies elect to proceed against a Contractor for breach of Contract, the Agency shall be precluded from seeking enforcement pursuant to §316 of Article 15-A, provided however, that the Agency shall include a summary of all enforcement actions undertaken in its Annual MWBE Goal Plan, in accordance with subdivision three of §315 of Article 15-A and Article XII of these Guidelines.
- b. Continuing Evaluation of Procurement Contracts in Effect for Limited Terms.
- i. Limitation of Contract Terms. In order that the Agencies may enter into new Procurement Contracts for the Procurement covered as soon as might be desirable, Procurement Contracts should not commit the Agency(s) to continue to use Contractors for longer than is desirable to achieve the Contract objectives, such as obtaining the Contractor's commitment to perform services at a reasonable price. Unless specifically permitted by a resolution of the Agency's Members or Directors, Procurement Contracts shall be for a term not exceeding one year and shall be terminable by the Agency, at its option, without cause, within a period that is less than a year into the future.
 - ii. Continuing Evaluation of Procurement Contracts and Panels. Every Procurement Contract under which services are currently being performed or goods or materials provided shall be continually evaluated by a designated Officer or Employee. Such Officer or Employee shall review and approve all bills to be paid and continually evaluate the Contractor's performance. Such Officer or Employee shall continually give consideration to whether the further use of the Contractor's services and continuation of the Procurement Contract is desirable. Such consideration

shall extend to making a determination, at least annually, of when it would be most appropriate and effective to award the Procurement Contract again through a new competitive selection process such as a new Request for Proposals. A determination not to enter into a new competitive award process immediately can be supported, in part, by verification that services are still being provided at competitive rates, but such verification shall not be determinative of whether a new competitive process should commence. Part of the required annual review and recertification to the Agencies' Procurement Contract Officer of Agency panels shall be a consideration of whether it would be appropriate and effective to renew the competitive selection process for Procurement Contracts with firms on the panels, including, but not limited to, doing so through the issuance of a new Request for Qualifications to reestablish the panel. Any determination not to enter into a new competitive award process, as a result of which a Contract would exceed a projected five years without a new competitive award process being conducted, shall require the affirmative concurrence of each Agency's Governance Committee included in a resolution adopted by each Agency's Governance Committee, as required by Article X of these Guidelines. Such affirmative concurrence shall not be required in relation to Single Source Contracts, Sole Source Contracts, existing State Contracts or existing GSA Contracts.

ARTICLE X

10. REQUIRED AGENCY APPROVALS

- a. Directors' or Members' and/or Governance Committees' Approval. All Contracts where compensation is expected to be in an amount of \$100,000 or more, as well as any Contracts involving services to be provided in excess of one year, shall require initial approval of the Directors or Members of each Agency's Governance Committee or the Agency's Members or Directors. Unless specifically permitted by a resolution of the Agency's Governance Committee or the Members or Directors, Procurement Contracts shall be for a term not exceeding one year and shall be terminable by the Agency(s), at its option, without cause, within a period that is less than a year into the future. The President, or a Senior Officer designated by the President, may submit other Contracts as he or she deems appropriate to the Members or Directors for their consideration and approval.
- b. Directors' or Members' and/or Governance Committees' Annual Review. The Directors and Members shall, at least annually, review any Contract lasting more than a year, each January, as part of the approval of the Annual Report on Procurement Contracts. The Governance Committees will annually review Contracts bundled with similar like goods and/or services. Contracts considered as lasting for more than a year for this purpose shall include Contracts where the

Contract itself, by virtue of its stated terms, has a period of longer than a year, and in addition, shall include Contracts where, by virtue of renewal or execution of new or subsequent Contracts, without an intervening Contractor or Vendor Selection Process, the Agency's contractual relationship with the Vendor or Contractor continues for more than a year. Annual approval or review by each Agency's Governance Committee shall be as follows:

- i. Provided that timely annual review for each Contract is effected, firms on Agency panels can be brought for annual review:
 - (1) collectively, or in such combinations as are deemed appropriate, on a single annual review anniversary, or
 - (2) individually based on the dates that Procurement Contracts first required Member and/or Director approval.
- ii. Any determination not to enter into a new competitive award process, pursuant to which a Contract would exceed a projected five years without a new competitive award process, shall require the affirmative concurrence of each Agency's Governance Committee included in a resolution adopted by each Agency's Governance Committee. Such affirmative concurrence shall not be required in relation to Single Source Contracts, Sole Source Contracts, existing State Contracts, or existing GSA Contracts. In any case, any Contract in excess of a \$100,000 in amount or more than one year in duration must be initially approved by the Agency's Governance Committee and annually reviewed by the Agency's Governance Committee.
- c. Execution of Procurement Contracts. All Procurement Contracts shall be executed by the President, or a Senior Officer, as defined under the Agencies' By-Laws or by such Vice President to whom execution authority has been appropriately delegated in writing by a Senior Officer.
- d. Approval of Procurement Contracts by the Senior Vice President and Counsel. The Senior Vice President and Counsel shall approve, as to legal compliance, all Procurement Contracts. The consideration shall include the legal form and efficacy of the Procurement Contract. The Agencies' Legal Department may evidence such approval by Counsel by:
 - i. Signing "Approved as to form" on any Formal Contract so approved;
 - ii. In connection with a closing managed by the Legal Department, approving the closing and, as necessary, delivering accompanying opinions in connection therewith; or

- iii. Making such arrangements as are acceptable to the Counsel to assure that the form of Contract is legally acceptable and approved by Agency Counsel.

ARTICLE XI

11. ADMINISTRATION OF PROCUREMENT, RECORDS AND RESPONSIBILITIES OF AGENCY OFFICERS AND EMPLOYEES

- a. Procurement Record. A Procurement Record shall be maintained for each Procurement requiring any Formal Contract and such other Procurement as the Procurement Contract Officer deems appropriate, or as State law requires, identifying, with supporting documentation, decisions made by the Agency during the Procurement process. The Procurement Record shall include, but not be limited to, documentation of: (1) the determination of the method of Procurement from among the available methods permissible under these Guidelines (*particularly, if there is a determination of an Emergency Selection Contract, Sole Source Contract or Single Source Contract*); (2) the process to be used to determine best value, the manner in which the selection of evaluation criteria and the evaluation process shall be conducted, and the evaluation criteria, which, whenever possible, shall be quantifiable; and (3) the basis of award and circumstances leading to the selection of the Vendor, including the alternatives considered, the rationale for selecting the specific Vendor and the basis upon which cost was determined reasonable. To the extent practicable, the Agencies shall document all aspects of the solicitation process in advance of the initial receipt of offers. Each amendment to an existing Contract, and the justification for each, shall also be included in the Procurement Record. Determinations of emergency with respect to Emergency Selection Contracts and Emergency Foreign Business Enterprise Contracts shall be included in the Procurement Record.

Annual certifications of panels should be made a part of the Procurement Record.

With respect to the Lobbying Law Directives, the Procurement Record shall include complete information related to: (i) written certifications by the Contractors or Vendors with respect to affirmations that the Contractor or Vendor understands the Lobbying Law Directives and (that the Agency(s) has been informed in writing of the Vendor's prior determinations of non-responsibility over the previous four years, and that this information is complete, true and accurate; (ii) Determinations of Responsibility by the Agency;; (iii) findings of non-responsibility, whether by the Agency(s) or by other governmental entities; (iv) a record of all Contacts during the Restricted Period, including the name of the person making the Contact, as well as that person's organization, address, telephone number, place of principal employment, occupation, and whether the person/organization making the Contact was the Offerer or was retained, employed or designated by or on behalf of the Offerer to appear before or communicate with the Agency; ;(v) if applicable, a

statement regarding the basis for any required finding that the Agency may enter into a Contract with a Contractor or Vendor who has previously been the subject of any determinations of non-responsibility; and (vi) any determination to terminate a Contract pursuant to the Lobbying Law Directives .

The Procurement Record is a place where the Agencies can clearly document, as considered appropriate, the need for the Contract; required specifications; and the ways in which a competitive field, fair and equal opportunity for Vendors, which shall include, but not be limited to, certified MWBEs, and a fair and balanced method of selection have been ensured.

The Procurement Record shall be maintained at least throughout the period the Contract and any extensions thereof are in effect and for a reasonable period of time thereafter.

- b. Procurement Contract Officer. The Procurement Contract Officer's responsibilities shall include keeping such portions of the Procurement Record as the Procurement Contract Officer deems appropriate, monitoring compliance with proper contracting procedures and adherence to these Guidelines.

Among the Procurement Contract Officer's responsibilities shall be the determination of when certain portions of these Guidelines shall apply to a Contract by virtue of Contract expenditures, in the aggregate, or sequential periods of time, reaching applicable thresholds stated herein. In addition, for Contracts of less than \$500 per year, which are terminable at any time by the Agency(s) with less than 90 days notice, the Procurement Contract Officer may determine that such Contracts shall be considered Contracts not exceeding one year for purposes of these Guidelines.

The Procurement Contract Officer may provide guidance and counsel about proper administration of the Procurement process and Contracts but shall not be a principal directly responsible for administering any Agency Contract. The Procurement Contract Officer should be available for counsel and guidance respecting the Procurement selection process but should not be directly involved as an actual selector of Vendors.

The Procurement Contract Officer shall encourage and promote good Procurement practices, including but not limited to, proper and coordinated management of Contracts, desirable Vendor selection practices, and informed and careful bill approval procedures. Among other things, it is generally desirable that there be a single individual designated to manage each Procurement Contract, including renewals and amendments thereto, reporting thereon, and bill approvals, (*and excluding receipt of Designated Contracts*), and that individuals managing different Contracts in the same area or from the same Vendors coordinate their work.

The Procurement Contract Officer shall, from time to time, issue such reports on Procurement as shall be appropriate or required including the Procurement Reports required under these Guidelines.

The Procurement Contract Officer shall notify the Office of General Services of all Contractors who, with respect to the Lobbying Law, have been the subject of determinations of non-responsibility by the Agency or who have been debarred.

The Procurement Contract Officer should periodically review and assess the adequacy of these Guidelines and, as appropriate, recommend changes for approval.

The Procurement Contract Officer may grant temporary technical exceptions to these Guidelines for Contracts, other than Formal Contracts, provided that such exceptions appear in the Procurement Contract Record, and that attorneys under the supervision of the Senior Vice President and Counsel determine the exceptions legally appropriate.

- c. Designated Contact Officer(s). The Agencies have designated the Vice President and Deputy Counsel, or when appropriate, an Agency Senior Officer with technical knowledge of the Governmental Procurement, as the Designated Contact Officer(s) for all Governmental Procurement for which such appointment is required. In accordance with the provisions of the Lobbying Law Directives, the Designated Contact Officer, for any given Governmental Procurement or Procurement Contract, is intended to be, by virtue of his or her designation as such, the recipient of any Designated Contacts with respect to the Governmental Procurement for which he or she has been designated. The Designated Contact Officer shall have ready access to, and shall refer to, as appropriate, the Contractors' and Vendors' written affirmations of their understanding of the Agencies' Governmental Procurement lobbying procedures along with all disclosures Contractors or Vendors have provided of any findings of any determinations of non-responsibility against them under the Lobbying Law. Prior to the Agencies' awarding of a Procurement Contract to which these provisions apply, it shall be the Designated Contact Officer's responsibility to consult with the Ethics Officer and to likewise consult at any appropriate time thereafter.
- d. Designated MWBE Officer(s). The Agencies' President shall appoint a Designated MWBE Officer(s) to oversee the Agencies' MWBE Program established to promote and assist: (i) participation by certified MWBEs in the Agencies' Procurement opportunities and facilitation of the award of Procurement Contracts to such enterprises; (ii) the utilization of certified MWBEs as subcontractors and suppliers by entities having Procurement Contracts with the Agencies; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified MWBEs and other entities having Procurement Contracts with the Agencies. The Designated MWBE Officer(s) shall be familiar with the

Procurement of the types of construction, financial, legal or professional services utilized by the Agencies, report directly to the Agencies' President and, either directly or through their designees, participate in the Procurement process.

- e. Ethical Administration of Contracts, Compliance with the Lobbying Law Directives: Responsibility of Officers and Employees. It shall be the responsibility of the Procurement Contract Officer, the Ethics Officer, the Designated Contact Officer(s), the MWBE Officer(s), and all Officers and Employees to ensure that Contracts of the Agencies are administered ethically with due regard for all State ethics laws and Lobbying Law Directives. Determinations respecting ethical contract administration shall be made by the Ethics Officer, to whom any allegations of impropriety or unethical administration may be reported. The Ethics Officer shall also be responsible for reviewing, investigating, monitoring and imposing sanctions relating to any noncompliance with Lobbying Law Directives. The Procurement Contract Officer shall report to the Ethics Officer such allegations of impropriety or unethical administration of Procurement, or violations of the Lobbying Law Directives, as may come to the Procurement Contract Officer's attention. Agency Officers and Employees including, but not limited to, the Designated Contact Officer(s), shall report to the Ethics Officer any allegations of impropriety or unethical administration of Procurement or violations of the Lobbying Law Directives that come to their attention. If the Ethics Officer determines that sufficient cause exists to believe that an allegation concerning a violation of the Lobbying Law Directives is true, the Ethics Officer shall give the respective Contractor or Vendor reasonable notice that an investigation is ongoing and an opportunity to be heard in response to the allegation.

Prior to the awarding of a Procurement Contract by the Agency to which the Lobbying Law Directives' provisions apply, and any time thereafter, it shall be the Ethics Officer's responsibility to consult with the Designated Contact Officer(s) and make other appropriate inquiries so as to make the findings as to whether there were any certifications in relation to the provisions of the Lobbying Law Directives that were intentionally false or intentionally inaccurate so that the Agency would have right to terminate such Contract. If the Agency(s) terminates a Procurement Contract under these termination provisions, it shall be the Designated Contact Officer's responsibility to provide the statement describing the basis for such action for inclusion in the Procurement Record.

In order to comply with the Lobbying Law Directives, all Employees must cooperate and participate in the recording of Contacts with respect to which the Lobbying Law Directives apply. The record of a Contact shall include the name, address, telephone number, place of principal employment, and occupation of the person or organization. Employees must also inquire about, and record, whether the person or organization making the Contact was the Offerer, or was retained by the Offerer to contact the Agency(s) about the Procurement. Employees must

report all recorded Contacts to the Procurement Contract Officer for inclusion in the Procurement Record of the Procurement Contract.

If the Ethics Officer finds a knowing and willful violation of the Lobbying Law Directives by any Employee, the Ethics Officer shall report the violation to the President.

It is expected that the Ethics Officer will confer, as appropriate, with the Senior Vice President and Counsel with respect to allegations of unethical conduct or violations of the Lobbying Law Directives or other violations of law and nothing in any of the forgoing is to be taken to preclude individuals from also contacting the Senior Vice President and Counsel directly with respect to any such allegations.

ARTICLE XII

12. REPORTS ON PROCUREMENT

- a. Annual Procurement Report (“Annual Report”). Within 90 days after the conclusion of each fiscal year shared by the majority of the Affiliated Agencies (*October 31*), *excluding the Housing Trust Fund Corporation*, the Members and Directors of the Agencies shall approve an Annual Report summarizing Procurement activity for the period of the Annual Report. Such Annual Report will include these Guidelines, an explanation of these Guidelines and any amendments thereto since the last Annual Report. The Annual Report describing Procurement activity shall include: (a) a listing of all Procurement Contracts entered into; (b) all Contracts entered into with NYSBEs and the subject matter and value thereof; (c) all Procurement Contracts entered into with certified MWBEs and the subject matter and value thereof, all referrals made and all penalties imposed, pursuant to §316 of Article 15-A; (c) all Contracts entered into with Foreign Business Enterprises and the subject matter and value thereof; (d) the selection process used to select such Contractors; (e) all Procurement Contracts which were exempt from the publication requirements of Article 4-C of the Economic Development Law, the basis for any such exemption; and (f) the status of existing Procurement Contracts.

Such Annual Report shall list for each Contract the following information:

- i. a description of the duties performed by the Contractor;
- ii. the date of the Contract and its duration;
- iii. the total value of the Contract;
- iv. the full name and address of the Contractor;

- v. the status of the Contract, including the amount spent or other considerations given pursuant to the Contract during the reporting period and for the life of the Contract to date;
- vi. whether the Contractor is a certified Minority or Women-Owned Business Enterprise; and
- vii. the total number of bids or proposals received prior to the award of the Contract.

The Annual Procurement Report, after being approved by the Members and Directors, shall be filed to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”) on-line Reporting System, with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Copies of the Annual Procurement Report shall also be available to the public upon reasonable request at the Agencies' main office.

- b. Quarterly Procurement Report(s) (“Quarterly Report(s)”). Within 90 days after the conclusion of each quarter of the fiscal year shared by the majority of the Affiliated Agencies (*January 31, April 30, July 31 and October 31 and excluding the Housing Trust Fund Corporation*), the Agencies’ Members and Directors shall review a Quarterly Report. Each Quarterly Report shall describe the quarter's Procurement activity and shall include the same summary of activity information as is required in the Annual Procurement Report.
- c. Consolidation of Procurement Reports. The Annual Procurement Reports and the Quarterly Procurement Reports for each of the Affiliated Agencies (excluding the Housing Trust Fund Corporation), may, respectively, as determined by the President and a Senior Officer designated by the President, be consolidated annual or quarterly reports for all the Affiliated Agencies (excluding the Housing Trust Fund Corporation), to the extent that the President or designated Senior Officer determines that doing so will be more elucidating.
- d. Annual MWBE Goal Plan (“MWBE Goal Plan”). The Agencies shall report, annually, to the Governor, Legislature and the MWBE Director, on various issues pertaining to Procurements relating to MWBE, in accordance with Article VI of these Guidelines and Article 15-A, including but not limited to:
 - i. the annual goals, identified in the Agencies’ Annual MWBE Goal Plan, for Contracts with MWBEs;

- ii. providing adequate documentation of a good faith effort to meet the Agency goals described in the Agencies' Annual MWBE Goal Plan, in the event that the Agency projected goals cannot be achieved;
- iii. the number of actual Contracts issued to MWBEs;
- iv. the activities undertaken to promote and encourage Procurement opportunities of Minority Group Members and women and promote and increase participation by certified businesses with respect to Agency Contracts and subcontracts;
- v. Agency Contracts for leases of real property by the Agency(s) to a Lessee where: the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee; and the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon exceeds the sum of \$100,000;
- vi. a summary of all enforcement actions undertaken by the Agency against a Contractor for breach of Contract pursuant to §316-a of Article 15-A and Article IX. of these Guidelines; and
- vii. a summary of all waivers, defined in Article VI of these Guidelines, permitted by the Agencies during the period covered by the MWBE Report, including:
 - (1) a description of the basis of the waiver request; and
 - (2) the rationale for granting any such waiver.

ARTICLE XIII

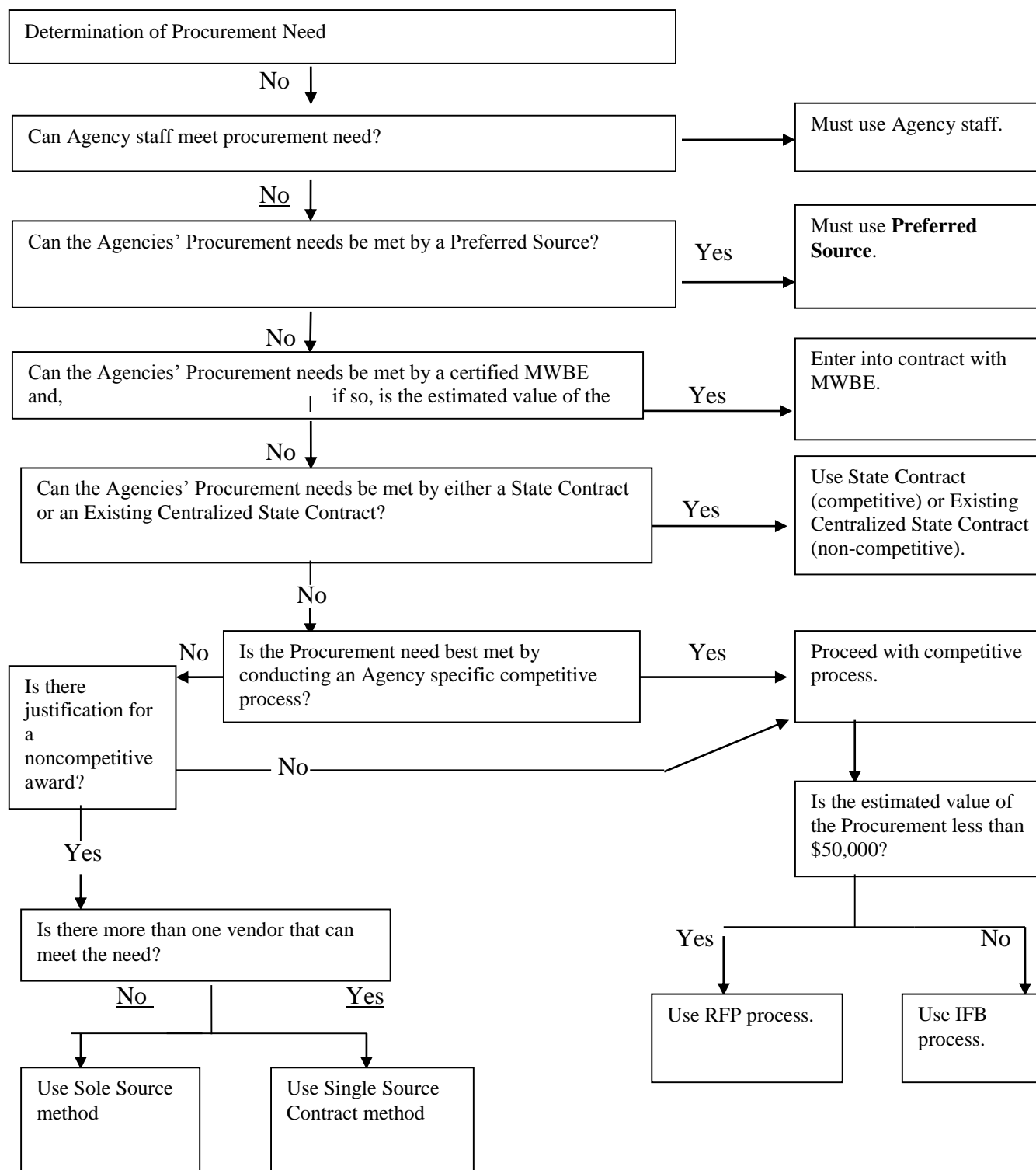
13. MISCELLANEOUS PROVISIONS

- a. Powers of Amendment. Any modification or amendment of these Guidelines may be made by a Supplemental Resolution adopted at any duly constituted Members' or Directors' meeting; provided, however, that no such modification or amendment shall abrogate the rights and duties of existing Agency Contracts, the terms of which were established pursuant to these Guidelines; and further provided that the President may make non-material changes in these Guidelines.
- b. Supplementation with Procedural Handbooks, Practice Manuals and Other Directives. These Guidelines are only intended to provide the general framework for Agency Procurement practices. These Guidelines are not intended to preclude

supplementation of the Guidelines through the promulgation of more specific procedural handbooks, practice manuals, or other directives and guidance as may be issued from time to time, including as example, and not by way of limitation, more specific procedures for conduct of Requests For Proposals and Requests For Qualifications. It is also not intended that the existence of these Guidelines should prevent or supplant the issuance of additional Agency guidelines or regulations to deal specifically with Lobbying Law Directives and/or MWBE Directives, if appropriate.

- c. No Recourse under these Guidelines. No provision of these Guidelines shall be the basis for any claim based upon these Guidelines against any Member, Director, Officer or Employee of the Agency(s) or the Agency(s) itself.
- d. Effect upon Existing Agencies' Contracts. These Guidelines shall not abrogate the rights and duties of Agency Contracts with third parties executed prior to the effective date of these Guidelines.

SELECTING A PROCUREMENT PROCESS.



TAB 5

Explanation of the Agencies' Consolidated Procurement and Contract Guidelines

Explanation of consolidated Procurement and Contract Guidelines of the Agencies, as revised and in effect, September 12, 2013

The consolidated Procurement and Contract Guidelines (the “Guidelines”) were (i) adopted on December 15, 2005, (ii) revised on June 14, 2007, June 11, 2008, and September 14, 2010 respectively, and (iii) most recently revised on September 12, 2013, pursuant to the provisions of the Acts of each of the New York State Housing Finance Agency, the State of New York Mortgage Agency, the New York State Affordable Housing Corporation, the State of New York Municipal Bond Bank Agency and the Tobacco Settlement Financing Corporation (individually, “Agency,” and collectively, the “Agencies”), and Section 2879 of the Public Authorities Law.

The Guidelines were revised on September 12, 2013 to (i) incorporate certain substantive amendments intended to improve the procurement process, (ii) align our minority and women-owned business (“M/WBE”) procedures with New York State (“State”) law, and (iii) implement some definitional changes.

The substantive amendments include the addition of provisions to: (i) increase the monetary threshold from \$15,000 to \$50,000 for request for proposal (“RFP”) processes in order to make the procurement process less burdensome, and a change that is in line with recent statutory changes made to the requirement to post contract opportunities in the State’s Contract Reporter for solicitations, which similarly increased the threshold amount from \$15,000 to \$50,000; (ii) permit the Agencies to rely on the procurement processes of the Federal Government Administration (“GSA”) for the purchase of goods and services, allowing the Agencies to piggy back on Federal procurements as they are permitted to do for State Contract procurements; (iii) provide for the initial approval and annual review of Contracts by each Agency’s Governance Committee, with the Agencies’ Board approving and/or reviewing Contracts annually each January as part of their approval of the Agencies’ consolidated annual procurement report (a change that was previously authorized through charter amendments for the Governance Committees); (iv) require the Agencies’ the President/CEO to authorize all Agency determinations of Single Source Contracts, Sole Source Contracts, Critical Source Contracts and Emergency Contracts after any such determination is made by an Agency Senior Officer; and (v) require any Emergency Contracts be brought before the Governance Committee for approval at the next scheduled meeting. The changes in (iv) and (v) above are intended to tighten control processes in situations where non-competitive procurement methods are used.

In addition to these changes, certain changes were made to improve our MWBE procurement contract procedures. The Guidelines were amended to (a) increase the monetary threshold amount for the waiver of competitive processes for M/WBEs from \$100,000 to \$200,000 to mirror the statutory limit for this type of exception to competitive processes under the amendments to Article 15-A of the State’s Executive Law; and (b) delete the M/WBE goals in the Guidelines and replace them with a reference to the goals in the Agencies’ Annual M/WBE Goal Plan.

Finally, certain definitional changes have been implemented. The defined term “Uniquely Qualified Source Contract” was replaced with “Single Source Contract” to mirror the State’s term for this procurement method, and Housing Trust Fund Corporation was added as an agency to the defined term “Affiliated Agencies” for purposes of procurement processes. This last change is intended to align the Agencies with HTFC, all now part of HCR.

EXPLANATION OF CONSOLIDATED
PROCUREMENT AND CONTRACT GUIDELINES
OF THE AGENCIES
(as revised and in effect, September 12, 2013)

The consolidated Procurement and Contract Guidelines (“Guidelines”), pursuant to the provisions of the Acts of each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation (individually, “Agency,” and collectively, the “Agencies”) and Section 2879 of the Public Authorities Law, apply to the Agencies’ procurement of goods and services. As defined in the Guidelines, “Procurement” means the acquisition of goods, materials and services including, but not limited to, personal services, by any Agency. “Procurement Contract” is defined, (a) following the definition in Section 2879 of the Public Authorities Law, as any written agreement for Procurement in the actual or estimated amount of \$5,000 or more, and (b) following the definition in the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000 in amount, as any Contract, including an amendment, extension, renewal, or change order to an existing Contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the Contract as it was finally awarded), for a Governmental Procurement. (Unless otherwise defined herein, capitalized terms adhere to their respective definitions in the Guidelines.)

A. Selection of Procurement Contractors and/or Vendors (Article IV of the Guidelines)

In selecting Procurement Contractors and/or Vendors, it is the preference of the Agencies that Contractors and Vendors be selected from as broad a spectrum of providers as is practicable, and that any Contract (defined as a written agreement whereby an Agency undertakes Procurement, including accepted Purchase Orders and Procurement Contracts) be awarded and purchases be made consistent with the quality of services or goods and materials required, at fair and reasonable prices. In addition, it is the preference of the Agencies to encourage the participation and utilization of minority owned business enterprises (“MBEs”) and women-owned business enterprises (“WBEs”) (and collectively, “MWBEs”) in accordance with the MWBE Directives in the Guidelines and to encourage the participation of New York State Business Enterprises (“NYSBES”).

B. Competitive Processes (Article IV of the Guidelines)

The following are the main competitive processes provided for in Article IV of the Guidelines: (i) a competitive lowest price bid for goods and materials; (ii) an invitation for bids process (*new terminology*) for Contracts not expected to exceed \$50,000 (*revised amount*) in amount; (iii) a request for proposal (“RFP”) without negotiation; (iv) an RFP with competitive negotiations; (v) use of a pre-qualified panel; (vi) use of a State Contract; (vi) U.S. General Services Administration Contracts (“GSA Contracts”) (*new addition*) and (vii) use of an Affiliated Agency Contract, and Affiliated Agency Contract shall include the Housing Trust Fund Corporation (“HTFC”) (*new addition*) entered into as a result of a competitive process, or the use of an Affiliated Agency competitive selection process as the basis for entering into a Contract and such Affiliated Agency competitive process shall include processes conducting by HTFC (*new addition*).

C. Selection of Contractors and Vendors through a Competitive Selection Process (Article IV of the Guidelines)

In selecting Contractors and Vendors through a competitive selection process, certain standards and practices are required to be considered, including: (i) advertisement requirements including outreach efforts to MWBEs and providing information with respect thereto via the Agencies’ website; and (ii) criteria for selection, including but not limited to, terms, costs, goods or services offered, reputation and experience. For procurements not expected to exceed \$50,000 (*revised amount*) in amount, the Agency shall solicit prices, statements of qualifications and proposals from at least three prospective Vendors, including at least one MWBE, if feasible.

D. Selection of Contractors and Vendors on a Non-Competitive Basis (Article IV of the Guidelines)

In the selection or use of Contractors or Vendors, the following Contracts may be awarded without engaging in any one of the competitive processes set forth above: Preferred Source providers; existing centralized State Contracts; existing GSA Contracts (*new addition*); Emergency Selection Contracts where the selection of a Contractor or Vendor cannot be delayed; Sole Source Contracts; Single Source Contracts (*new terminology*); instances where practice in an industry does not normally involve competitive selection processes and an Agency determination that entering into a Contract is deemed cost-effective for the Agency; and the purchase of goods and services from Small Businesses and certified MWBEs, or goods or technology that are recycled or remanufactured, in amounts of \$200,000 (*revised amount*) or less. Determinations to enter into Emergency Selection Contracts, Sole Source Contracts and Single Source Contracts must be made by an Agency Senior Officer and the President (*revised language*).

E. Requirements for Agency Bid Documents (Article V of the Guidelines)

For Procurements in the actual or estimated amount of \$50,000 (*revised amount*) or more, the Agency shall advertise all such opportunities in the “New York State Contract Reporter. The Agencies shall include in all bid documents to potential bidders a statement that information concerning the availability of subcontractors and suppliers is available from the State Department

of Economic Development, which shall include the directory of certified MWBEs, and an affirmative statement that it is the policy of the Agencies to encourage the use of State subcontractors and suppliers, and to promote the participation of NYSBEs and MWBEs, where possible, in the Procurement of goods and services.

The Agencies also require that solicitation documents set forth the expected degree of MWBE participation based, in part, on (i) the potential subcontract opportunities available in the prime Procurement Contract, and (ii) the availability of MWBEs to respond competitively to the potential subcontract opportunities. In addition, the Agencies shall:

1. provide notice of Governmental Procurements, along with any other notice required by law, to professional and other organizations serving MWBEs that provide the types of services procured by the Agencies. For the purposes of these Procurement efforts, and for other Agency Procurement efforts, the Agencies shall maintain lists of qualified MWBEs and will provide such list(s) to Contractors in the Procurement process, requiring that potential Contractors consult and contact appropriate MWBEs to solicit their bids, in accordance with Article VI of the Guidelines;
2. incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law, in accordance to the Lobbying Law Directives as described in Article VII of the Guidelines; and
3. follow the directives for the participation of promoted Contracts, as more fully described in Article VIII of the Guidelines;

F. MWBE Program (Article VI of the Guidelines)

The Agencies shall implement procedures for MWBE participation and utilization in Agency Procurements, including:

- (i) appointing a Designated MWBE Officer by the President to oversee the Agencies' MWBE Program;
- (ii) establishing appropriate numerical MWBE participation target goals (to be updated annually) for each new Procurement Contract awarded by the Agencies and for the utilization of MWBEs as subcontractors and suppliers by Contractors having Procurement Contracts with the Agencies. In addition, the MBE portion or the WBE portion of joint ventures shall count toward meeting the Agencies' MWBE participation goals. In the event that the projected goals cannot be achieved, the Agencies will provide adequate documentation of a good faith effort to meet these goals in their submission of their Annual MWBE Officer Report.

- (iii) establishing procedures for maintaining lists of qualified and certified MWBEs, that have expressed an interest in doing business with the Agencies, and ensuring that such lists are updated at least annually;
- (iv) establishing measures and procedures to ensure that certified MWBEs will be given the opportunity for maximum feasible participation in the performance of Agency Contracts and to assist in the Agencies' identification of those Agency Contracts for which certified MWBEs may best bid to actively and affirmatively promote and assist their participation in the performance of Agency Contracts so as to facilitate the Agencies' achievement of the maximum feasible portion of the goals for Agency Contracts to such businesses;
- (v) designating the Division of Minority and Women-Owned Business Development to certify and decertify MWBEs for the Agencies;
- (vi) requiring that each Contract solicitation set forth the expected degree of MWBE participation, as set forth in the Agencies' Annual MWBE Goal Plan (*new addition*).
- (vi) submitting a waiver by the Agency of obligations of Contractor relating to MWBE participation after a showing of good faith effort to comply with the MWBE participation requirements; and
- (vii) verifying that MWBEs listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted.

In implementing the MWBE Directives, the Agencies shall:

- (1) consider, where practicable, severability of construction projects and other bundled Contracts; however, unbundling must be conducted within the constraints of the Agencies' need to ensure efficiency and limit costs;
- (2) implement its MWBE Program to enable the Agencies to evaluate each Contract to determine the appropriateness of the goal, as set forth in the Agencies' Annual MWBE Goal Plan (*new addition*);
- (3) consider compliance with the requirements of any federal law concerning opportunities for MWBEs that effectuates the purpose of Article VI of the Guidelines; and
- (4) consult the most recent disparity study, pursuant to Article 15-A of the Executive Law ("Article 15-A").

G. Lobbying Law Directives (Article VII of the Guidelines)

For any Contract made subject to the “Lobbying Reform Law,” the Agency is required to notify every potential Contractor or Vendor that the Agency has a “Designated Contact Officer,” who is “knowledgeable of the procurement” and is the only Agency representative permitted to receive Contacts from Contractors or Vendors, or their representatives, during the “Restricted Period” with respect to such Governmental Procurement. In addition to observing the Lobbying Reform Law’s proscriptions on Contacts, all potential Contractors or Vendors must complete and return to the Agency with their proposal or bid response to an Agency solicitation, a written affirmation of a Contractor’s or Vendor’s understanding of the Governmental Procurement lobbying procedures of the Agency, as well as disclose prior determinations of non-responsibility as a result of Lobbying Law violations over the preceding four years. Any violation of the Lobbying Reform Law over the preceding four years is considered an adverse factor in the Contractor or Vendor selection process.

H. Promoted and Prohibited Contracts & Contracts Subject to Other Limitations (Article VIII of the Guidelines)

Notwithstanding the general practices of the Agencies with respect to selection of Contractors and Vendors and adherence to competitive practices, as set forth in the Guidelines, Article VIII of the Guidelines require that certain Contracts may be “promoted,” “prohibited” or “subjected to certain limitations.”

It is the goal of the Agencies to both promote and assist participation by MWBEs in competition for Procurement Contracts, and award a fair share of Procurement Contracts to MWBEs. The Agencies also seek to promote the participation of New York State Business Enterprises.

In addition, as it is the goal of the Agencies to award Contracts to those Contractors or Vendors who have evidenced compliance with the laws of the State prohibiting discrimination in employment, the Agencies will seek to achieve this goal by awarding Procurement Contracts to those firms who have demonstrated that they do not discriminate with respect to employment. The Agencies have also promulgated procedures for ensuring Contractor or Vendor compliance with the Equal Opportunity Act of 1972.

Under the Guidelines, certain Contracts will be prohibited or permitted only subject to certain exceptions or limitations as follows: (i) with respect to evaluation of Architects, Engineers and Surveyors, the Agencies shall consider special criteria including the reasonableness of cost based on the total estimated cost of any legal entity permitted by law to practice such professions; (ii) in accordance with the MacBride Fair Employment Principles, the Agencies shall not enter into Procurement Contracts with Contractors or Vendors who have operations in Northern Ireland unless assurance is made that lawful steps in good faith have been made to comply with the MacBride Principles; (iii) with respect to Contracts with a Foreign Business Enterprise, the Agencies shall notify the State Commissioner of Economic Development of the award of a Procurement Contract for the purchase of goods from said Foreign Business Enterprise in an amount equal to or greater than \$1,000,000. Thereafter, the Agencies shall not enter into a

Procurement Contract for said goods until at least 15 days have elapsed, except where a Contract is awarded due to Emergency. The Agencies shall not solicit bids from or enter into a Procurement Contract with a Foreign Business Enterprise which has its principal place of business in a jurisdiction that discriminates against New York business, pursuant to Section 165 (6)(b) of the State Finance Law.

In addition to the consideration of Contractor or Vendor non-compliance with Lobbying Law Directives, with respect to Contracts with former Agency Officers and Employees, the Agencies shall not enter into Contracts which contemplate, violate or affirmatively, by their terms, allow former Officers and Employees of the Agencies to violate Section 73(8)(a) of the State Ethics Law.

I. General Contract Provisions (Article IX of the Guidelines)

All Procurement Contracts shall be in writing and duly executed by an individual empowered to do so in accordance with Agency By-Laws. Procurement Contracts shall specifically provide for a scope of services indicating the nature of the work to be performed or goods to be provided, and for the time for performance, and the monitoring or reviewing of performance. Additionally, Procurement Contracts shall also state compensation and payment terms and indicate that prices in bids were arrived at independently without collusion. In addition to a provision authorizing the Agency to immediately terminate any Contract in the event that any Lobbying Law certification is found to be intentionally false or inaccurate, Contracts shall also include “a provision expressly providing that any Contractor who willfully and intentionally fails to comply with minority and women-owned participation requirements, as set forth in the Contract, shall be liable to the Agencies for liquidated or other appropriate damages and shall provide for the appropriate remedies on account of such breach”.

In order that the Agencies may enter into new Procurement Contracts for the Procurement covered as soon as they may desire, Procurement Contracts should not commit the Agency(s) to continue to use Contractors for longer than is desirable to achieve the Contract objectives. Unless specifically permitted by a resolution of the Agency’s Members or Directors, Procurement Contracts should be for a term not exceeding one year, and should be terminable by the Agency, at its option, without cause, within a period that is less than a year into the future. A designated Officer or Employee shall perform a continuing evaluation of Procurement Contracts and Panels.

J. Agency Approvals (Article X of the Guidelines)

All Contracts where compensation is expected to be \$100,000 or more, as well as any Contracts involving services to be provided over a period of more than one year, require initial approval and annual review of the Governance Committee of each Agency (*new addition*). The Members and Directors shall, at least annually, approve and/or review any Contract lasting more than a year, each January, as part of the approval of the Annual Report on Procurement Contracts. All Procurement Contracts shall be executed by the President and CEO, or a Senior Officer, as defined under Agency By-Laws or by such Vice President to whom execution authority has been appropriately delegated in writing by a Senior Officer or as otherwise provided for in the Bylaws.

The Senior Vice President and Counsel, or his/her designee(s), shall approve as to legal compliance all Procurement Contracts.

K. Procurement Record (Article XI of the Guidelines)

A “Procurement Record” shall be maintained for each Procurement requiring any Formal Contract and such other Procurement as the Procurement Contract Officer deems appropriate, or as State law might require, identifying, with supporting documentation, decisions made by the Agency during the Procurement process. Additionally, the Procurement Contract Officer shall be charged with responsibilities that include the retention of such portions of the Procurement Contract Record as the Procurement Contract Officer deems appropriate, monitoring compliance with proper contracting procedures and adherence to the Guidelines.

L. Reports on Procurement (Article XII of the Guidelines)

1. Annual Procurement Report

Within ninety days after the conclusion of each fiscal year shared by the majority of the Agencies, the Members or Directors of the Agency shall approve an Annual Procurement Report, summarizing procurement activity for the period of the report. Such report shall include for each Procurement Contract listed (including MWBEs): a description of the duties performed by the Contractor; the date of the Contract and its duration; the total value of the Contract; the full name and address of the Contractor; the status of the Contract including the amount spent or other considerations given pursuant to the Contract during the reporting period and for the life of the Contract to date; whether the Contractor is a Minority or Women-Owned Business Enterprise; and the total number of bids or proposals received prior to the award of the Contract.

The Annual Procurement Report, after being approved by the Members and Directors, shall be filed using the Public Authorities Reporting Information System (“PARIS”) on-line reporting system.

2. Quarterly Procurement Report

Within ninety days after the close of each quarter of the fiscal year shared by the majority of the Affiliated Agencies, the Agencies shall prepare and deliver to the Members and Directors a report summarizing procurement activity for the period of the report.

3. Annual MWBE Officer Report

The Agencies annually file an MWBE Officer Report that includes: (i) Agency annual MWBE goals; (ii) documentation of a good faith effort to meet Agency goals, in the event that these goals cannot be achieved; (iii) the number of actual Contracts issued to MWBEs; (iv) the activities undertaken to promote and

encourage Procurement opportunities of MWBEs and increase participation by certified MWBEs; (v) Agency Contracts for leases of real property by the Agency to a Lessee (a) where the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee and (b) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon exceeds the sum of \$100,000; (vi) a summary of all enforcement actions undertaken by the Agency against a Contractor for breach of Contract; and (vii) a summary of all waivers, permitted by the Agencies during the period covered by the MWBE Officer Report.