



KATHY HOCHUL  
Governor

# Homes and Community Renewal

RUTHANNE VISNAUSKAS  
Commissioner/CEO

## **ADDENDA** **Request for Proposals ("RFP") for Section 8 Housing Choice Voucher Program Local Administrators (LAs)**

**Updated: Addendum No. 4 added on November 17, 2021**

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### **Addendum No. 1 - Issued on October 6, 2021**

#### **Amendment 1:**

The "IMPORTANT NOTICE" section on page 6 of the RFP relating to the Restricted Period is hereby amended by adding the following provision to the end of this section:

On October 1, 2021, the Housing Trust Fund Corporation (HTFC) issued a Request for Proposals (RFP) for Local Administrators for the Section 8 Housing Choice Voucher Program. This RFP is a procurement seeking vendors to assist HTFC in administering vouchers locally; it is not a Notice of Funding Availability (or "NOFA"). As a procurement, it is subject to [HTFC's Procurement and Contract Guidelines](#) and Section 2879 of the New York State Public Authorities Law. The RFP is also subject to New York State Finance Law (*Sections 139-j and 139-k*) which limits communication between HTFC and those who might have an interest in responding to the RFP (*referred to as Proposers, Respondents, Bidders, Vendors, etc.*). These limits must remain in place from the time the RFP is issued until the scoring committee reviews all proposals and the HTFC Board approves contracts (referred to as the "**Restricted Period**").

Any "Lobbying Contacts" during the Restricted Period must be addressed to Stacey Mickle, HTFC's Treasurer and the Designated Contact Officer for this RFP, at [Stacey.Mickle@nyshcr.org](mailto:Stacey.Mickle@nyshcr.org). "A Lobbying Contact is defined as *any oral, written or electronic communication during the Restricted Period from a vendor or their representative, with any State 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.*

However, Proposers are permitted to ask questions regarding the RFP, as long as they are not attempting to lobby. Proposers must email all questions to Lisa Pagnozzi at [Lisa.Pagnozzi@nyshcr.org](mailto:Lisa.Pagnozzi@nyshcr.org) and Monika Lekarczyk at [Monika.Lekarczyk@nyshcr.org](mailto:Monika.Lekarczyk@nyshcr.org) prior to the deadline for questions indicated in the Calendar of Events and Milestone section of the RFP (*currently November 10*). Please DO NOT email questions to Section 8 staff.

For this procurement, HTFC is also offering three "Pre-Bid" Conferences for potential Proposers before the proposal deadline. You may participate in these events either in person or remotely.



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**Proposers to this RFP are strongly encouraged to participate in one (or more) of the Pre-Bid Conferences listed in Section 4 of the RFP titled “Calendar of Events and Milestones.”** These conferences offer an opportunity to hear a presentation on the RFP contents and to ask questions directly to staff in a forum permissible under procurement regulations. All questions and agency responses will subsequently be posted to HCR’s website at <https://hcr.ny.gov/procurement-opportunities> for viewing by the bidding community.

All Proposers are strongly encouraged to check HCR’s website frequently for questions/answers, amendments (if any) to the RFP, web-ex/registration information, and other pertinent information relating to the RFP.

## **Amendment 2:**

The “IMPORTANT NOTICE” section on page 6 of the RFP relating to the Restricted Period is hereby amended by amending the third paragraph to read as follows (*revision(s) noted in “red” font*):

If you have inquiries regarding this Request for Proposals (“RFP”) or would like to contact HTFC regarding issues not relating to Lobbying Procurement Law Contacts, please contact Lisa G. Pagnozzi, via email, at [Lisa.Pagnozzi@nyshcr.org](mailto:Lisa.Pagnozzi@nyshcr.org) and [Monika Lekarczyk at Monika.Lekarczyk@nyshcr.org](mailto:Monika.Lekarczyk@nyshcr.org), citing the RFP page and section, no later than the date identified in the *Calendar of Events and Milestones* section of this RFP. The subject line of the email should indicate “2021 Section 8 HCV LA Services.”

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## **Amendment 3:**

Section 4 of the RFP titled “Calendar of Events and Milestones” is hereby amended as follows (*revision(s) noted in “red” font below*):

<b>Event</b>	<b>Date</b>
Issuance of RFP	October 1, 2021
<b>ALBANY</b> Pre-Bid in-person Conference, Hampton Plaza, 38-40 State Street, <b>ALBANY</b> , New York 12207, subject to COVID 19 restrictions# <b>AND</b> via Web-Ex*	Wednesday, October 13, 2021, 10am, Eastern Daylight Time (“EDT”)
<b>WEST/NORTH</b> , Pre-Bid in person Conference, <b>SYRACUSE</b> , New York State Fairgrounds, Bistro Room in the Art & Home Center (downstairs), Exit from 690 Expressway, Enter at Gate 2 with parking available adjacent to the building, subject to COVID restrictions# <b>AND</b> via Web-Ex*	<del>Time, date and location(s) to be announced</del> Thursday, October 14, 2021, 2pm, EDT
<b>DOWNSTATE</b> Pre-Bid in-person Conference, 641 Lexington Avenue, <b>NEW YORK</b> , NY 10022, subject to COVID 19 restrictions# <b>AND</b> via Web-Ex*	Tuesday, October 19, 2021, 10am, EDT
Deadline for RFP Questions	Wednesday, November 10, 2021, 12pm, Eastern Standard Time (EST)
Deadline for Responses to RFP Questions	Wednesday, November 17, 2021
<b>Deadline for Submission of Proposals</b>	<b>Thursday, December 2, 2021, 12pm, EST</b>
Interviews (if necessary)	To be Determined
Anticipated Selection Date+	March 2022
Anticipated start date for new contracts	Friday, April 1, 2022

**+Subject to the approval of HTFC’s Board of Directors**

**\*Web-Ex and registration information: In addition to attending in person, Proposers may participate in any of the above Pre-Bid Conferences remotely using Web-ex. Registration is required for attendance at each Web-Ex. Web-Ex and registration information will be made available on the Agency’s website through an addendum to this RFP.**



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**+ #At the time of issuing the RFP, Proposers who attend in-person Conference(s) must wear a mask and follow social distancing guidelines. These restrictions are subject to change. Any changes will be posted to the [Procurement Opportunities webpage](#) and through an addendum to this RFP.**

## **Amendment 4:**

Section 8.3, Tab 3, first bullet is amended to read as follows of the RFP titled “[Calendar of Events and Milestones](#)**TAB 3: Cost Proposal**” is hereby amended as follows (*revision(s) noted in “red” font below*):

In addition, LAs may receive fees for the below items, above and beyond the per voucher fee in accordance with current practice.

**Port-out fee** - In lieu of the regular per voucher fee, a separate, standard port-out fee of \$15.55 is established for HCV participants who port to another PHA and for whom the receiving PHA decides to enter into a billing arrangement with HTFC. While HAP and the portability administrative fees are issued to the receiving PHA, the LA will receive the port-out fee for each Unit Month Leased tied to cases in port move-out status. The LA administering the port-out case must, amongst other responsibilities, update the information submitted by the receiving PHA in Form-52665 when HUD-defined actions are carried out by the receiving PHA that impact the HAP calculation.

**Port-in fee** - For cases where a household ports from an initial PHA to HTFC, the LA responsible for that case is also responsible for monitoring the timely receipt of HAP and administrative fees from the initial PHA. As part of this process, the LA that receives the ported voucher is eligible to claim a port-in fee in lieu of the regular per voucher fee. This process is currently handled through a fee adjustment in the HTFC data solution and is based on the HUD portability fee calculation. The fee is calculated by taking the lower of the following: 1. The initial PHA’s Column B administrative fee rate multiplied by 80% -or- 2. HTFC’s Column B rate. The lower of those two number is then multiplied by the current HUD-issued national proration factor. The B-Rates and fee proration factor are subject to change, as decided by HUD. Changes to these values will have an impact on the portability fees that can be claimed in conjunction with each portability case administered.

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## **Amendment 5:**

The second sentence in Section 12.3 of the RFP titled "Evaluation, Criteria and Scoring for Selection" is hereby deleted as follows (*revision(s) noted in "red" font below*):

Proposals will undergo an evaluation process conducted by an HCR committee ("**Committee**"). ~~The Committee will evaluate proposals based on the qualifications of both the Proposer and its current personnel, which will include an individual's experience at other firms during the relevant time period.~~

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### **Amendment 6:**

Section 4 of the RFP titled “Calendar of Events and Milestones” is hereby amended as follows to include web-ex and registration information for the pre-bid conferences in Albany, New York City and Syracuse:

### **ALBANY PRE-BID CONFERENCE WEB-EX AND REGISTRATION**

The **ALBANY- Pre-bid Conference** for RFP Section 8 Housing Choice Voucher Program LAs has been scheduled for **October 13, 2021 at 10:00 am, Eastern Standard Time (EST).**

Registration is **required** for each attendee.

To receive a registration form, please email [Monika.Lekarczyk@nyshcr.org](mailto:Monika.Lekarczyk@nyshcr.org). The subject line of the email should indicate” The ALBANY- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs- Registration Request”.

Registration requests should be submitted by **October 13, 2021 at 8:00 am, Eastern Standard Time (EST).**

Please note that the conference will be recorded for agency use only. By registering and attending the pre-bid conference, participants give consent to having their contact information shared on the HCR’s public website.

<https://meetny.webex.com/meetny/j.php?MTID=m4d015f396cabd905557012b2ab580ea0>  
ALBANY- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs  
Hosted by Monika Lekarczyk

<https://meetny.webex.com/meetny/j.php?MTID=m4d015f396cabd905557012b2ab580ea0>  
Wednesday, Oct 13, 2021 10:00 am | 2 hours | (UTC-04:00) Eastern Time (US & Canada)  
Meeting number: 161 060 0215  
Password: GMjqhpmC823

Join by video system  
Dial 1610600215@meetny.webex.com  
You can also dial 173.243.2.68 and enter your meeting number.

Join by phone  
+1-518-549-0500 USA Toll  
Access code: 161 060 0215



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### **NEW YORK CITY PRE-BID CONFERENCE WEB-EX AND REGISTRATION**

Downstate/New York- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs has been scheduled for **October 19, 2021 at 10:00 am, Eastern Daylight Time (EDT).**

Registration is **required** for each attendee.

To receive a registration form, please email [Monika.Lekarczyk@nyshcr.org](mailto:Monika.Lekarczyk@nyshcr.org). The subject line of the email should indicate "Downstate/New York Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs- Registration Request".

Registration requests should be submitted by **October 19, 2021 at 8:00 am, Eastern Daylight Time (EDT).**

Please note that the conference will be recorded for agency use only. By registering and attending the pre-bid conference, participants give consent to having their contact information shared on the HCR's public website.

Downstate/New York- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs

Hosted by Monika Lekarczyk

<https://meetny.webex.com/meetny/j.php?MTID=m83ba88de0451f191661f68fe9b0cac47>

Tuesday, Oct 19, 2021 10:00 am | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 161 402 3756

Password: SBpKdnDM523

Join by video system

Dial 1614023756@meetny.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-518-549-0500 USA Toll

Access code: 161 402 3756



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### **SYRACUSE PRE-BID CONFERENCE WEB-EX AND REGISTRATION**

West- North/Syracuse- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs has been scheduled for **October 14, 2021 at 2:00 pm, Eastern Daylight Time (EDT).**

Registration is **required** for each attendee.

To receive a registration form, please email [Monika.Lekarczyk@nyshcr.org](mailto:Monika.Lekarczyk@nyshcr.org). The subject line of the email should indicate "SYRACUSE- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs- Registration Request".

Registration requests should be submitted by **October 14, 2021 at 12:00 pm, Eastern Daylight Time (EDT).**

Please note that the conference will be recorded for agency use only. By registering and attending the pre-bid conference, participants give consent to having their contact information shared on the HCR's public website.

West- North/Syracuse- Pre-bid Conference for RFP Section 8 Housing Choice Voucher Program LAs

Hosted by Monika Lekarczyk

<https://meetny.webex.com/meetny/j.php?MTID=m4856733d5ae26a13e2e42ccfaad050c2>

Thursday, Oct 14, 2021 2:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 161 465 8611

Password: Gm3Eg6Bpn2T

Join by video system

Dial 1614658611@meetny.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-518-549-0500 USA Toll

Access code: 161 465 8611



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### Addendum No. 2 - Issued on October 15, 2021

#### Amendment 1:

The first paragraph of Section 2.2 of the RFP titled "LA Proposals" is hereby amended as follows (*revision(s) noted in "red" font below*):

A total of 46 counties are currently available for bid as part this RFP process. Proposers may submit a **single, complete proposal** to serve:

- A. An individual county (*excluding New York City*) (*counties are listed below*) **-OR-**
- B. Multiple counties that are geographically contiguous (*excluding New York City*) (*counties are listed below*).

*A Proposer proposing to serve more than one contiguous county may choose to submit either*

- (i) a single proposal for all counties that are contiguous (*as defined below*) OR*
- (ii) one proposal for each county.*

*Where a Proposer selects (i) above, the Proposer must still provide a price per leased voucher for each county within their Cost Proposal AND provide a separate Customer Service Strategy for each county in the Operations Plan portion of their Technical Proposal. Additional instructions may be found in Section 8 of this RFP titled "Contents of Proposals".*

#### Amendment 2:

The first paragraph of Section 8.2 of the RFP titled "Technical Proposal" is hereby amended as follows (*revision(s) noted in "red" font below*):

This section of the RFP provides instructions to the Proposer regarding information that is to be included in the Technical Proposal. Proposals must be complete, factual and as detailed as necessary to allow HTFC to adequately evaluate capabilities and experience. **The content in the Technical Proposal is limited to 20 letter-size pages, single spaced, minimum of 12-point font, and at least one-inch margins.** The page limit is inclusive of text as well as diagrams, flow charts, organizational charts, etc.; however, resumes are excluded from the page limit. *Note for a Proposer proposing to serve more than one contiguous county (*as defined herein*), the Proposer is limited to 20 letter-size pages for the first county and may add five (5) letter-size pages for each additional county. For*



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example, if a Proposer submitted a proposal for the counties of Oswego, Lewis and Oneida, the proposal should be limited to 30 pages.

## **Amendment 3:**

The first paragraph of Section 8.2.2 of the RFP titled “Operations Plan” is hereby amended as follows (*revision(s) noted in “red” font below*):

The Operations Plan will explain how the Proposer will administer vouchers in the proposed county or counties served using the format described in subsections A through E below. Successful Proposers will be required to update the Operations Plan annually, and more frequently upon request by HTFC. *If Proposer is proposing to serve more than one contiguous county and opts to submit a single proposal for all counties that are contiguous (as defined herein), the Proposer must provide a separate Customer Strategy for each county in the Operations Plan (see C. below titled “Customer Service Strategy” of this Section 8.2.2.)*

## **Amendment 4:**

Section 8.2.2.C. of the RFP titled “Customer Service Strategy” is hereby amended as follows (*revision(s) noted in “red” font below*):

LAs are responsible for ensuring fair and equal access to the Section 8 waiting list, educating landlords on Section 8 Program requirements, linking families to other available services, and responding to basic inquiries. For each county proposed, the Proposer must articulate a strategy for ensuring that all families have sufficient access to Section 8 staff and services. This strategy must include: (i) families who do not have access to the Internet, modern cell phones, or other communication technology; (ii) families who have little or no access to transportation, particularly seniors or disabled households in remote rural areas who do not own vehicles; and (iii) non English speaking families.

As part of its Customer Service Strategy, the LA must provide one of the following:

- a. A physical office space accessible to the public during normal business hours within the county served;
- b. A physical office space accessible to the public during normal business hours in a contiguous county; or
- c. An alternative plan for how all applicants, landlords and participants will have sufficient access to staff and services.

*If Proposer is proposing to serve more than one contiguous county and opts to submit a single proposal for all counties that are contiguous (as defined herein), the Proposer must provide a separate Customer Strategy for each county in the Operations Plan. The*



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Proposer shall describe in each county where the nearest office that is accessible to the public will be located, why that location was chosen, what hours the office will be open to the public, what type of in-person, phone and email customer service will be available, etc.

For Proposers choosing Option B or C, potential strategies for serving counties without an office may include, but are not limited to:

- Providing for a satellite office(s) to cover more than one county.
- Renting office space on a part-time or shared basis, possibly in partnership with a locally-based social service provider or local government;
- Sending staff to a designated location(s) at scheduled times;
- Providing home visits for staff to visit clients with limited access to technology or transportation; and/or
- Providing a call center or hotline, and ensuring it is sufficiently posted and publicized.

In addition, the Proposer's Customer Service Strategy should explain the following:

1. Strategies for publication and promotion of wait list openings;
2. An explanation for how the Proposer will ensure that applicants, participants and landlords can speak with a live person who is knowledgeable in program rules to assist them with completing an application, submitting required documents, explaining program rules, identifying other services available locally, and answering any questions about Section 8 in clear and simple terms;
3. Technical assistance to be made available to landlords who accept Section 8;
4. Any staffing or other strategies to provide personal assistance to families who need translation (*HTFC is planning to make a centralized translation service available to LAs by phone*);
5. A strategy for identifying any potential [well-resourced areas](#)<sup>1</sup> within the county or counties served, and for educating participants on available apartments within those areas;
6. A workflow procedure to ensure that phone and email inquiries from applicants, voucher participants and landlords are responded to in a timely manner, within 48

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<sup>1</sup> HCR has designated tracts throughout the State in which to incentivize new development and use of Section 8 vouchers. These HCR-Designated [Well-Resourced Areas](#) are selected based on two criteria, (i) well-performing schools and (ii) low poverty rates. These criteria were developed based on research showing that children living in neighborhoods with well-performing schools and low poverty rights have higher incomes as adults.



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hours;

7. The protocol for staff, families, landlords and other citizens to confidentially report fraud and waste; and
8. A process for educating families regarding relevant State laws including the Source of Income Discrimination protection, etc.

## **Amendment 5:**

The second paragraph of Section 8.3 of the RFP titled “Cost Proposal” is hereby amended as follows (*revision(s) noted in “red” font below*):

The Cost Proposal should not exceed **1 page**.

HTFC will pay each LA a monthly administrative fee **PER LEASED VOUCHER** to administer HTFC’s Section 8 vouchers. LAs will not be paid for allocated but unutilized vouchers. Except where otherwise specified below and in the Scope of Work, the fee must cover all costs associated with delivering the required tasks as proposed including, but not limited to, staff, facilities, technology equipment, travel, management and overhead, etc. **The Proposer must state their fee per voucher for Year 1 (4/1/22-3/31/23) for each county to be served.** HTFC reserves the right to negotiate fees with successful Proposers prior to contract execution. *Note, if Proposer is proposing to serve more than one contiguous county and opts to submit a single proposal for all counties that are contiguous (as defined herein), the Proposer must provide a price per leased voucher for each county within their Cost Proposal.*

## **Amendment 6:**

Section 12.3 of the RFP titled “Evaluation, Criteria and Scoring for Selection” is hereby amended as follows (*revision(s) noted in “red” font below*):

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

- Price;
- Demonstrated staff competence and expertise;



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- The ability to ensure safe and accessible services for the counties to be served;
- Experience and historical performance, including recent SEMAP scores, utilization rates, etc.;
- Diversity and commitment to equal employment opportunity;
- Other services and resources leveraged;
- Overall organization, completeness, and quality of response, including cohesiveness and clarity of response;
- Interviews to clarify or expand on the RFP response (*to be conducted at the discretion of the Agency*); and
- Any other identified risk factors.

All proposals, including those that propose to serve more than one contiguous county, will receive a separate score for each county. Both the price and the Customer Service Strategy, at minimum, may receive unique scores for each county. The highest scoring, qualified proposal in each county will be awarded that county, pending the results of due diligence, interviews, etc. This may mean that a Proposer seeking to serve multiple counties is awarded less counties than were included in their proposal and may be asked to adjust their Customer Service Strategy prior to executing a contract.

## **Amendment 7:**

The fourth paragraph of Section 13 of the RFP titled "Award of Contract" is hereby amended as follows (*revision(s) noted in "red" font below*):

The successful Proposer(s) will be required to execute an LA contract, a draft of which **may be downloaded from HCR's website at <https://hcr.ny.gov/procurement-opportunities> ~~will be attached to this solicitation~~**, that incorporates (i) [HTFC's Standard Clauses for Contracts](#), hyperlinked herein as Appendix I, and (ii) [HUD's Section 8 General Provisions for Contracts](#). Any proposed deviations in the form of the LA contract will be factored into the selection process. The draft LA contract may be downloaded from the HCR's website at <https://hcr.ny.gov/procurement-opportunities>.

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### Addendum No. 3 - Issued on October 26, 2021

#### Amendment 1:

Section 8.4.2 of the RFP titled "Insurance Requirements" is hereby amended as follows (*revision(s) noted in "red" font below*):

#### 8.4.2 Insurance Requirements (*required prior to contract execution*)

The successful Proposer is required to provide and maintain, at its (their) sole cost and expense, the required insurance coverage, at the minimum limits specified herein, during the term of the contract and for two years after completion of work. All required insurance policies must be maintained with insurance companies licensed within the State of New York and holding an AM Best rating of no less than A- VIII. In addition, companies writing insurance intended to comply with the requirements should be licensed or authorized by the New York State Department of Financial Services to issue insurance in the State of New York. HTFC may, in its sole discretion, accept policies of insurance written by a non-authorized carrier or carriers when certificates and/or other policy documents are accompanied by a completed Excess Lines Association of New York (ELANY) affidavit or other documents demonstrating the company's strong financial rating. If, during the term of a policy, the carrier's A.M. Best rating falls below "A-," Class "VII," the insurance must be replaced, on or before the renewal date of the policy, with insurance that meets the requirements above.

Contractors shall deliver to HTFC evidence of the insurance required by the Contract(s) resulting from this RFP process in a form satisfactory to HTFC. Policies must be written in accordance with the requirements of the paragraphs below, as applicable. While acceptance of insurance documentation shall not be unreasonably withheld, conditioned or delayed, acceptance and/or approval by HTFC does not, and shall not be construed to relieve the Contractor of any obligations, responsibilities or liabilities under this Contract. The Contractor shall not take any action, or omit to take any action that would suspend or invalidate any of the required coverages during the term of the Contract.

The Contractor shall provide HTFC with a Certificate or Certificates of Insurance, in a form satisfactory to HTFC as detailed below. Certificates shall name The Housing Trust Fund Corporation, Hampton Plaza, 38-40 State Street, Albany, NY 12207 as the certificate holder. Within 30 business days of receipt of any notice of cancellation or non-renewal of insurance, the Contractor shall provide HTFC with a copy of any such notice received from an insurer together with proof of replacement coverage that complies with the insurance requirements of the Contract(s) resulting from this RFP process.

Certificates of Insurance must indicate the applicable deductibles/self-insured retentions for each listed policy. Deductibles or self-insured retentions above \$100,000.00 are subject to approval from HTFC. Such approval shall not be unreasonably withheld, conditioned or delayed. Bidders and Contractors shall be solely responsible for all claim expenses and loss payments within the deductibles or self-insured retentions. If the Contractor is providing the required insurance through self-insurance, evidence of the financial capacity to support the self-insurance program along with a description of that program including, but not limited to, information regarding the use of a third-party administrator shall be provided upon request



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Prior to the commencement of any work by a Subcontractor, the Contractor shall require such Subcontractor to procure policies of insurance as required herein and maintain the same in force during the term of any work performed by that Subcontractor, unless otherwise approved by HTFC. HTFC reserves the right to set minimum insurance limits in any subcontracting agreement between the Primary Contractor and its subcontractor(s). An Additional Insured Endorsement CG 20 38 04 13 (*or the equivalent*) evidencing such coverage shall be provided to the Contractor prior to the commencement of any work by a subcontractor and shall be provided to HTFC upon request. For subcontractors that are self-insured, the subcontractor shall be obligated to defend and indemnify the above-named additional insureds with respect to Commercial General Liability and Business Automobile Liability, in the same manner that the subcontractor would have been required to pursuant to this section had the subcontractor obtained such insurance policies

Commercial general liability and business automobility insurance policies shall provide that the required coverage be primary and non-contributory to other insurance available to the Housing Trust Fund Corporation and its officers, agents, and employees. Any other insurance maintained by the Housing Trust Fund Corporation and its officers, agents, and employees shall be excess of and shall not contribute with the Contractor's insurance.

For the Commercial general liability, business automobile liability, and workers' compensation insurance required below, the Contractor shall cause to be included in its policies insuring against loss, a waiver of the insurer's right of subrogation against the Housing Trust Fund Corporation and its officers, agents, and employees, or, if such waiver is unobtainable (i) an express agreement that such policy shall not be invalidated if the Contractor waives or has waived before the casualty, the right of recovery against the Housing Trust Fund Corporation and its officers, agents, and employees or (ii) any other form of permission for the release of the Housing Trust Fund Corporation and its officers, agents, and employees. A Waiver of Subrogation Endorsement shall be provided upon request. A blanket Waiver of Subrogation Endorsement evidencing such coverage is also acceptable.

Upon policy renewal/expiration, evidence of renewal or replacement of coverage that complies with the insurance requirements set forth in the Contract(s) resulting from this RFP process shall be delivered to HTFC. If, at any time during the term of the Contract(s), the coverage provisions and limits of the policies required herein do not meet the provisions and limits set forth in this Contract(s), or proof thereof is not provided to HTFC, the Contractor shall immediately cease work. The Contractor shall not resume work until authorized to do so by HTFC

The Contractor must furnish to HTFC evidence of the insurance requirements indicated below prior to execution of the awarded Contract(s). Contractors shall obtain and maintain in full force and effect, throughout the term of the Contract(s), at their own expense, the following insurance with limits not less than those described below and as required by the terms of the Contract(s), or as required by law, whichever is greater. HTFC reserves the right to modify these insurance requirements.

- a. Commercial General Liability Insurance, including Contractual Liability of liability of no less than One Million Dollars U.S. Dollars (\$1,000,000) per occurrence, Two Million Dollars U.S. Dollars (\$2,000,000) aggregate and Products and Completed Operations. The limits of liability may be provided in a combination of a Commercial General Liability policy and an



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Umbrella Liability policy, which is written on a no less than follow form basis. The policy should be written on the current edition of ISO occurrence form CG 00 01, or its equivalent, and must not include any exclusions or limitations other than those incorporated in the standard form.

The Contractor shall include coverage for on-going work and operations naming as additional insureds (*via ISO coverage forms CG 20 10 04 13 or CG 20 38 04 13, or a form or forms that provide equivalent coverage*): The Housing Trust Fund Corporation, its Affiliates and their officers, agents, and employees. A blanket Additional Insured Endorsement evidencing such coverage is also acceptable. For Contractors who are self-insured, the Contractor shall be obligated to defend and indemnify the above-named additional insured, in the same manner that the Contractor would have been required had the Contractor obtained such insurance policies.

Coverage shall include, but not be limited to, the following:

- Premises liability;
- Independent contractors;
- Blanket contractual liability, including tort liability of another assumed in a contract;
- Defense and/or indemnification obligations, including obligations assumed the Contract;
- Cross liability for additional insureds; and
- Products/completed operations for a term of no less than three (3) years, commencing upon acceptance of the work, as required by the Contract.

b. Data Breach and Privacy/Cyber Liability Insurance, in an amount not less than ~~Five Million U.S. Dollars (\$5,000,000)~~ One Million U.S. Dollars (\$1,000,000) each claim, Contractors are required to maintain coverage during the term of the Contract(s) and as otherwise required herein, Data Breach and Privacy/Cyber Liability Insurance, including coverage for failure to protect confidential information and failure of the security of the Contractor's computer systems due to the actions of the Contractor which results in unauthorized access of the data. Required insurance coverage limits may be provided through a combination of primary and excess/umbrella liability policies.

Said insurance shall provide coverage for damages arising from, but not limited to the following:

- Breach of duty to protect the security and confidentiality of nonpublic proprietary corporate information;
- Personally identifiable nonpublic information (*e.g., medical, financial, or personal in nature in electronic or non-electronic form*);
- Privacy notification costs;
- Regulatory defense and penalties;
- Website media liability; and
- Cyber theft of customer's property including, but not limited to, money and securities.

If the policy is written on a claims made basis, the Contractor must submit to HTFC an Endorsement providing proof that the policy provides the option to purchase an Extended Reporting Period ("tail coverage") providing coverage for no less than one (1) year after work is completed in the event that coverage is cancelled or not renewed. This requirement applies to



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both primary and excess liability policies, as applicable.

c. Bond Coverage or Employee Dishonesty for no less than One Million U.S. Dollars (\$1,000,000) for each claim. The Contractor shall maintain, during the term of the Contract resulting from this RFP process, employee dishonesty through a bond or insurance coverage. If coverage is through an insurance policy, it must be on a “loss sustained form” or “loss discovered form,” and coverage must include the following:

- The coverage must allow for reporting of circumstances or incidents that might give rise to future claims;
- The coverage must include an extended reporting period of no less than one (1) year with respect to events which occurred but were not reported during the term of the policy;
- Any warranties required by the Contractor’s insurer as a result of this Contract awarded under this RFP process must be disclosed and complied with. Said coverage shall extend coverage to include the principals (*all directors, officers, agents and employees*) of the Contractor as a result of this Contract awarded under this RFP process;
- The coverage shall include coverage for third party fidelity and name the “Housing Trust Fund Corporation and its officers, agents, and employees” as “Loss Payees” for all third party coverage secured. This requirement applies to both primary and excess liability policies, as applicable; and
- The policy shall not contain a condition requiring an arrest and conviction.

~~e. Errors and Omissions /or Professional Liability, in an amount not less than Five Million U.S. Dollars (\$5,000,000) each claim, the Contractor shall maintain coverage during the term of the Contract, Errors and Omissions/Professional Liability Insurance for claims for damages arising from computer related services including, but not limited to, the following: consulting, data processing, programming, system integration, hardware or software development, installation, distribution or maintenance, systems analysis or design, training, staffing or other support services, any electronic equipment, computer software developed, manufactured, distributed, licensed, marketed or sold. Required insurance coverage limits may be provided through a combination of primary and excess/umbrella liability policies~~

~~If the policy is written on a claims made basis, the Contractor must provide to HTFC proof that the policy provides the option to purchase an Extended Reporting Period (“tail coverage”) providing coverage for no less than one (1) year after work is completed in the event that coverage is cancelled or not renewed. This requirement applies to both primary and excess liability policies, as applicable.~~

d. Professional Errors and Omissions for no less than One Million U.S. Dollars (\$1,000,000) for each claim and Two Million U.S. Dollars (\$2,000,000) in the aggregate. The coverage must include the following:

- Insure loss arising from any claim or claims made arising out of the scope of services during the policy period by reason of any covered error, omission or negligent act committed in the conduct of the insured’s professional business during the policy period;
- If coverage is written on a claims-made policy, the Contractor warrants that any applicable retroactive date precedes the start of work; and that continuous coverage will



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be maintained, or an extended discovery period exercised, throughout the performance of the services and for a period of not less than three years from the time work under the Contract resulting from this RFP process is completed; Written proof of this extended reporting period must be provided to HTFC prior to the policy's expiration or cancellation; and

- The policy shall cover professional misconduct or lack of ordinary skill for the positions defined in the scope of services of the Contract resulting from this RFP process.
- This policy requirement applies to both primary and excess liability policies, as applicable.

ed. Automobile Liability, such insurance shall cover liability arising out of an automobile used in connection with performance under the Contract including owned, leased, hired and non-owned automobiles bearing, or under the circumstances under which they are being used, required by the Motor Vehicles Laws of the State of New York to bear license plates in the amount not less than One Million U.S. Dollars (\$1,000,000) per accident.

fe. Workers' Compensation and Disability Benefits - Sections 57 and 220 of the New York State Workers' Compensation Law require the heads of all municipal and State entities to ensure that businesses applying for contracts have appropriate workers' compensation and disability benefits insurance coverage. These requirements apply to both original contracts and renewals. Failure to provide proper proof of such coverage or a legal exemption will result in a rejection of a Bid/Proposal or any contract renewal. A Bidder/Proposer will not be awarded a Contract unless proof of workers' compensation and disability insurance is provided to HTFC. Proof of workers' compensation and disability benefits coverage, or proof of exemption must be submitted to HTFC at the time of Bid/Proposer submission, policy renewal, contract renewal and upon request. Proof of compliance must be submitted on one of the following forms designated by the New York State Workers' Compensation Board. An ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.

Proof of Compliance with Workers' Compensation Coverage Requirements:

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

Proof of Compliance with Disability Benefits Coverage Requirements:

- CE-200 – Certificate of Attestation for New York Entities with No Employees and



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Certain Out-of-State Entities that New York State Workers' Compensation and/or Disability Benefits Insurance Coverage is Not Required; or

- DB-120.1 – Certificate of Disability Benefits Insurance; or
- DB-155 – Certificate of Disability Benefits Self-Insurance.

An instruction manual clarifying the New York State Workers' Compensation Law requirements is available for download at the New York State Workers' Compensation Board's website at <http://www.wcb.ny.gov/content/main/Employers/requirements-businesses-applying-government-permits-licenses-contracts.pdf>.

## **Amendment 2:**

Table 1 of Attachment 4 of the RFP titled "Tenant Based Vouchers" is hereby deleted in its entirety and replaced with the table indicated below:

**Table 1: Tenant Based Vouchers**

<u>COUNTY</u>	<u>TENANAT BASED VOUCHERS</u>
<u>Allegany</u>	<u>192</u>
<u>ESOP</u>	<u>125</u>
<u>Cattaraugus</u>	<u>386</u>
<u>Cayuga</u>	<u>496</u>
<u>Chautauqua</u>	<u>861</u>
<u>Chemung</u>	<u>948</u>
<u>Chenango</u>	<u>135</u>
<u>Clinton</u>	<u>478</u>
<u>Columbia</u>	<u>291</u>
<u>Delaware</u>	<u>273</u>
<u>Dutchess</u>	<u>1134</u>
<u>Essex</u>	<u>421</u>
<u>Franklin</u>	<u>364</u>
<u>Genesee</u>	<u>636</u>
<u>Greene</u>	<u>287</u>
<u>Hamilton</u>	<u>81</u>
<u>Herkimer</u>	<u>97</u>
<u>Jefferson</u>	<u>934</u>



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<a href="#">Lewis</a>	<a href="#">317</a>
<a href="#">Livingston</a>	<a href="#">500</a>
<a href="#">Madison</a>	<a href="#">257</a>
<a href="#">Nassau</a>	<a href="#">2315</a>
<a href="#">New York</a>	<a href="#">5242</a>
<a href="#">Niagara</a>	<a href="#">316</a>
<a href="#">Oneida</a>	<a href="#">88</a>
<a href="#">Ontario</a>	<a href="#">798</a>
<a href="#">Orange</a>	<a href="#">2331</a>
<a href="#">Orleans</a>	<a href="#">184</a>
<a href="#">Oswego</a>	<a href="#">397</a>
<a href="#">Otsego</a>	<a href="#">137</a>
<a href="#">Putnam</a>	<a href="#">499</a>
<a href="#">Rockland</a>	<a href="#">1071</a>
<a href="#">Saratoga</a>	<a href="#">236</a>
<a href="#">Schuyler</a>	<a href="#">112</a>
<a href="#">Seneca</a>	<a href="#">428</a>
<a href="#">St. Lawrence</a>	<a href="#">492</a>
<a href="#">Steuben</a>	<a href="#">495</a>
<a href="#">Suffolk</a>	<a href="#">3208</a>
<a href="#">Sullivan</a>	<a href="#">657</a>
<a href="#">Tioga</a>	<a href="#">215</a>
<a href="#">Tompkins</a>	<a href="#">938</a>
<a href="#">Ulster</a>	<a href="#">1569</a>
<a href="#">Washington</a>	<a href="#">204</a>
<a href="#">Wayne</a>	<a href="#">149</a>
<a href="#">Westchester</a>	<a href="#">4578</a>
<a href="#">Wyoming</a>	<a href="#">189</a>
<a href="#">Yates</a>	<a href="#">158</a>

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## **Amendment 3:**

Section 8.4.1 of the RFP titled “Required Documents” is hereby amended as follows *revision(s) noted in “red” font below*:

### **8.4.1 Required Documents**

Proposers are subject to the requirements indicated in HTFC’s [Standard Clauses and Requirements for Solicitations](#).

Proposers should complete and submit the following forms, hyperlinked herein:

- 1) [Vendor Information FORM](#).
- 2) [Lobbying Procurement Law FORM 1](#)
- 3) [Lobbying Procurement Law FORM 2](#).
- 4) [Non-Collusive Bidding Certification FORM](#).
- 5) Vendor Responsibility Questionnaire [For-Profit Business Entity](#) or [Not-For-Profit Business Entity](#). and
- 6) [Vendor Assurance Form](#)

In addition to completion of the forms hyperlinked above, Proposers must provide the following items according to the instructions provided below.

- 1) Either: (a) proof that the Proposer has the required insurance in subsection 8.4.2, and confirming that if awarded a contract(s), the Proposer will maintain the same types of insurance and limits for the life of the contract OR (b) a statement from the Proposer that they will acquire the required insurance prior to contract execution, and will maintain the required insurance for the life of the contract.
- 2) ~~Required~~ [Confirmation of](#) Certifications and other Credentials.
- 3) If Proposer intends to recommend edits to the contract, submit a list of proposed edits in the following format: (a) section, page number and current language; (b) suggested revised language; and (c) justification for proposed edits.
- 4) HTFC reserves the right to require submission of recent, audited financial statements or tax returns at its discretion.
- 5) HTFC reserves the right to require submission of any SEMAP reports received as part of a



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Proposer's Direct Experience. HTFC reserves the right to require submission of Certifications and other Credentials.

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## Addendum No. 4 - Issued on November 17, 2021

### Amendment 1:

Section 4 of the RFP titled “Calendar of Events and Milestones” is hereby amended as follows (revision(s) noted in “red” font below):

Event	Date
Issuance of RFP	October 1, 2021
<b>ALBANY</b> Pre-Bid in-person Conference, Hampton Plaza, 38-40 State Street, <b>ALBANY</b> , New York 12207, subject to COVID 19 restrictions# <b>AND</b> via Web-Ex*	Wednesday, October 13, 2021, 10am, Eastern Daylight Time (“EDT”)
<b>WEST/NORTH</b> , Pre-Bid in person Conference, <b>SYRACUSE</b> , New York State Fairgrounds, Bistro Room in the Art & Home Center (downstairs), Exit from 690 Expressway, Enter at Gate 2 with parking available adjacent to the building, subject to COVID restrictions# <b>AND</b> via Web-Ex*	<del>Time, date and location(s) to be announced</del> Thursday, October 14, 2021, 2pm, EDT
<b>DOWNSTATE</b> Pre-Bid in-person Conference, 641 Lexington Avenue, <b>NEW YORK</b> , NY 10022, subject to COVID 19 restrictions# <b>AND</b> via Web-Ex*	Tuesday, October 19, 2021, 10am, EDT
Deadline for RFP Questions	<del>Wednesday, November 10, 2021, 12pm, Eastern Standard Time (EST)</del> <b>Monday, December 6, 2021, 12pm, Eastern Standard Time (EST)</b>
Deadline for Responses to RFP Questions	<del>Wednesday, November 17, 2021</del> <b>Friday, December 10, 2021</b>
Deadline for Submission of Proposals	<del>Thursday, December 2, 2021, 12pm, EST</del> <b>Thursday, December 17, 2021, 12pm, EST</b>
Interviews (if necessary)	To be Determined
Anticipated Selection Date+	March 2022
Anticipated start date for new contracts	Friday, April 1, 2022

+Subject to the approval of HTFC’s Board of Directors