



Kathy Hochul, Governor

Homes and Community Renewal

RuthAnne Visnauskas, Commissioner/CEO

Request for Qualifications for Consulting Services relating to

*Davis Bacon Prevailing Wage Monitoring Services,
Integrated Physical Needs Assessment Services,
Construction Monitoring Services,
Engineering / Architectural Services & Planning and
Development Services (collectively, the "Consultant Services")*

RFQ Issuance Date:

November 18, 2021

RFQ Submission Deadline:

December 17, 2021, 12PM, EST

RFQ Number: HCR-RFQ-211118

NEW YORK STATE HOUSING FINANCE AGENCY

641 LEXINGTON AVENUE ▪ NEW YORK, NEW YORK 10022

HOUSING TRUST FUND CORPORATION

38-40 STATE STREET ▪ ALBANY, NEW YORK 12207

www.hcr.ny.gov

TABLE OF CONTENTS

1.	Introduction	4
2.	Overview of the Agencies	4
2.1	New York State Housing Finance Agency	4
2.2	Housing Trust Fund Corporation	4
3.	Purpose	4
4.	Assessment of Practices relating to Diversity and Service-Disabled Veteran-Owned Business Enterprises (SDVOBs)	5
4.1	Minority and/or Women-Owned Business Enterprise Participation.....	5
4.2	Service-Disabled Veteran-Owned Business Enterprise Participation.....	5
4.3	MWBE and SDVOB Partner/Subcontractor Interest.....	5
5.	Primary Contractor and Subcontractor(s) Team	6
6.	Calendar of Events and Milestones	6
7.	Scope of Services (Scope of Work)	7
7.1	Davis Bacon Prevailing Wage Monitoring Consultant Services	7
7.1.1	Qualification and Certification Requirements for Davis Bacon Services Firms	11
7.2	Integrated Physical Needs Assessment Consultant Services	11
7.2.1	Qualification and Certification Requirements for Prospective IPNA Firms	12
7.3	Construction Monitoring (“CM”) Consultant Services	12
7.3.1	Qualification and Certification Requirements for Prospective CM Firms.....	16
7.4	Engineering/Architectural (E&A) Consultant Services.....	16
7.4.1	Qualification and Certification Requirements for Prospective E&A Firms	17
7.5	Planning and Development (“P&D”) Consultant Services	17
8.	RFQ Submissions	19
8.1	TAB 1: Cover Letter, Application Coversheet and Pre-Qualified Panels Application by Region Checklist	19
8.1.1	Respondent Cover Letter	19
8.2	TAB 2: Technical Proposal.....	20
8.2.1	Company Background	21
8.2.2	Experience, Qualifications and Performance.....	21
8.2.3	Staffing Capabilities	23
8.2.4	Work Plan	24
8.3	TAB 3: Administrative Proposal	24
8.3.1	Insurance Requirements	24
8.3.2	Financial Capacity.....	29
8.3.3	Licenses, Certifications and other Credentials.....	29
8.4	TAB 4: Diversity and SDVOB Proposal	29
8.4.1	Equal Employment Opportunity (EEO), Diversity, and SDVOB Information.....	29
9.	Questions and Answers	29
10.	Amendments and Addenda	30
11.	RFQ Submission Requirements	30
12.	Evaluation of RFQ Submissions	31
12.1	The Selection Process	31
12.2	Evaluation and Criteria for Selection.....	31
12.3	Interviews	32
13.	Award of Contract	32
14.	Compliance with all Federal and NYS Requirements	32
	Attachment 1: Intent to Submit RFQ Submission Form.....	33
	Attachment 2: RFQ Submission Checklist	34
	Attachment 3: Application Coversheet	35
	Attachment 4: Pre-Qualified Panels Application by Region Checklist	37

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

**REQUEST FOR QUALIFICATIONS FOR CONSULTANT SERVICES RELATING TO
DAVIS-BACON PREVAILING WAGE MONITORING SERVICES,
INTEGRATED PHYSICAL NEEDS ASSESSMENT SERVICES,
CONSTRUCTION MONITORING SERVICES,
ENGINEERING/ARCHITECTURAL SERVICES AND
PLANNING AND DEVELOPMENT SERVICES**

IMPORTANT NOTICE: A Restricted Period under the Lobbying Procurement Law is currently in effect for this procurement process and will remain in effect until approval of the Contract(s). Firms are prohibited from Lobbying Procurement Law Contacts related to this procurement process with any employee of the New York State Housing Finance Agency and the Housing Trust Fund Corporation (collectively, the “Agencies”) or their Affiliates¹, other than the Designated Contact Officers listed below.

Lobbying Procurement Law Designated Contact Officer(s)

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New York State Housing Finance Agency
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Stacey C. Mickle
Director of Financial Administration and Treasurer
Housing Trust Fund Corporation
38-40 State Street, Albany, New York 12207
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If you have inquiries regarding this Request for Qualifications (“RFQ”) or would like to contact the Agencies regarding matters not relating to Lobbying Procurement Law Contacts, please contact Lisa G. Pagnozzi, via email, at Lisa.Pagnozzi@nyshcr.org and Berniesha.Coleman@nyshcr.org, citing the RFQ page and section, no later than the date identified in the *Calendar of Events and Milestones* section of this RFQ. The subject line of the email should indicate “*Questions – 2021 Prequalified Panel(s) RFQ for Consultant Services.*”

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

¹ Affiliates shall mean the other agencies comprising New York State Homes and Community Renewal being the State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency, Tobacco Settlement Financing Corporation and New York State Division of Housing and Community Renewal.

1. Introduction

[New York State Homes and Community Renewal](#) (“HCR”) consists of all the major housing and community renewal agencies of the State of New York (“State”) including the New York State Housing Finance Agency (“HFA” or “Agency”) and the Housing Trust Fund Corporation (“HTFC” or the “Corporation”) (singularly and/or collectively, “Agency” or “Agencies”). HCR includes other agencies (“Affiliates”) not involved in this RFQ process.

2. Overview of the Agencies

2.1 New York State Housing Finance Agency

The [New York State Housing Finance Agency](#), a public benefit corporation, was created in 1960 to finance low- to moderate- income rental housing. HFA issues taxable and tax-exempt bonds to provide mortgage loans to developers of affordable multifamily rental housing. HFA’s mission is to create and preserve high quality affordable multifamily rental housing that serves communities across the State.

2.2 Housing Trust Fund Corporation

The [Housing Trust Fund Corporation](#) was established as a subsidiary public benefit corporation of the HFA. HTFC’s mission is to further community development through the construction, development, revitalization and preservation of low-income housing, the development and preservation of businesses, the creation of job opportunities, and the development of public infrastructures and facilities.

3. Purpose

The Agencies seek responses from qualified firms (“Firms” or “Respondents”) in the State as the basis of establishing prequalified lists (“List(s)” or “Panel(s)”) for the provision of (i) Davis-Bacon prevailing wage monitoring consultant services (“Davis Bacon Services”), (ii) integrated physical need assessment consultant services (“IPNA Services”) (iii) construction monitoring consultant services (“CM Services”), and (iv) engineering/architectural consultant services (“E&A Services”), and (v) planning and development consultant services (“P&D Services”) (individually, “Consultant Service” and collectively, the “Consultant Services”). Interested Respondents shall demonstrate the qualification, certification and licensure requirements demonstrated in Section 7 of this RFQ.

The purpose of this RFQ is to prequalify eligible firms for five (5) separate prequalified Panels for the provision of Consultant Services indicated above. Firms that respond to this RFQ must identify within their RFQ Submission the specific Panel(s) for which they seek consideration. It is the Agencies intent to contract with Firms statewide, on an as-needed basis over a five-year period.

Firms on any Agency existing pre-qualified list(s) should, if they wish to continue to be pre-qualified, respond to this RFQ. Inclusion on the pre-qualified Consultant Services panel list(s) does not mean or imply that any Firm will be selected or engaged to perform work for the Agencies.

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

The Agencies have determined, pursuant to New York State Executive Law Articles 15-a (“Article 15-A”) and 17-b (“Article 17-B”), respectively, that the assessment of participation by minority and/or women -owned business enterprises (“MWBEs”) (assessment of participation by MWBEs hereinafter referred to as “Diversity”) and SDVOB practices of Respondents responding to this RFQ is practical, feasible, and appropriate.

4.1 Minority and/or Women-Owned Business Enterprise Participation

The Agencies are committed to awarding contracts to firms that are dedicated to Diversity and provide high-quality services. The Agencies strongly encourage firms that are certified as MWBEs by the State’s Empire State Development (“ESD”) to submit responses to this RFQ.

The Agencies are required to implement the provisions of Article 15-A and 5 NYCRR, Parts 142-144 (“MWBE Regulations”) for all contracts of the Agencies, as defined therein, with a value exceeding \$25,000. The Agencies strongly encourage joint ventures of MWBE firms with majority firms and with other MWBE firms. For assistance identifying MWBE partners, review the [NYS MWBE Directory of Certified Firms](#), hyperlinked herein.

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

4.2 Service-Disabled Veteran-Owned Business Enterprise Participation

The Agencies are committed to awarding contracts to SDVOBs that provide high-quality services. The Agencies strongly encourage firms that are certified as SDVOBs by the State’s Office of General Services (“OGS”) to submit responses to this RFQ.

The Agencies are required to implement the provisions of Article 17-B for all Agency contracts, as defined therein, with a value exceeding \$25,000. For assistance identifying SDVOB partners, review the [NYS SDVOB Directory of Certified Firms](#), hyperlinked herein.

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

4.3 MWBE and SDVOB Partner/Subcontractor Interest

State-certified MWBEs and SDVOBs may request that their firm’s contact information be included on a list of MWBE and SDVOB firms interested in serving as a partner or subcontractor. The listing will be publicly posted on the Agencies’ website for reference by the vendor community. A firm wishing to be included on this list should email their contact information and a copy of their State

MWBE certification and/or State SDVOB certification to Lisa.Pagnozzi@nyshcr.org. Nothing prohibits an MWBE or SDVOB firm from submitting a RFQ Submission as a prime contractor.

5. Primary Contractor and Subcontractor(s) Team

A Firm may partner with other entities, including but not limited to MWBEs and SDVOBs, to provide the Agencies with the Scope of Work described in the Scope of Services section of this RFQ. The successful Firm must be the lead vendor (“**Primary Contractor**”) that will serve as the legal contracting entity with which the Agencies will enter into a contract. If the RFQ Submission includes Consultant Services from any other participating vendors, it is understood that those vendors will serve as subcontractors to the Primary Contractor.

For purposes of evaluating RFQ Submissions and developing the intended agreement between the Agencies and the Primary Contractor, all contributions to the project from both the Primary Contractor and its subcontractor(s), including skills, attributes, and products, will be considered as the total proposal put forth by the Respondent. All necessary communications will be directed to the Primary Contractor.

6. Calendar of Events and Milestones

The Agencies reserve the right to modify this schedule at its discretion. Notification of changes in connection with this RFQ will be made available to all interested parties via the Agencies’ webpage at: <https://hcr.ny.gov/procurement-opportunities>.

RFQ Event	Date
Issuance of RFQ	November 18, 2021
Deadline for RFQ Questions	November 30, 2021, 3pm, Eastern Standard Time (EST)
Deadline for RFQ Responses to Questions	December 3, 2021
Deadline for RFQ Submissions	December 17, 2021, 12pm, EST
Interview(s) (if necessary)	To Be Determined
Anticipated Selection Date*	By January 31, 2022

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7. Scope of Services (Scope of Work)

7.1 Davis Bacon Prevailing Wage Monitoring Consultant Services

The successful Firm(s) (“Consultant(s)”) selected to provide Davis Bacon Services may be required to provide Davis Bacon Services for projects at multiple locations throughout the State concurrently with work previously assigned under any Contract resulting from this RFQ.

A. PRE-LOAN CLOSING SERVICES

(1) Provide Appropriate Wage Decisions

The Consultant shall:

- (a) Review proposed contracts between the Agency and developers for each identified project;
- (b) Ensure that labor standards’ clauses, as required by the Department of Labor (“DOL”), are included in project contract specifications;
- (c) Obtain from DOL local prevailing wage determination issuances for affected trades in identified development projects;
- (d) Ensure that the appropriate local prevailing wage decisions, as issued by DOL, are included in project contract specifications; and
- (e) Provide other related services as directed by the Agencies.

(2) Conduct Pre-Construction and On-Going Education and Training Meetings

The Consultant shall:

- (a) Complete a Project Wage Sheet (HUD Form 4720) for each project and obtain a Davis-Bacon Notice to All Employees (DOL Form WH-1321) and any other documents required for public display on construction sites and post said documents on the job site of each project;
- (b) Prior to execution of the Construction Contract, schedule and preside over a meeting with representatives of the sponsor/developer and general contractor to discuss the following issues:
 - (i) General Contractor and sponsor/developer understanding of their responsibilities under the Davis-Bacon Act and related federal statutes;
 - (ii) Any issues regarding compliance with the requirements described in Section 7.1.A(1) above;
 - (iii) Any issues regarding compliance with the requirements described in Section 7.2.B below;
 - (iv) Meet with contractors and their sub-contractors to provide additional training, as needed; and

- (i) Provide other related services as directed by the Agencies.

(3) Conduct a Contractor License/Debarment List Check

The Consultant shall:

- (a) Contact the appropriate agencies to verify contractors have appropriate construction licenses; and
- (b) Verify the eligibility of the general contractor and all subcontractors to participate in federal programs by contacting the U.S. Federal Department of Housing and Urban Development (“HUD”) and the DOL to review their debarment lists and by accessing the list of debarred contractors maintained by the U.S. General Services Administration. If it is discovered that a general contractor or a subcontractor is listed on the debarment list, the Consultant shall immediately notify the Agencies.

B. CONSTRUCTION AND POST-CONSTRUCTION COMPLETION SERVICE

(1) Conduct Payroll Document Reviews

The Consultant shall:

- (a) Obtain signed certified weekly payroll reports (DOL Form WH-347) (“Weekly Payroll Reports”) from the general contractor and subcontractors for each project. Upon receipt of the Weekly Payroll Reports, the Consultant shall promptly arrange for delivery thereof to the Agencies.
- (b) Review Weekly Payroll Reports to ensure that all laborers and mechanics are being paid no less than the prevailing wage rates (*including any applicable fringe benefits*) listed on the wage determination for the project for the type of work performed. The review shall ensure that the Weekly Payroll Reports are complete, signed and include, but not be limited to, the following information:
 - (i) Project name and number;
 - (ii) Contractor/subcontractor name and address;
 - (iii) Week ending date;
 - (iv) Employee name, address and Social Security Number (“SSN”) on at least the first payroll submitted (*address and SSN not required on subsequent payrolls unless information changes*);
 - (v) Contain provision certifying information is true and correct;
 - (vi) Numbered consecutively each week, starting the first week “No. 1”, until all work is completed (*identified as "Final"*), including weeks when no work is performed;
 - (vii) Indicate that employees are paid no less than the wage rate for assigned work classification;

- (viii) Include apprentice or trainee certifications from approved program, where appropriate;
- (ix) Ensure fringe benefits are appropriate and eligible, where appropriate request details;
- (x) Include employee signed authorization for deductions other than official fringe and standard deductions;
- (xi) Identification of incomplete reports including missing addresses, social security numbers and missing signature on Statement of Compliance page;
- (xii) Identification of employees with too few or irregular or scattered hours;
- (xiii) Identify possible “red flags” such as a large number of laborers and apprentice to journeymen ratio; and
- (xiv) Review and compare information on interview forms and returned mailed questionnaires to corresponding payrolls to determine consistency with hours and days worked, work classification and rate of pay.

(2) Conduct On-Site Interviews

The Consultant shall conduct investigations of general contractor and subcontractors as may be necessary to ensure compliance with federal labor standards. The Consultant shall promptly notify the Agencies of any investigation. Such investigation shall include, but not be limited to, the following information:

- (i) Conduct on-site interviews with employees and maintain a record thereof by completing, as applicable, HUD Form 11 (*Record of Employee Interview*), HUD Form 4730 (*Employee Questionnaire Form*) and HUD Form 4731 (*Federal Labor Standards Complaint Intake Form*);
- (ii) Examine payroll data (*time cards, tax records, evidence of fringe benefit payment*) that supports Weekly Payroll Reports;
- (iii) Priority should be given to investigations of projects of which complaints have been received of alleged violations such as employee underpayment, or reasonable suspicion with respect to falsification of Weekly Payroll Reports;
- (iv) Promptly provide written notification to the general contractor and/or subcontractors (*as applicable*) to correct within thirty (30) days of receipt of such notice any underpayments found in any Weekly Payroll Report or any other violation of federal labor standards described herein (*e.g., overtime violations*). Within such notification, the Consultant shall provide instructions for computing the restitution to be paid (*and any liquidated damages*) and documenting the restitution in any corrected Weekly Payroll Report to be submitted to the Consultant. The Consultant shall promptly provide the Agencies with a copy of the notification. If the correction is not made within the 30-day period, then the

Consultant will promptly make a recommendation to the Agencies with respect to further corrective action to be taken by the Agencies which shall include, but not be limited to, withholding of loan disbursements, establishment of deposits or escrows and/or recommendations of administrative sanctions to HUD and/or DOL including debarment or suspension proceedings;

- (v) Unless otherwise notified by the Agencies, the Consultant shall represent the Agencies in any administrative hearing, or civil or criminal proceeding, and any appeals thereof, with respect to the compliance of the general contractor or subcontractors with federal labor standards described herein regarding the project;
- (vi) Prepare a DOL Section 5.7 enforcement report on behalf of the Agencies to be submitted to the Secretary of the DOL on all enforcement actions including, but not limited to, cases where under payments by the general contractor or subcontractor total \$1,000 or more, or where there is reason to believe that violations are aggravated or willful. Such reports must be submitted to HUD for review within forty-five (45) days of completion of the investigation which will allow HUD fifteen (15) days to review and submit to DOL;
- (vii) All original paper documents pertinent to onsite interviews should be uploaded into the Elations platform in the appropriate portal after they have been received or completed by the Consultant; and
- (viii) Maintain all Weekly Payroll Report(s) (*including signed Statement(s) of Compliance*) for a period of no less than three years from the date of completion of the applicable construction contract which shall be reproduced by the successful Firm (“Consultant”) at the request of DOL, HUD or the Agency, at any time during said three-year period.

Employee data and employee statements received by the Consultant shall be governed by the Freedom of Information Act and the Privacy Act of 1974, and shall be kept confidential with the exception of the Consultant’s disclosure to the Agency in the course of the performance of its duties as agent thereof.

(C) ADDITIONAL DAVIS-BACON SERVICES

The Consultant shall perform, as agent(s) of the Agencies, all of the Agencies’ responsibilities and obligations as local contracting agency with respect to certain projects as described or referenced in the following federal statutes, regulations, and any publications, handbooks guidance memos or letters issued respectively by DOL or HUD with respect thereto:

(1) Federal Statutes:

- a. Davis-Bacon Act (sec. 1-7, 46 Stat. 1949, as amended; Pub. L. 74-403, 40 U.S.C. 276a-276a-7);
- b. Copeland Act (40 U.S.C. 276c); and
- c. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332).

(2) Federal Regulations:

NOTE: Successful Firms must Submit Semi-Annual Labor Standards Enforcement Report information for all assigned Projects (HUD Form 4710) to the Agencies by April 5th and October 5th of each calendar year in connection with compliance with, and enforcement of, the labor standards' provisions of the Davis-Bacon Act and its related federal statutes covering the periods of October 1 through March 31st and April 1st through September 30th, respectively.

7.1.1 Qualification and Certification Requirements for Davis Bacon Services Firms

To be considered for the Davis Bacon Services Panel, the Firm shall possess the following minimum qualifications:

1. At least five (5) years of experience monitoring federal prevailing wage requirements;
2. Demonstrated experience providing technical assistance on Davis Bacon federal prevailing wage rules; and
3. The Firm(s) must be available to immediately assume services upon execution of a contract resulting from this RFQ process.

7.2 Integrated Physical Needs Assessment Consultant Services

The successful Firm(s) (“Consultants”) selected to conduct Integrated Physical Needs Assessment Consultant Services (“IPNAs”) shall be required to:

- A. Perform IPNAs of building(s) and site(s) to observe existing conditions and (i) identify work necessary to be performed in order to bring the building(s) up to the Agencies’ [*Design Guidelines dated as of June 2021*](#), hyperlinked herein, as may be amended from time to time, (ii) report on the expected useful life of each building’s components, (iii) report on the performance and efficiency of the building’s components, and (iv) report on the performance and efficiency of the building;
- B. Provide a written report in accordance with the format of the [*NYSERDA Integrated Physical Needs Assessment Standards*](#) hyperlinked herein, including work required to be performed immediately with estimated costs, plus work necessary to be performed over the term of the anticipated mortgage loan and estimated costs, including deferred maintenance items;
- C. Perform inspections of building(s) and site(s) for any visible evidence of hazardous substances including Asbestos Containing Materials (“ACM”), Lead Based Paint (“LBP”), Petroleum Bulk Storage (“PBS”), Polychlorinated Biphenyls (“PCBs”), Chlorofluorocarbons (“CFCs”) and any other hazardous materials suspected or identified. No testing is required and the results of this inspection shall be included in a separate section of the written report; and
- D. Perform an energy efficiency and water conservation assessment, including identification of deficiencies, recommended improvements (*scope of work*), and associated construction costs for those improvements that will yield deep energy and carbon savings. An energy assessment should also include projected annual energy use and cost savings for each recommended improvement illustrating payback.

If a team consists of multi-disciplinary subconsultants, the team must be assembled under one lead consultant that is identified in the qualification submission package (i.e, the Primary Contractor). Each team member or subconsultant's role and responsibility must be clearly defined. The Primary Contractor is responsible for the quality of work for each firm that is a member of the team.

7.2.1 Qualification and Certification Requirements for Prospective IPNA Firms

To be considered for the IPNA Panel, the Firm and its team (*can include project team collaborations with two firms- see 7.2. above*) must:

1. demonstrate a minimum of five (5) years of experience providing IPNA Services to government agencies or corporate clients;
2. employ at least one Licensed/Professional Engineer or Registered Architect (“RA”), licensed/registered in the State (“NYS”) with at least five years of experience;
3. possess valid NYS DOL Licenses/Certifications and proof of valid EPA Lead, OSHA HAZWOPER, DOT and other pertinent training, as required; and
4. employ at least one person who is certified/licensed with one of the following and has at least 3 years of experience:
 - a. AEE Certified Energy Manager (CEM);
 - b. AEE Certified Energy Auditor (CEA);
 - c. AEE Certified Measurement & Verification Professional;
 - d. ASHRAE High Performance Building Design Professional (HPBDP);
 - e. ASHRAE Building Energy Assessment Professional (BEAP); and/or
 - f. RESNET HERS.

7.3 Construction Monitoring (“CM”) Consultant Services

The successful Firm(s) (“Consultant(s)”) selected for the provision of CM Services shall provide the following services for each construction project (the “Project”) identified in a Letter of Authorization to be issued by the Agencies:

A. PRE-CONSTRUCTION REVIEW:

- (1) Architecture and Engineer Review: Review Project plans and specifications (“Plans and Specifications”) for sufficiency, quality and completeness of the documents and render a professional opinion regarding:
 - a. General adequacy and completeness of the Project design and the Plans and Specifications, indicating if the Plans and Specifications are in accordance with the industry standards for the complexity of the Project;
 - b. Compliance with all applicable statutes and regulations including, but not limited to, building, zoning, accessibility, and environmental codes and regulations;
 - c. Compliance with all requirements outlined in the Agencies’ *Design Guidelines*, as applicable;

- c. Adequacy of preconstruction investigations including, but not limited to, environmental and subsoil condition testing AND confirming adequacy of Plans and Specifications and Cost Estimates in addressing conditions identified by these investigations; and
 - d. The professional qualifications of the architect and/or designer and engineers.
- (2) Contract Review: Review Architectural/Engineering Contracts and Construction Contract(s) for the Project and render a professional opinion regarding:
- a. Completeness and quality of the provisions of the Architectural/Engineering Contracts for the Project, identifying variance from Agency standard provisions and/or industry standards together with including comments on the scope of services, cost and fee structure;
 - b. Completeness and quality of the provisions of the Construction Contract, identifying and commenting on any variance from the Agency standard Construction Contract and/or generally accepted construction practices including, but not limited to, provisions regarding retainage, liquidated damages, bonuses, bonding requirements and progress payments;
 - c. The professional qualifications of the general contractor and subcontractors selected by the general contractor and/or Project developer that includes a review for appropriateness of general contractor and subcontractor fees and overhead, general conditions and contingency, and identifying variance from Agency standard provisions; and
 - d. Verification with applicable building authority that the proposed general contractor and subcontractors are licensed to construct the Project.
- (3) Cost Reviews: Review detailed Schedule of Values/Budget and render a professional opinion regarding:
- a. Completeness and accuracy of the hard costs taking into account the Plans and Specifications reviewed in accordance with subsection 7.3.A.1 above and any other review of documents and information provided including a physical needs assessment, if any. Comment on the adequacy and/or reasonableness of the proposed schedule of values/budget for the construction of the Project and any obvious errors and omissions or recommended changes;
 - b. Comparative costs analysis of the hard cost schedule of values/budget and total projected building cost with the Construction Consultant's calculations on a per-unit or per-square-foot basis and with the Agency's loan budget, if provided; and
 - c. Confirm compliance with applicable regulations affecting construction contracting, including prevailing wage requirement or multi-prime requirements as required.
- (4) Scheduling: Review detailed proposed Project schedule and render a professional opinion regarding its accuracy. Considerations should include, but are not limited to, lead times for equipment and material procurement, lead times associated with obtaining permits or other required regulatory approvals, and impacts of phased construction in occupied facilities.

- (5) Additional Document Review: Review additional construction/loan documents, as made available, for the purpose of rendering a professional opinion regarding the adequacy thereof and identifying obvious variances from generally accepted construction practice and matters of which the Agency should be aware in connection with the financing including, but not limited to, the following:
- a. Payment and Performance Bonds and/or construction letters of credit for Contractors and Subcontractors;
 - b. Building permits;
 - c. Zoning compliance;
 - d. Environmental compliance;
 - e. Development Agreements;
 - f. Municipal off-site requirements; and
 - g. Pertinent sections of loan documents identified by the Agency.
- (6) Correspondence: Attend meetings with Agency and Project Developer teams to ensure timely and complete pre-construction review.

B. CONSTRUCTION PHASE REVIEW:

- (1) Perform on-site observations and render a professional opinion regarding workmanship, performance, construction progress and cost to complete. Services and deliverables include:
- a. Site visits conducted at a minimum of once every two weeks and/or upon receipt of a draw request, unless otherwise directed by the Agency;
 - b. Written site observation report coinciding with each site visit that includes progress photographs recording significant sections of work completed within the current reporting period. Reports are also to coincide with monthly draw requests, and review, with evaluations and comments on the following:
 - (i) Work in-place for compliance with the approved Plans and Specifications, applicable building codes and industry standard quality of work;
 - (ii) Conditions of the work site and work-flow on the Project;
 - (iii) Construction material test reports for compliance with the Plans and Specifications and applicable building codes;
 - (iv) Review and comments on change orders to determine effect on Project cost, building design and quality, conformance with applicable building codes and conformance with Agencies' *Design Guidelines, as applicable*, providing recommendations regarding approval or disapproval of all change orders which are subject to lender consent;
 - (v) Progress payment requests and related backup together with making recommendations regarding approval for funding progress payment requests;
 - (vi) Determine actual percentage of completion in connection with requests for progress payments and release of retainage to anticipate the completion date and

foreseeable delays together with comments on progress of subcontractors, as applicable;

- (vii) Evaluate the adequacy of the budgeted cost to complete the Project and the adequacy of available funds; and
 - (viii) Describe stored material, on or off-site, and the value of same.
- c. Bi-weekly construction reports to the Agency evaluating (i) work in place to determine compliance with the approved Plans and Specifications, applicable building codes and industry standard quality of work, (ii) general contractors' management of subcontractors and site security and safety, and (iii) progress of construction as it pertains to the construction schedule, including progress of subcontractors, as applicable.
 - d. Monitor receipt and review of lien waivers and reconcile to previous vendor payee listing and ensure receipt of partial unconditional Lien Release Waivers by contractors in connection with each progress payment request.
 - e. Review draw requests for compliance with Agency loan funding policies and procedures (*if provided by the Agencies*) and compliance with Construction Contract's retainage requirements.
 - f. Review reallocations of loan funds requested by the Project developer for impact on sufficiency of funds in the hard cost categories of the Project budget and address each request individually.

C. PROJECT COMPLETION REVIEW:

- (1) Upon substantial completion of the Project, and prior to the release of retainage, review and approve Certificate of Substantial Completion prepared by the architect of record for the Project. Evaluate proposed punch list for completeness of the punch list items and the accuracy of the assessed cost to complete punch list items, individually and in the aggregate.
- (2) Upon final completion of the Project and prior to the release of retainage, evaluate the work in-place to verify completion of the punch list items and compliance with the approved Plans and Specifications, applicable building codes, applicable accessibility requirements, the Agencies' *Design Guidelines* and industry standard quality of work. Review and approve a certificate of the architect of record for the Project certifying final completion.
- (3) Where applicable, and if required by contract and/or loan documents provided to the Consultant, review and request receipt of the following additional documents prior to substantial and/or final completion:
 - a. ALTA As-Built Survey;
 - b. "As-Built" Construction Plans and Specifications;
 - c. Certificate(s) of Occupancy or Certificate of Compliance;
 - d. Certificate of Electrical Inspection/Board of Fire Underwriters Certificate;
 - e. Certificate of Fire Alarm Inspection;
 - f. Certificate of Boiler/Heating Inspection;

- g. Certificate of Controlled Inspection(s);
- h. Certificate of NYC Air Resources/Operations for NYC Projects Only-Boiler Size/Oil Grade;
- i. Consent of Surety of Final Payment - AIA Form G707;
- j. Contractors Final Payment Request;
- k. Contractors Cost Certification;
- l. Contractors Payment of Debts and Claims - AIA G706;
- m. Contractors Release of Liens - AIA G706A;
- n. Subcontractors Final Lien Waivers;
- o. Elevator Maintenance Contract;
- p. Operating and maintenance manuals;
- q. Product and equipment warranties;
- r. Owners Acceptance of Project; and
- s. Other items as detailed in the Agency's Building and Project Loan Agreement.

7.3.1 Qualification and Certification Requirements for Prospective CM Firms

To be considered for the CM Panel, the Firm must:

1. possess a minimum (10) years of providing CM Services to clients or performing the CM scope of work above as a part of their company's standard services;
2. include at least one Registered Architect and/or Licensed/Professional Engineer licensed to practice in NYS who will be responsible for oversight and management of all work performed under the scope of services;
3. have a demonstrated knowledge of New York State and/or New York City Building Codes and Regulations;
4. have a demonstrated knowledge of regulatory implications of federal funding on building design and accessibility requirements; and
5. If a team consists of multi-disciplinary sub-consultants, the team must be assembled under one lead consultant (i.e., the Primary Contractor) that is identified in the qualification submission package. Each team member or sub-consultant's role and responsibility must be clearly defined. The Primary Contractor is responsible for the quality of work for each firm that is a member of the team.

7.4 Engineering/Architectural (E&A) Consultant Services

Preference will be given to Firms demonstrating E&A Services experience in the field of multi-family residential housing. Scope of services may include one or more of the following concentrations:

- A. Civil engineering;
- B. Mechanical engineering;
- C. Plumbing engineering;
- D. Electrical engineering;
- E. Structural engineering;
- F. Geotechnical engineering;
- G. Archeological and historic preservation;
- H. Architectural design;

- I. Energy efficiency;
- J. Sustainable (green building) design;
- K. Landscape architecture;
- L. Construction cost estimating;
- M. Existing building evaluation;
- N. Hazardous materials (e.g.: asbestos, lead, mold); and/or
- O. Other engineering.

The anticipated responsibilities include providing technical assistance to the Agencies, investigating physical conditions of vacant or occupied housing and other facilities which may be converted to housing funded by the Agencies, conducting site assessments, and furnishing other related services that the Agencies may require on an as-needed basis.

7.4.1 Qualification and Certification Requirements for Prospective E&A Firms

To be considered for the E&A Panel, the Firm must:

1. possess a minimum of ten (10) years providing professional services to clients in one or more of the concentrations listed above;
2. employ a project team of Registered Architects and/or Licensed/Professional Engineers licensed to practice in NYS;
3. have a demonstrated knowledge of New York State and/or New York City Building Codes and Regulations; and
4. if a team consists of multi-disciplinary sub-consultants, the team must be assembled under one lead consultant (i.e, the Primary Contractor) that is identified in the qualification submission package. Each team member or sub-consultant's role and responsibility must be clearly defined. The Primary Contractor is responsible for the quality of work for each firm that is a member of the team.

7.5 Planning and Development (“P&D”) Consultant Services

The successful Firm(s) (“Consultant(s)”) selected to provide P&D Services shall assist an Owner of multifamily housing currently under a regulatory agreement or extended use agreement with -the Agencies or another New York State, Federal or local housing agency, including Mitchell Lama Housing Companies, not-for-profit corporations or charitable organizations, or a wholly-owned subsidiary of such corporations or organizations, or private for-profit developers, with financial consulting and modeling and general project management services.

A. Financial Consulting and Modeling

The successful Firm (“Consultant”) shall:

- (1) Review, compile, and organize financial records of the project to create financial models based on historical and proposed project implementation budgets;
- (2) Coordinate with Owner in establishing objectives for the project and determine financial feasibility through analysis;
- (3) Assist in identifying and preparing and submitting applications for potential financial resources and secure public and private funds for development, including local, New York State, and

federal financing applications, including Low Income Housing Tax Credit (“LIHTC”) applications and offering packages;

- (4) Assist in the application for, and compliance with, tax abatement and/or tax exemption programs; and
- (5) Provide other related services, as directed by the Agencies.

B. General Project Management

The Consultant shall:

- (1) Prepare the Agencies’ financing application and compile all evidentiary documentation required;
- (2) Prepare third party financing applications and compile all evidentiary documentation required;
- (3) Assist and manage the engagement of professional services including, but not limited to, architecture, design, and engineering services, legal services, environmental consultants, sustainability consultants, owner’s representative, construction management, construction monitoring, or other required services through Request for Qualifications/Bids/Proposals or negotiation;
- (4) Manage and monitor due diligence activities conducted by third-party professional service providers including, but not limited to IPNAs, appraisals, surveys, environmental assessments and remediation processes, title reports, and other activities that may be required in furtherance of the Project;
- (5) Collaborate with Owner in tenant and/or public meetings and communication materials in connection with obtaining approvals for the Project;
- (6) Identify and work to solve critical project issues including, but not limited to, those relating to financing, development, partnership and ownership structures, and public/private development agreements;
- (7) Develop and manage a timeline to provide Owner with a project schedule, general progress and status of work completed, budgets, and documentation of decisions during all phases of the development process;
- (8) Provide the Owner with guidance with regards to the design, constructability, schedule, cost estimates and budget, site constraints and logistics of the proposed project;
- (9) Establish and implement a Tenant Relocation Plan in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act, as applicable, and approved by the Agency; and
- (10) Provide other related services, as directed by the Agencies.

7.5.1 Qualification and Certification Requirements for Prospective Planning and Development Consultant Services Firms

To be considered for the Planning and Development Consultant Services Panel, the Respondent and its team (can include project team collaborations) must:

1. demonstrate a minimum of five (5) years of experience providing Planning and Development Consultant services for the development and preservation of multifamily affordable housing in New York State;

2. demonstrate experience providing Planning and Development Consultant services for the development and preservation of multifamily affordable housing in New York State in a minimum of two (2) projects in the last five (5) years, including at least one (1) project with the New York State Housing Finance Agency or Housing Trust Fund Corporation or other comparable entity within New York State; and
3. if a team consists of multi-disciplinary sub-consultants, the team must be assembled under one lead consultant (i.e, the Primary Contractor) that is identified in the qualification submission package. Each team member or sub-consultant's role and responsibility must be clearly defined. The Primary Contractor is responsible for the quality of work for each firm that is a member of the team.

8. RFQ Submissions

Respondents are advised to thoroughly read and follow all instructions in this RFQ. RFQ Submissions that do not comply with these instructions, or do not meet the full intent of all the requirements of this RFQ, may be subject to scoring reductions during the evaluation process or may be deemed non-responsive.

The Agencies do not require, nor desire, any promotional material that does not specifically address the proposal requirements in this RFQ.

Each Respondent is required to submit the information and documentation listed below, in the order in which it is requested. An RFQ Submission that does not include all required information and completed forms may be subject to rejection. A complete RFQ Submission will include all Tabs described below. Each Tab must be electronically bookmarked with the tab number together with the title of the tab and must be presented in the exact order requested in this RFQ.

All materials submitted in response to this RFQ shall become the property of the Agencies. The Agencies will not be liable for any costs incurred by any Firm pertaining to the preparation and submittal of any written response or for participation in an interview/demonstration in response to this RFQ. RFQ Submissions are subject to disclosure under NYS Public Officers Law § 87 ("Freedom of Information Law").

The Firm's response to this RFQ ("RFQ Submission") must contain responses to the items listed below.

8.1 TAB 1: Cover Letter, Application Coversheet and Pre-Qualified Panels Application by Region Checklist

8.1.1 Respondent Cover Letter

The Respondent's Cover Letter must not exceed three (3) pages and should include:

1. the pre-qualified panel(s) for which the Firm(s) seeks consideration;
2. the contact name, title, telephone number, fax number and email address of the individual within the Respondent's organization who will be the Agencies' primary contact concerning

- its RFQ Submission;
3. a summary of the Respondent's organizational history and legal structure (e.g. corporation, individual practitioner, partnership, LLC, not-profit organization, State MWBE and/or SDVOB certification status, etc.);
 4. a statement affirming the number of years that the Respondent and/or its principals have provided the specific Consultant Services in accordance with the requirements in the Scope of Services section of this RFQ;
 5. the name(s) of the primary staff (including titles) who will provide services to the Agencies;
 6. indicate whether the Respondent will be subcontracting with a State certified MWBE and/or SDVOB, and if so, provide the name of the MWBE and/or SDVOB entity(ies) and principal(s); and
7. A written certification confirming the following:
- a. The information contained in the RFQ Submission is true and accurate;
 - b. The Respondent can and will provide services included in the RFQ Submission as described in this RFQ;
 - c. The Respondent has read and understands the RFQ and all appendices, attachments, and exhibits attached thereto, including the [Standard Clauses and Requirements for Solicitations](#); and
 - d. The signer affirms under penalties of perjury that he or she is duly authorized to legally bind the Respondent referenced above and that he or she signed this RFQ Submission Certification as the legally binding act of the Respondent.

In addition to completing the Cover Letter, the Respondent must include the Application Coversheet (Attachment 3) and Pre-Qualified Panels Application by Region Checklist (Attachment 4).

8.2 TAB 2: Technical Proposal

This section of the RFQ provides instructions to Respondents regarding information that is to be included in the Technical section of the RFQ Submission. The content in Tab 2 is limited to ten (10) letter-size pages, single spaced, minimum 12-point font, and at least one-inch margins for each of the five scopes of services and related Panels. The ten-page limit in Tab 2 does not include resumes, references, organizational chart, etc. RFQ Submission documents must be complete, factual and as detailed as necessary to allow the Agencies to adequately evaluate capabilities and experience for the services required under the contract(s) awarded to the successful Respondent(s). Note for a Respondent submitting a response for more than one scope of services, the Respondent is limited to 10 letter-size pages for the first scope of services and may add five (5) letter-size pages for each additional scope of services.

The Respondent shall demonstrate its qualifications, competence and capacity to undertake the Scope of Work, described in the Scope of Services section of this RFQ, in a manner which complies with the requirements in this RFQ. RFQ Submissions must specifically detail a Respondent's qualifications and experience in providing services sought by the Agencies (*including the experience of its subcontractors, where applicable*). **For Sections 8.2.2 through 8.2.4 of this RFQ, your Firm's Technical Proposal must include responses to the items listed in the following subsections for EACH pre-qualified panel that your firm seeks consideration. Therefore, if your firm is seeking**

inclusion on multiple pre-qualified panels, please provide the requested information for EACH panel.

8.2.1 Company Background

1. A brief description of your firm and its organizational structure including (a) the number, size and location of your firm's offices, identifying the location of your firm's office from which Agency work will be performed, (b) full legal name and state of organization of your firm, and (c) your firm's presence in the State.
2. A description of any significant changes to the management structure and/or operational dynamics of the Firm's organization, including any mergers that occurred in the last three (3) years or are expected in the near future or any subcontracting and/or partnering relationships with any other entity.

8.2.2 Experience, Qualifications and Performance

1. Cite your Firm's total number of years of experience as it relates to the Consultant Service(s) specified in the Scope of Services section of this RFQ for each pre-qualified panel that your firm seeks consideration.
2. Provide a summary of your Firm's experience, expertise and capacity to undertake the specific Consultant Services under the pre-qualified panel that your firm seeks consideration.
3. Provide a summary of the professional qualifications of the firm's principals, project managers, key personnel and staff to be assigned to provide Consultant Services to the Agencies, including resumes, degrees, licenses and **total years of relevant experience**. In addition, identify frequently used MWBE and/or SDVOB subcontractors, with their relevant experience, and describe the types of tasks to be subcontracted. Specify the Firm's primary contact person with the Agencies (name, title, location, telephone number, and e-mail address).
4. Provide a summary describing how your firm and personnel meets or exceeds the qualification and certification requirements indicated in Section 7 of this RFQ for the specific pre-qualified panel for which your firm seeks consideration. Licensure and certifications shall be provided in the format described in Section 8.3.3 of this RFQ.
5. Provide the range of activities performed by your firm, including specific references to engagements similar in size and scope to the engagement indicated in the Scope of Services section of this RFQ.
6. All Firms must complete Attachment 4 (the "Pre-Qualified Panels Application by Region Checklist)." Additionally, prepare a statement of geographic or staffing limitations or any other factors affecting the Firm's ability to provide the Agencies with Consultant Services requested in the shortest possible time frame. Demonstrate your Firm's ability to provide services for projects at multiple locations throughout New York State concurrently with work previously assigned under any contract resulting from this RFQ together with work

assigned from other clients of the Firm.

7. List at least five (5) clients with similar engagements to those described in the Scope of Work section of this RFQ, that your Firm has provided Consultant Services within the last five (5) years, indicating the following information for each client:
 - a. Name of client;
 - b. Type of client (e.g., government entity [local, State, Federal], private company, etc.);
 - c. Name of project, including description and services provided;
 - d. Project location;
 - e. Brief project description (type of construction, functional components and special design considerations);
 - f. Dates of contract engagement;
 - g. Contract Value;
 - h. Name of project owner; and
 - i. Any other information regarding the engagement that would assist the Agencies in determining the success experienced by the client.

Respondents seeking inclusion on the Construction Monitoring (“CM”) and Engineering/Architectural (“E&A”) prequalified panels must list at least five clients with similar engagements within the last ten (10) years. The list should include at least one client from a financial institution or governmental agency. All current and previous projects must demonstrate that your firm meets the total minimum number of years of experience specified in the Qualifications and Certification Requirements section 7 of the RFQ. Also state whether the Firm has performed Consultant Services for the Agencies or its HCR Affiliates in the past. Indicate whether problems occurred and how they were resolved.

8. Provide a minimum of three (3) client references of the Firm’s engagements in the preceding subsection 8.2.2.7 above and least two references for any subcontractors. Each reference should include the name, title, telephone number and email address for each contact person that can speak with authority for each company. Include a brief summary of the relationship between the reference and the Firm.

Information provided by references may be used by the Agencies in the evaluation of Firm’s RFQ Submission. The Agencies are not responsible for the degree or lack of responsiveness of the references listed by a Firm or its subcontractor(s).

The Agencies may seek information from references regarding subjects that include, but are not limited to, the quality and ability of services provided and the responsiveness of the Firm to the client during the engagement.

9. Summarize your Firm’s approach and understanding of projects subject to federal and/or State prevailing wage provisions and what may make your Firm unique. Indicate clearly, the levels of participation you will expect from the Agencies’ staff in the fulfillment of the contract. This section shall outline the Firm’s approach and shall consist of:
 - a. Objective(s);
 - b. Task(s) and brief description; and

- c. Relevant work product examples:
10. Describe the unique capabilities of your Firm and the individuals assigned to perform the Consultant Services. Tell us why your Firm should be selected. Describe what and how the services you provide are different from other Firms who provide similar Consultant Services.
 11. Provide supporting documentation to include resumes, references, organizational charts, report samples, etc.; however, only attachments that specifically speak to and support the RFQ Submission as outlined in Tab 2 should be included.
 12. If applying for consideration for the Davis Bacon Prevailing Wage Monitoring Consultant Services pre-qualified panel, describe in detail:
 - a. the On-line Software System the Firm utilizes to monitor Davis-Bacon Compliance. Also provide details on your Firm's (i) familiarity with Elation Software and whether your Firm has used the Elation On-Line System and (ii) usage of the Elation On-line System, if any. Include your Firm's willingness to use Elation for Agency engagements.
 - b. the number and expertise of on-site monitoring and field interviewers assigned to a given contract. Describe how the Firm's on-site monitoring and field interviewers are assigned work and whether the same interviewer is assigned for the duration of the Agencies' project.
 - c. Describe observation and reports, including report format carried regularly in field by an observer to perform for subject project.

8.2.3 Staffing Capabilities

1. Identify the principals and key staff (and roles) who will be primarily responsible for providing Consultant Services to the Agencies and include location of principals and key staff. For each staff member listed, provide the number of years of relevant experience, certifications and/or licenses, and attach a resume.
2. Attach a copy of the proposed organizational chart together with resumes, titles and contact information for all key and supporting staff. The information required herein must also be provided for any subcontractors or partners. Attach any contracts, agreements, or letters of intent that have been entered into with such firms that are relevant to this RFQ.
3. If the Respondent will be subcontracting with an MWBE and/or a SDVOB for any portion of the work described in the Scope of Work, provide resumes and a summary of the relevant qualifications and experience of the subcontractor(s) and the staff of each entity. Describe the types of tasks anticipated to be assigned by the subcontractor(s)/partner(s). If the Respondent will not be subcontracting with an MWBE and/or SDVOB, indicate the reason why there are no subcontracting opportunities for the work described in the Scope of Services section of this RFQ.

8.2.4 Work Plan

1. Provide a detailed description of the Respondent's intended means, methods, and timeline for accomplishing each task required by the Scope of Work, as well as any component sub-tasks that the Respondent may identify. The description should indicate the Respondent's previous experience in using these means and methods as well as its reasons for employing them in this project.
2. Provide an explanation of the methodology and workflow that will be utilized; include any procedures to ensure compliance with the requirements outlined in the Scope of Work.
3. Provide any "best practices" the Respondent will use to assure the timely completion of the Work Plan.
4. Provide a timeline that identifies the earliest date upon which the Respondent can commence its work subsequent to its receipt of an executed contract. The timeline should be as precise as possible in establishing dates for the completion of each of the tasks described in the Scope of Work as well as any component sub-tasks identified by the Respondent.
5. Describe the Firm's approach to working with the Agencies and the Contractor when reports are found that do not meet standards. What expertise is the Firm willing to provide to the Agencies and the Contractor to keep a specific project moving forward?
6. Provide a plan for communication and measuring contract performance, including remote access.
7. Include any innovative technology solutions or other best practices to be provided.

8.3 TAB 3: Administrative Proposal

Respondents are subject to the requirements indicated in the Agencies' [*Standard Clauses and Requirements for Solicitations*](#). Such requirements include, but are not limited to, submission of the following information and forms: 1) [*Vendor Information FORM*](#); 2) [*Lobbying Procurement Law FORM 1 and Lobbying Procurement Law FORM 2*](#); 3) [*Non-Collusive Bidding Certification FORM*](#); and 4) [*Vendor Responsibility Questionnaire for For-Profit Entity or Vendor Responsibility Questionnaire For Not-for-Profit Business Entity*](#), and (5) [*Vendor Assurance of No Conflict of Interest and Detrimental Effect*](#). In addition to completion of the forms hyperlinked in the paragraph above, Respondents must provide all other information indicated below.

8.3.1 Insurance Requirements

The successful Respondent(s) ("Contractor(s)") is required to provide, prior to execution of the awarded Contract, 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 of this RFQ should be licensed or authorized by the New York State Department of Financial Services to issue insurance in the State of New York. The Agencies may, in their 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 below.

Contractors shall deliver to the Agencies evidence of the insurance required by the awarded Contract in a form satisfactory to the Agencies. 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 the Agencies does not, and shall not be construed to relieve the Contractor of any obligations, responsibilities or liabilities under the awarded 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 awarded Contract.

The Contractor shall provide the Agencies with a Certificate or Certificates of Insurance, in a form satisfactory to the Agencies as detailed below. Certificates shall name the New York State Housing Finance Agency, 641 Lexington Avenue, 5th Floor, New York, NY 10022 and the Housing Trust Fund Corporation, Hampton Plaza, 38-40 State Street, Albany, NY 12207, as the certificate holders. Within 30 business days of receipt of any notice of cancellation or non-renewal of insurance, the Contractor shall provide the Agencies with a copy of any such notice received from an insurer together with proof of replacement coverage that complies with the insurance requirements of this RFQ.

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 the Agencies. 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.

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 the Agencies. The Agencies reserve 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 the Agencies 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 shall be primary and non-contributory to other insurance available to the Agencies and their officers, agents, and employees. Any other insurance maintained by the Agencies and their

officers, agents, and employees shall be in excess of and shall not contribute with the Contractor's insurance.

For 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 Agencies and their 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 Agencies and their officers, agents, and employees or (ii) any other form of permission for the release of the Agencies and their 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 this RFQ shall be delivered to the Agencies. If, at any time during the term of the awarded Contract, the coverage provisions and limits of the policies required herein do not meet the provisions and limits set forth in the awarded Contract, or proof thereof is not provided to the Agencies, the Contractor shall immediately cease work. The Contractor shall not resume work until authorized to do so by the Agencies.

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

1. 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 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 shall not include any exclusions or limitations other than those incorporated in the standard form.
2. Workers Compensation and Employers' Liability, with statutory coverage for Workers' Compensation and minimum limits of One Million U.S. Dollars (\$1,000,000) per accident, One Million U.S. Dollars (\$1,000,000) disease (each employee), and One Million U.S. Dollars (\$1,000,000) disease (policy limit) for Employers' Liability or coverage and limits complying with all regional, country, State and local requirements applicable to the services performed. Upon notification of award, the Primary Contractor will be requested to submit one of the following forms as Workers' Compensation Insurance documentation:
 - a. Workers Compensation Insurance Documentation
 - (i) **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

- (ii) **C-105.2** – Certificate of Workers’ Compensation Insurance (or U-26.3 if insured through the State Insurance Fund); or
- (iii) **SI-12** – Certificate of Workers’ Compensation Self-Insurance (*or GSI-105.2 Certificate of Participation in Workers’ Compensation Group Self-Insurance*).
- (iv) **Form GSI-105.2** - Certificate of Participation in Workers' Compensation Group Self-Insurance, available from the Contractor's Group Self-Insurance Administrator.

b. Disability (Employer’s Liability) Insurance Documentation

Upon notification of award, the Primary Contractor will be requested to submit one of the following forms as Disability documentation:

- (i) **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
- (ii) **DB-120.1** – Certificate of Disability Benefits Insurance; or
- (iii) **DB-155** – Certificate of Disability Benefits Self-Insurance.

ACORD forms are not acceptable proof of insurance. Further information is available on the Workers’ Compensation Board [website](#).

3. Data Breach and Privacy/Cyber Liability Insurance, in an amount not less than 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:

- (i) Breach of duty to protect the security and confidentiality of nonpublic proprietary corporate information;
- (ii) Personally identifiable nonpublic information (e.g., medical, financial, or personal in nature in electronic or non-electronic form);
- (iii) Privacy notification costs;
- (iv) Regulatory defense and penalties;
- (v) Website media liability; and

- (vi) Cyber theft of customer's property including, but not limited to, money and securities.

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

4. Professional Errors and Omissions Liability 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:
 - (i) 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;
 - (ii) 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 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 RFQ process is completed; Written proof of this extended reporting period must be provided to the Agencies prior to the policy's expiration or cancellation; and
 - (iii) 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 RFQ process. This policy requirement applies to both primary and excess liability policies, as applicable.
5. Umbrella/Excess Liability, with minimum limits of One Million U.S. Dollars (\$1,000,000) each occurrence and aggregate.
6. Automobile Liability, of One Million U.S. Dollars (\$1,000,000) per person, One Million U.S. Dollars (\$1,000,000) per accident covering bodily injury (including death), and property damage for all vehicles that the Primary Contractor owns, hires or leases.

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

8.3.2 Financial Capacity

The Respondent must provide the last two years of their firm's most recent tax returns and, if available, audited financial statements.

8.3.3 Licenses, Certifications and other Credentials

Respondents must include copies of all professional licenses and certifications for the firm and personnel that will staff the engagement as required in Qualification and Certification Requirements in Section 7 of this RFQ for each pre-qualified panel that the firm seeks consideration. Respondents must complete and certify in the proposal, that it, and its subcontractors (if any), will have, prior to commencement of work under the contract resulting from this RFQ, all necessary licenses, certifications, approvals, and other needed credentials to perform the Scope of Work, if applicable.

8.4 TAB 4: Diversity and SDVOB Proposal

8.4.1 Equal Employment Opportunity (EEO), Diversity, and SDVOB Information

Respondents must complete and submit the following items as part of their response:

- 8.4.1.1 [Equal Employment Opportunity Staffing Plan, PROC-1 form;](#)
- 8.4.1.2 [Utilization Plan, PROC-2 form.](#) This form can also be accessed at the following web address: <https://hcr.ny.gov/system/files/documents/2019/02/copy-proc2-utilizationforms.xlsx>;
- 8.4.1.3 If applicable, [Request for Waiver Form, PROC-3 form;](#)
- 8.4.1.4 [Minority and Women Business Enterprises – Equal Employment Opportunity Policy Statement, PROC-4 form;](#)
- 8.4.1.5 [Company Demographic Profile, PROC-7 form;](#)
- 8.4.1.6 [EEOC Statement, PROC-8 form.](#) Please note that completion of the PROC-8 form is applicable to Respondents with 15 or more employees; and
- 8.4.1.7 [Diversity Practices Questionnaire.](#)

9. Questions and Answers

Any questions or requests for clarification regarding this RFQ must be submitted via email to Lisa.Pagnozzi@nyshcr.org, citing the RFQ page and section, no later than the date identified in the *Calendar of Events and Milestones* section of this RFQ. The subject line of the email should indicate “2021 Pre-Qualified Panels RFQ - Consultant Services.”

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

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

10. Amendments and Addenda

The Agencies reserve the right to modify any part of this RFQ including, but not limited to, the date and time by which RFQ Submissions must be submitted to and received by the Agencies at any time prior to the RFQ Submission Deadline indicated in the Calendar of Events and Milestones section of this RFQ. Modifications to this RFQ will be made by issuance of amendments and/or addenda. Any amendment or addendum to this RFQ will become part of this RFQ.

Prior to the Deadline for RFQ Submissions, any such clarifications or modifications as deemed necessary will be posted to HCR's Procurement Opportunities [webpage](#).

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

There are no designated dates for release of addenda; therefore, interested Respondents should check the Agencies' website frequently through the RFQ Submission Deadline. It is the sole responsibility of the Respondent to be aware of all addenda related to this RFQ process.

11. RFQ Submission Requirements

RFQ Submissions must be delivered, by email, no later than the proposal due date and time indicated in the Calendar of Events and Milestones section of this RFQ.

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

RFQ Submissions must be bookmarked and divided into the following parts: (i) Tab One: Cover Letter; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Administrative Proposal; and (v) Tab Four: Diversity and SDVOB Proposal. The subject line of the email must be labeled "RFQ Submission - 2021 Prequalified Panels RFQ - Consultant Services."

RFQ Submissions must be bookmarked and divided according to the parts described in the preceding section. Any proposal delivered after the date and time designated as the RFQ Submission Deadline indicated in the Calendar of Events and Milestones section of this RFQ may be deemed ineligible. It is the Respondent's sole responsibility to ensure that all emails and attachments are delivered on time and in a legible format. The Agencies may consider written requests to submit late proposals for good cause.

An RFQ Submission may be deemed non-responsive because it is materially incomplete. The Agencies reserve the right to seek clarification or request additional information. The determination of whether any proposal is complete or was received on time is at the sole discretion of the Agencies. All submitted proposals shall become the property of the Agencies.

12. Evaluation of RFQ Submissions

12.1 The Selection Process

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

12.2 Evaluation and Criteria for Selection

RFQ Submissions will undergo an evaluation process conducted by a Review Committee ("Committee"). The Committee will evaluate RFQ Submissions based on the qualifications of both the Respondent and its current personnel, which will include an individual's experience at other firms during the relevant time period. The Committee will evaluate the RFQ Submissions based upon the following criteria, not necessarily listed in the order of importance:

- A. Demonstrated experience, competence, expertise and ability to provide the Consultant Services described in the Scope of Work of this RFQ;
- B. Historical performance to the Corporation (if any) ;
- C. Proposed fees and costs (including discount to governmental agency);
- D. Presence of an office in the State of New York;
- E. Diversity and commitment to equal employment opportunity, including MWBE and SDVOB programs;
- F. Overall organization, completeness and quality of response, including cohesiveness and clarity of response; and
- G. Interviews to clarify or expand on the RFQ response (*to be conducted at the discretion of the Agencies*).

The Agencies will also perform a due diligence review of the items submitted in the Respondent's Administrative Proposal that include, but are not limited to, corporate and individual employee references, findings of non-compliance or non-performance by HUD or another federal, state or local government agency, unresolved investigations or legal issues, audit findings, or other risk factors identified as part of a vendor responsibility.

12.3 Interviews

The Agencies reserve the right to determine whether interviews/demonstrations will be necessary and the number of firms to be interviewed. If the Agencies deem interviews necessary, selected firms will be notified. The Respondent's primary staff member responsible for the Agencies' relationship with the Respondent, as well as other key personnel proposed to provide services, including its subcontractor's primary staff person, must be present and participate in the interview. The purpose of the interview is to further document the Respondent's ability to provide the required services and to impart to the Agencies' Review Committee an understanding of how specific services will be furnished. The interview will be evaluated based on whether it substantiates the characteristics and attributes claimed by the Respondent in its written response to this RFQ and any other clarification information requested by the Committee prior to the interview.

13. Award of Contract

Any contracts with the Agencies resulting from this RFQ process will be to provide Consultant Services for a five-year period, subject to approval by the Agencies' Boards. The Agencies, at their discretion, reserve the right to modify any provision in the contract including, but not limited to, the scope of work, fees, etc., on an as needed basis, with the mutual written consent of the contracting parties. Any contract that exceeds a five-year period will require the affirmative concurrence of the Agencies' Boards to extend the term of the contract without undergoing a new solicitation process.

The use of any subcontractor, including substitution and/or change in existing subcontractor(s), must be disclosed to the Agencies. The sections relating to the scope of services and compensation in the subcontracting agreement must be well-defined. Any use of a subcontractor is subject to the approval of the Agencies.

As applicable for Respondents for services directly engaged with the Agencies, the successful Respondent(s) will be required to execute an Agreement that incorporates (i) Appendix I, the Agencies' [Standard Clauses for Contracts](#), (ii) [Appendix II relating to requirements and procedures for Participation by Minority Group Members and Women all appendices hyperlinked herein](#), and (iv) relevant Federal Terms and Conditions.

The contract(s) resulting from this RFQ process is/are subject to the availability of funding. The Agencies may, at their discretion, cancel the RFQ, adjust the RFQ timetable, or delay the execution of a contract(s) resulting from this RFQ process, as it deems necessary.

14. Compliance with all Federal and NYS Requirements

By submitting an RFQ Submission, the Respondent acknowledges that, if awarded a contract, they will be solely responsible for ongoing compliance with any and all federal and State requirements related to the Scope of Work outlined in this RFQ. The requirements included in this RFQ are not necessarily comprehensive, and it is the successful Respondent's responsibility to remain knowledgeable of, and compliant with, any new or revised rules that are adopted during the life of the contract. Where there are contradictions between this RFQ and Federal Law, Federal Law will prevail and control.

Attachment 1: Intent to Submit RFQ Submission Form

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

**REQUEST FOR QUALIFICATIONS FOR CONSULTANT SERVICES RELATING TO
DAVIS-BACON PREVAILING WAGE MONITORING SERVICES,
INTEGRATED PHYSICAL NEEDS ASSESSMENT SERVICES,
CONSTRUCTION MONITORING SERVICES,
ENGINEERING/ARCHITECTURAL SERVICES AND
PLANNING AND DEVELOPMENT SERVICES**

This is to notify you that it is our present intent to **submit** a proposal in response to the above-referenced RFQ and to acknowledge that we have read the list of experience required to meet the minimum qualifications set forth in the Scope of Services section of the RFQ.

The individual to whom all information regarding this RFQ should be transmitted is:

Pre-Qualified Panel(s) of Interest: _____

Company Name: _____

Contact Name and _____

Title: Street Address: _____

City, State, & Zip: _____

Phone Number: Fax Number: _____

Email Address: _____

Authorized _____

Signature:

Name _____ Title _____

(____) _____ (____) _____

Phone Number

Fax Number

Email completed form to: Lisa.Pagnozzi@nyshcr.org

Attachment 2: RFQ Submission Checklist

Checklist

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

- Intent to Submit an RFQ Submission, Attachment 1
- Tab 1 – Proposal Cover Letter, Application Coversheet and Pre-Qualified Panels Application by Region Checklist
- Tab 2 – Technical Proposal
- Tab 3 - Administrative Proposal
 - [Vendor Information Form](#)
 - [Lobbying Reform Law Form 1](#)
 - [Lobbying Reform Law Form 2](#)
 - [Non-Collusive Bidding Certification Form](#)
 - [Vendor Responsibility Questionnaire – For Profit Business Entity OR Non-Profit Entity;](#)
 - Evidence of Insurance (required upon contract award)
 - [Vendor Assurance of No Conflict of Interest and Detrimental Effect](#)
 - Respondent’s most recent two years of financial statements or federal tax returns
- Tab 4 – Diversity and SDVOB Proposal
 - [EEO Staffing Plan, PROC-1](#)
 - [Utilization Plan, PROC-2](#)
 - [MWBE & EEO Policy Statement, PROC-4](#)
 - [Company Demographic Profile, PROC-7](#)
 - [EEOC Statement, PROC-8](#)
 - [Diversity Practices Questionnaire, PROC-9](#)

Attachment 3: Application Coversheet

Attach this form to the top of your RFQ Submission.

DATE OF APPLICATION: _____

GENERAL INFORMATION ON FIRM:

Legal Name of Firm:

Firm's Mailing Address:

Firm's Website:

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

Federal Tax ID Number:

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

MWBE Registration Number (if applicable):

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

MAIN CONTACT INFORMATION FOR THIS RFQ Submission:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

PRINCIPAL IN CHARGE:

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

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

ADDITIONAL CONTACTS (if applicable):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

Contact Name:

Contact Telephone Number (including area code):

Contact E-mail Address:

Contact Facsimile Number (including area code):

Attachment 4: Pre-Qualified Panels Application by Region Checklist

Legal Name of Firm:

This Firm seeks consideration for the Pre-Qualified Panels below:	Regional Area for Bid			
Check the Box(es) for the applicable region(s):	1	2	3	4
Integrated Physical Needs Assessment Panel				
Construction Monitoring Panel				
Engineering / Architectural Panel				
Davis Bacon Prevailing Wage Monitoring Panel				
Planning and Development Consultant Services Panel				

REGION 1: Buffalo Regional Area: Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming and Yates.

REGION 2: Syracuse Regional Area: Broome, Cayuga, Chenango, Cortland, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga and Tompkins.

REGION 3: Capital District Regional Area: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Hamilton, Montgomery, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren and Washington.

REGION 4: NYC Regional Area: Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester.