



**Homes and  
Community Renewal**

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**HOUSING TRUST FUND CORPORATION**

**38-40 STATE STREET, ALBANY, NY 12207  
(212) 688-4000 – FAX (212) 872-0789**

**MEETINGS OF THE BOARD,  
AUDIT, AND GOVERNANCE  
COMMITTEES**

**SUPPLEMENTAL  
MATERIALS**

**THURSDAY, March 9, 2023  
9:00 A.M.**





# Homes and Community Renewal

KATHY HOCHUL  
Governor

RUTHANNE VISNASUKAS  
Commissioner/CEO

March 2, 2023

FROM: Lisa G. Pagnozzi  
Vice President, Contracts  
and Administration

TO: HTFC Governance Committee

SUBJECT: Resolution adopting amendments to the Procurement and Contract Guidelines

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The Charter of the Governance Committee (the “Committee”) sets forth the Committee’s responsibility to review on a regular basis and update as necessary HTFC’s written policies regarding the procurement of goods and services.

The Procurement and Contract Guidelines (the “Guidelines”) were adopted on December 12, 2013, pursuant to the provisions of the Act of the Housing Trust Fund Corporation (“HTFC”), and Section 2879 of the Public Authorities Law. The Guidelines were subsequently amended and approved by the Members at their meetings on July 9, 2014 and January 26, 2023.

Staff now proposes certain substantive amendments to the Guidelines intended to improve the procurement process. The proposed amendments are as follows:

- 1) Deleted the phrase “*Excluding those [contracts] funded by the U.S. Department of Housing and Urban Development’s Community Development Block Grant Disaster Recovery Program*” from the title of the Guidelines and Article I.b. of the Guidelines.
- 2) Added to Article I.b. that:
  - a) these Guidelines are applicable to HTFC, including HTFC’s Office of Resilient Homes and Community (formerly known as the Governor’s Office of Storm Recovery (“GOSR’s”);
  - b) amendments to existing contracts procured and executed under GOSR’s Procurement Policies will adhere to these Guidelines; and
  - c) in the event of an inconsistency between these Guidelines and applicable federal requirements, that federal procurement requirements will take precedence.

- 3) Added to Article II the defined term “Section 3 Business.”
- 4) Added to Article III.b. “Value Engineering” as a type of service together with its description.
- 5) Added to IV.a. that SDVOB contracts exceeding \$25,000 in amount are subject to NYS Executive Law 17-B and Section 3 requirements.
- 6) Added to Article VIII.a.i. SDVOBs and Section 3 Businesses as contracts promoted by HTFC.
- 7) Added the following provisions to Article X..g. relating to contract amendments:
  - a) Contract amendments with an increase in funding that is less than 10% of the total original Contract amount, and where there is no change to the scope of work, will require the approval of a Senior Officer but will not require approval by the Corporation’s Members.
  - b) Contract amendments with an increase in funding of 10% or more of the total original Contract amount must receive approval by the Corporation’s Members, regardless of whether a change to the scope of services is proposed; however, an amendment to a Critical Contract may be approved by a senior Officer and Counsel without the prior approval by the Corporation’s Members. If the exception is granted, then the information regarding the Critical Contract amendment will be provided to the Board at its next scheduled meeting.
  - c) Any Contract amendment, regardless of whether there will be a change to the Contract amount, that results in a change in the scope of work and/or an extension in time, will be presented to the senior Officer and Counsel for review and is subject to approval by the Corporation’s Members.
- 8) Added to the “Selecting a Procurement Process” chart on the last page of the Guidelines “Section 3 Business.”

In addition, various enhancements to the Guidelines have been added for clarity and readability.

Attached is a red-lined copy showing changes from the current Guidelines together with a clean copy.

Recommendation

In consideration of the recommendations of staff, it is respectfully requested that the Governance Committee adopt the attached resolution approving amendments to the Corporation's Procurement and Contract Guidelines. If the recommendations are approved by the Governance Committee the amendments to HTFC's Guidelines will be presented to the Corporation's Members for approval.

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# Homes and Community Renewal

KATHY HOCHUL  
Governor

RUTHANNE VISNASUKAS  
Commissioner/CEO

March 23, 2023

FROM: Lisa G. Pagnozzi TO: HTFC Members  
Vice President, Contracts  
and Administration

SUBJECT: Resolution adopting amendments to the Procurement and Contract Guidelines

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The Charter of the Governance Committee (the “Committee”) sets forth the Committee’s responsibility to review on a regular basis and update as necessary HTFC’s written policies regarding the procurement of goods and services. The Governance Committee is expected to review and recommend for adoption amendments to HTFC’s Procurement and Contract Guidelines (“Guidelines”).

The Procurement and Contract Guidelines (the “Guidelines”) were adopted on December 12, 2013, pursuant to the provisions of the Act of the Housing Trust Fund Corporation (“HTFC”), and Section 2879 of the Public Authorities Law. The Guidelines were subsequently amended and approved by the Members at their meetings on July 9, 2014 and January 26, 2023.

Staff now proposes certain substantive amendments to the Guidelines intended to improve the procurement process. The proposed amendments are as follows:

- 1) Deleted the phrase “*Excluding those [contracts] funded by the U.S. Department of Housing and Urban Development’s Community Development Block Grant Disaster Recovery Program*” from the title of the Guidelines and Article I.b. of the Guidelines.
- 2) Added to Article I.b. that:
  - a) these Guidelines are applicable to HTFC, including HTFC’s Office of Resilient Homes and Community (formerly known as the Governor’s Office of Storm Recovery (“GOSR’s”));
  - b) amendments to existing contracts procured and executed under GOSR’s Procurement Policies will adhere to these Guidelines; and

- c) in the event of an inconsistency between these Guidelines and applicable federal requirements, that federal procurement requirements will take precedence.
- 3) Added to Article II the defined term “Section 3 Business.”
- 4) Added to Article III.b. “Value Engineering” as a type of service together with its description.
- 5) Added to IV.a. that SDVOB contracts exceeding \$25,000 in amount are subject to NYS Executive Law 17-B and Section 3 requirements.
- 6) Added to Article VIII.a.i. SDVOBs and Section 3 Businesses as contracts promoted by HTFC.
- 7) Added the following provisions to Article X..g. relating to contract amendments:
  - a) Contract amendments with an increase in funding that is less than 10% of the total original Contract amount, and where there is no change to the scope of work, will require the approval of a Senior Officer but will not require approval by the Corporation’s Members.
  - b) Contract amendments with an increase in funding of 10% or more of the total original Contract amount must receive approval by the Corporation’s Members, regardless of whether a change to the scope of services is proposed; however, an amendment to a Critical Contract may be approved by a senior Officer and Counsel without the prior approval by the Corporation’s Members. If the exception is granted, then the information regarding the Critical Contract amendment will be provided to the Board at its next scheduled meeting.
  - c) Any Contract amendment, regardless of whether there will be a change to the Contract amount, that results in a change in the scope of work and/or an extension in time, will be presented to the senior Officer and Counsel for review and is subject to approval by the Corporation’s Members.
- 8) Added to the “Selecting a Procurement Process” chart on the last page of the Guidelines “Section 3 Business.”

In addition, various enhancements to the Guidelines have been added for clarity and readability.

Attached is a red-lined copy showing changes from the current Guidelines together with a clean copy. The amended Guidelines are being presented to the Members of the Governance Committees for approval. It is anticipated that the Governance Committee will recommend the approval of the revised Guidelines to the Members for adoption.

Recommendation

In consideration of the recommendations of staff and HTFC's Governance Committee, it is respectfully requested that the Members adopt the attached resolution approving amendments to HTFC's Procurement and Contract Guidelines.

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A RESOLUTION OF THE GOVERNANCE COMMITTEE OF THE HOUSING TRUST FUND  
CORPORATION APPROVING AMENDMENTS TO THE  
PROCUREMENT AND CONTRACT GUIDELINES

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WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, pursuant to Section 2879 of the Public Authorities Law, HTFC is required to adopt comprehensive guidelines which detail its operative policy and instructions regarding the use, awarding, monitoring, and reporting of procurement contracts (“Procurement and Contract Guidelines”); and

WHEREAS, on December 12, 2013, HTFC adopted Procurement and Contract Guidelines to mirror the Procurement and Contract Guidelines of the New York State Housing Finance Agency and such Procurement and Contract Guidelines set forth HTFC’s standards for the use, awarding, monitoring, and reporting of procurement contracts; and

WHEREAS, on July 9, 2014, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, on January 26, 2023, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, Article IV, Section 10 of the HTFC Governance Committee Charter requires the Governance Committee to update as necessary HTFC’s written policies regarding procurement of goods and services; and

WHEREAS, staff is recommending further amendments to improve the procurement process in addition to amendments to improve clarity and readability; now, therefore, be it

RESOLVED, by the Members of the HTFC Governance Committee as follows:

Section 1. The Members of the HTFC Governance Committee hereby approve the amendments to the Procurement and Contract Guidelines.

Section 2. HTFC will file the amended Procurement and Contract Guidelines for fiscal year 2023 to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”), with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Section 3. This resolution shall take effect immediately.

Dated: March 9, 2023

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION  
APPROVING AMENDMENTS TO THE PROCUREMENT AND CONTRACT GUIDELINES

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WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, pursuant to Section 2879 of the Public Authorities Law, HTFC is required to adopt comprehensive guidelines which detail its operative policy and instructions regarding the use, awarding, monitoring, and reporting of procurement contracts (“Procurement and Contract Guidelines”); and

WHEREAS, on December 12, 2013, HTFC adopted Procurement and Contract Guidelines to mirror the Procurement and Contract Guidelines of the New York State Housing Finance Agency and such Procurement and Contract Guidelines set forth HTFC’s standards for the use, awarding, monitoring, and reporting of procurement contracts; and

WHEREAS, on July 9, 2014, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, on January 26, 2023, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, staff is recommending further amendments to improve the procurement process in addition to amendments to improve clarity and readability; and

WHEREAS, the Governance Committee has recommended that HTFC adopt the proposed amendments to the Procurement and Contract Guidelines; now, therefore, be it

RESOLVED, by the Members as follows:

Section 1. The Members hereby approve the amendments to the Procurement and Contract Guidelines.

Section 2. HTFC will file the amended Procurement and Contract Guidelines for fiscal year 2023 to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”), with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Section 3. This resolution shall take effect immediately.

Dated: March 9, 2023