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Governor

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Commissioner/CEO

**Title:** Market Feasibility Assessment for Future Education Program  
**Agency:** New York State Housing Finance Agency  
**Division:** Procurements and Contracts  
**Contract Term:** One (1) Year  
**Date of Issue:** September 14, 2023  
**Due Date/Time:** October 5, 2023, 12PM Eastern Daylight Time (EDT)  
**Location:** New York, New York  
**Classification(s):** Consulting Services  
**Opportunity Type:** Discretionary procurement not to exceed \$500,000

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## **I. DESCRIPTION**

The New York State Housing Finance Agency (HFA or Agency) is seeking responses from Management Consulting Firms (Firms) with experience developing feasibility studies regarding New York State (State or NYS) certified minority-owned business enterprises (MBEs), women-owned business enterprises (WBEs) (MBEs and WBEs hereinafter collectively referred to as MWBEs) and New York State certified service-disabled veteran owned businesses (SDVOBs).

Firms with experience developing and facilitating education programs related to Diversity, Equity & Inclusion (DEI) in Construction and Construction related industries are invited to submit a response to develop a comprehensive assessment of the current state of the market in NYS regarding State certified MWBEs' and State certified SDVOBs' availability and interest in state contracting related to construction and construction-related services including historical analysis of previous market behavior.

**This Solicitation is limited to responses from NYS-certified MWBEs and NYS-certified SDVOBs.**

## **II. SCOPE OF SERVICES**

In advance of designing an education program, HFA's Department of Empowerment, Compliance and Opportunity (DECO) is seeking a comprehensive assessment of the current state of the market in NYS regarding NYS certified MWBE and NYS certified SDVOB availability and interest in State contracting related to construction and construction-related services, including historical analysis of previous market behavior. The final report should include findings from robust engagements utilizing various qualitative scientific research methods to identify and engage all stakeholders. In addition to a

written final report of at least 100 pages in length, the successful Respondent will create publicly shareable digital collateral documenting methods and results.

## 1. Qualifications and Experience

HFA is seeking Respondents possessing the following qualifications and experience:

- experience providing management consulting services to emerging developers;
- experience placing or underwriting loan financing for emerging developers;
- CPA level or equivalent experience with financial capacity building and funds management;
- experience providing assistance with legal issues including MWBE fraud, construction contract law, joint ventures, teaming and corporate structures that best facilitate MWBE growth and sustainability;
- experience developing creative solutions to MWBE capacity issues;
- experience developing market studies related to MWBE and SDVOB participation in procurement in the affordable housing industry;
- experience developing feasibility studies regarding MWBEs/SDVOBs;
- experience developing and facilitating education programs related to DEI in Construction and Construction related industries; and
- other related experience.

## 2. Scope of Services

The Scope of Services for this HFA project includes the three areas of (i) qualitative research, (ii) historical analysis and (iii) outreach campaign(s) with the tasks for each of these three areas detailed below.

### 2.1 Qualitative Research, that includes the following tasks:

- Identification of all stakeholders relevant to the development and use of the proposed education program;
- Conducting email surveys to assess the obstacles to working with the Agency as well as interviewing MWBE and SDVOB firms, confidentially, to discuss successes and challenges in prior engagements with the Agency, if any, and gauging MWBE and SDVOB interest in the education program to be developed;

- Interviewing consulting firms to understand their role in the projects the Agency finances and ascertain the reason(s) those projects are often selected over projects that do not involve consultants;
- Interviewing funders to ascertain their interest in supporting MWBE and SDVOB developers by potentially providing access to funding and to ascertain the uncovering of the terms for providing funding to MWBE and SDVOB developers;
- Interviewing Agency staff to determine how projects are chosen for financing and the role diversity plays in those decisions; and
- Other related tasks as directed by the Agency.

**2.2 Historical Analysis**, that includes the following tasks:

- Collecting data and evaluating the Agency’s previous financings/awards over the past five years to discern any patterns of selection that may not immediately be made evident during the qualitative research phase; and
- Other related tasks as directed by the Agency.

**2.3 Outreach Campaign(s)**, that includes the following tasks:

- Representing the Agency at a number of events to demonstrate the Agency’s commitment to the MWBE and SDVOB communities; and
- Other related tasks as directed by the Agency.

### **3. Key Deliverables**

The Key Deliverables and Schedule for this HFA project includes the deliverables and schedule indicated below.

**3.1 Written Report/Digital Collateral**, that includes the following deliverables:

- Providing a written report of at least 100 pages in length outlining the research methodologies used and findings based on the research conducted connected to this project; the written report is to conclude as to whether an education program is needed and desired by the MWBE and SDVOB communities; and
- Providing the Agency with digital collateral, documenting all methods and outcomes from qualitative research and historical analysis performed in connection with this

project that include, but are not limited, to survey responses, analyses performed, interview notes, etc.

### **3.2 Other Key Deliverables**

- Meetings held every two weeks to provide status of research and other efforts; and
- Progress reports every two weeks which include the following items:
  - a) names of stakeholders met with and written reports of all significant interactions with those interviewed both internal and external to the Agency;
  - b) significant data points which illustrate key points likely to be highlighted in the final report;
  - c) pictures capturing any significant parts of the process;
  - d) written final report as outlined in the scope of services; and
  - e) other related items as directed by the Agency.

### **3.3 Key Deliverable Schedule**

- Mid-Review Report due on or before February 1, 2024;
- Research Report as outlined in the Key Deliverables to be completed within five (5) months or by March 31, 2024, whichever is sooner;
  - The Mid-Review Report must consist of an executive summary of all of the bi-monthly meetings to date as described in Section 3.2, including next steps towards the completion of the project with an estimated completion date. This will be an opportunity to share any barriers to progress, highlight any contentious or remarkable stakeholders, and/or formally request deadline extension for final report, if required.
- Final Report as outlined in the Scope of Services to be completed by April 30, 2024 or sooner.

## **IV. Submission Instructions**

Firms interested in responding to this Solicitation must submit one (1) electronic copy of their response to this Solicitation, via email, in searchable portable format (PDF) compatible with Adobe Reader XI. HFA will not accept discs, flash drives, or FTP references that require HFA to download information from the site of a Respondent or a third party. Responses must be submitted by email to [ContractUnitInfo@hcr.ny.gov](mailto:ContractUnitInfo@hcr.ny.gov) no later than the date and time indicated in Section VII of this Solicitation

titled, “Calendar of Events and Milestones,” and include “Assessment Solicitation” as the subject line of the email. Responses received after this date/time may not be accepted.

Responses must include the following information in the same number order as described below:

1. Provide a cover letter with your firm’s name, address, and telephone number along with the name, title, telephone number and email address of the individual within the firm who will be HFA’s primary contact concerning the response;
2. Provide a description of your firm’s organization, team makeup and the resumes of partners, principals, associates, and other key staff proposed to provide services to HFA;
3. Provide a detailed description of your firm’s approach, both technically and administratively, to performing the required scope of work;
4. Provide a description of your firm’s qualifications and experience providing similar services including a list of successful software automation application projects your firm has completed within the last five (5) years;
5. Provide three (3) recent references with contact information and phone numbers, each from three (3) separate projects. The reference contact information must include a contact that can speak with authority regarding your work on the project.
6. Provide a detailed pricing sheet including your firm’s hourly fee broken down by staff title or propose an alternative fee arrangement your firm believes may be beneficial to HFA. Indicate whether the rates proposed are all-inclusive or whether additional miscellaneous costs will be required. Specify the additional miscellaneous costs, if applicable. Note governmental discounts applied, if any.
7. Firms are subject to the requirements described in the [Agencies’ Standard Clauses and Requirements for Solicitations](#), hyperlinked herein as Exhibit A. Such requirements include, but are not limited to, submission of the following information and forms of the Agency, hyperlinked herein: (a) [Lobbying Procurement Law FORM 1](#) and [Lobbying Procurement Law FORM 2](#); (b) [Non-Collusive Bidding Certification FORM](#); (c) [Vendor Information FORM](#); (d) [Vendor Responsibility Questionnaire for For-Profit Organizations or Vendor Responsibility Questionnaire – Nor For Profit Organizations](#); (e) [Vendor Assurance of No Conflict of Interest and Detrimental Effect](#); (f) [Executive Order re Russia form](#) ; (g) [Equal Employment Opportunity Staffing Plan, PROC-1 form](#); (h) [MWBE Utilization Plan, PROC-2 form](#) or (i) [MWBE & EEO Policy Statement, PROC-4 form](#), (j) [Company Demographic Profile, PROC-7 form](#), (k) [EEOC Statement, PROC-8](#);and (l) [Diversity Practices Questionnaire, PROC-9](#).
8. The Respondent must provide the last two years of their firm’s most recent tax returns or, if available, audited financial statements.
9. The Respondent must respond affirmatively that it, and its subcontractors (if any), will have, prior to commencement of work under the contract resulting from this Solicitation, all

necessary licenses, certifications, approvals, and other needed credentials to perform the Scope of Services in this Solicitation, if applicable.

10. All Respondents, domestic and foreign, must be in compliance with New York State business registration requirements. Contact the NYS Department of State regarding compliance.
11. **Insurance Requirements.** The successful Respondent (“**Contractor**”) and its subcontractors, if any, are required to provide and maintain, at its (their) sole cost and expense, the insurance requirements at the minimum limits specified herein during the term of the contract and for two (2) years after completion of work. All required insurance policies shall be maintained with insurance companies licensed within the State of New York and holding an AM Best rating of no less than A- VIII. Said policies shall contain a provision that coverage will not be canceled, non-renewed or materially changed, until at least thirty (30) days’ prior written notice has been provided to the Agency. The Agency and any and all other parties-in-interest as the Agency may designate in writing from time to time (collectively, the “**Additional Insureds**”), all as their interests may appear, shall be named as additional insureds. Contractor (and its subcontractors, if any) agrees to have included in each of the above policies for Contractor’s Parties<sup>1</sup>, a waiver of the insurer’s right of subrogation against the Additional Insureds.

The Contractor (and its subcontractors, if any) shall furnish to the Agency evidence of the following insurance requirements prior to execution of any contract with the Agency:

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

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<sup>1</sup> Contractor’s Parties shall mean Contractor and those working on its behalf including, but not limited to, subcontractors and vendors.

- ✓ **Form DB-120.1** - Certificate of Disability Benefits Insurance; **OR**
  - ✓ **Form DB-155** - Certificate of Disability Benefits Self-Insurance; **OR**
  - ✓ **CE-200** – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.
- c) Professional Errors and Omissions Liability – Errors and Omissions (or Professional Liability) insurance with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the general aggregate.
- d) Automobile Liability, such insurance shall cover liability arising out of an automobile used in connection with performance under the Contract including owned, leased, hired and non-owned automobiles bearing, or under the circumstances under which they are being used, required by the Motor Vehicles Laws of the State of New York to bear license plates in the amount not less than One Million U.S. Dollars (\$1,000,000) per accident.

Certificates of Insurance, presented on Acord form 25, accompanied with additional insured endorsement CG2010 (1001) and CG2037 (0704), if determined it is necessary, or, if acceptable to the Agency, their equivalent, shall be delivered to the Agency, prior to beginning the Scope of Services, evidencing the coverage required hereunder and showing all such coverages as noted above being in force. All insurance policies provided by the Contractor’s parties shall be maintained under terms and conditions reasonably satisfactory to the Agency, and Contractor’s parties shall provide such other insurance coverage as the Agency may reasonably request from time to time. The Agency will not accept any exculpatory language such as “endeavor to” and “but failure to do 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.

For additional information regarding workers’ compensation and disability benefits requirements, please refer to [www.wcb.ny.gov](http://www.wcb.ny.gov) .

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

In addition to the foregoing, Contractor and any subcontractors shall procure and maintain any and all insurance that is required by any applicable current or future law, rule, regulation, ordinance, permit, license, order or other legal requirement.

All insurance shall be primary and non-contributory and shall waive subrogation against the Agency and all of either of their former, current, or future officers, directors, and employees. No deductible of more than \$50,000 shall be permitted without advance written approval by the Agency, which the Agency may withhold, condition or deny in its sole and exclusive discretion.

The Contractor shall provide Certificates of Insurance to the Agency prior to the commencement of work and shall provide full and complete copies of the actual policies and all endorsements upon request. Subcontractors shall be required to maintain insurance meeting all of the requirements set forth above for items a) to d); however, Contractor shall require subcontractors to maintain greater limits and/or other or additional insurance coverages if greater limits and/or other or additional insurance coverages are (a) generally imposed by the Contractor given its normal course of business for subcontracts for similar work or services to those being provided by the subcontractor at issue; or (b) reasonable and customary in the industry for similar work or services to those anticipated hereunder.

## V. QUESTIONS AND ANSWERS

Any questions or requests for clarification regarding this Solicitation must be submitted via email to [ContractUnitInfo@hcr.ny.gov](mailto:ContractUnitInfo@hcr.ny.gov), no later than the date identified in the “*Calendar of Events and Milestones*” section of this Solicitation. The “Subject” line of the email should indicate “Question(s): Market Feasibility Solicitation.”

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

Firms should note that all clarifications and exceptions are to be resolved prior to submission of Respondent’s response.

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

## VI. LOBBYING LAW

**IMPORTANT NOTICE:** A Restricted Period under the Lobbying Procurement Law is currently in effect for this procurement process and will remain in effect until approval of the Contract(s). Vendors are prohibited from Contacts related to this procurement process with any employee of the New York State Housing Finance Agency or its Affiliates<sup>2</sup>, other than the Designated Contact Officer listed below.

Lobbying Law Designated Contact Officer:

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<sup>2</sup> Affiliates shall mean 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 Housing Trust Fund Corporation.



Alejandro J. Valella, Vice President and Deputy Counsel  
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New York, New York 10022  
[Alex.Valella@hcr.ny.gov](mailto:Alex.Valella@hcr.ny.gov)

If you have inquiries regarding this Solicitation or would like to contact HFA regarding issues not relating to Lobbying Procurement Law Contacts, please forward inquiries via electronic email to Jerome White at [Jerome.White@hcr.ny.gov](mailto:Jerome.White@hcr.ny.gov) and Lisa G. Pagnozzi at [Lisa.Pagnozzi@hcr.ny.gov](mailto:Lisa.Pagnozzi@hcr.ny.gov). The “Subject” line of the email should indicate “Assessment Solicitation.”

## VII. CALENDAR OF EVENTS AND MILESTONES

Event	Date
Issuance of Solicitation	<b>September 14, 2023</b>
Deadline for Solicitation Questions	September 23, 2023, 3PM, Eastern Daylight Time (“EDT”)
Deadline for Responses to Solicitation Questions	September 28, 2023
Deadline for Submission of Responses	October 5, 2023, 12PM EDT
Anticipated Selection Date*	November 10, 2023

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