NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal

Kathy Hochul, Governor

RuthAnne Visnauskas, Commissioner/CEO

Discretionary Purchase Solicitation for

External Quality Assessment for Compliance with Global Internal Audit Standards

Request for Proposals Issuance Date: **April 16, 2026**
Proposal Submission Deadline: **May 12, 2026, 12PM, EDT**

SOLICITATION No.: DHCR_SOLICITATION_260416

NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL
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NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL

DISCRETIONARY PURCHASE SOLICITATION FOR EXTERNAL ASSESSMENT FOR COMPLIANCE WITH GLOBAL INTERNAL AUDIT STANDARDS

IMPORTANT NOTICE**:** A Restricted Period under the Procurement Lobbying Law (State Finance Law §§ 139-j and 139-k) is currently in effect for this procurement and will remain in effect until final award and approval of the Contract by DHCR and, if applicable, the Office of the State Comptroller ("OSC"). Proposers are prohibited from certain Procurement Lobbying Law Contacts related to this procurement with any New York State employee other than the Designated Contact listed below.

Designated Contact: Jason Parpas
New York State Division of Housing and Community Renewal
641 Lexington Avenue, 5th Floor, New York, NY 10022
Jason.Parpas@hcr.ny.gov

If you have inquiries regarding this Solicitation or would like to contact the New York State Division of Housing and Community Renewal regarding issues relating to permissible Procurement Lobbying Law Contacts, please forward inquiries via electronic email to ContractUnitInfo@hcr.ny.gov.

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**" or "**NYS**"), including the New York State Division of Housing and Community Renewal ("**DHCR,**" **"Division"** or "**Agency**"). HCR includes other agencies not involved in this Discretionary Purchase Solicitation ("**Solicitation**") process.

1.1 New York State Division of Housing and Community Renewal ("DHCR")

DHCR is responsible for the supervision, maintenance, and development of affordable low-and moderate-income housing in the State. DHCR performs a number of activities including, but not limited to, (i) oversight and regulation of the State's public and publicly assisted rental housing, (ii) administration of the State's rent regulations and protection of rent regulated tenants, and (iii) administration of housing development and community preservation programs, including State and

Federal grants and loans to housing developers to finance construction and renovation of affordable housing.

Visit HCR's website at www.hcr.ny.gov for more information about DHCR and its HCR affiliated agencies.

2. Purpose

The purpose of this Solicitation is to seek qualified proposals from eligible proposers to conduct a one-time external quality assessment ("**EQA**") of the Agency's internal audit function in accordance with Global Internal Audit Standards ("**Standards**")**.** This Assessment aims to evaluate whether the internal audit activity was appropriately designed and functioning effectively to provide reasonable assurance of adherence to Global Internal Audit Standards ("GIAS") during the period April 1, 2024, through March 31, 2026 (the "**EQA Period**").

In accordance with Article 15-A of the New York State Executive Law and Article 3 of the New York State Veterans' Law, this Solicitation opportunity is **limited to responses from NYS certified minority and/or women-owned business enterprises ("MWBEs") and/or NYS certified Service disabled veteran owned business ("SDVOBs")** (SDVOBs and MWBEs collectively hereinafter referred to as "**Proposer(s)**" or "**Firm(s)**"). Proposers are required to submit certificate(s) from NYS Empire State Development (for MWBE Certified) and/or NYS Office of General Services (for SDVOB Certified) as evidence that they are certified.

This Solicitation outlines the terms and conditions, and all applicable information required for submission of a proposal. To prevent possible disqualification and to ensure compliance with the requirements of this Solicitation, Proposers should pay strict attention to the Calendar of Events and Milestones section of this Solicitation and follow the format and instructions contained herein.

3. [RESERVED]

4. [RESERVED]

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5. Calendar of Events and Milestones

It is anticipated that a Contract will be awarded in response to this Solicitation process based on the following schedule:

Event	Date
Issuance of Solicitation	April 16, 2026
Deadline for Solicitation Questions	**April 30, 2026, 12PM, Eastern Daylight Time ("EDT")**
Deadline for Responses to Solicitation Questions	May 5, 2026
Proposal Submission Deadline	**May 12, 2026, 12PM EDT**
Anticipated Notification of Selection*	Week of June 1, 2026
Anticipated Date for Execution of the Contract(s)	June/July 2026

The Agency reserves the right to modify this schedule at its discretion.

Notification of changes in connection with this Solicitation will be made available to all interested parties via the Agency's website at: https://hcr.ny.gov/procurement-opportunities. It is the responsibility of the Proposer to check the web site for notifications relating to this Solicitation.

6. Scope of Services ("Scope of Work")

The DHCR and Housing Trust Fund Corporation ("**HTFC**" and HTFC collectively with DHCR referred to hereinafter as "**DHCR/HTFC**") Office of Internal Audit ("**OIA**") is inviting proposals from qualified Proposers to conduct a one-time EQA of the Agency's internal audit function. The EQA will adhere to all the requirements set forth by the Institute of Internal Auditors ("**IIA**") Standards. The EQA will include a comprehensive review of the adequacy of the internal audit functions. The scope will cover the time period agreed upon by the Contractor and the OIA. DHCR will award one contract, and the anticipated term will commence on September 14, 2026, and conclude by January 29, 2027.

6.1 Qualifications and Experience

In accordance with Standard 8.4 of the Standards, the Proposer conducting the EQA must possess the following qualifications:

- At least one member of the external assessment team must be a Certified Internal Auditor;
- Experience with and knowledge of the Standards and leading internal audit practices;
- Experience as a chief audit executive or in a comparable senior level of internal audit management;
- Experience in the organization's industry or sector;
- Previous experience performing EQA's;
- Completion of EQA training recognized by the IIA;
- Attestation by assessment team members that they have no conflicts of interest, in fact or appearance;
- At least three years of experience in the above qualifications and/or experience.

6.2 Audit Requirements

The successful Proposer ("**Contractor**") shall conduct an EQA of the OIA for the agreed upon scope. This one-time EQA of the internal audit function will be conducted in accordance with the Standards. The EQA will be conducted as a comprehensive review of Conformance with the Standards: Overall ethics and professionalism, governance of the internal audit function, management of the internal audit function and performance of the internal audit services.

6.3 Audit Deliverables

Ongoing communication is required between the Contractor and the OIA regarding progress towards completion and results of the review. The Contractor must issue a Final Report ("**Report**") and a Gap Assessment. The templates issued by IIA are suggested for use; however, an outcome similar in nature outlining each element of the standards, achievement conclusion, gaps, opportunities, and strengths would be accepted. The results of the EQA are to be reported as outlined by the IIA using their four-point quality rating and conclusion model. The two passing ratings are:

- Full Achievement/Full Conformance; and
- General Achievement/General Conformance.

The two non-passing ratings include:

- Partial Achievement/Partial Conformance; and
- Nonachievement/Nonconformance.

The Report which will present the full results of the EQA will not be issued until after a closing conference is held with the OIA. Feedback from the closing conference is to be included into the final

Report. The Report will also state the objectives and scope of the assessment, the qualifications and independence of the assessment team or individual, the conclusions of Contractor, and action plans to address the issues of nonconformance with the Standards or opportunities for improvement as noted in the IIA Quality Assessment Manual, 2024 edition.

The Contractor shall meet with the Commissioner of DHCR and the HTFC Audit Committee/Board as necessary. The Contractor must be present at the annual January 2027 HTFC Board and Audit Committee meetings in which the EQA results will be presented to the HTFC Audit Committee and Board for approval. The Contractor can present the EQA results at the December 2026 HTFC Audit Committee and Board meetings, if the work is concluded in advance of December 2026 meetings. The Contractor will present the HTFC Audit Committee and Board with the required communication(s) by the IIA including, but not limited to, the items in the Report as described in this Section 6. The Report may be shared with any HCR and HTFC Senior Management if it is so directed by the HTFC Board.

7. Contents of Proposals

A complete proposal for this Solicitation is comprised of four (4) separate tabs: (i) Tab One: Application Cover Sheet, Cover Letter and Proposal Certification; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; and (iv) Tab Four: Administrative Proposal.

The Proposal must be complete and prepared in the format consistent with the instructions provided in this Solicitation. In all instances, the Agency's determination regarding a proposal will be final. Proposers should not refer to other parts of the proposal, to information that may be publicly available elsewhere, or to the Proposer's or other websites in lieu of answering a specific question.

The Proposer must submit a proposal that clearly provides all the information required in this Solicitation. Emphasis should be made on conformance to the Solicitation instructions, responsiveness to the requirements, and clarity of content. The Proposer is advised to thoroughly read and follow all instructions contained in this Solicitation. Proposals that do not comply with these instructions, or do not meet the full intent of all the requirements of this Solicitation may be subject to scoring reductions during the evaluation process or may be deemed non-responsive.

The Agency does not require, nor desire, any promotional material that does not specifically address the response requirements in this Solicitation. Proposals must demonstrate that the Proposer is qualified to perform the Scope of Work based upon relevant professional experience as defined in the subsection of this Solicitation titled "Qualifications and Experience" in the section of this Solicitation titled "Scope of Services."

Each Proposer is required to submit the information and documentation listed below in the order in which it is requested. A proposal that does not include all required information and completed forms may be subject to rejection.

The completed proposal will include Tabs One through Four, as described in the Proposal Submission Requirements section of this Solicitation. Each Tab must be bookmarked as "Tab 1," "Tab 2," "Tab 3," and "Tab 4" and must be presented in the exact order requested in this Solicitation. The content in Tab 2 must be limited to twenty (20) letter-size pages (single-spaced, minimum 12-point font, and at least one-inch margins). The twenty-page limit in Tab 2 does not include resumes, references, organizational chart, etc. The proposal must include a table of contents that clearly identifies the location of all material within the Proposal Submission by Tab, Section and Page number.

The Proposer's proposal must contain responses to the items listed below.

7.1 TAB 1: Proposal Coversheet, Cover Letter and Proposal Certification

Proposer shall submit, as part of its Proposal Submission, the Proposal Coversheet, Cover Letter and Proposal Submission Certification (collectively titled as "**Attachment I**" of Tab 1), as indicated in the section of this Solicitation titled "Schedule of Attachments."

7.1.1 Proposal Coversheet

Proposer shall complete and submit a Proposal Coversheet which contains identifying information for the Proposer. The Coversheet must be submitted utilizing the template provided in Attachment I.

7.1.2 Cover Letter with Executive Summary

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

A. The Proposer's name, address, telephone number, fax number, email address and web site address, if applicable;

B. The location of the Proposer's main office. If there are other locations of the Proposer that will be involved in the assessment, identify these other location(s) and include names/telephone numbers/email addresses of contact persons in these locations; and

C. A statement citing the total number of years of experience that the Proposer has accumulated in providing the services described in the Scope of Services section of this Solicitation; and

D. A short narrative stating the governing bodies which oversee regulations for the Proposer field or industry.

7.1.3 Proposal Certification

Proposer shall complete and submit with its Proposal Submission a signed certification **("Proposal Certification")** which affirms that the information contained in the proposal is true and accurate and that the person signing the Proposal Certification is authorized to submit the proposal on behalf of the

Proposer. The Proposal Certification must be submitted utilizing the template provided in Attachment I of Tab 1.

7.2 TAB 2: Technical Proposal

This section of the Solicitation provides instructions to Proposers regarding information that is to be included in the Technical Proposal. Proposals must be complete, factual and as detailed as necessary to allow the Agency to adequately evaluate capabilities and experience.

The purpose of the Technical Proposal is to provide the Proposer an opportunity to demonstrate its qualifications, experience, competence and capacity to undertake the services described in the Scope of Services section of this Solicitation, in a manner which complies with the requirements. Proposals must specifically detail a Proposer's qualifications and experience in providing services sought by the Agency. Your response must include responses to the items listed below.

7.2.1 Qualifications and Experience

Provide the qualifications and experience indicated in the Scope of Services section of this Solicitation titled "Qualifications and Experience" that includes:

- Identifying at least one member of the external assessment team that is Certified Internal Auditor;
- Description of the experience with, and knowledge of, the Standards and leading internal audit practices;
- Description of the experience of the chief audit executive or in a comparable senior level of internal audit management;
- Description of the experience in the organization's industry or sector;
- Previous experience performing EQA's;
- Completion of EQA training recognized by the IIA;
- Attestation by assessment team members that they have no conflicts of interest, in fact or appearance;
- At least three years of experience in the above qualifications and/or experience.

7.2.1.1 Provide a summary of the Proposer's expertise that describes its unique capabilities including demonstrated experience in, and knowledge of, IIA Standards and performing a comprehensive review of the adequacy of the internal audit functions. The narrative should discuss the Proposer's ability to meet the requirements and deliverables in the Scope of

Services section of this Solicitation. The narrative should also include a descriptive summary indicating the number of comparable services the Proposer has been involved in, either as the lead firm or in a supporting role for at least three years. If a Proposer will be subcontracting or partnering any portion of the Scope of Work, include a summary of the technical expertise of the subcontractor(s).

7.2.1.2 Provide a detailed description of the direct prior experience of the Proposer. Specifically, the Proposer should detail similar engagement(s) that demonstrate the depth and breadth of the Proposer's expertise and experience including a description of the direct prior experience of the Proposer with New York State or other entities comparable to the State for whom the Proposer provides, or has provided, similar services to those described in this Solicitation.

For each engagement, indicate the following information:

(i) Name of client organization;
(ii) Role of the Proposer;
(iii) Type of client (e.g., corporate entity);
(iv) Description and services provided;
(v) Engagement duration, including start/end dates;
(vi) Number of Proposer staff (FTEs) involved;
(vii) Any other information regarding the engagement that would assist DHCR in determining the level of satisfaction experienced by the client;
(viii) Describe any best practices or techniques that were learned and/or applied under the engagement that may be useful in achieving outcomes listed in the Scope of Services section of this Solicitation; and
(ix) Provide the name, title and contact information for the individual that can provide a reference for the client and speak with authority to the Proposer's performance in the engagement.

7.2.2 Staff Experience and Qualifications

7.2.2.1 The Proposer must present a Staffing Plan. The Staffing Plan must cite the names and titles of the primary staff who will staff the engagement and shall cite the number of years of experience of each primary staff member. Attach the résumés and professional qualifications of the Proposer's key personnel and staff, as defined in the scope of work section of this Solicitation including, licenses, summary of experience and years of relevant experience. Specifically, identify staff currently employed by the Proposer who will serve in key roles. Identify partners and subcontractors who the Proposer will be engaging with as part of this proposal, if any. Specify the primary contact person for the Proposer (name, title, location, telephone number, and e-mail address).

7.2.3 Work Plan Approach and Methodology to Meeting the Functional and Technical Requirements

The Proposer must submit a detailed work plan that identifies the approach and methodology for performing the services as set forth in the Scope of Work section of this Solicitation. Specifically, the work plan must include:

(i) how the Proposer will ensure compliance with the Institute of Internal Auditors (IIA) Global Internal Audit Standards (Standards).
(ii) a description of how the assessor(s) accomplish the work to meet the deadline stated in the audit deliverable section of the scope.
(iii) the contractor will maintain continuity of staff throughout the course of the contract. All changes in staff will be subject to DHCR approval. The replacement staff with comparable skills will be provided at the same or lower hourly rate.

7.3 TAB 3: FORM A: Cost Proposal Form (Budget)

Tab 3 is comprised of the Cost Proposal Form(s) **("Cost Proposal" or "Budget"),** attached hereto as Form A. Additional categories may not be added. The Cost Proposal Form must be signed and dated by an authorized signatory of the Proposer.

7.4 TAB 4: Administrative Proposal

Proposers must complete and submit the required forms and information indicated below.

7.4.1 General Forms

(i) Non-Collusive Bidding Certification Form, attached hereto as **SOLICITATION Form C** and hyperlinked herein.

(ii) Vendor Information Form, attached hereto as **SOLICITATION Form D** and hyperlinked herein.

(iii) ~~Iran Divestment Act Certification~~ ~~Iran Divestment Act Certification~~, Iran Divestment Act Certification attached hereto as **SOLICITATION Form E**.

(iv) Procurement Lobbying Provision Forms, attached hereto collectively as **SOLICITATION Form G** (the Proposer's Affirmation of Understanding of Agreement and Certification of Compliance and Disclosure of Prior Non-Responsibility Determinations (collectively, the **"Lobbying Forms").**

(v) Vendor Responsibility Questionnaire(s) ("**VRQ Questionnaire**"). Pursuant to Section 15.3 of this Solicitation, if the Proposer submits the VRQ Questionnaire electronically, a Proposer may do so in the OSC online VendRep System, hyperlinked herein.

Proposal Submission Instructions for submitting the VendRep Questionnaire electronically are provided in Section 15.3 of this Solicitation. Proposers electing to submit a VendRep Questionnaire must include an affirmative statement of the foregoing within its Proposal Submission, citing its New York State Vendor Identification Number and the date of its certification. Alternatively, if the Proposer does not wish to file the VRQ Questionnaire electronically, an original signed and notarized paper version of the Vendor Responsibility Questionnaire for For-Profit Business Entity, attached hereto as **SOLICITATION Form H.1** or the Vendor Responsibility Questionnaire for Non-Profit Business Entity, attached hereto as **SOLICITATION Form H.2** must be included within its Proposal Submission. All questionnaires must be certified within six (6) months of the Proposal Submission Deadline.

(vi) Executive Order #16 – Prohibiting Contracting with Businesses Conducting Business in Russia, attached hereto as **SOLICITATION Form I** and hyperlinked herein.

7.4.2 Equal Employment Opportunity ("EEO")

Proposer must provide responses listed below as part of your response:

(i) Equal Employment Opportunity Staffing Plan, PROC-1 form, attached hereto as **SOLICITATION Form J** and hyperlinked herein

(i) Company Demographic Profile, PROC-7 form, attached hereto as **SOLICITATION Form K** and hyperlinked herein.

(ii) EEOC Statement, PROC-8 form, attached hereto as **SOLICITATION Form L** and hyperlinked herein. Please note that completion of the PROC-8 form is applicable to Proposers with 15 or more employees.

7.4.3 Disclosures, Licenses and Evidence of Insurance

Proposer to provide responses listed below as part of your response.

(i) Financial Disclosures. Proposer's most recent two years of audited financial statements or federal tax returns to be provided as **SOLICITATION Form Q**. Note that each financial statement or federal tax return must be accompanied by a balance sheet.

(ii) Vendor Assurance of No Conflict of Interest and Detrimental Effect, attached hereto as **SOLICITATION Form R** and hyperlinked herein**.**

(iii) Evidence of Eligibility Requirements, Licensure and/or Certifications to be provided as **SOLICITATION Form S**.

(iv) ~~Sexual Harassment Prevention Policy Certification~~ Sexual Harassment Prevention ~~Policy Certification~~.Sexual Harassment Prevention Policy Certification.~~-~~ Provide your firm's statement certification pursuant to Section 18 of this **SOLICITATION** in the form attached hereto as **SOLICITATION Form T.**

(v) Gender-Based Violence and the Workplace Certification, attached hereto as **SOLICITATION FORM U** and hyperlinked herein.

(vi) Minimum Insurance Requirements. Upon request by DHCR, the successful Proposer (referred to hereinafter as the "Contractor" must submit the following insurance documentation upon notification of selection for award:

The Contractor agrees, at its own expense, to provide and keep in full force and effect during the term of the service and for a period of 3 years thereafter, the kinds and minimum amounts of insurance coverages as indicated below or as required by law, whichever is greater, with insurers in good standing, possessing an A.M. Best Company rating of not less than "A-" Class "VII", and authorized to do business under the laws of the United States and of the State of New York and of the state in which performance of the services, as more fully described in the Scope of Services section of this Solicitation, occurs, and if such ratings are no longer available, with a comparable rating from a recognized insurance rating agency.

1.1.1 Comprehensive General Liability written on an occurrence coverage form, including, without limitation, Bodily Injury and Property Damage Liability, Products and Completed Operations Liability, Contractual Liability and Personal and Injury Liability. The minimum limits are One Million U.S. Dollars (USD 1,000,000) per each occurrence, Two Million U.S. Dollars (USD 2,000,000) aggregate (Products and Completed Operations);

1.1.2 Workers' Compensation and Employers' Liability with statutory coverage for Workers' Compensation and minimum limits of One Million U.S. Dollars (USD 1,000,000) per accident, One Million U.S. Dollars (USD 1,000,000) disease (each employee), and One Million U.S. Dollars (USD 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;

- Form 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, which is available on the Workers' Compensation Board's website (https://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp)

- Form C-105.2 (9/07), Certificate of Workers' Compensation Insurance, sent to the Agencies by the Contractor's insurance carrier upon request, or if coverage is provided by the New York State Insurance Fund, they will provide Form U-26.3 to the Agencies upon request from the Contractor; or
- Form SI-12, Certificate of Workers' Compensation Self-Insurance, available from the New York State Workers' Compensation Board's Self-Insurance Office, or
- Form GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance, available from the Contractor's Group Self-Insurance Administrator.

1.1.3 Proof of Compliance with Disability Benefits Coverage Requirements:

- Form 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, which is available on the Workers' Compensation Board's website (http://www.businessexpress.ny.gov/app/answers/cms/a_id/2263/kw/CE200Request Certificate of Attestation of Exemption (CE-200)
- Form DB-120.1, Certificate of Disability Benefits Insurance, sent to the Agencies by the Contractor's insurance carrier upon request; or
- Form DB-155, Certificate of Disability Benefits Self-Insurance, available from the New York State Workers' Compensation Board's Self-Insurance Office.

1.1.4 Automobile Liability One Million U.S. Dollars (USD 1,000,000) per person One Million U.S. Dollars (USD 1,000,000) per accident covering bodily injury (including death), and property damage for all vehicles that Contractor owns, hires or leases; and this policy.

1.1.5 The State of New York together with the Agency and its directors, officers, employees, and agents shall be named as an additional insured under each such policy of insurance obtained by contractor under subsections 1.1.1, 1.1.2, 1.1.3 and 1.1.4 above.

1.1.6 The foregoing insurance requirements set forth the minimum amounts and scopes of coverage to be maintained by the contractor and are not to be construed in any way as a limitation on contractor's liability under the service. The insurance coverages listed 1.1.1, 1.1.2, 1.1.3 and 1.1.4 shall be primary and will not participate with nor will be excess over any valid and collectable insurance or program of self-insurance carried or maintained by the Agency; for all other policies listed, the Contractor shall provide a waiver of subrogation satisfactory to the Agency.

1.1.7 Upon request, Contractor shall furnish Certificates of Insurance issued by the applicable insurance carriers, not local agents thereof, evidencing all of the foregoing insurance coverages prior to or upon execution of an Agreement. Full copies of the policies required above shall be furnished to the Agency upon request. All of the above-described policies shall provide (through affirmative endorsement to the policies) that no less than thirty (30) days' prior written notice of cancellation, material modification, reduction in coverage or non-renewal shall be given to the Agency. The failure of Contractor to comply with any of the terms of these policies shall not adversely affect the Agency's coverage thereunder. Certificates of Insurance evidencing any modification, renewal or replacement of any of these insurance coverages shall be furnished to the Agency within ten (10) days after such modification, renewal or replacement. Any failure on the part of the Contractor to provide Certificates of Insurance to the Agency in accordance with the terms of the CONTRACT shall be deemed a remediable material breach by the Contractor. In the event that any services under the Agreement are to be rendered by persons other than the Contractor's own employees, Contractor shall arrange for such persons to forward to the Agency, prior to commencement of the Scope of Services in this Solicitation by them, Certificates of Insurance evidencing such amounts, in such form, and with such insurance companies as are satisfactory to the Agency.

8. Proposal Submission Instructions

As indicated in the Content of Proposals section of this Solicitation, a complete proposal is comprised of four (4) separate tabs: (i) Tab One: Application Coversheet, Cover Letter, Proposal Certification and Questionnaire; (ii) Tab Two: Technical Proposal; (iii) Tab Three: Cost Proposal; and (iv) Tab Four: Administrative Proposal. Proposers must submit all materials in the required tab order for their proposal to be deemed complete.

Electronic Proposal Submissions must be bookmarked and submitted by email by the Proposal Submission Deadline to Nyhomes.Proposal@hcr.ny.gov, in searchable Portable Document Format ("**PDF**") compatible with Adobe Reader. DHCR will not accept discs, flash drives or FTP file references that require DHCR to download information from the Proposer's, or 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" for each additional email. This is the only acceptable form of e-delivery.

Electronic versions of each Proposal Submission must be broken down and labeled as separate attachments as indicated below:

A. **Part I shall include three attachments, Tabs 1, 2 and 4** of the proposal, and the subject line of the email for this section must be labeled: **"EQA Solicitation – Part I, Tabs 1, 2 & 4"**.

B. **Part II** shall include one attachment, **Tabs 3** of the proposal, and the subject line of the email for this section must be labeled: **"EQA Solicitation – Part II, Tab 3".**

Original sealed proposals are not required, and the receipt of timely electronic proposals shall satisfy bid opening requirements. Any proposal received after the Proposal Submission Deadline may **not** be considered for award. The Proposer submitting a proposal assumes all risks associated with delivery. The determination of whether any proposal was received on time is at the sole discretion of DHCR. All proposals and accompanying documentation become the property of the State of New York and will not be returned. DHCR reserves the right to use any portion of the Proposer's proposal not specifically noted as proprietary.

Proposers assume all risks for timely, properly submitted proposals. Proposers are strongly encouraged to submit proposals to the Agency prior to the proposal due date and time provided in Section 5 of this Solicitation. Any proposals received after the established time will be considered a late proposal. A late proposal may be rejected and disqualified from award.

Notwithstanding the foregoing, a late proposal may be accepted at the Agency's sole discretion where: (i) no timely proposals meeting the requirements of the Solicitation are received, (ii) in the case of a multiple award, an insufficient number of timely proposals are received to satisfy the multiple award, (iii) the Proposer has demonstrated to the satisfaction of the Agency that the late proposal was caused solely by factors outside the control of the Proposer, or (iv) the Agency has determined that it is in the best interests of the State to accept the proposal. In no event shall the Agency be under any obligation to accept a late proposal. The basis for any determination to accept a late proposal shall be documented in the procurement record. All submissions and accompanying documentation shall become the property of the Agency and shall not be returned.

9. Proposer Inquiries/Revisions to this Solicitation

Questions or requests for clarification regarding this Solicitation should be submitted via email, citing the page and section to ContractUnitInfo@hcr.ny.gov before the specified Deadline for Questions cited in the Calendar of Events and Milestones section of this Solicitation.

Questions will not be accepted orally and any question received after the deadline will not be answered. The comprehensive list of questions/requests for clarifications and the official Agency responses will be posted to DHCR's website.

In the event that it becomes necessary to clarify or revise this Solicitation, such clarification or revision will be made by addendum and posted to the Agency's website at https://hcr.ny.gov/procurement-opportunities. Any addendum issued shall become part of this Solicitation and part of any contract awarded pursuant to this Solicitation.

Further, a Proposer who discovers any ambiguity, conflict, discrepancy, omission or other error in this Solicitation, should immediately notify the Agency of such error and request clarification or modification to the document. DHCR shall make Solicitation modifications by addendum, provided that any such modifications would not materially benefit or disadvantage any Proposer.

If a Proposer fails to notify the Agency of a known error or an error that reasonably should have been known, prior to the Proposal Submission Deadline, the Proposer shall assume the risk. If awarded the contract, the Proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.

There are no designated dates for the release of addenda. Interested Proposers are responsible for monitoring the Agency's website on a daily basis from the date of Solicitation issuance through the Proposal Submission Deadline for any updates. It is the sole responsibility of the Proposer to remain informed of all addenda issued in connection with this procurement.

10. Evaluation and Selection Process

10.1 Evaluation Process

The evaluation of proposals shall be based on the vendor that best meets the qualifications and experience indicated in the Scope of Services section of this Solicitation and reasonableness of costs.

11. Notification of Selection

It is the intent of DHCR to award one (1) contract to the successful Proposer as a result of this Solicitation process. Notification of tentative award will be provided to the successful Proposer. Upon notification of selection, the following administrative forms will be required:

- In accordance with NYS Finance Law Section 163(4)(g), the successful Proposer must agree to complete and submit an initial planned employment data report ("the **NYS Consultant Services Planned Employment Form A"),** attached hereto as **SOLICITATION Form V.1**.

- Proof of the Minimum Insurance Requirements outlined in Subsection 7.4.3 of this Solicitation.

Should DHCR and a tentative awardee be unable to reach agreement as to the terms of the Contract within a reasonable time, as determined by DHCR, DHCR may withdraw the award and proceed to the next highest scoring Proposer.

12. Debriefing and Protest Procedures

12.1 Debriefing Procedures

Unsuccessful Proposers shall be notified of non-award upon DHCR's selection of a tentative awardee. Consistent with New York State Finance Law Section 163, Proposers may, within fifteen (15) calendar days of notification of their non-selection, request a debriefing to discuss the reasons its proposal did not receive an award. A debriefing must be requested in writing, and the request must be submitted to ContractUnitInfo@hcr.ny.gov.

The debriefing will be scheduled within 10 business days of receipt of written request by DHCR, or as soon after that time as practicable under the circumstances. The purpose of the debriefing is to provide information to the Proposer about the scoring and evaluation of its proposal. This is also an opportunity for a Proposer to learn how to improve its future proposals. DHCR will not provide a Proposer with information relating to another Proposer's proposal.

12.2 Protest Procedures

Final agency decisions or recommendations for award generally may be reconsidered only in the context of a formal written protest as described below. Any Proposer or prospective Proposer who believes that there were errors or omissions in the procurement process, or who otherwise has been aggrieved in the drafting or issuance of a bid Solicitation, bid evaluation, or contract award, may present a formal complaint to DHCR and request administrative relief (via "formal protest") concerning such action.

A formal protest must be submitted in writing to ContractUnitInfo@hcr.ny.gov. A formal protest must include: (1) the name of the Solicitation and the award date; (2) a statement of all legal and factual grounds for disagreement with a DHCR specification or procurement decision; (3) a description of all remedies or relief requested; and (4) copies of all applicable supporting documentation.

A formal protest concerning the terms and conditions of this Solicitation (or other matters that would be apparent to an interested party), including but not limited to: errors, omissions, or prejudice, including patently obvious errors in the bid specifications or documents, must be filed on or before ten (10) calendar days before the date set in this Solicitation for the receipt of proposals.

An unsuccessful Proposer may file a formal protest concerning the contract non-award to ContractUnitInfo@hcr.ny.gov within ten (10) business days from the date of the notice of the contract non-award or if a debriefing has been requested by the Proposer, within five (5) business days of the debriefing (whichever is later).

Protests will be resolved through written correspondence. However, the protesting party ("Protester") may request a meeting to discuss a formal protest, or DHCR may initiate a meeting on its own motion, at which time the participants may present their concerns. Either the Protester or DHCR may elect to decline such a meeting.

A copy of DHCR's protest decision stating the reason(s) upon which it is based shall be sent to the Protester or their agent within 45 calendar days of receipt of the protest, except that upon notice to the Protester, such period may be extended. The protest decision is final and will be recorded and included in the procurement record.

Upon receipt of DHCR's determination of a protest, a Protester has ten (10) business days within which to file an appeal of the determination with the OSC Bureau of Contracts. The appeal must be filed with Brian Fuller at the New York State Office of the State Comptroller, Bureau of Contracts, 110 State Street, 11th Floor, Albany, NY 12236. The Protester's appeal must contain an affirmation, in writing, that a copy of the appeal has been served on DHCR and any other party that participated in the protest. In their appeal, the Protester shall set forth the basis on which it challenges the contracting agency's determination. The OSC Bureau of Contracts will conduct its determination of the appeal in accordance with its established policy.

13. Information relating to EEO

13.1 Equal Employment Opportunity Requirements

By submission of a proposal in response to this Solicitation, the Proposer agrees with all of the terms and conditions of the below clause titled, "Equal Employment Opportunities for Minorities and Women."

> **EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.** In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this Contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of $25,000.00, whereby the Agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the Agency, then the following shall apply and by signing the Contract, the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) the Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts of the Agency and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the Agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all Solicitations or advertisements for employees, that, in the performance of the Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a", "b", and "c" above, in every subcontract. Section 312 does not apply to: (i) work, goods or services unrelated to this Contract; or (ii) employment outside New York State. The Agency(ies) shall consider compliance by a Contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The Agency(ies) shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the Agency(ies) shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

To ensure compliance with this Section, the Proposer will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan, PROC-1 Form, identifying the anticipated work force to be utilized on the Contract. If awarded a Contract, Proposer shall submit a quarterly EEO Workforce Utilization Report, PROC-5, hyperlinked herein, and shall require each of its Subcontractors, if any, to submit a Workforce Utilization Report, on a quarterly basis during the term of the Contract for the quarters ending March 31st, June 30th, September 30th and December 31st.

Pursuant to Executive Order #162, contractors and subcontractors, if any, will also be required to report, on a quarterly basis, the gross wages paid to each of their employees for the work performed by such employees on the Contract utilizing the EEO Workforce Utilization Report.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors, if any, will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

14. Restriction of Communication

Pursuant to State Finance Law ("**SFL**") §§139-j and 139-k, this Solicitation imposes certain restrictions on communications between the Agency and employees of the State and a potential Proposer during the Solicitation process. A Proposer is restricted from making contacts that a reasonable person may infer were intended to influence the selection of a firm or company to perform (or provide) the proposed professional services (or goods) in this Solicitation, from the date of publication of this until the awarding of a contract(s) by the Agency (the "**Restricted Period**") with any person other than the designated contact(s) named herein, unless it is a contact that is included among certain statutory exceptions set forth in SFL §139-j(3)(a). Employees of the Agency are required to obtain certain information when contacted during the Restricted Period and make a determination of responsibility of the Proposer under the SFL. Findings of non-responsibility can result in rejection for contract award and in the event of two (2) findings within a four (4) year period, the Proposer will be debarred from obtaining governmental contracts.

For further information, please refer to the following website:
http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm.

15. Ethics

15.1 Public Officers Law

Contractors, consultants, vendors, and subcontractors may hire former State Agency or Authority employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of the State Agency or Authority may neither appear nor practice before the State Agency or Authority, nor receive compensation for services rendered on a matter before the State Agency or Authority, for a period of two years following their separation from State Agency or Authority service.

In addition, former State Agency or Authority employees are subject to a "lifetime bar" from appearing before the State Agency or Authority or receiving compensation for services regarding any transaction in which they personally participated or which was under their active consideration during their tenure with the State Agency or Authority.

15.2 Ethics Requirements

The successful Proposer(s) and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Commission on Ethics and Lobbying in Government **("COELIG")**, or its predecessors **(collectively, the "Ethics Requirements")**. By submitting a proposal in response to this Solicitation, the Proposer certifies that all of its employees and those of its subcontractors who are former employees of the State and who are assigned to perform services under any contract resulting from this Solicitation process shall be assigned in accordance with all Ethics Requirements. During the term of any resulting contract, no person who is employed by the successful Proposer(s) or its subcontractors and who is disqualified from providing services under any resulting contract pursuant to any Ethics Requirements may share in any net revenues of the successful Proposer(s) or its subcontractors derived from any resulting contract.

The successful Proposer shall identify and provide the State with notice of those employees of the successful Proposer and its subcontractors who are former employees of the State that are proposed to perform services under any resulting contract, and make sure that such employees comply with all applicable laws and prohibitions. The State may request that the successful Proposer provide it with whatever information the State deems appropriate about each person's engagement, work cooperatively with the State to solicit advice from COELIG, and, if deemed appropriate by the State, instruct any such person to seek the opinion of COELIG. The State shall have the right to withdraw or withhold approval of any Subcontractor if utilizing such Subcontractor for any work performed hereunder would be in conflict with any of the Ethics Requirements. The State shall have the right to terminate any resulting contract at any time if any work performed hereunder is in conflict with any of the Ethics Requirements.

15.3 Vendor Responsibility Determination

DHCR will conduct a review of each Proposer's Vendor Responsibility Questionnaire (Form H.1 or H.2) to provide reasonable assurances that the Proposer is responsible. All identified subcontractors of the Solicitation of the successful proposer, projected to earn more than $100,000 in total expenditures during the term of the Contract, will be required to complete a Vendor Responsibility Questionnaire. DHCR will make a finding of responsibility or non-responsibility before making a contract award, considering any information that comes to its attention concerning the Proposer's responsibility.

If DHCR identifies potentially negative information in its review, DHCR will notify the Proposer. If DHCR makes a preliminary finding that the Proposer is non-responsible, DHCR will detail in writing to the Proposer the reasons(s) for the preliminary determination and will provide an opportunity for the Proposer to respond before the determination is finalized.

A successful Proposer(s) is required to update their responsibility determination if a material event occurs requiring an amendment. The successful Proposer(s) is also required to update their Vendor Responsibility Questionnaires as new information becomes available.

The successful Proposer(s) shall at all times during the contract term remain responsible. During the term of any resulting contract, any changes in the provided Questionnaire shall be disclosed to DHCR, in writing, in a timely manner. Failure to make such disclosure may result in a determination of non-responsibility and termination of the contract. Furthermore, the successful Proposer(s) agrees, if requested by DHCR, to present evidence of its continuing legal authority to do business in New York State, its integrity, experience, ability, prior performance, and organizational and financial capacity.

DHCR, in its sole discretion, reserves the right to suspend any or all activities under any resulting contract, at any time, when it discovers information that calls into question the responsibility of the successful Proposer. In the event of such suspension, the successful Proposer will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the successful Proposer must comply with the terms of the suspension order. Contract activity may resume at such time as DHCR issues a written notice authorizing a resumption of performance under the contract.

Upon written notice to the successful Proposer, and a reasonable opportunity to be heard by the appropriate DHCR officials or staff, the contract may be terminated by DHCR at the Proposer's expense where the Proposer is determined by DHCR to be non-responsible. In such event, DHCR may complete contractual requirements in any manner it deems advisable and pursue available legal or equitable remedies for breach. DHCR reserves the right to terminate a contract for non-responsibility, including failure to disclose information. This provision shall also apply to any proposed subcontractor with performing services under the resulting contract in excess of $100,000. Proposers and applicable subcontractors are required to complete, certify, and submit a Vendor Responsibility Questionnaire as part of their Proposal Submission.

16. Sales Tax Certification

Pursuant to New York State Tax Law Section 5(a), the successful Proposer and its affiliates and/or sub-contractors will be required to certify to the New York State Department of Taxation and Financial Services ("**DTF**") that the firm is registered to collect New York State and local sales and compensating use taxes.

Section 5-a of the Tax Law requires certain Contractors awarded State Contracts for commodities, services and technology valued at more than $100,000 to certify to DTF that they are registered to collect New York State and local sales and compensating use taxes. The law applies to Contracts where the total amount of such Contractor's sales delivered into New York State are in excess of $300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded $300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

Upon notification of award, the Contractor is required to file the completed and notarized Form ST-220-CA, attached hereto as **SOLICITATION FORM V-1** with DHCR. In addition, the Contractor is required to file the ST-220-TD Form V-2 with the NYS Tax Department (both forms may be found at the following URL on the DTF website:

https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
https://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

Note: DTF receives the completed Form ST-220-TD, not DHCR. DHCR only receives the Form ST-220-CA. Contractor should complete and return the certification forms within five (5) business days of request from DHCR. Failure to make either of these filings may render a Contractor non-responsive and non-responsible. Contractor shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law.

Website links to the Contractor certification forms and instructions are provided in the hyperlinks above. Unless the information upon which the ST-220-TD is based changes, this form only needs to be filed once with DTF. If the information changes for the Contractor, its affiliate(s), or its subcontractor(s), a new Form No. ST-220-TD must be filed with DTF.

Form ST-220-CA must be submitted upon notification of award by DHCR. This form provides the required certification that the Contractor filed the ST-220-TD with DTF.

17. Iran Divestment Act ("Act")

By submitting a signed certification in the form of Form E in response to this Solicitation or by assuming the responsibility of a contract awarded hereunder, the Proposer (or any assignee) certifies that it is not on the "*Entities Determined To Be Non-Responsive Proposers Pursuant to The New York State Iran Divestment Act of 2012*" list ("Prohibited Entities List") posted on the website of the State's Office of General Services and further certifies that it will not utilize on such DHCR contract award any subcontractor that is identified on the Prohibited Entities List. Additionally, Proposer is advised that should it seek to renew or extend a contract awarded in response to this Solicitation, it must provide the same certification at the time the contract is renewed or extended.

During the term of the contract, should DHCR receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DHCR will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DHCR shall take such action as may be appropriate and provided for by law, rule, or contract including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

DHCR reserves the right to reject any proposal, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

18. Sexual Harassment Prevention Policy Certification

Pursuant to N.Y. State Finance Law § 139-l, every proposal made on or after January 1, 2019 to the State or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, and where otherwise required by such public department or agency, shall contain a certification that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of N.Y. State Labor Law § 201-g.

N.Y. State Labor Law § 201-g provides requirements for such policy and training and directs the Department of Labor, in consultation with the Division of Human Rights, to create and publish a model sexual harassment prevention guidance document, sexual harassment prevention policy and sexual harassment prevention training program that employers may utilize to meet the requirements of N.Y. State Labor Law § 201-g. The model sexual harassment prevention policy, model sexual harassment training materials, and further guidance for employers, can be found online at the following URL: https://www.ny.gov/combating-sexual-harassment-workplace/employers.

Pursuant to N.Y. State Finance Law § 139-l, any proposal by a corporate Bidder or Proposer containing the certification required above shall be deemed to have been authorized by the board of directors of such Proposer, and such authorization shall be deemed to include the signing and submission of such proposal and the inclusion therein of such statement as the act and deed of the Proposer. If the Proposer cannot make the required certification, such Proposer shall so state and shall furnish with the proposal a signed statement that sets forth in detail the reasons that the Bidder cannot make the certification. After review and consideration of such statement, DHCR may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

19. Gender-Based Violence and the Workplace Certification

Under New York State Finance Law § 139-m, all bidders for New York State contracts must establish a policy addressing gender-based violence and the workplace. New York State Finance Law §139-M requires bidders on competitive state procurements to certify that they have a written policy addressing gender-based violence and the workplace and that such policy meets the minimum requirements outlined in the Gender-Based Violence and the Workplace Certification, attached hereto as **SOLICITATION FORM U**.

The model **policy addressing gender-based violence and workplace** can be found online at the following URL: gender-based-violence-and-the-workplace-model-policy-for-nys-bidders.pdf

20. Freedom of Information Law ("FOIL")

New York State's Freedom of Information Law ("FOIL") (Public Officers Law, Article 6, Sections 84-90), available at: http://www.dos.state.ny.us/coog/index.html, promotes the public's right to know the process of governmental decision-making and grants maximum public access to governmental records. The proposal of the successful Proposer(s) and the proposals of unsuccessful Proposers may be subject to disclosure under FOIL.

However, pursuant to Section 87(2)(d) of FOIL, a State agency may deny access to those portions of proposals or portions of a successful Proposer's contract which are "trade secrets" or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.

Please note that all information that a Proposer may claim as proprietary, copyrighted or rights-reserved is not necessarily protected from disclosure under FOIL.

If there is information in a Proposer's proposal that a Proposer claims meets the definition set forth in Section 87(2)(d), the Proposer should provide a letter in its Administrative Proposal (Tab 4) outlining any specific concerns.

Failure to identify the information which a Proposer believes should be protected by Section 87 (2)(d) may result in such information being disclosed if a request is received. It is a Proposer's responsibility to consult an attorney with any questions the Proposer may have about FOIL. All work products described herein may also be subject to FOIL disclosure.

The State will not honor any attempt by a Proposer either to designate its entire bid proposal as proprietary and/or to claim copyright protection for its entire proposal.

The Proposer/Contractor must provide to the Agency all information, records, and other written material it produces, possesses, or relies upon if such material is the object of a legitimate request to the Agency pursuant to FOIL.

21. Negative Findings

A proposal may be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent DHCR from selecting the Proposer. These findings may pertain to: (i) the Primary Contractor; (ii) any firm listed as a partner, sub-consultant, or subcontractor in the proposal; (iii) any owners, primary shareholders, or executive staff in the Primary Contractor or any of its partners; or (iv) any of the principal staff expected to perform or supervise the work outlined in the Scope of Work. Such adverse findings include, but are not limited to:

- Negative findings from the New York State Inspector General, a federal Inspector General or from the U.S. Government Accountability Office, or from an Inspector General in another state;
- Pending or unresolved legal action from the U.S. Attorney General or from an attorney general in New York State or another state;
- Pending or unresolved litigation with the Federal government, any State government, or a local municipality regarding contract performance;
- Arson conviction or pending case;
- Harassment conviction or pending case;
- Local, State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- In rem foreclosure;
- Sale of tax lien or substantial tax arrears;
- Fair Housing violations or current litigation;
- Defaults under any Federal, State or local-sponsored program;
- A record of substantial building code violations or litigation against properties owned and / or managed by the Proposer or by any entity or individual that comprises the Proposer;
- Past or pending voluntary or involuntary bankruptcy proceeding;
- Conviction for fraud, bribery or grand larceny; or
- Listing on the federal or State excluded parties' lists.

If the Proposer believes that any of the adverse findings listed above may be applicable to their firm, or any person or entity partnering with their firm, they should provide a detailed explanation of the finding in an attached sheet to be submitted in Tab 4 of the Administrative Proposal. Failure to disclose any relevant findings may result in disqualification of the proposal.

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22. Reservation of Rights

DHCR reserves the right to:

- Accept late proposals when in the best interests of the State;
- Reject any or all proposals received in response to the Solicitation;
- Withdraw the Solicitation at any time, at DHCR's sole discretion;
- Accept a proposal and any subsequent proposal for the contract from a proposer other than the lowest cost proposer consistent with the criteria for the evaluation of proposals;
- Make an award under the Solicitation in whole or in part;
- Disqualify any Proposer whose qualifications, conduct and/or proposal fails to conform to the requirements of the Solicitation;
- Seek clarifications and revisions of proposals;
- Use information obtained through DHCR's investigation of a Proposer's qualifications, experience, ability or financial standing, and any material or information submitted by the Proposer in response to DHCR's request for clarifying information in the course of evaluation and/or selection under the Solicitation;
- Prior to the deadline for submission of Proposals, amend the solicitation specifications to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the deadline for submission of Proposals, direct Proposers to submit modifications addressing subsequent Solicitation amendments;
- Change any part of the scheduled timeline;
- Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Proposers;
- Waive any requirements that DHCR deems are immaterial;
- Negotiate with the successful Proposer within the scope of the solicitation in the best interests of the State;
- Conduct contract negotiations with the next responsible Proposer, should DHCR be unsuccessful in negotiating with the selected Proposer;
- Utilize any and all ideas submitted in the proposals received;
- Request best and final offers;
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's proposal and/or to determine a Proposer's compliance with the requirements of the solicitation;
- Negotiate with the next highest-rated, qualified Proposer for purposes of executing a contract, if it is subsequently determined by DHCR that the successful Proposer is not responsible;
- Waive minor irregularities and/or omissions in proposals, if in the best interests of the State;

- At its sole discretion, reject illegible, incomplete, or vague proposals; and
- Resolicit offers from the Proposer community by republishing and readvertising this Solicitation at any time.

Depending on the nature of the procurement, there may be additional State reserved rights beyond those presented here.

23. Contract Award

The term of the contract(s) will be for a term of four (4) months, contingent upon the availability of funding, however, DHCR reserves the right to not award a contract, at its sole discretion. DHCR will evaluate each proposal based on the "Best Value" concept. The Proposal Submission(s) which "optimizes quality, cost, and efficiency" among the responsive and responsible Proposers will be selected for award.

If DHCR is unable to reach an agreement with the highest-rated qualified Proposer, DHCR reserves the right to discontinue negotiations and proceed to the next highest-rated qualified Proposer, or take any other action deemed in the best interest of the Agency.

Upon contract award, public announcements or news releases pertaining to the contract shall not be made without the prior written consent of DHCR.

DHCR may, upon thirty (30) days' written notice, terminate the contract(s) resulting from this Solicitation in the event of a successful Proposer's failure to comply with any of the proposal's requirements unless the successful Proposer obtained a waiver of the requirement.

Further, DHCR shall have the right, in its sole discretion, at any time to terminate a contract resulting from this Solicitation or any unit portion thereof, with or without cause, by giving a thirty (30) days' written notice to the Contractor.

DHCR reserves the right to terminate a contract resulting from this Solicitation process in the event it is found that a certification filed by the Proposer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, DHCR may exercise its termination right by providing written notification to the Contract awardee.

The awarded Agreement shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise. The written Agreement with the awarded Proposer shall be a New York State contract that includes the State's "Standard Clauses for New York State Contracts," attached hereto as Appendix A. The entire Agreement shall consist of the documents, appendices and forms listed below. Conflicts between these documents shall be resolved in the following order of precedence:

1. Appendix A, Standard Clauses for New York State.
2. The Request for Proposals document (the "Solicitation").
3. Contractor's Proposal Submission.

The contract(s) shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

Below (and following this Solicitation) is a list of the Appendices, Attachments and Forms to be incorporated in the awarded contract(s).

23.1 Schedule of Appendices

Appendix A	Standard Clauses for New York State Contracts
Appendix I	Cost Proposal Form

23.2 Schedule of Forms for this Solicitation

Form A	-	Cost Proposal Form, TAB 3
Form B	-	~~Intent to Submit Proposal Form~~ ~~Intent to Submit Proposal Form~~ Intent to Submit Proposal Form
Form C	-	Non-Collusive Bidding Certification Form
Form D	-	Vendor Information Form
Form E	-	~~Iran Divestment Act Certification~~ ~~Iran Divestment Act Certification~~ Iran Divestment Act Certification
Form G	-	Procurement Lobbying Provisions and Forms (Lobbying Procurement Law FORM 1 and Lobbying Procurement Law FORM 2)
Form H.1	-	Vendor Responsibility Questionnaire for For-Profit Business Entity
Form H.2	-	Vendor Responsibility Questionnaire for Non-Profit Business Entity
Form I	-	Executive Order #16 – Prohibiting Contracting with Businesses Conducting Business in Russia
Form J	-	EEO Staffing Plan, PROC-1
Form K	-	Company Demographic Profile, PROC-7
Form L	-	EEOC Statement, PROC-8
Form Q	-	Financial Statements or Tax Returns with balance sheets
Form R	-	Vendor Assurance of No Conflict of Interest and Detrimental Effect
Form S	-	Evidence of Eligibility Requirements, Licensure and/or Certifications
Form T	-	~~Sexual Harassment Prevention Policy Certification~~ ~~Sexual Harassment Prevention Policy Certification~~ Sexual Harassment Prevention Policy Certification
Form U	-	Gender-Based Violence and the Workplace Certification
Form V-1	-	Form ST-220-CA Contractor Certification to Covered Agency (to DHCR)
Form V-2	-	Form ST-220-TD Form (to be sent to NYS Tax Department) if applicable.

Appendix A
Standard Clauses for New York State Contracts

Appendix A may be downloaded at the following web address:

https://ogs.ny.gov/system/files/documents/2023/06/appendix-a-june-2023.pdf

Appendix I
(Form A – Cost Proposal Form)

Form A, Cost Proposal Form can be found at the following web address:
https://hcr.ny.gov/system/files/documents/2026/04/260416_cost-proposal-form_final.pdf

FORM B
Intent to Submit Proposal Form to follow this page

Intent to Submit Proposal Form B

Division of Housing and Community Renewal

Discretionary Purchase Solicitation for
External Quality Assessment for
Compliance with Global Internal Audit Standards

This is to notify you that it is our present intent to **submit** a proposal in response to the above-referenced solicitation 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 solicitation.

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

Company Name: _____

Contact Name and Title _____

Street Address: _____

City, State & Zip: _____

Phone Number: _____

Email Address: _____

Authorized Signature: _____

Date: _____

Name of Authorized Signatory: _____

Title of Authorized Signatory: _____

Phone Number: _____

Email Address: _____

Email completed Intent to Submit Bid form to: ContractUnitInfo@hcr.ny.gov

FORM E
Iran Divestment Act Certification to follow this page

IRAN DIVESTMENT ACT CERTIFICATION
NOTICE FOR SOLICITATIONS

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Proposer/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Proposers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website at: http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List.

Additionally, Proposer/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should the New York State Division of Housing and Community Renewal (DHCR) receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DHCR will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DHCR shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

DHCR reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

This form must be signed by an authorized executive or legal representative.

Legal Name of Proposer:

_____

Printed Name of Proposer's Authorized Representative:

_____

Signature: _____ Date: _____

Form T
Sexual Harassment Prevention Policy Certification
(Form T to follow this page)

SEXUAL HARASSMENT PREVENTION POLICY CERTIFICATION

_____ (referred to hereinafter as the "Organization") will not tolerate sexual harassment in the workplace. As such, it is the policy of this Organization to ensure that all employees and those who come into contact with the Organization are able to enjoy an atmosphere free from sexual harassment as well as an atmosphere free from any inappropriate, unprofessional or unwelcome behavior of a sexual nature by employees or others working with or for the Organization, whether on Organization-owned premises or otherwise, including consultants and contractors. All employees, as well as others who work with or for the Organization, should familiarize themselves with the guidelines in this policy so they will understand what type of conduct is prohibited, and know the remedies available to employees, contractors or consultants who experience sexual harassment.

This policy is not meant to interfere with voluntary social relationships between individuals in the workplace, but this policy does prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating, offensive, or hostile work environment.

The following policy statement supersedes all prior policy statements on this subject.

IT IS THE EXPRESS AND UNWAIVABLE POLICY OF THIS ORGANIZATION THAT:

1. Every employee, regardless of sex, race, color, religion, national origin, age, disability, marital status or sexual orientation has the right to a working environment free from sexual harassment. Sexual harassment has devastating economic, psychological and physical effects on its victims, its cost can be enormous in both human and financial terms, and such harassing behavior will not be tolerated.

2. The United States Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:
   - Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
   - Submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
   - Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes any unwanted verbal or physical advance, sexually explicit derogatory statements, or sexually discriminatory remarks made by any level of staff in the workplace, that are offensive or objectionable to the recipient, cause the recipient discomfort or humiliation, or interfere with the recipient's job performance. It also includes any such interactions with employees of other entities as well as the general public. It is important to note that behavior can be harassing in nature, regardless of the offender's intent. The impact the behavior has on an individual takes precedence over the intent of the offender.

3. Sexual harassment may include a broad range of subtle and not so subtle behaviors. Examples of employee behavior in violation of this policy, which are by no means exhaustive, include the following:

   - visual harassment: posters, magazines, calendars, etc.
   - verbal harassment or abuse: repeated requests for dates, lewd comments, sexually explicit jokes, whistling, etc.
   - offensive gestures or language
   - subtle pressure for sexual activities
   - touching, patting, pinching or kissing
   - leering or ogling
   - brushing up against another's body
   - promise of promotions, favorable performance evaluations, etc. in return for sexual favors
   - implied or overt threats to a person's job, promotion, performance evaluation, etc., if demands for sexual favors are rejected
   - physical assault, rape;
   - the display in the workplace of sexually suggestive objects or pictures including through the use of e-mail communications;
   - unwanted flirtations, innuendoes, advances or propositions;
   - verbal abuse of a sexual nature;
   - graphic commentary about an individual's body, sexual prowess or sexual deficiencies.

4. These types of behaviors are prohibited both in the actual workplace and in any location that can reasonably be regarded as an extension of the workplace.

5. Sexual harassment in the workplace discriminates on the basis of gender and is considered a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended and the New York State Human Rights Law. Ignoring sexual harassment is tantamount to toleration and is impermissible.

6. Sexual harassment is considered a form of employee misconduct, and sanctions are to be consistently enforced against employees who engage in this behavior and against managerial and supervisory personnel who knowingly allow such to continue. It is the responsibility of all employees, regardless of level, to report a harassment complaint, once the employee becomes aware of the harassment or witnesses the harassment.

7. The first step towards eliminating sexual harassment from the workplace is prevention. Everyone should take steps to prevent sexual harassment from occurring.

8. Every employee has the right to redress, without fear of retaliation, when incidents of sexual harassment in the workplace occur. Employees who feel that discrimination has occurred on the basis of sexual harassment have certain rights under the law and have various administrative and legal remedies available to them. However, it has always been

our goal to address and resolve these matters at the workplace through an internal discrimination complaint procedure. Therefore, if an employee believes that he or she is a victim of sexual harassment, they are encouraged to follow the internal procedures outlined below. All employees are encouraged to report observations of sexual harassment affecting other employees. All conversations and materials will be held in strict confidence, to the extent possible. Employees found to have intentionally engaged in false claims of sexual harassment will be subject to disciplinary actions.

9. Employees who believe that they are being subjected to any form of sexual harassment, as defined above, should immediately report the incident(s) to any of the following: (1) supervisor or manager in their direct line of supervision; or either (2) (a) the Affirmative Action Office or (b) the Office of Human Resource Management. A supervisor or manager who receives a report of sexual harassment shall contact the Office of Human Resource Management or Affirmative Action Office. Supervisors and Managers should not attempt to handle reports of continuing harassment on their own. These complaints will be accepted orally or in writing by completing a "Discrimination Complaint Form," which is available from the Office of Human Resource Management, the Affirmative Action Office.

10. All complaints, whether in writing or not, will be investigated promptly by the Affirmative Action Office and the Office of Human Resource Management. After completing the investigation, the investigatory parties will issue a written report wherein alternatives are provided regarding how the complaint should be resolved, including whether disciplinary action is appropriate. The complainant and the accused will be informed of the disposition of the case.

11. No employee will suffer retaliation or intimidation as a result of using the above explained internal complaint procedure or acting as a witness in connection with a sexual harassment complaint investigation. Retaliation against employees for providing information related to, or assisting in, the investigation of complaints of discrimination and/or harassment, or for voicing opposition to unlawful discrimination is also prohibited. Retaliation or discriminatory harassment is unlawful and will be cause for disciplinary action and subject the perpetrator to liability under law

12. Due to the sensitivity of sexual harassment issues, all employees can be assured that each case will be investigated in a confidential manner in order to protect the rights of the complainant and the accused. Anyone who has observed sexual harassment or retaliation should report it to the above-designated persons or offices. A complaint need not be filed only by someone who was the target of harassment or retaliation.

13. A written record of actions taken pursuant to the policy will be placed in the offending employee's personnel file. The record will reflect the conduct, and the warning given, or other discipline imposed.

14. An effective sexual harassment policy requires the support and example of agency personnel in positions of leadership and authority. Employees who engage in sexual harassment or retaliation or who fail to cooperate with company-sponsored investigations

of sexual harassment or retaliation may be subject to discipline. By the same token, those who refuse to implement remedial measures, obstruct the remedial efforts of other employees, and/or retaliate against sexual harassment complainants or witnesses may also be subject to discipline. Copies of this sexual harassment policy are available from the Office of Human Resource Management, the Affirmative Action Office, and the company's intranet or internet site.

Any employee who wants further information or requires assistance in identifying employment discrimination and ways to prevent employment discrimination, should contact their supervisor or manager or either the Office of Human Resource Management or the Affirmative Action Office.

Name of Organization / Proposer: _____

Signature: _____

Name and Title: _____

Date: _____

This form must be signed by an authorized executive or legal representative.

Proposal Checklist

CHECKLIST FOR REQUIRED FORMS AND RELATED ITEMS TO BE COMPLETED AND RETURNED WITH YOUR PROPOSAL SUBMISSION:

- ☐ TAB 1 – Proposal Coversheet, Cover Letter & Certification, attached hereto as Attachment I
- ☐ TAB 2 – Technical Proposal as outlined in Section 7.2 of this Solicitation
- ☐ TAB 2 – Additional Attachments (not included in 20-Page Limit)
- ☐ References with contact information for prior engagements, listed in Tab 2
- ☐ Resumes for Proposer's principals and training staff and staff of Proposer's subcontractors, listed in the Proposal Narrative
- ☐ Organizational charts or other supporting materials, referenced in Tab 2
- ☐ TAB 3 – Cost Proposal Form (utilizing template in **SOLICITATION Form A**)
- ☐ TAB 4 - Administrative Proposal
- ☐ ~~Intent to Submit Proposal Form~~ ~~Intent to Submit Proposal Form~~, Intent to Submit Proposal Form **SOLICITATION Form B**
- ☐ Non-Collusive Bidding Certification Form, **SOLICITATION Form C**
- ☐ Vendor Information Form, **SOLICITATION Form D**
- ☐ ~~Iran Divestment Act Certification~~ ~~Iran Divestment Act Certification~~, Iran Divestment Act Certification, **SOLICITATION Form E**
- ☐ Form ST-220-CA, **SOLICITATION Form F**
- ☐ Procurement Lobbying Provisions and Forms (Lobbying Procurement Law FORM 1 and Lobbying Procurement Law FORM 2), **SOLICITATION Form G**
- ☐ Vendor Responsibility Questionnaire for For-Profit Business Entity, **SOLICITATION Form H.1** or
  Vendor Responsibility Questionnaire for Non-Profit Business Entity, **SOLICITATION Form H.2**
- ☐ Executive Order #16 – Prohibiting Contracting with Businesses Conducting Business in Russia, **SOLICITATION Form I**
- ☐ Equal Employment Opportunity Staffing Plan, PROC-1 form, **SOLICITATION Form J**
- ☐ Company Demographic Profile, PROC-7 form, **SOLICITATION Form N**
- ☐ EEOC Statement, PROC-8**, SOLICITATION Form O**
- ☐ Financial Statements or Tax Returns, per Section 7.4.3(i), **SOLICITATION Form Q**
- ☐ Vendor Assurance of No Conflict of Interest and Detrimental Effect, **SOLICITATION Form R**
- ☐ Evidence of Eligibility Requirements, Licensure and/or Certifications, per Section 7.4.3(iii), Proposers must include in their Proposal Submission to be labeled as **SOLICITATION Form S**
- ☐ ~~Sexual Harassment Prevention Policy Certification~~ ~~Sexual Harassment Prevention Policy Certification~~ Sexual Harassment Prevention Policy Certification per Section 7.4.3(iv), **SOLICITATION Form T**

☐ ~~Gender-Based Violence and the Workplace Certification~~ Gender-Based Violence and the Workplace Certification per Section 7.4.3(iv), **SOLICITATION Form U**

Attachment I
Proposal Coversheet & Certification
(Attachment I to follow this page)

Attachment I

Proposal ***Coversheet***

Attach this form to the top of your Proposal Submission.

ALL PROPOSAL SUBMISSIONS MUST BE ELECTRONICALLY MAILED TO THE E-MAIL ADDRESS SPECIFIED IN THE PROPOSAL SUBMISION INSTRUCTION SECTION OF THE RFP.

APPLYING FOR: Discretionary Purchase Solicitation for External Quality Assessment for Compliance with Global Internal Audit Standards

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:

_____

Data Universal Numbering System Number (DUNS) (if applicable):

_____

SEC Registration Number (if applicable):

_____

Statewide Financial System (SFS) Vendor ID Number (if applicable):

_____

MWBE Registration Number (if applicable):

_____

Indicate name(s) of MWBE subcontractor(s) (if applicable):

_____

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

_____

Indicate name(s) of SDVOB subcontractor(s) (if applicable):

_____

MAIN CONTACT INFORMATION FOR THIS PROPOSAL:

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

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 Agency. Attach additional sheets if necessary.

Contact Name:

_____

Contact Telephone 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):

_____

Proposal Certification

The Proposal Submission must be fully and properly executed by an authorized person. By signing this Proposal Certification you certify your express authority to sign on behalf of the Proposer and acceptance of the terms included in (i) this RFP, (ii) Appendix A (Agencies' Standard Clauses For New York State Contracts) and (ii) State Finance Law §139-j and §139-k (Procurement Lobbying), and that all information provided in the proposal is complete, true and accurate. By signing this Proposal Certification, the Proposer affirms that it understands and agrees to comply with Agency procedures relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b). Proposer also affirms that it has reviewed the Minimum Insurance Requirements within the RFP and agrees to be bound by said terms.

Legal Business Name of Proposer:	**D/B/A Name of Proposer:**
Federal Tax Identification Number:	**New York State Identification Number:**
Printed or Typed Name of Authorized Firm Signatory:	**Proposer Signature:**
Title:	**Date:**