



**Office of Temporary
and Disability Assistance**

REQUEST FOR QUALIFICATIONS FOR TECHNICAL ASSISTANCE

**NEW YORK STATE
HOMELESS HOUSING AND ASSISTANCE CORPORATION**

**HOMELESS HOUSING AND ASSISTANCE CORPORATION (HHAC)
REQUEST FOR QUALIFICATIONS (RFQ)
TECHNICAL ASSISTANCE**

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**HOMELESS HOUSING AND ASSISTANCE CORPORATION (HHAC)
REQUEST FOR QUALIFICATIONS (RFQ)
TECHNICAL ASSISTANCE**

I. INTRODUCTION

The New York State Homeless Housing and Assistance Corporation (HHAC) and the Office of Temporary and Disability Assistance (OTDA) are requesting the submission of qualifications from individuals, partnerships, nonprofit corporations, for-profit corporations and other legal entities to provide various forms of professional technical assistance on a consultant basis in support of developing, operating, and/or managing supportive housing programs funded under the Homeless Housing and Assistance Program (HHAP).

HHAP was established by Chapter 61 of the Laws of 1983. In June of 1990, the Homeless Housing and Assistance Corporation (HHAC), a public benefit corporation, was established to administer the program. HHAC is a subsidiary of the New York State Housing Finance Agency (HFA), and is administered by OTDA. HFA issues bonds to finance the costs of developing projects under HHAP.

HHAP provides capital grants and loans to nonprofit corporations, charitable organizations, and municipalities to acquire, construct, or rehabilitate housing for persons who are homeless or at risk of homelessness, and are unable to secure adequate housing without special assistance.

Created in 1983 to increase the supply of supportive housing for the homeless in New York State, the program funds a broad range of housing options for the diverse homeless populations in the State's urban, suburban and rural areas. Program funds are awarded through a Request for Proposals process. Applicants and awardees generally have experience in housing development, management and/or in the provision of social services. HHAP funds emergency, transitional and permanent supported housing projects serving both homeless families and singles, which include a variety of special needs populations. Special needs populations that have benefited from HHAP funding include, but are not limited to:

- Survivors of domestic violence;
- Elderly;
- Persons with physical disabilities;
- Persons with HIV/AIDS;
- Runaway homeless youth;
- Youth aging out of foster care;
- Persons with mental illness;
- Ex-offenders; and,
- Those with a history of substance abuse and/or chemical dependency.

Currently, the HHAP-funded portfolio of homeless projects under contract consists of 358 operating projects and 512 sites across New York State.

Eligible costs under HHAP include, but are not limited to: construction/rehabilitation; architectural/engineering fees; environmental assessments; insurance; taxes; title reports and title insurance; appraisals; acquisition; equipment and furniture; professional fees; and reserves. While HHAP provides the funding necessary to establish a project, it does not provide ongoing operational funding. HHAP awardees must demonstrate the financial

feasibility or viability of a project and capability to operate the project as supported housing for the homeless for the contractually mandated period of time, generally 25 years.

II. Request for Qualifications REQUIREMENTS AND DUE DATE

HHAC is requesting qualifications from eligible entities to provide technical assistance to (and/or management of) supportive housing programs or nonprofit sponsors that have received HHAP funding and/or directly to the HHAC, depending upon the services provided. This RFQ is available electronically at:

<http://otda.ny.gov/contracts/procurement-bid.asp>

The original application and two hard copies, and one electronic copy (on a CD or flash drive) in Word format must be submitted for consideration.

This is an open-ended RFQ, meaning proposals will be accepted for consideration on a continuous basis until HHAC suspends or terminates the open-ended RFP. The earliest date for submission is:

**January 6, 2016 at 8:00 a.m.
Faxed Materials will not be accepted.**

Applications should be sent to:
John W. Printup
NYS Office of Temporary and Disability Assistance
Bureau of Contract Management
40 N. Pearl Street, 12-D
Albany, New York 12243
(518) 473-4137

III. QUESTIONS REGARDING THIS RFQ

Questions regarding this RFQ should be submitted by December 14. All questions must be typed. Along with your question(s), provide your name, organization's name, mailing address, and email address. Questions and answers (Q&A's) regarding this RFQ will be posted online after December 16 at the above referenced internet address. HHAC will not entertain questions via telephone. Please submit your questions to **Scott Kunkler** at the above address or by E-mail at Scott.Kunkler@otda.ny.gov

IV. PROPOSAL GUIDELINES

Every proposal must provide a detailed, narrative description of the services to be provided. Marketing material such as informational brochures may be included in your submission, but will not be considered responsive to this RFQ. The narrative should include relevant experience with nonprofit organizations, housing (development and/or management) and/or support services for homeless and special needs households. Actual experience in the area of expertise that the applicant is proposing to provide services is required.

Applicants must submit an "up to" hourly rate and a daily rate. A narrative section is also available for describing services that are charged on a flat rate basis (i.e. title searches). This rate must cover all overhead and administrative expenses including but not limited to copying, mailing costs, etc. Finally, indicate the geographical region(s) in which you can provide services and if your rates vary by region. Proposed rates that do not increase or increase minimally during the term of the contract will be considered competitive. Daily rates

that provide a discount when compared to hourly rates will be considered competitive (Please see "Rate Schedule" on page 24).

To be considered complete, each proposal must include the following:

- 1) TA Provider Information Forms (Pages 19-24)
- 2) MacBride Fair Employment Principles Form (Page 25)
- 3) Subcontracting Utilization Form (Page 26)
- 4) Contractor/Subcontractor Background Questionnaire (Page 27-29)
- 5) Offerer Certification (Page 30)
- 6) Agreement (Page 31)
- 7) Appendix Z (Page 32-36)

Proposals that do not contain all of these components, to the extent they are applicable, may be rejected. Please refer to Appendix Z for additional information relating to HHAC's Equal Employment Opportunity and Minority and Women-Owned Business Enterprise (M/WBE) goals. Be sure that each of the required certifications and forms are signed by an authorized representative of your organization. All of the below certifications and forms can be downloaded from OTDA's website (<http://otda.ny.gov/contracts/mwbe/forms.asp>).

- M/WBE-EEO Policy Statement
- Equal Employment Opportunity Staffing Plan
- M/WBE Subcontractor Utilization Plan
- M/WBE Subcontractors and/or Suppliers Letter of Intent to Participate
- M/WBE Certification Of Good Faith Efforts

V. TERMS OF ASSIGNMENTS

Technical Assistance Providers (TAPs) selected under this RFQ will enter into a five-year contract with HHAC, with an HHAC option to terminate at any time and for any reason. Having a contract does not necessarily guarantee that a work assignment will be made. Technical assistance services are assigned on an as-needed basis.

Each project funded by HHAC is under the stewardship of a project manager. TAPs will be solicited, assigned and supervised by HHAP project management staff. Depending upon the nature of the assignment, a TAP may be asked to assess the scope of need, develop an action plan to meet that need, and prepare a performance-based work plan, which includes costs, time frames and concrete deliverables. You may be reimbursed for up to three days' time for the completion of a needs assessment and preparation of a work plan. The HHAP Project Manager may request proposals from several TAPs for any one work assignment. HHAC will then select the TAP that best fits the need and has the most cost effective approach to remediating the immediate and/or long term need.

VI. EVALUATION CRITERIA

All applications received will be reviewed for completeness. Deficient or incomplete applications or applications that do not meet the above stated requirements will not be reviewed or considered for a contract.

All complete applications will be reviewed by HHAC staff. References may be contacted and, if necessary, additional information may be requested from an applicant. In addition to the criteria described below, HHAC reserves the right to interview applicants applying to provide Legal Services or Architectural/Engineering Services to HHAC. During this interview, additional background information may be requested. Any contracts resulting from this RFQ will be based upon all available information, including the results of the application review and any interview, if conducted.

HHAC reserves the right to contract with an applicant other than the applicant with the lowest cost offer, the right to reject all applications and/or the right to reject an application on the basis that the applicant did not present sufficient documentation (in the sole judgment of HHAC) to perform the proposed services.

An application review committee will make final recommendations to the Commissioner of the Office of Temporary and Disability Assistance. The Commissioner shall make recommendations to the HHAC Board of Directors. HHAC will make final selections in its sole discretion and will advise successful and unsuccessful applicants of its decisions.

Applications will be evaluated on the following criteria:

1. Responsiveness to the RFQ;
2. Demonstrated experience with nonprofit organizations and homeless, special needs, and low-income populations;
3. Competitiveness of the proposed costs;
4. Evidence that the consultant understands the organizational and other needs of HHAP project sponsors;
5. Documentation of previous, successful consultant experience in the service areas proposed; and,
6. Evidence of necessary credentials, licensure, certification, etc., to perform the services proposed, if applicable.

Applicants applying to provide Architectural/Engineering Services to HHAC will also be evaluated on the following criteria:

1. Demonstrated experience of the respondent;
2. Organizational capacity;
3. The availability of qualified personnel with relevant experience;
4. The range of services being offered; and
5. Results of reference checks.

Applicants applying to provide Legal Services to HHAC will also be evaluated on the following criteria:

1. Demonstrated experience of the respondent;
2. Demonstrated experience of principal assigned to the contract;
3. Organizational capacity;
4. Results of reference checks; and
5. The nature of any pending malpractice suits.

A narrative of qualifications that specifically illustrates experience working with nonprofit organizations and/or in the development of housing and/or service programs for homeless, special needs and low-income populations should be no more than six single spaced pages. Applicants should clearly and fully describe the services proposed and communicate the potential positive outcomes of those services on HHAP projects and/or grantees (sponsor organizations). Merely listing past projects will be considered unresponsive. A description of

the services to be provided and the outcome resulting from your involvement with other previous consultant assignments will be considered an appropriate response.

VII. TECHNICAL ASSISTANCE AREAS

The purpose of this RFQ is to identify individuals and organizations with the expertise to assist HHAC and/or HHAP sponsors in the following areas, as further described below:

- 1) Monitoring Contract Compliance;
- 2) Direct Property Management;
- 3) Organizational Capacity
 - a. Housing Operations/ Asset Management
 - b. Agency Operations
 - c. Supportive Services;
- 4) Accounting/Audit Services;
- 5) Legal Services;
- 6) Title Company Insurance/Searches;
- 7) Architectural And Engineering Services;
- 8) Construction Management/ Emergency Repairs;
- 9) Expediting Services;
- 10) Site Testing/Abatement Services;
- 11) Appraisals;
- 12) Surveys;
- 13) Low-Income Housing Tax Credits; and,
- 14) Information Technology.

TAPs will provide services directly to HHAC and/or to HHAP sponsors on behalf of HHAC.

It is the intent of HHAC that the involvement of a TAP will increase the knowledge base and capacity of a sponsor. In some cases, the TAP will act as an instructor so the sponsor will gain the skills necessary to develop and/or better manage the project in accordance within the terms of the HHAC contract.

Technical assistance is available only to those organizations that have received a grant or loan from HHAC. A work assignment may commence during the predevelopment, construction or operational phases of a project. While some projects may require the services of a TAP for an extended period, others may only require one-time or short-term assistance (for example, appraisals and title searches). Because TAPs may be joining an existing project team, exceptional negotiation skills and the ability to provide directed assistance is required.

TAPs selected under this RFQ will enter into a contract with HHAC. Having a contract does not necessarily guarantee that a work assignment to provide technical assistance will be made. Assignments will generally be made and paid for through a pre-approved, performance-based work plan developed in conjunction with HHAC, which will include costs, time frames and concrete deliverables unless otherwise noted in the RFQ.

VIII. SCOPE OF SERVICES

The following is a description of the types of assistance that HHAC solicits through the Technical Assistance Program. If you have expertise in a service area related to housing development, management, and/or support services that is not specifically identified, please include that information in your response. Appropriate credentials and/or licenses, where applicable, must be provided before an applicant may be considered by HHAC to be a TAP.

1. Monitoring

A TAP granted a work assignment under this service will be required to visit operating HHAP projects for the purpose of monitoring compliance with an HHAC contract. Specifically, TAPs will verify that the facility is being properly managed and maintained, the correct homeless population is being housed and appropriate support services are being provided. Contract documents, compliance guidelines and reporting forms will be provided. A TAP should have strong programmatic, financial and property management experience. TAPs should demonstrate familiarity with grant programs administered by OTDA, which frequently support HHAP projects (e.g., SRO Support Services, Operational Support for AIDS Housing, etc.). Projects range in size from scattered site, single-family homes to large-scale apartment buildings. Applications may be made on a regional or statewide basis. A TAP will be required to inspect HHAP units and properties and to assess the financial, program and property management practices and capabilities of the sponsor organization. TAPs should be able to provide recommendations for improvement in these areas. Monitoring visits are typically assigned to TAPs through a bidding process. Cost estimates should take into consideration the time needed to review contract documents, monitor and assess the physical plant, examine support service files and submit a written report to HHAC plus the cost of travel and lodging. Travel and per diem rates are established by New York State Office of General Services.

2. Direct Property Management

TAPs may be called on to assume management of an HHAC property under duress, or one that may be in default of their HHAC contract. TAPs will act as HHAC's property manager on an interim basis until the project can be transferred to an alternate nonprofit sponsor organization. For an HHAP project under property management, the TAP might provide the following services including, but not limited to:

- 1) Acting as HHAC's management agent with respect to relations with tenants, the public, municipal authorities, and other nonprofits;
- 2) Collecting rents and other revenues;
- 3) Ensuring all building expenses are current by utilizing project revenues (taxes, utilities, insurance, etc.);
- 4) Submitting monthly reports to HHAC showing income and expenses as well as documentation that project expenses have been paid;
- 5) Maintaining the units, building and grounds in good condition (including routine inspections, maintenance and repairs, grounds keeping, etc.);
- 6) Providing security, responding to emergencies;
- 7) Filling vacancies to maximize occupancy and housing the homeless population indicated in the HHAC contract;
- 8) Providing, arranging, or otherwise making available by referral to tenants, support services as indicated in the HHAC contract; and
- 9) Sealing, securing and protecting against seasonal damage in unoccupied buildings (e.g., winterize pipes, maintain safe temperature, etc.).

3. Organizational Capacity

A) Housing Operations\Asset Management

TAPs in this area will be required to provide training to sponsors in effective management of HHAP projects over the long term. Therefore, the TAP must possess experience and expertise in all aspects of homeless, low-income, and/or special needs rental housing. TAPs may be requested to assist sponsors in developing and implementing a comprehensive asset management plan. This may include considerations such as, but not limited to: financial viability of the project; property management and maintenance plans; referral, intake, and screening processes; long-range capital planning; support services provision; rent collection and eviction procedures; tenant education and involvement; and fundraising/development. TAPs should be familiar with applicable fair housing laws, funding opportunities, board and staff training resources and similar laws, regulations and concepts. Knowledge of computer systems that would enhance a sponsor's ability to manage the project is also desired. Finally, TAPs able to provide assistance to sponsors relative to tax abatements and exemptions are preferred. TAPs are encouraged to develop partnerships and/or include subcontractors in their proposals, if appropriate, in order to provide the broad range of expertise desired in this category.

B) Agency Operations

TAPs are sometimes needed to help develop the capacity of sponsor organizations in implementing specific phases of an HHAP project and/or strengthen overall operations in the areas of development, program, finance and/or management. A TAP may be called upon to assess, mediate and/or implement program and financial management systems, identify and access capital and program funding, guide board development, and/or train board members and/or staff within the sponsor's organization. TAPs should have a working knowledge of effective nonprofit organizational structure, budgeting, human resources management, nonprofit management, risk management, legal considerations for nonprofit boards and fundraising, including grants and foundation funding opportunities. Familiarity with available supportive services and capital funding programs and the resources within the region of the state in which services are to be provided is a requisite. TAPs conversant with financial reporting and programmatic requirements, as well as those who possess strong grantsmanship skills are preferred.

C) Supportive Services

HHAC is interested in securing the services of TAPs with experience in the design, development and implementation of support service programs for special needs populations. A TAP may be called upon to work with sponsors to identify ancillary funding streams, construct a staffing plan appropriate for the needs of the population to be housed, and develop linkages with other community-based organizations and local government agencies. TAPs should be intimately familiar with the existing service infrastructure within the applicable specific geographic area, as well as the programs available at the state and federal level. TAPs should have an understanding of the service needs and effective service models for the various special needs populations served by HHAP projects (e.g., survivors of domestic violence, veterans, persons with chemical dependency, etc.). HHAP supportive housing programs may require assistance in such areas as tenant engagement; referrals/linkages; interface between case managers and property managers; and permanent housing placement. Applicable aspects of any given support services plan may include, but are not limited to, case management, health services, alcohol and substance abuse treatment, mental health services, employment and training services, benefits advocacy, basic skills training and counseling.

4. Accounting/Auditing Services

HHAC is seeking certified public accountants (CPA) with a minimum of five (5) years' experience working with nonprofit organizations. The TAP should be current with federal audit guidelines and OMB 200 Super Circular, as well as state and federal laws as they apply to nonprofit organizations. CPAs must be familiar with nonprofit accounting guidelines and practices; grant funding streams; transactions between parent and subsidiary corporations; real property financial transactions; financial management systems and low-income housing tax credit implications (e.g., cost allocation plans, limited partnerships, etc.). A prospective TAP should specify whether accounting or auditing services are proposed as described below, or both:

A) Accounting

TAPs must be able to review audited financial statements submitted by nonprofit organizations and their subsidiaries to assess: the organization's current and ongoing financial stability; the organization's ability to generate cash from operations; any detectable poor procedures or financial practices; OMB 200 Super Circular compliance and similar accounting functions. The TAP will provide: 1) HHAC with a summary report on each financial statement reviewed; 2) HHAC and the nonprofit with a summary report for each audit reviewed, including any negative findings and recommended corrective actions; and 3) ongoing technical assistance, as assigned, to the sponsor to address concerns, ensuring implementation of recommendations. Fieldwork may be necessary to assess the financial issues and accounting procedures of the sponsor and to assist the sponsor in implementing improved practices and the TAP may be requested to provide training to HHAC staff in the areas of interpreting financial statements, basic accounting principles and terminology, financial compliance requirements applicable to nonprofits and similar concepts; and

B) Auditing

The TAP will audit the records of sponsor organizations to assess the effectiveness of the financial management policies of the sponsor and ensure the proper use of HHAC funds and/or project revenues. The audit would include the review of the project account records, internal controls, record keeping, fraud observances and adherence to generally accepted accounting principles (GAAP). The TAP will provide a report to HHAC and the sponsor that includes findings, and when appropriate, submit a corrective action plan containing specific recommendations and outcomes. Fieldwork will be necessary to conduct the audit and ensure implementation of recommendations.

5. Legal Services

HHAC is seeking qualified attorneys and/or firms throughout New York State who are duly licensed to practice law in the State of New York and who have a minimum of five (5) years' experience in one or more of the following areas:

- 1) Contract law;
- 2) Nonprofit corporation law and general corporate law;
- 3) Lease and occupancy agreements;
- 4) Construction financing and contracts, particularly with regard to projects funded by multiple entities;
- 5) Construction disputes and litigation;
- 6) Real property law, including, but not limited to title issues, foreclosures, liens and judgments, and real property tax issues;
- 7) Tax abatements;
- 8) Partnership law, particularly with regard to limited partnerships and syndications;

- 9) Bankruptcy;
- 10) Bonding and state finance law;
- 11) The Internal Revenue Code, as it relates to nonprofit corporations and the Low-Income Housing Tax Credit program;
- 12) Planning and zoning issues; and,
- 13) Landlord-tenant law including fair housing, compliance with the Americans with Disability Act, and eviction procedures and similar concepts.

An attorney or law firm responding to this section must specifically state his or her (or his or her firm's) area or areas of expertise. However, all must be familiar and have experience with nonprofit corporation law and/or real property law.

6. Abstract/Title Company

Title companies will be called upon to execute abstracts, tax and title searches and title insurance commitments for specific properties, and to record mortgages and related documents as needed by HHAC. HHAC may also wish to purchase title insurance and consult with TAPs regarding title insurance coverage and considerations relative to real property law and practice, and similar matters. Title searches are to be billed on a per search basis. (Please see "Rate Schedule" on page 24).

7. Architectural/Engineering Services

While HHAP grantees are required to present a development team, including a project architect, at the application stage, it may be necessary to engage an alternate architect at any stage of the project (e.g., design development, construction administration, assessments and repairs while a project is operational, etc.). HHAC is seeking a provider of professional architects and engineers who are licensed to provide some or all of the following services:

- 1) Feasibility studies (including structural inspections);
- 2) Design/ Construction documents;
- 3) Zoning/code analysis;
- 4) Value engineering;
- 5) Rehabilitation/repair assessments;
- 6) Cost estimating;
- 7) Pre-Qualification of contractors;
- 8) Bidding;
- 9) Construction administration/site inspection; and,
- 10) Energy/water audits.

Respondents should clearly indicate that they are able to perform each of these duties under the heading of architectural/engineering services, or specify which individual services they propose to provide.

A TAP providing architectural services must possess the skills necessary to become involved in an ongoing project under development and move the project forward to completion. Therefore, excellent negotiating skills are necessary, as TAPs may be assigned to an existing development team. HHAC requires at a minimum that the individual providing technical assistance have a Bachelor of Architecture, and be registered and licensed to practice in New York State, if the nature of the requested services requires the those qualifications. If proposing services where the above mentioned qualifications are not required, please be sure to indicate clearly in the proposal. TAPs must have design experience in new construction, adaptive re-use, and rehabilitation of single and multi-family

housing. Experience in the administration of construction projects and supervision of staff is also required. TAPs must be knowledgeable of all phases of design and understand programmatic and code aspects required of various licensing agencies (e.g., domestic violence shelters, homeless and runaway youth facilities, adult homes and adult residences). TAPs must also be available for in-house and field assignment. Services needed may include project re-design and/or rebidding to reduce cost over-runs or to comply with programmatic requirements.

A) Program-Wide Architectural/Engineering Consulting Services

HHAC is seeking both architectural services to be assigned on a project by project basis, and a single, statewide vendor or regional vendors for services in the fields of architecture, engineering, cost estimating, construction inspection and monitoring. The selected TAP(s) would be required to assist HHAC staff in the technical review of proposals submitted for funding consideration and to subsequently become part of the development team of funded projects. They would work very closely with HHAP project managers to ensure that projects progress in a timely, effective manner. Duties include, but are not limited to: evaluating the appropriateness of proposed project sites; evaluating architectural designs and cost estimates of proposal submissions; providing technical expertise to funded projects in the review and approval of architectural, mechanical and construction documents, including the appropriateness of cost estimates; overseeing the contractor selection process; reviewing architectural, general contractor and construction management agreements; monitoring, inspecting, and reporting on all HHAP projects under construction; and, approving contractor requisitions. The RFQ submission may be based on the provision of statewide services, or be limited to one or more of the regions as defined in the submission package below.

B) Applicants may apply specifically to provide one or more of the technical services below, which are a subset of architectural/engineering services. Responses to the RFQ need to be clear as to which services are being proposed.

a. *Site Inspections*

Once projects go to construction, site inspectors (construction engineer or CE) oversee the construction process and provide a technical on-site presence for HHAP project managers. They work closely with the sponsor's design architect and HHAP project managers. Under this RFQ, both architects and independent CEs may propose to perform the site inspection function. During construction, the CE will inspect the progress of the work and confirm that the project is proceeding according to the specifications. Additionally, the CE will confirm that the installations are correct and that the workmanship is of professional quality. Although HHAP project management staff maintains final authority, it is the CE that must sign off on all change orders and requisitions. Consultation with the design architect may be required if a change order involves a substantial design issue. HHAC relies on CEs to monitor production schedules and keep project staff informed of any problems or potential problems. Periodic written reports will need to be submitted to HHAP project managers. Generally, requisition meetings are held on a monthly basis. A minimum of five years' experience in the construction industry as an inspector, engineer, site superintendent or architect is required. The respondent must have experience as a field inspector and be familiar with construction administration, be able to interpret construction documents and be familiar with best practices. TAPs must be capable of coordinating and reviewing submittals of shop drawings, change orders and

payment requisitions. They should have a working knowledge of Occupational Safety and Health Administration (OSHA) regulations and applicable building codes and municipal building department approval processes for the region(s) in which services are being proposed. They must have the ability to visit sites within a specific region as frequently as the job requires. HHAC has found that the most effective manner in which to develop a project is to maintain consistency in the composition of the development team. Therefore, HHAC requires that the architect and CE maintain consistent involvement for the project duration.

b. Cost Estimating

Under this RFQ, both architects and independent cost estimators may propose to perform cost estimating services. A TAP should be familiar with building methods, materials of construction and related costs. Expertise in the construction of single and multi-family housing is required. Familiarity with code analysis, environmental analysis, and asbestos and lead paint abatement issues is a requisite. A TAP must have the ability to work with an existing development team. Knowledge of the fluctuations of material and labor costs within a given region is necessary.

c. Energy and Water Audits

Under this RFQ, both architects and independent energy/water usage consultants may propose to perform energy and water audits. HHAC is interested in assisting projects (both operational projects and those in development) in improving energy efficiency and reduce the use of public water as a means of strengthening the financial viability of the projects. HHAC will retain TAPs that are able to perform energy efficiency and/or water usage assessments or “audits” and develop detailed recommendations or a scope of work to decrease the usage of energy and water. TAPs should demonstrate experience and expertise in energy efficient equipment, appliances, systems, materials, and practices. In addition, TAPs should: be familiar with various sources of funding (e.g., NYSERDA, HUD, etc.); available to assist in redesigning or upgrading existing systems; be able to provide guidance as to how such funding may be used in concert or independent of HHAP funding, and be able to assist HHAP sponsors with requesting such funding.

8. Construction Manager (CM) / Emergency Repairs

A) Construction Manager

CMs must have experience in the development of single family and multi-unit projects. Experience in the construction of rental housing for low income and special needs populations will be favorably reviewed. CMs should have prior experience as a construction superintendent, project engineer, CM as constructor, or inspector, and be familiar with the construction administration process. HHAC is looking for TAPs who are familiar with all applicable building codes, possesses knowledge of OSHA standards, and has a strong command of construction documents and cost estimating skills. A TAP should have a working knowledge of the availability of subcontractors within a given region. Finally, a TAP should have excellent negotiating skills as this individual may join an existing development team. Experience in terms of completed projects should be described in the proposal narrative, as well as the anticipated ratio of the CM's own forces that would be typically utilized as opposed to subcontractors. CMs may be called upon to complete or facilitate completion of an HHAC project in development, or to effect emergency repairs to a project in operation. Depending on the assignment, a CM's fee may be based on a percentage of

the construction cost, rather than the hourly or daily rate. Please specify both hourly and daily rates as well as a proposed CM fee expressed as a percentage of estimated construction cost.

Applicants should clearly specify whether proposed CM services include Emergency Repairs as described below.

B) Emergency Repairs

HHAP projects represent a significant investment of State funds. HHAC sponsor organizations enter into long-term contracts to operate the projects as homeless supportive housing; therefore, HHAC has a strong interest in preserving the State's investment and protecting the tenants that reside in the HHAC supported projects. HHAC may seek to employ a CM TAP to conduct emergency repairs, if such repairs are beyond the ability of the sponsor to address or are not covered by insurance or a warranty. Repairs would be minor in scope, and designed to mitigate the immediate threat to the safety of tenants and/or avert additional or long-term damage to the project or facility. Examples include, but are not limited to flood damage; smoke restoration; emergency plumbing or heating repairs; extermination; roof repair; mold remediation; and foundation repairs. If HHAC determines it's necessary, TAPs may be required to submit a scope of work, cost estimate, and bids of any subcontractors. TAPs may also be called upon to work with HHAC property managers when necessary.

9. Expeditor

A TAP should be familiar with all municipal building department rules and regulations within a given geographic area. A TAP will work closely with the project architect and sponsor to efficiently guide documents through the planning and/or building department approval process. Successful experience should be described in navigating and coordinating the review and sign-off by various agencies (e.g. fire department, department of buildings) required to secure a building permit and achieve a certificate of occupancy.

10. Site Testing / Abatement Services

A) Site Testing

HHAC is seeking TAPs with appropriate and necessary credentials able to provide testing/assessments and abatement/treatment recommendations for HHAP sites concerning such contaminants and matters as lead, asbestos, mold, radon, soil borings and environmental pollutants. In addition, organizations able to conduct Phase 1 environmental assessments (records research) will be favorably considered. Documentation of applicable licensure or certification is required. Respondents should specify what testing services they propose to provide.

Applicants should also clearly specify whether or not abatement services as described below are being proposed in addition to, or separately from, site testing services.

B) Abatement Services

In addition to the above site testing services, HHAC is seeking TAPs with the proper credentials and training that are able to provide for the abatement, treatment or remediation of hazardous substances that may impact or impede the development of an HHAP project. Examples include, but are not limited to: lead paint abatement; mold remediation; and asbestos removal. The type(s) of abatement services proposed should be specified and documentation of applicable licensure or certification must be submitted.

11. Appraiser

A TAP may be called upon to either conduct an appraisal or to review and comment upon appraisals prepared by others. The subject property may consist of existing residential structures, vacant land, or occasionally large scale, multi-use properties in both rural and urban areas. TAPs interested in providing services must be state-certified appraisers with credentials based on the minimum certification criteria issued by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Appraisers must utilize the criteria, definitions and methodology proscribed by Standards 1 through 5 of the Uniform Standards of Professional Appraisal Practice (USPAP). Appraisal services are to be billed on a per-appraisal basis, rather than an hourly or daily rate (please see “Rate Schedule” on page 25).

12. Surveyor

HHAC is seeking to retain the services of surveyors to conduct or update and certify to HHAC surveys of HHAP-funded sites. Experience with residential properties in both rural and urban areas is desired. Documentation of a New York State license is required. Surveyor services are to be billed on a per-survey basis, rather than an hourly or daily rate. (Please see “Rate Schedule” on page 24).

13. Low-Income Housing Tax Credit

HHAC is interested in contracting with TAPs that have experience and expertise in all phases of low-income housing tax credit (LIHTC) projects. TAPs may be needed to assist a sponsor with packaging a proposal, working with syndicators, advising on ownership structure and contract documents, filing of Internal Revenue Service tax credit forms and similar activities. TAPs may also be assigned to assist sponsors with LIHTC regulatory agreement compliance both during and at the close of the regulatory period, including developing and implementing a “Year 15 exit strategy”. A TAP will facilitate linkages among accountants, attorneys, investors, funders and credit issuers. HHAC is looking for TAPs familiar with the requirements for programs administered by NYS Homes and Community Renewal (HCR), the NYC Department of Housing Preservation and Development (HPD) and other capital funding sources. The TAP should have a strong financial background and be familiar with all federal rules and regulations governing the LIHTC program. Please note that the HHAC is NOT looking for syndicators, the role of the TAP would be to assist a sponsor to research several syndication proposals in an attempt to secure an equity commitment, which best meets the individual needs of the project and to facilitate the consummation of the HHAP project. TAPs in this category of services may consist of a primary consultant and a team of subcontractors/partners needed to provide various forms of technical expertise.

14. Information Technology

HHAC is seeking TAPs with information technology knowledge and experience to assist HHAP sponsors in the management of their housing projects through the use of computer systems and software. TAPs must have expertise in computer hardware (e.g., PCs, servers, routers, etc.), networking, operating systems, software applications (e.g., financial, housing management, support service programs), communication technology, security and web page design. A TAP may be assigned to assess the sponsor’s needs, recommend and set up systems and software applications, and provide training to the sponsor’s staff in the use of the systems and/or software applications.

IX Minority and Women-Owned Business Enterprise (M/WBE) and Equal Employment Opportunity (EEO) Participation

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR 140-145 OTDA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of OTDA contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that OTDA establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, OTDA hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State certified minority-owned business enterprises ("MBE") participation and 15% for New York State certified women-owned business enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and the Contractor agrees that OTDA may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OTDA will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and OTDA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Bidder may arrange to provide such

evidence via a non-electronic method by contacting their contract manager. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Bidder's MWBE requirements please see the attached MWBE guidance, "Your MWBE Utilization and Reporting Responsibilities Under Article 15-A."

Additionally, a Bidder will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OTDA.

OTDA will review the submitted MWBE Utilization Plan and advise the Bidder of OTDA acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the Bidder will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the OTDA, address phone and fax information], a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OTDA may disqualify a Bidder as being non-responsive under the following circumstances:

- a. If a Bidder fails to submit a MWBE Utilization Plan;
- b. If a Bidder fails to submit a written remedy to a notice of deficiency;
- c. If a Bidder fails to submit a request for waiver; or
- d. If OTDA determines that the Bidder has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to OTDA, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the OTDA, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Bidder will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form OTDA 4970, to OTDA with their bid or proposal.

To ensure compliance with this Section, the Bidder will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan (Form OTDA 4934 - Staffing Plan) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit an Equal Employment Opportunity Workforce Employment Utilization Compliance Report identifying the workforce actually utilized on the Contract, if known, through the New York State Contract System; provided, however, that a Bidder may arrange to provide such report via a non-electronic method by contacting their contract manager.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors 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.

HHAC has adopted OTDA's Equal Employment Opportunity and M/WBE standards and goals. Please refer to Appendix Z for additional information relating to HHAC/OTDA's Equal Employment Opportunity and M/WBE goals.

X. ADDITIONAL TERMS AND CONDITIONS OF THIS RFQ

1. HHAC reserves the right to reject any and all submittals for cause.
2. This RFQ does not commit HHAC to award any contracts or to procure or contract for services.
3. HHAC reserves the right to award contracts to as many or as few respondents as it selects, to award contracts to additional entities other than respondents to this RFQ during the five year contract term, and to cancel this RFQ in part or in whole, if HHAC and OTDA, in their sole discretion, deem it to be in their best interests.
4. HHAC reserves the right to request and consider additional information from any applicant beyond that requested or presented in the initial response to this RFQ.
5. Submission of any formal response to this RFQ will be deemed to be the consent of the respondent to any inquiry made by HHAC of third parties with regard to the respondent's character, competence, experience or other matters relevant to this RFQ.
6. All responses to this RFQ which are submitted become the property of HHAC and will not be returned to the respondent.
7. Responses to this RFQ are prepared at the sole cost and expense of the respondent.

8. HHAC reserves the right to amend, modify or withdraw this RFQ and may exercise such right at any time without notice and without liability to any respondent or other parties for their expenses incurred in the preparation of the response to this RFQ or otherwise.
9. Successful respondents will work under the supervision of HHAC staff.
10. Any contracts awarded pursuant to this RFQ are subject to the applicable standard processing procedures for contracts of this type, which may include OTDA's internal review process, HHAC Board approval, and New York State Division of Budget, New York State Office of the State Comptroller or the New York State Office of the Attorney General approval.
11. The proposal of the successful respondent will serve as the basis for any agreement between the respondent and HHAC.
12. Successful respondents will be awarded up to five year contracts. HHAC must approve all procurement contracts. All contracts are subject to the availability of appropriations.

XI. PROCUREMENT LOBBYING ACT

State Finance Law §139-j(6) requires that a Governmental Entity incorporate a summary of its policy and prohibitions regarding permissible Contacts during a covered procurement.

Pursuant to State Finance Law §139-j and 139-k, this Request for Qualifications (RFQ) includes and imposes certain restrictions on communications between a Governmental Entity and an Offerer/Bidder during the procurement process. An Offerer/Bidder is restricted from making contacts, from the issuance of the RFQ through final award and approval of the Procurement Contract by the NYS Homeless Housing and Assistance Corporation (HHAC), with other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is identified on page 3 of this RFQ. HHAC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/Bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period; the Offerer/Bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

State Finance Law §139-k(5) also requires that every Procurement Contract award subject to the provisions of State Finance Law §139-k or 139-j contain a certification by the Offerer/Bidder that all information provided to the procuring Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate. The attached "Offerer Certification" must be completed and submitted with any response submitted in response to this RFQ in order to be considered.

**HOMELESS HOUSING and ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

TA PROVIDER INFORMATION

Name of Applicant:

Street Address:

City: State: Zip Code:

Contact Person: Title:

Email Address:

Telephone Number: Federal I.D:

NYS Charities Registration Number (if nonprofit):

Status:

Corporation Partnership

Nonprofit Other, Specify _____

Classification:

MBE WBE MBE & WBE

New York Empire State Development Certified:

Yes No

LITIGATION AND REFERENCES

Please provide a list of all pending malpractice suits against you, your firm or any present or former employees. Include your firm's employee's or former employee's involvement and the current status of such suits. Additionally, list all malpractice suits filed against you, your firm or employees within the past five years and their outcome.

Please list all pending litigation commenced by you or your firm (or to which you or your firm are a party) against the State of New York or any municipalities located within the State of New York. Include your firm's involvement and the current status of such suits.

Please provide the name, address and telephone number of six references for your organization that are persons or organizations familiar with the services you provide. The contact person should be able to describe their understanding of the type and quality of your organization's work. List any New York State contract work within the previous five years. For state clients, indicate the nature and duration of the work.

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

SERVICES TO BE PROVIDED

Please select the services to be provided

| | |
|--------------------------|--|
| <input type="checkbox"/> | 1) Monitoring |
| <input type="checkbox"/> | 2) Direct Property Management |
| <input type="checkbox"/> | 3) Organizational Capacity |
| <input type="checkbox"/> | 4) Accounting/Audit Services |
| <input type="checkbox"/> | 5) Legal Services |
| <input type="checkbox"/> | 6) Title Company |
| <input type="checkbox"/> | 7) Architectural And Engineering Services |
| <input type="checkbox"/> | 8) Construction Management/ Emergency Repairs |
| <input type="checkbox"/> | 9) Expediter |
| <input type="checkbox"/> | 10) Site Testing / Abatement Services |
| <input type="checkbox"/> | 11) Appraiser |
| <input type="checkbox"/> | 12) Surveyor |
| <input type="checkbox"/> | 13) Low-Income Housing Tax Credits |
| <input type="checkbox"/> | 14) Computer Technology |

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

GEOGRAPHICAL REGIONS

Please indicate the geographical areas in which services may be provided.

| | | |
|--------------------------|-----------------|---|
| <input type="checkbox"/> | REGION 1 | (New York City, Suburbs, Long-Island) Bronx, Kings, New York, Queens, Richmond, Putnam, Westchester, Rockland, Orange, Nassau and Suffolk Counties |
| <input type="checkbox"/> | REGION 2 | (Capital District/ Hudson Valley) Albany, Columbia, Delaware, Dutchess, Greene, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, and Ulster Counties. |
| <input type="checkbox"/> | REGION 3 | (North Country) Clinton, Essex, Franklin, Fulton, Jefferson, Hamilton, Herkimer, Lewis, St. Lawrence, Warren, and Washington Counties. |
| <input type="checkbox"/> | REGION 4 | (Central NY and Southern Tier) Broome, Cayuga, Chemung, Chenango, Cortland, Madison, Oneida, Onondaga, Ontario, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates Counties. |
| <input type="checkbox"/> | REGION 5 | (Western NY) Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming Counties |

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

NARRATIVE

Please describe in detail each type and the scope of services you or your firm propose to provide to HHAC with respect to the requirements of this RFQ. Be sure to describe your relevant experience and, if required, demonstrate that you meet minimum qualifications. For additional guidance, please refer to Sections VII and VIII of the RFQ. You may use additional pages as necessary. Please attach copies of any licenses or certifications here.

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

MACBRIDE FAIR EMPLOYMENT PRINCIPLES

**Nondiscrimination in Employment in Northern Ireland:
MacBride Fair Employment Principles**

In accordance with Chapter 807 of the Laws of 1982 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds 10% or greater ownership interest, or any individual or legal entity that holds 10% or greater ownership interest in the bidder:

(Answer yes or no to one or both of the following, as applicable.)

1. Has business operations in Northern Ireland. ___yes ___no

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles. ___yes ___no

Name

Title

Company

Date

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

SUBCONTRACTING UTILIZATION FORM

Agency Contact: _____ Telephone: _____
 Contract Number: _____ Dollar Value: _____
 Date Bid: _____ Date Let: _____ Completion Date: _____

Contract Awardee/Recipient

Name: _____
 Address: _____ Telephone: _____

 Description of Contract/Project Location: _____

Subcontractors Purchase with Majority Vendors

Participation Goals Anticipated _____ % MBE _____ % WBE
 Participation Goals Anticipated _____ % MBE _____ % WBE

Subcontractors/Suppliers

| Firm Name and City | Description of Work | Dollar Value | Date of Subcontract | MBE or WBE or NYS Certified |
|--------------------|---------------------|--------------|---------------------|-----------------------------|
| | | | | |
| | | | | |

(you may attach additional list if necessary)

Contractor's Agreement: My firm proposes to use the M/WBE's listed on this form.

Prepared by _____ Print Contractor's _____ Telephone # _____
 (Signature of Contractor) Name

Grant Recipient Affirmative Action Officer Signature (If Applicable) _____ Date _____

| FOR OFFICE USE ONLY | |
|------------------------------|---------------------|
| Reviewed by: _____ | Date: _____ |
| M/WBE Firms: Certified _____ | Not Certified _____ |
| CBO _____ | MCBO _____ |

**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**

CONTRACTOR/SUBCONTRACTOR BACKGROUND QUESTIONNAIRE

General Information

Federal Identification Number: _____

Name of Firm: _____

Mailing Address: _____

Actual Location: _____

City: _____ **State:** _____ **Zip code:** _____

Fax Number: () _____

Telephone Number: () _____

Background Questionnaire

The following section must be fully completed by the Bidder or the bid will be deemed non-responsive. Where appropriate, provide additional details using space provided or by inserting additional sheets following this part. Any proposed subcontractor must also complete this form if the value of that subcontract will be in excess of \$10,000.

| | |
|--|---|
| 1a. If you, the bidder, are a natural person, are you a New York State resident? | _____ NO _____ YES |
| 1b. If you are a corporation, are you a New York State corporation? | _____ NO _____ YES |
| 1c. Are you registered with the New York State Department of State (DOS) to do business in New York State? | _____ NO _____ YES |
| If no, you will be required to comply with the New York State Department of State guidelines for doing business in New York State before you will be eligible for a Contract award. Do you agree to these conditions? | _____ NO _____ YES |
| 2. How many years has the bidder been in business? | _____ Years |
| 3a. Are you a certified minority owned business enterprise, certified by the NYS Department of Economic Development? (Your company is eligible to be certified if it is at least 51% owned and controlled by minority group members (i.e. Black, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native)?) | _____ NO _____ YES |
| 3b. Are you a woman owned business enterprise, certified by the NYS Department of Economic Development? (Your company is eligible to be certified if it is at least 51% owned and controlled by women) | _____ NO _____ YES |
| 4. How many people are employed by the bidder? | _____ Employees |
| 5. Total number of people employed by the bidder: * Within New York State? * Outside of New York State? * Outside of United States? | _____ _____ _____ |
| 6. Is the bidder independently owned and operated? | _____ NO _____ YES (If no, provide details) |
| 7. List and describe any liquidated damages assessed, and/or liens or claims over \$25,000 filed against the bidder and remaining undischarged or unsatisfied for more than 90 days, on any contracts within the past five years. | _____ NO _____ YES |

| | |
|---|---|
| <p>8. Within the past five years has the bidder, any affiliate, any predecessor company or entity, any owner of 5.0% or more of the bidder's equity, or any director, officer, partner, or employee, or other agent of the bidder who either routinely or frequently acts for the bidder, or has acted for the bidder at any time in conjunction with the pending contract, or any similar contract with New York State, been the subject of:</p> <p>a) A judgment of conviction for any business-related conduct constituting a crime under state or federal law?</p> <p>b) A currently pending indictment for any business-related conduct constituting a crime under state or federal law?</p> <p>c) A grant of immunity for any business-related conduct constituting a crime under a state or federal law?</p> <p>d) A federal suspension or debarment, New York rejection of any bid or disapproval of any proposed subcontract for lack of responsibility, denial or revocation of pre-qualification in any state, or a voluntary exclusion agreement?</p> <p>e) A civil or criminal investigation of the New York State Ethics Commission involving a violation(s) of Section 73 and/or Section 74 of the Public Officer's Law?</p> <p>f) Any bankruptcy proceeding?</p> <p>g) Any suspension or revocation of any business or professional license?</p> <p>h) Is anyone whose license to provide health care services under investigation, citation, suspension (including suspension stayed on compliance with compulsory terms) and/or conviction by any State licensing authority for reasons bearing on professional competence, professional conduct, or financial integrity?</p> <p>i) Has anyone failed to notify the OTDA of any investigation, citation, suspension (including suspension stayed on compliance with compulsory terms) and/or conviction by a State agency of a matter within its jurisdiction?</p> <p>j) Any citations, Notices, violation orders, pending administrative hearings or proceedings or determinations for violations of:</p> <ul style="list-style-type: none"> * federal, state or local health laws, rules or regulations; * unemployment insurance or workers compensation coverage or claim requirements; * ERISA (Employee Retirement Income Security ACT); * federal, state or local human rights laws; or, * federal, state security laws? <p>k) A grant of immunity for any business-related conduct constituting a crime under a state or federal law?</p> <p>l) Any federal determination of a violation of any labor law or regulation, or any OSHA serious violation?</p> <p>Was violation willful?</p> <p>m) Any state determination of a violation of any labor law or regulation?</p> <p>n) Any state determination of a Public work violation?</p> <p>Was violation deemed willful?</p> | <p>Check any that apply. If "yes", describe using additional pages if necessary)</p> <p>_____ NO _____ YES</p> |
|---|---|

| | |
|---|---|
| <p>o) Has there been a revocation of MBE or WBE certification?</p> <p>p) Was there a rejection of a low bid on a state contract for failure to meet statutory affirmative action or MWBE requirements?</p> <p>q) Has there been a consent order with the NYS Department of Environmental Conservation, or a federal or state enforcement determination involving a construction-related violation of federal or state environmental laws?</p> | <p>_____ NO _____ YES</p> <p>_____ NO _____ YES</p> <p>_____ NO _____ YES</p> |
| <p>9. Does your company retain partnership or reciprocal agreements with hardware and/or software companies, or with associated manufacturers in this industry?</p> | <p>_____ NO _____ YES</p> |
| <p>10. Does the bidder hold any current contracts with the State of New York, its departments or political subdivisions, valued in excess of \$100,000?</p> | <p>_____ NO _____ YES (If yes, provide details)</p> |
| <p>11. Does the bidder hold any current contracts with governmental entities outside of New York State, valued in excess of \$100,000:</p> | <p>_____ NO _____ YES (If yes, provide details)</p> |
| <p>12. Your firm is responsible for providing worker's compensation insurance pursuant to state law. The State has the option to require proof of current worker's compensation insurance or proof of exemption if applicable. Do you comply with this requirement?</p> | <p>_____ NO _____ YES</p> |
| <p>13. Your firm is responsible for providing disability insurance pursuant to state law. The State has the option to require proof of current worker's compensation insurance or proof of exemption if applicable. Do you comply with this requirement?</p> | <p>_____ NO _____ YES</p> |
| <p>14. Does your firm employ any non-U.S. citizens or resident legal aliens?</p> | <p>_____ NO _____ YES</p> |
| <p>15. If yes, are the forms on file and available for inspection?</p> | <p>_____ NO _____ YES</p> |

CERTIFICATION

The undersigned: 1) recognizes that this questionnaire is submitted for the express purpose of inducing the New York State Office of Temporary of Disability Assistance (the "Office") to award a contract or approve a subcontract; 2) acknowledges that the Office may in its discretion, by means which it may choose, determine the truth and accuracy of all statements made herein; 3) acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law 210.40 or a misdemeanor under Penal Law 210.35 or 210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 U.S.C. 1001; 4) states that the information submitted in this questionnaire and any attached pages is true, accurate and complete; and 5) acknowledges that submission of false or misleading information will constitute grounds for the Office to terminate its contract (or revoke its approval of a subcontract) with the undersigned or the organization of which s/he is an officer.

Authorized Signature: _____

Name: _____

Title: _____

Date: _____

**HOMELESS HOUSING AND ASSISTANCE CORPORATION
TECHNICAL ASSISTANCE PROGRAM**

Offerer Certification

In compliance with State Finance Law §139-j (3) and 139-j (6) (b), the Offerer hereby affirms that it understands and agrees to comply with the procedures of the NYS Homeless Housing and Assistance Corporation (HHAC) and the NYS Office of Temporary and Disability Assistance (OTDA), and their successors and/or assigns relating to permissible contacts during and with regard to this RFQ process.

Offerer further certifies that all information provided by Offerer to the HHAC and OTDA is complete, true and accurate and in compliance with State Finance Law §139-k.

[PLEASE NOTE: HHAC and OTDA, their successors and/or assigns reserve the right to terminate the technical assistance agreement that may result from this RFQ in the event that this certification is intentionally false or intentionally incomplete. Upon such finding, the HHAC and OTDA, their successors and/or assigns may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of the technical assistance agreement.]

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

AGREEMENT

It is hereby understood and agreed to by the respondent and co-respondent that: (1) respondent organization proposes to provide technical assistance services to Homeless Housing and Assistance Program grantees and/or the New York State Homeless Housing and Assistance Corporation (HHAC), its successors and/or assigns; (2) respondent will properly account for and maintain records on all funding provided; (3) respondent practices non-discrimination; (4) funds received from the New York State Homeless Housing and Assistance Corporation, its successors and/or assigns will be expended in accordance with New York State guidelines established for such purposes; (5) the responding organization agrees to comply with the requirements of the Civil Rights Act of 1964 as amended, and all applicable Federal Regulations contained in 44 CFR, Part 7, entitled "Nondiscrimination in Federally-Assisted Programs," and agrees that the expression of religious belief or religious activity shall not be a condition to receiving technical assistance services; (6) the HHAC funds may be terminated in whole, or in part, by the Commissioner of the New York State Office of Temporary & Disability Assistance, acting as Chairman of HHAC, its successors and/or assigns. Such termination shall not affect obligations incurred under the agreement prior to the effective date of such termination; (7) when HHAC funds are advanced, any unexpended balance at the end of the approval period will be returned to HHAC; (8) any significant revision of the approved assignment for technical assistance services will be requested in writing by the applicant prior to the enactment of the change; (9) progress reports will be submitted as required by HHAC. The final program and financial reports will be submitted by the respondent, as required, by HHAC. Final program and financial reports will be submitted within one month after the technical assistance assignment terminates. Necessary records and accounts, including financial and property controls, will be maintained and made available to HHAC and the New York State Office of Temporary & Disability Assistance, their successors and/or assigns for audit purposes; (10) all reports of investigations, studies, publications and similar documents, made as a result of this submittal will acknowledge the support provided by the New York State Office of Temporary & Disability Assistance and HHAC, their successors and/or assigns; (11) all personal information concerning individuals served or studied under the project is confidential and such information may not be disclosed to unauthorized persons; (12) HHAC, its successors and/or assigns reserve a royalty-free non-exclusive license to use and authorize others to use all copyrighted material resulting from the technical assistance services provided and (13) the respondent shall comply with all program requirements stated in this Request for Qualifications, and with all applicable laws and regulations, in providing technical assistance services.

The respondent and co-respondent, if any, certifies that to the best of its knowledge and belief the information and data in this application are true and correct, that it will comply with the above agreement if it receives funding, and that this constitutes a firm offer for the duration of any contract resulting from this RFQ/process.

RESPONDENT

SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN FOR RESPONDENT

Date

Title

SUBCONTRACT AGENCY or CO-RESPONDENT

SIGNATURE OR OFFICIAL AUTHORIZED TO SIGN FOR SUBCONTRACTOR OR CO-RESPONDENT

Date

Title

APPENDIX Z

Minority and Women-Owned Business Enterprise (MWBE) and Equal Employment Opportunity (EEO) Participation Requirements For All NYS Office of Temporary and Disability Assistance Contracts and Grants

I. General Provisions

- A.** The OTDA is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 (“MWBE Regulations”) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B.** The contractor to the subject contract (the “Contractor” and the “Contract,” respectively) agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to the New York State OTDA, to fully comply and cooperate with the OTDA in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). The Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.
- C.** Copies of the required OTDA Forms are identified in this Appendix and available on OTDA’s Internet site at <http://www.otda.ny.gov>. The Contractor agrees to complete and submit these forms without change in response to the goals specified in the RFP or contract. All forms and reports must be submitted to the OTDA program manager for this contract, and they will forward to the NYS OTDA, MWBE Program Management Unit, Harlem Center, 317 Lenox Avenue, New York NY 10027; (212) 961-8214; e-mail to: otda.sm.co.quarterly.compliance.eeo.staffing.reports@otda.ny.gov.
- D.** Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to Section VII of this Appendix or enforcement proceedings as allowed by the Contract.

II. Contract Goals

- A.** For purposes of this procurement, the OTDA hereby establishes an overall goal of 30% for Minority and Women-Owned Business Enterprises (“MWBE”) participation, 15% for New York State certified minority-owned business enterprises (“MBE”) participation and 15% for New York State certified women-owned business enterprises (“WBE”) participation (collectively, “MWBE Contract Goals”) based on the current availability of qualified MBEs and WBEs.

Additionally, an overall goal of 20% is established for Equal Employment Opportunity (EEO) participation.

- B. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the MWBE Contract Goals established in Section II-A hereof, the Contractor should reference the directory of New York State Certified MBWEs found at the following internet address: <https://ny.newnycontracts.com>.

Additionally, the Contractor is encouraged to contact the Division of Minority and Woman Business Development (518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.

- C. Where MWBE Contract Goals have been established herein, pursuant to 5 NYCRR §142.8, the Contractor must document “good faith efforts” to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract. In accordance with Section 316-a of Article 15-A and 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of contract and the Contractor shall be liable to the OTDA for liquidated or other appropriate damages, as set forth herein.

III. Equal Employment Opportunity (EEO)

- A. The Contractor agrees to be bound by the provisions of Article 15-A and the MWBE Regulations promulgated by the Division of Minority and Women's Business Development of the Department of Economic Development (the “Division”). If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.

- B. The Contractor shall comply with the following provisions of Article 15-A:

1. Contractor and subcontractor performing work on the Contract (“Subcontractor”) shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
2. The Contractor shall submit an EEO policy statement to the OTDA within seventy two (72) hours after the date of the notice by OTDA to award the Contract to the Contractor.
3. If the Contractor or Subcontractor does not have an existing EEO policy statement, the OTDA may provide the Contractor or Subcontractor a model statement (see Form OTDA 4970 - Minority and Women-Owned Business Enterprises Equal Employment Opportunity Policy Statement).
4. The Contractor's EEO policy statement shall include the following language:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force.
- b. 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.
- c. The Contractor shall request each employment OTDA, 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 OTDA, 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.
- d. The Contractor will include the provisions of Subdivisions (a) through (c) of this Subsection 4 and Paragraph "E" of this Section III, which provides for relevant provisions of the Human Rights Law, in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.

C. Form OTDA 4934 - Staffing Plan

To ensure compliance with this Section, the Contractor shall submit a staffing plan to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and Federal occupational categories. The Contractor shall complete the Staffing plan form and submit it as part of their bid or proposal or within a reasonable time, but no later than the time of award of the contract.

D. Form OTDA 4971 - Workforce Employment Utilization Report ("Workforce Report")

1. Once a contract has been awarded and during the term of Contract, the Contractor is responsible for updating and providing notice to the OTDA of any changes to the previously submitted Staffing Plan. This information is to be submitted on a quarterly basis during the term of the contract to report the actual workforce utilized in the performance of the contract by the specified categories listed including ethnic background, gender, and Federal occupational categories. The Workforce Report must be submitted to report this information.
2. Separate forms shall be completed by Contractor and any Subcontractor.
3. In limited instances, the Contractor may not be able to separate out the workforce utilized in the performance of the Contract from the Contractor's and/or Subcontractor's total workforce. When a separation can be made, the Contractor shall submit the Workforce

Report and indicate that the information provided related to the actual workforce utilized on the Contract. When the workforce to be utilized on the contract cannot be separated out from the Contractor's and/or Subcontractor's total workforce, the Contractor shall submit the Workforce Report and indicate that the information provided is the Contractor's total workforce during the subject time frame, not limited to work specifically under the contract.

- E. The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and Subcontractors shall 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.

IV. MWBE Utilization Plan

- A. The Contractor represents and warrants that Contractor has submitted an MWBE Utilization Plan, by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that the Contractor may arrange to provide such evidence via a non-electronic method to OTDA, either prior to, or at the time of, the execution of the contract.
- B. The Contractor agrees to use such MWBE Utilization Plan (Form OTDA 4937 - MWBE Utilization Plan) for the performance of MWBEs on the Contract pursuant to the prescribed MWBE goals set forth in Section III-A of this Appendix.
- C. The Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, OTDA shall be entitled to any remedy provided herein, including but not limited to, a finding of the Contractor non-responsiveness.

V. Waivers

- A. For Waiver Requests, the Contractor should use the NYSCS, provided, however, that Bidder may arrange to provide such evidence via a non-electronic method to the OTDA.
- B. If the Contractor, after making good faith efforts, is unable to comply with MWBE goals, the Contractor may submit a Request for Waiver documenting good faith efforts by the Contractor to meet such goals. If the documentation included with the waiver request is complete, the OTDA shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.
- C. If the OTDA, upon review of the MWBE Utilization Plan and updated Quarterly MWBE Contractor Compliance Reports (Form OTDA 4968 - Quarterly MWBE Contractor Compliance Report) determines that the Contractor is failing or refusing to comply with the MWBE Contract Goals and no waiver has been issued in regards to such non-compliance, the OTDA may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice

of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of MWBE Contract Goals.

VI. Quarterly MWBE Contractor Compliance Report

The Contractor is required to submit a Quarterly MWBE Contractor Compliance Report through the NYSCS, provided, however, that Bidder may arrange to provide such evidence via a non-electronic method to the OTDA by the 10th day following each end of quarter over the term of the Contract documenting the progress made towards achievement of the MWBE goals of the Contract.

VII. Liquidated Damages - MWBE Participation

- A.** Where OTDA determines that the Contractor is not in compliance with the requirements of the Contract and the Contractor refuses to comply with such requirements, or if the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals, the Contractor shall be obligated to pay to the OTDA liquidated damages.
- B.** Such liquidated damages shall be calculated as an amount equaling the difference between:
 - 1. All sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and
 - 2. All sums actually paid to MWBEs for work performed or materials supplied under the Contract.
- C.** In the event a determination has been made which requires the payment of liquidated damages and such identified sums have not been withheld by the OTDA, the Contractor shall pay such liquidated damages to the OTDA within sixty (60) days after they are assessed by the OTDA unless prior to the expiration of such sixtieth day, the Contractor has filed a complaint with the Director of the Division of Minority and Woman Business Development pursuant to Subdivision 8 of Section 313 of the Executive Law in which event the liquidated damages shall be payable if Director renders a decision in favor of the OTDA.