



**Office of Temporary
and Disability Assistance**

REQUEST FOR QUALIFICATIONS FOR APPOINTMENT OF TEMPORARY OPERATOR FOR EMERGENCY SHELTER

**NEW YORK STATE
Division of Shelter Oversight and Compliance**

**Division of Shelter Oversight and Compliance (OTDA)
REQUEST FOR QUALIFICATIONS (RFQ)
TEMPORARY OPERATOR OF EMERGENCY SHELTER**

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DIVISION OF SHELTER OVERSIGHT AND COMPLIANCE
REQUEST FOR QUALIFICATIONS (RFQ)
TEMPORARY OPERATOR OF EMERGENCY SHELTER

I. INTRODUCTION

The New York State Office of Temporary and Disability Assistance (“OTDA”) is requesting the submission of qualifications from established operators of emergency shelters willing to serve as temporary operators of other emergency shelters that exhibit serious financial, health or safety deficiencies, where the operators of those other shelters are unable or unwilling to ensure proper operation of those facilities.

A Temporary Operator (TO), by appointment made by the Commissioner of OTDA or his or her designee pursuant to Section 17(i) of the Social Services Law (“SSL”), will be responsible for implementing a plan to address an emergency shelter’s deficiencies, and for the day-to-day operations of the emergency shelter on a temporary basis, for an initial term that shall not exceed ninety (90) days, and a one-time additional term of up to ninety (90) days where the Commissioner determines that termination of the temporary operator would cause significant deterioration of the quality of, or access to, an emergency shelter in the community or that reappointment is necessary to correct the deficiencies that required the reappointment or extension of the temporary operator.

The purpose of this RFQ is to identify established operators who are qualified to serve as temporary operators under SSL § 17(i). Applicants deemed qualified will be eligible to participate in separate, subsequent mini-bid processes (“mini-bids”) should the Commissioner determine there to be a need to appoint temporary operators in order to address deficiencies at particular emergency shelters statewide.

Each subsequent mini-bid will consist of OTDA providing a Statement of Work to the bidders determined to be qualified as a result of this RFQ, and such bidders providing cost proposals in response thereto.

DEFINITIONS

For purposes of this Request for Qualifications (“RFQ”), and consistent with definitions set forth in SSL § 17(i)(1), the following terms apply:

- (a) "Building" shall mean an entire building, or a unit within, that provides emergency shelter to homeless persons;
- (b) "Commissioner" shall mean the Commissioner of OTDA or his or her designee;
- (c) "Data" shall mean written documentation or knowledge obtained in the course of an inspection, audit, or other method authorized by law;
- (d) "Emergency shelter" shall mean any building with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless;
- (e) "Established Operator" (“EO”) shall mean a provider of emergency shelter;

- (f) "Serious financial, health or safety deficiency" shall include, but not be limited to, missed mortgage payments, missed rent payments, a pattern of untimely payment of debts, failure to pay its employees or vendors, insufficient funds to meet the general operating expenses of the program, or a violation of law, regulation, or code with respect to a building that provides emergency shelter to homeless persons, in which there are conditions that are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the building not fit for human habitation;
- (g) "Temporary Operator" ("TO") shall mean any provider of emergency shelter that agrees to provide emergency shelter on a temporary basis in the best interests of its homeless individuals and families served by building.

II. MANDATORY ELIGIBILITY REQUIREMENTS

The following Mandatory Requirements must be met by an EO in order to be deemed eligible to participate in this RFQ and any resulting mini-bid:

An EO must:

- (a) agree to provide emergency shelter on a temporary basis in the best interests of homeless individuals and families served by emergency shelters deemed to be deficient pursuant to SSL § 17(i)(2)(i);
- (b) have a history of compliance with applicable laws, rules, and regulations and a record of providing emergency shelter of good quality, as determined by the Commissioner; and,
- (c) prior to appointment as a TO, be prepared to develop a plan determined to be satisfactory by the Commissioner to address a particular shelter's deficiencies.

Prequalification Requirement in Grants Gateway

All responders are subject to the Prequalification Requirement in Grants Gateway. Units of local government, local social services districts and tribal entities whose document vaults are available in Grants Gateway are also eligible to apply for these funds.

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require nonprofits to register in Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the [Grants Reform Website](#).

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](#) on the Grants Reform Website details the requirements and an [online tutorial](#) are available to walk users through the process.

Register for the Grants Gateway.

On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

If you have previously registered and do not know your Username please email grantsreform@budget.ny.gov. If you do not know your password please click the [Forgot Password](#) link from the main log in page and follow the prompts.

Complete your Prequalification Application.

Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.

Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.

Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.

Specific questions about the prequalification process should be referred to the OTDA agency representative listed in Section III or to the Grants Reform Team at grantsreform@budget.ny.gov.

Submit Your Prequalification Application

After completing your Prequalification Application, **click the Submit Document Vault** link located below the Required Documents section in order to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.

<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.

OTDA would like to have a pool of qualified potential TOs available as soon as possible. This RFQ shall remain open indefinitely, and OTDA will continue to accept the submittal of qualifying credentials from interested applicants.

Faxed Materials and/or materials sent electronically 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) 486-6352*
*Delivery questions only

III. QUESTIONS REGARDING THIS RFQ

Questions regarding this ongoing RFQ should be submitted in writing to Gregory Lemp. All questions must be typed. Along with your question(s), provide your name, organization's name, mailing address, email address and fax number. Questions and answers (Q&A's) regarding this RFQ will be posted online at the above referenced internet address. The Division of Shelter Oversight and Compliance (DSOC) will not entertain questions via telephone or after the specified deadline. Please submit your written questions to **Greg Lemp** at the below address, or by E-mail Gregory.Lemp@otda.ny.gov.

Gregory Lemp
NYS Office of Temporary and Disability Assistance
Division of Shelter Oversight and Compliance
40 North Pearl Street, 8A
Albany, New York 12243

IV. QUALIFICATION SUBMITTAL GUIDELINES

Every submittal must provide a detailed narrative describing how the bidder meets the Mandatory Requirements set forth in Section II, above. The narrative should include relevant experience with nonprofit organizations, supportive housing (development and/or management) and/or support services for homeless and/or special needs households. Actual experience in the management and operations of emergency housing is a requirement.

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

- 1) TO Provider Information Forms (Pages 13-16);
- 2) MacBride Fair Employment Principles Form (Page 17);
- 3) Contractor/Subcontractor Background Questionnaire (<http://www.osc.state.ny.us/vendrep/index.htm>);
- 4) Acknowledgment (Page 18); and,
- 5) New York State's MWBE Participation Requirements are detailed in Section VIII of this RFQ and further explained in Appendix Z of OTDA contract agreements.

EOs will need to complete and submit both the MWBE-EEO Policy Statement and MWBE Certification of Good Faith Efforts form with their applications, and submissions that do not comply with the requirements set forth in this RFQ may be disqualified.

All of OTDA's MWBE/EEO compliance documents can be downloaded from OTDA's website (<http://otda.ny.gov/contracts/mwbe/forms.asp>). Be sure that each of the required certifications and forms are signed by an authorized representative of the submitting organization.

V. MINI-BID PROCESS AND TERMS OF APPOINTMENT

EOs selected under this RFQ to serve as TOs will be pre-qualified to receive and bid on mini-bid opportunities, which will describe TO services to be performed, as they arise. Mini-bid awards will be based upon lowest costs for such services.

At the time of bid, EOs will need to submit the following MWBE/EEO compliance documents:

- M/WBE Subcontractor Utilization Plan;
- Equal Employment Opportunity Staffing Plan;
- M/WBE Subcontractors and/or Suppliers Letter of Intent to Participate; and
- M/WBE Subcontractor Request for Waiver Form, if applicable.

If a TO is selected under a mini-bid, it will enter into a contract with OTDA. Pursuant to SSL § 17(i)(5)(i), the initial term of the appointment of the temporary operator shall not exceed ninety days. After ninety days, if the Commissioner determines that termination of the TO would cause significant deterioration of the quality of, or access to, an emergency shelter in the community or that reappointment is necessary to correct the deficiencies that required the appointment of the TO, the Commissioner may authorize an additional ninety-day term. However, such authorization shall include the Commissioner's requirements for conclusion of the temporary operatorship to be satisfied with-in the additional term. Mini-bids, if practicable and as determined by OTDA, will include cost bids for the initial 90-day period, and for the additional optional 90-day extension period. The mini-bid will be evaluated on a best value basis as determined by the Commissioner and the specifics of the remediation plan.

VI. QUALIFICATION EVALUATION CRITERIA

All submittals of qualifications will be reviewed for completeness. Those qualification packages that do not meet the above stated TO Mandatory Requirements will not be reviewed or considered for a contract. However, a package determined to be incomplete may be corrected and resubmitted for reevaluation.

The evaluation will be made on a Pass/Fail basis. Qualification packages will not be scored and ranked, and they will be evaluated on the following criteria:

1. Responsiveness to the mandatory requirements of the RFQ;
2. Demonstrated and relevant experience of operating an emergency shelter (include names of facilities, location, and number of units managed);
3. Demonstrated and relevant experience with nonprofit organizations and providing support services to homeless populations, including individuals and families with and without special needs;
4. Demonstrated and relevant experience in the management of a physical plant, including experience in regular, preventative and emergency maintenance of a housing project;
5. Demonstrated and relevant experience in working with local, state and federal government.

A narrative of qualifications that specifically illustrates experience working with nonprofit organizations and/or in the management and operations of emergency housing and service programs for homeless with and without special needs should be no more than six (6) single spaced pages. Applicants should clearly and fully describe and communicate the potential positive outcomes of the services they provide on emergency shelters operated in New York State. Do not merely list past projects.

References may be contacted and, if necessary, additional information may be requested from a respondent to this request. In addition to the criteria described below, OTDA reserves the right to interview all respondents. During this interview, additional background information may be requested. The re-qualification selection resulting from this RFQ will be based upon all available information, including the results of the application review and any interview, if conducted.

VII. APPOINTMENT OF A TO

The purpose of the RFQ is to identify EOs that are qualified to serve as TOs should the Commissioner of OTDA determine that a need exists to appoint a TO to address deficiencies at a particular emergency shelter. Respondents determined to be qualified may participate in a subsequent mini-bid process by which the TO will be selected and appointed with respect to particular emergency shelters. To participate in a subsequent mini-bid process, qualified EOs will be required pursuant to SSL § 17(i)(1)(vii)(C) to develop a plan satisfactory to the Commissioner to address the subject emergency shelter's deficiencies.

Pursuant to SSL § 17(i)(2)(i), a TO may be appointed for a particular emergency shelter only after that emergency shelter has been provided notice of alleged violations and the ability to cure such violations. The local social services district ("LSSD") also must be notified of the alleged violations prior to the appointment of a TO. If the emergency shelter fails to cure the violations in a timely manner, a TO may be appointed where: (a) data demonstrates that the building is exhibiting a serious financial, health, or safety deficiency; (b) data demonstrates that the EO is unable or unwilling to ensure the proper operation of the building; or (c) data indicates there exist conditions that seriously endanger or jeopardize emergency shelter residents. If the Commissioner determines to appoint a TO, the Commissioner shall notify the EO and the LSSD of his or her intention to appoint a TO to assume sole responsibility for the emergency shelter's operations for a limited period of time.

Alternatively, an EO may at any time request that the Commissioner appoint a TO pursuant to SSL § 17(i)(2)(ii). Upon receiving such a request, the Commissioner may, if he or she determines that such an action is necessary, enter into an agreement with the EO for the appointment of a TO to restore or maintain the provision of quality emergency shelter to the emergency shelter residents until the EO can resume operations within the designated time period or other action is taken to suspend, revoke, or limit the authority of the EO.

SSL § 17(i)(3) requires a TO to use his or her best efforts to implement the plan deemed satisfactory by the Commissioner to correct or eliminate any deficiencies in the building and to promote the quality and accessibility of the emergency shelter in the community served by the provider of emergency shelter. During the term of appointment, the TO will have the authority to direct the EO's staff as appropriate, and shall provide emergency shelter in such a manner as to promote safety and the quality and accessibility of emergency shelter in the community served by the EO until either the established operator can resume operations or until OTDA revokes the EO's authority. The TO will be afforded access to the EO's accounts and records in order to address any serious financial, health or safety deficiencies, and the TO must approve any decision related to an EO's day-to-day operations

or the EO's ability to provide emergency shelter. A TO is not required to file any bond, and no security interest in any real or personal property comprising the EO or contained within the EO or in any fixture of the building, can be impaired or diminished in priority by the TO. A TO may not engage in any activity that constitutes a confiscation of property.

Within (14) days of the end of each term of the appointment of the TO, the TO shall submit to the Commissioner, the LSSD, and the EO a report describing: (A) the actions taken during the appointment to address the identified building deficiencies, the resumption of building operations by the established operator, or the revocation of authority to operate an emergency shelter; (B) objectives for the continuation of the temporary operatorship if necessary and a schedule for satisfaction of such objectives; and (C) if applicable, the recommended actions for the ongoing provision of emergency shelter subsequent to the temporary operatorship.

VIII. 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.

IX. ADDITIONAL TERMS AND CONDITIONS OF THIS RFQ

1. This RFQ does not commit OTDA to award any contracts or to procure or contract for services.

2. OTDA reserves the right to award contracts to as many or as few respondents as it selects, and to cancel this RFQ in part or in whole, at any time, if OTDA in their sole discretion, deem it to be in their best interests.
3. OTDA reserves the right to request and consider additional information from any applicant beyond that requested or presented in the initial response to this RFQ.
4. All responses to this RFQ which are submitted become the property of OTDA and will not be returned to the respondent.
5. Responses to this RFQ are prepared at the sole cost and expense of the respondent.
6. OTDA 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.
7. Successful respondents will work under the direction of OTDA staff.
8. Any contracts awarded pursuant to this RFQ are subject to the applicable standard processing procedures for contracts of this type, which includes the New York State Office of the State Comptroller and the New York State Office of the Attorney General approval.
9. The proposal of the successful respondent will be part of the agreement between the respondent and OTDA.

**Division of Shelter Oversight and Compliance
Appointment of Temporary Operator**

TEMPORARY OPERATOR PROVIDER INFORMATION

Name of Respondent Organization:

Name of Principal/Responsible Individual:

Street Address:

City: State: Zip Code:

Contact Person: Title:

Email Address:

Telephone Number: Federal I.D.:

NYS Charities Registration Number:

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.

**Division of Shelter Oversight and Compliance
Appointment of Temporary Operator**

GEOGRAPHICAL REGIONS

REGION 1	(New York City, Suburbs, Long Island): Bronx, Kings, New York, Queens, Richmond, Putnam, Westchester, Rockland, Nassau, Suffolk Counties
REGION 2	(Capital District/Hudson Valley): Albany, Columbia, Delaware, Dutchess, Greene, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Orange and Ulster Counties.
REGION 3	(North Country) Clinton, Essex, Franklin, Fulton, Jefferson, Hamilton, Herkimer, Lewis, St. Lawrence, Warren, and Washington Counties.
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.
REGION 5	(Western NY) Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming Counties
In this space, please indicate the geographical region(s) in which you will serve:	

**Division of Shelter Oversight and Compliance
Appointment of Temporary Operator**

NARRATIVE

Please describe in detail your relevant experience with respect to the requirements of this RFQ. You may use additional pages as necessary. (Please attach copies of any licenses or certifications here.) At a minimum, you should detail the following:

- Demonstrated and relevant experience of operating an emergency shelter (include names of facilities, location and number of units managed);
- Demonstrated and relevant experience in working with nonprofit organizations and providing support services to homeless populations, including individuals and families with special needs;
- Demonstrated and relevant experience in the management of a physical plant. This should include the provision of regular, preventative and emergency maintenance of a homeless shelter;
- Demonstrated and relevant experience in working with local, state and federal government; and
- Any other relevant information which relates to the scope of services and/or evaluation criteria listed in section VI and VII of this RFQ which will assist in making a decision on you or your agencies capabilities to operate an emergency shelter in New York State.

**Division of Shelter Oversight and Compliance
Appointment of Temporary Operator**

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

ACKNOWLEDGMENT

It is hereby understood and agreed to by the respondent and co-respondent that: (1) respondent organization proposes to provide technical assistance services to emergency shelter operators designated by the New York State Office of Temporary and Disability Assistance, 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 Office of Temporary and Disability Assistance, 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 OTDA funds may be terminated in whole, or in part, by the Commissioner of the New York State Office of Temporary & Disability Assistance, 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 OTDA funds are advanced, any unexpended balance at the end of the approval period must be returned to OTDA; (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 any change; (9) progress reports will be submitted as required by OTDA. The final program and financial reports will be submitted by the respondent, as required, by OTDA. 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 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, 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) OTDA, 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.

- 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.