



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

Seth Diamond
Director

James Rubin
Director



HOUSING TRUST FUND CORPORATION

Request for Proposals

for

Professional Services

for

Community Development Block Grant-Disaster Recovery
Auction and Real Estate Consultant Services

May 19, 2014

Responses must be received by
5:00 p.m. (Eastern), June 13, 2014

Table of Contents

1.0 GENERAL INFORMATION	4
1.1 Purpose.....	4
1.2 Diversity and Income Requirements.....	4
1.3 RFP Timeline.....	5
1.4 Background.....	6
1.5 Description of Program(s).....	7
1.6 Scope of Services.....	8
1.7 Key Deliverables.....	11
1.8 Number of Awards.....	15
2.0 ADMINISTRATION INFORMATION	15
2.1 RFP Coordinator.....	15
2.2 Respondents’ Conference and Questions.....	15
2.3 Procurement Lobbying Provisions.....	16
2.4 Conflicts of Interest.....	16
3.0 PROPOSAL INFORMATION	17
3.1 Proposal Instructions.....	17
3.2 Rejection of Proposals; Cancellation of RFP.....	18
3.3 Waiver of Informalities.....	18
3.4 Withdrawal of Proposal.....	18
3.5 Ownership of Proposal.....	18
3.6 Proprietary Information.....	18
3.7 Cost of Preparing Proposals.....	19
3.8 Errors and Omissions in Proposal.....	19
3.9 Award and Execution of Contract.....	19
3.10 RFP and Proposal as Part of Contract.....	19
4.0 Evaluation and Selection	19
4.1 Evaluation Methodology.....	19
4.2 Selection Criteria.....	20
4.2.1 Experience and Capacity (50).....	20
4.2.2 Approach and Methodology (20).....	20
4.2.3 Price Proposal (20).....	21
4.2.4 Commitment to Complying with all Applicable Federal, State, and Local Regulations (10).....	21
4.3 Finalist Interview.....	21
4.4 Selection of Proposal in Best Interests of the State.....	21
4.5 Notification of Selection.....	21
4.6 Service Level Agreements.....	22
5.0 Respondent Requirements	22
5.1 Requirement of Legal Entities.....	22
5.2 Required Qualifications of Respondent.....	22
5.3 Proposal Format.....	24
5.3.1 Cover Letter and Table of Contents.....	24

5.3.2 Executive Summary	24
5.3.3 Experience and Capacity.....	24
5.3.4 Approach and Methodology	26
5.3.5 Price Proposal	27
5.3.6 Commitment to Complying with all Applicable Federal, State, and Local Regulations	28
5.3.7 Section 3 of the Housing & Urban Development Act of 1968	30
5.3.8 Vendor Responsibility	30
5.3.9 Affirmation of Understanding Form.....	30
5.3.10 Offeror Disclosure of Prior Non-Responsibility Determinations Form	30
5.3.11 General Federal Grant Requirements.....	31
5.3.12 HUD General Provisions	31
5.3.13 Standard Clauses for Contracts with HTFC.....	31

1.0 GENERAL INFORMATION

1.1 Purpose

The Governor's Office of Storm Recovery ("GOSR ") of the Housing Trust Fund Corporation ("HTFC") seeks to procure Auction and Real Estate Consultant Services in connection with its administration of U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant-Disaster Recovery ("CDBG-DR") funds appropriated by the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2). This request for proposals ("RFP") is issued in accordance with the Procurement and Contract Guidelines of GOSR and in compliance with [Section 2879a of the New York Public Authorities Law](#).

The purpose of this RFP is to obtain proposals from respondents and to award contract(s) for an initial contract period of two years with a one-year extension option to provide Auction and Real Estate Consulting services across a broad range of CDBG-DR funded programs managed by GOSR. These programs are aimed at the long-term recovery of communities impacted by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. GOSR's programs will assist approximately 10,000 residents in up to 34 counties in New York State, and will contribute to essential investments in community infrastructure and resources. The selected respondent(s) will be responsible for designing and implementing Auction services for the New York Rising Buyout and Acquisition Program as outlined the New York State Action Plan. These activities are described further below.

Respondents to this RFP should thoroughly review the New York State Action Plan for Community Development Block Grant Disaster Recovery and all amendments thereto, as well as all Federal Register notices related to the CDBG-DR funds.

1.2 Diversity and Income Requirements

GOSR is committed to awarding a contract(s) to firm(s) that will provide high-quality services and that is dedicated to diversity and to containing costs. The Corporation strongly encourages respondents that are certified by New York State, or any other city or state, or the federal government, as minority- and/or woman- owned business enterprise ("M/WBEs"), as well as respondents that are not yet certified, but have applied for certification, to submit responses to this RFP. All New York State certified M/WBE firms submitting proposals to this RFP should be registered as such with the New York State Department of Economic Development. For M/WBE firms that are not certified but have applied for certification, please provide evidence of filing, including filing date.

HTFC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("M/WBE Regulations") for all New York State funded HTFC contracts as defined therein, with a value in excess of \$25,000. HTFC strongly encourages joint ventures of M/WBE firms with majority firms and M/WBE firms with other M/WBE firms. For purposes of this solicitation, HTFC hereby establishes an overall goal of 20% for MWBE

participation, 10% for minority-owned business enterprises (“MBEs”) and 10% for women-owned business enterprises (“WBEs”).

In addition to the above diversity requirements, and pursuant to Section 3 of the Housing & Urban Development Act of 1968, GOSR is committed to ensuring that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, be directed to low- and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

A “Section 3 resident” is: 1) a public housing resident; or 2) a low- or very low- income person residing in the metropolitan area or non-metropolitan county where the Section 3 covered assistance is expended. A “Section 3 business concern” is a business that can provide evidence that they meet one of the follow criteria: 1) 51 % or more owned by Section 3 residents; or 2) at least 30% of its full time employees include persons that are currently Section 3 residents, or were Section 3 residents within three years of the date of first hire; or 3) provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to business concerns that meet one of the preceding two qualifications.

1.3 RFP Timeline

Target Date	Event
May 19, 2014	Release of RFP
May 27, 2014	Anticipated Respondents’ Conference
May 29, 2014	Last Day to Submit Questions – 3:00 p.m. (Eastern)
June 4, 2014,	Issuance of Answers to Questions
June 13, 2014	Proposal Submission Deadline – 5:00 p.m. (Eastern)
June 23, 2014	Anticipated Finalist Interviews (if applicable)
June 30, 2014	Anticipated Target Date for Selection

Please note that the RFP timeline includes target dates and may change. It is the responsibility of respondents to periodically review the GOSR and HTFC websites for regular updates to the RFP timeline and other important information, which may alter the terms or requirements of this RFP.

1.4 Background

In late October 2012, Superstorm Sandy, the largest storm in New York's recorded history swept ashore. Sandy's effect was devastating, causing widespread damage to lives, homes, businesses, core infrastructure, government property, and an economy just recovering from the Great Recession. Fourteen counties were declared Federal disaster areas. Sixty New Yorkers died and two million customers lost power with some blackouts lasting up to three weeks. The storm damaged or destroyed as many as 300,000 housing units, affected or closed over 2,000 miles of roads, produced catastrophic flooding in subways and tunnels, and damaged major power transmission and communication systems. Sandy followed closely on the heels of Tropical Storm Lee and Hurricane Irene, which caused unprecedented and catastrophic damage to Upstate New York.

In January 2013, President Obama signed into law the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2), pursuant to which the U.S. Congress appropriated \$16,000,000,000 to HUD for the CDBG-DR program, so that the agency could provide funds to address community recovery needs resulting from disasters that occurred in the United States in 2012 and 2013. This included areas impacted by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee.

In February 2013, HUD announced an initial allocation of funds from the \$16,000,000,000 CDBG-DR appropriation, allocating \$5,400,000,000 to states impacted by Superstorm Sandy. New York City received a separate allocation of CDBG-DR funds. New York State received \$1,713,960,000, which it planned to use in four recovery areas: housing, economic development, infrastructure, and planning. The State submitted an Action Plan for these funds to HUD in April 2013.

HUD approved the Action Plan on April 25, 2013. New York State Homes and Community Renewal ("NYS HCR"), through its Office of Community Renewal ("OCR") and GOSR, is tasked with overseeing the administration of the CDBG-DR funds. In June 2013, Governor Andrew M. Cuomo established GOSR as a division within HTFC to maximize the coordination of recovery and rebuilding efforts in storm-affected municipalities throughout New York State and directed it to administer CDBG-DR funds. GOSR will administer the program through a variety of organizations and municipalities through subrecipient agreements. Depending on the specific program or project, GOSR may also choose to directly administer activities through contractors or other vendors.

The State's initial Action Plan focused primarily on (1) addressing the immediate housing and business assistance needs in the communities affected by recent storms; and (2) assisting governments in covering emergency expenses, providing matching funds necessary to repair and mitigate storm damaged infrastructure, and providing funds for critical infrastructure assets that were storm impacted. The State also worked with storm-damaged communities to begin a comprehensive community-based planning process known as the New York Rising Community Reconstruction Program.

In November 2013, HUD announced that an additional allocation of \$5,109,000,000 of CDBG-DR funds would be made available to existing Sandy grantees. The New York State

share of this allocation was \$2,097,000,000, bringing its total allocation of CDBG-DR funds to \$3,810,960,000. GOSR submitted New York State's Action Plan amendment ("Amendment 6") for public comment in February 2014. Amendment 6 adds funding to existing programs underway and prioritizes repairs to and mitigation of critical infrastructure, as well as the implementation of community-driven plans that will improve resilience and drive economic growth. Amendment 6 will be formally submitted to HUD for approval in March 2014. GOSR expects to have access to these additional funds by June of 2014.

The Action Plan and all amendments are located on the GOSR website at:

<http://www.stormrecovery.ny.gov/action-plans-and-amendments>

1.5 Description of Program(s)

The NY Rising Buyout and Acquisition Program: Voluntary buyout for one- and two-unit homes.

The NY Rising Buyout and Acquisition Program will include the purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as "Buyouts", as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property's pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

The State intends to conduct most purchases outside of the enhanced buyout areas as "Acquisitions", as defined by HUD, whereby purchase offers must begin with the post-storm fair market value of the property. In these instances, however, the State proposes to supplement this post-storm FMV with an added homeowner resettlement incentive equal to a maximum of the difference between the post-storm and pre-storm values of the property. Such an incentive is necessary to allow homeowners inside flood-prone areas that have sustained damage to their primary residence and are otherwise unable or unwilling to repair their home, and seek to relocate to a safer, less flood-prone area, the ability to do so. Furthermore, this resettlement incentive recognizes the uncertainty of post-storm values of storm-damaged homes, relative to the high costs associated with relocation, therefore affording homeowners the maximum amount of assistance necessary to make this life-altering change. This resettlement incentive will help homeowners to remain in the community and contribute to its overall recovery from the disaster, while also ensuring that acquired land will be redeveloped in a safer, more resilient manner for the future occupants of the area.

In accordance with the Federal Register Notice, published by HUD on March 5, 2013 (FR-5696-N-01), governing the use of these funds, properties purchased as a "buyout" will be maintained in perpetuity as coastal buffer zones, while properties purchased as "acquisitions" will be eligible

for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

Enhanced Buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer zones or other uses that are compatible with open space, recreational or wet lands management practices, and may also include acquisition of vacant or undeveloped land in these targeted areas.

1.6 Scope of Services

The scope of services to be provided includes the following:

The number of acquisition parcels is estimated to reach no more than 600 and are mainly located in scattered sites throughout the southern shore of Long Island and potentially upstate New York. The NY Rising Buyout and Acquisition Program will purchase these homes and auction them off to qualified builders and/or developer buyers. The NY Rising Acquisition Program Staff will provide a listing of properties to be sold at auction at a minimum of 90 days prior to any scheduled auction. Properties may be removed from the list up to the day of the auction by the Program only. The successful bidder will be given access to legal descriptions and the vesting deed by Program staff. Title to all properties will be vested in the HTFC. The scope of services to be provided includes but is not limited to the following:

- (a) The Contractor will provide all services necessary to assist the Program in the disposition of up to 600 parcels by handling and auctioning to qualified builders and/or developers through a process that is efficient, equitable and transparent. These Purchasers will be required to redevelop these properties in a manner that is resilient to future disasters and compliant with the local codes and neighborhood infrastructure character. The developer must redevelop or rebuild the property while incorporating industry best practices in energy efficiency and choice of materials.
- (b) All parcels will be sold “as is where is”. There are no warranties, express or implied.
- (c) Provide expert opinion to the Program on the best auction method (open auction, sealed bid), intended disposition and reuse of the parcels with guidance to determine if existing structures should remain for the properties to be renovated or demolished and new properties rebuilt; to package groupings of lots into bundles and to help determine requirements for structure type and square footage requirements so that new and rebuilt properties are resilient to

future disasters and compliant with the local codes and neighborhood character. The Contractor will become familiar with the equipment to be sold in order to obtain the highest possible bids.

(d) Gather a qualified bidder pool by developing and posting a Request for Qualifications for builders and developers who meet minimum qualifications as set by GOSR. Evaluate all proposals based on a scoring system to determine a builders or developer's qualifications and present it to GOSR for final determination. Incorporate a firm's financial capacity and history of performance as a successful developer of scattered sites as scoring criteria.

(e) Create a strategic marketing plan based on the specific auction type, which could include but is not limited to:

- Advertise at least one time per week (including Sunday if available) in regional publications, at least 4 weeks prior to the auction.
- Post and maintained auction signs on all auction properties at least 3 weeks prior to the auction.
- List the auction inventory and an explanation of the sale process and FAQ's on the auctioneer's website.
- Distribute press releases to local newspapers, television and radio stations at least three 3 weeks prior to the scheduled auction.
- Install signs on all properties indicating that the property will be sold at auction.
- The Auction Company will obtain all necessary licenses and permits required by law.

(f) Prepare promotional materials including:

- Prepare, print, and distribute auction advertisement to a targeted list of prospective builders and developers at least 3 weeks prior to the auction.
- Provide auction advertisements to the local towns for distribution within the government buildings.
- The Auction Company shall bear all advertising expenses, except for any required legal advertising.
- Promotional material should include the municipal address and/or legal description, minimum opening bid (if required), brief description and photo of the property offered for sale.
- Information about the specific property should include if the property is slated for demolition and will be sold as a buildable lot, or will be sold as is for rehabilitation.
- Auction advertisements should include:
 - The date, time and location of the bid opening or auction and pre-auction registration.
 - A list of each property to be offered for sale.

(g) Any other information that the NY Rising Buyout and Acquisition Program requires

- (h) Prepare an auction registration including:
- Organize an auction registration online during the advertising period and in person 2 hours before the auction is scheduled to begin, and continuing until the auction's conclusion.
 - Provide registration packages, equipment and personnel to register prospective buyer, both online and at the in person registration. The registration package must be approved by GOSR prior to the start of the advertising period and must include:
 - A copy of the auction terms and conditions
 - A FAQ sheet
 - A copy of the sales contract and disclosure
 - A copy of any local building codes and regulations for property
- (i) Provide personnel needed to conduct a professional and orderly auction, including:
- Provide personnel and forms necessary to record the sale of each property during the sealed bid opening or public auction.
 - Provide personnel to prepare and accept purchase agreements and bid confirmations, and to accept minimum deposits from each highest bidder immediately after being awarded the property.
 - Provide legal personnel to assist the winning bidder in executing the sales contract and disclosures, explaining the closing process, copying the identification and accepting the deposit.
 - Provide title and closing services.
 - Providing an itemized record of each auction's proceedings in a format containing information as required by the Program.
 - Noting contact information of the second and third highest bidders.
 - Determine the best public location to conduct the auction and providing any needed materials and equipment to insure the smooth operation of the bid opening or auction, including room for overflow, office and restroom facilities and parking.
- (j) Post Auction duties will include:
- Ensuring that the deposit funds required are in the form of cash, cashiers or certified funds and are made payable or endorsed over to the Title Company or Law Firm who will conduct the closings. Any returned checks are the responsibility of the Contractor.
 - Recording and maintaining a list of the executed sales contracts and retaining original copies.
 - Following up with the second and third highest bidders if a winning bidder is unable or unwilling to close.
 - Sending out reminder notices and notices of forfeiture of deposit notices to any bidder who does not close within the contracts allotted timelines.

- (k) The Auction Company will safeguard The NY Rising Buyout and Acquisition Program from any and all claims of warranty and will defend and hold harmless The NY Rising Buyout and Acquisition Program from any issues arising from the auctioning of said properties.
- (m) HTFC reserves the right to withdraw items prior to their sale and may do so without any recourse by the Contractor for any commission that may have been earned.
- (n) The Contractor shall continuously maintain all required licenses and permits and shall provide for HTFC to inspect all licenses and permits.
- (o) The Contractors, the Contractor's family and employees are prohibited from purchasing any parcels during the bidding process and no sale shall result in a benefit to the Contractor or to any of the Contractor's family or employees.
- (p) Construction Consulting
- Prior to auction, do inspections as necessary to evaluate property conditions that should be noted in property description and that may impact the auction starting bid price.
- (q) Reporting
- Appropriate finance management staff to track all fiscal transactions
 - Provide daily and/or weekly progress reports, and other reports as requested, to GOSR.

1.7 Key Deliverables

The key deliverables to be provided include the following:

- (a) Submittal of an operational plan within 14 days of contract award which includes methodology for determining highest and best use for each property, schedule for RFQ for builders and developers, marketing plan and auction or sealed bid process for disposition of properties. Operational plan will discuss methodology to insure that the process and sales are done in compliance with industry best practices and in conformance with New York State Real Estate law. In addition the operational plan will addresses quality control, fraud, and waste, mismanagement, record-keeping, reporting and close out with time lines for project completion.
- (b) Provide a white paper to program within 45 days of contract award providing expert opinion to the Program on the best auction method (open auction, sealed bid etc.), the best intended disposition and reuse of the parcels with guidance to determine if existing structures should remain for the properties to be renovated or demolished and new properties rebuilt; to package groupings of lots into bundles and to help determine requirements for structure type and square footage requirements so that new and rebuild properties are resilient to future disasters and compliant with the local codes and neighborhood infrastructure character.

- (c) Provide a monthly management report which documents and summarize all activities performed under this engagement. In addition, provide monthly reports documenting all CDBG compliance activities including M/WBE subcontracting, Section 3 employment efforts, Davis Bacon Wage compliance, and workforce utilization.
- (d) Daily and Weekly reports to GOSR, including metrics of properties under contract, in closing process and closed.
- (e) Develop a checklist of required auction and closing documents for each winning bid.
- (f) Develop a checklist for each bidder package including all required supporting documentation and certifications from the developer

List of Tasks

Start-up Costs

- Working with the State to develop program parameters for bid documents, and legal requirements for the transactions.
- Gathering a Qualified Bidder Pool of Builders and Developers
- Develop and post a Request for Qualifications for builders and developers who meet minimum qualifications. (Minimum qualifications will be provided by GOSR)
- Evaluate all proposals based on a scoring system to determine builder and developer qualification and present to GOSR for final decision. (Incorporate a firm's financial capacity and history of performance as a scoring criterion.)

Create a Strategic Marketing Plan

- Advertise at least one time per week (including Sunday if available) in regional publications, at least 4 weeks prior to the auction.
- Post and maintained auction signs on all auction properties at least 3 weeks prior to the auction.
- List the auction inventory and an explanation of the sale process and FAQ's on the auctioneer's website.
- Distribute press releases to local newspapers, television and radio stations at least three 3 weeks prior to the scheduled auction.
- Install signs on all property indicating that the property will be sold at auction.
- The Auction Company will obtain all necessary licenses and permits required by law.
- All parcels are to be sold "as is where is". There are no warranties, express or implied.

Prepare Promotional Material

- Prepare, print and distribute auction postcards, brochures or fliers to a targeted list of prospective buyers including the next door property owners at least 3 weeks prior to the auction.
- Provide auction postcards, brochures or fliers to the local towns for distribution within the government buildings.
- The Auction Company shall bear all advertising expenses, except for any required legal advertising.
- One form of promotional material should include the municipal address and or legal description, minimum opening bid (if required), brief description and photo of the property offered for sale.
- Information about the specific property should include if the property is slated for demolition.
- Auction postcards, brochures or fliers should include:
 - The date, time and location of the auction and pre-auction registration
 - A list of each property to be offered for sale
 - Any other information that the NY Rising Buyout and Acquisition Program requires

Prepare Auction Registration

- Organize an auction registration online during the advertising period and in person 2 hours before the auction is scheduled to begin, and continuing until the auction's conclusion.
- Provide registration packages, equipment and personnel to register prospective buyer, both online and at the in person registration.
- The registration package must be approved by GOSR prior to the start of the advertising period and must include:
 - A copy of the auction terms and conditions
 - A FAQ sheet
 - A copy of the sales contract and disclosure
 - A copy of any local building codes and regulations for property
- Provide professional personnel needed to conduct a professional and orderly auction
- Provide personnel and forms necessary to record the sale of each property during the auction.
- Provide personnel to prepare and accept purchase agreements and bid confirmations, and to accept minimum deposits from each highest bidder immediately after being awarded the property.
- Provide legal personnel to assist the winning bidder in executing the sales contract and disclosures, explaining the closing process, copying the identification and accepting the deposit.
- Provide a competent cashier to collect the proceeds and produce a receipt.
- The Contractor will be responsible for all funds until they are turned over to the title company or law firm (within two days of the auction) conducting the closing.

- Providing an itemized record of each auction's proceedings in a format containing information as required by GOSR.
- Noting contact information of the second and third highest bidders.
- Working with local government officials to determine the best public location to conduct the auction and providing any needed materials and equipment to insure the smooth operation of the auction, including room for overflow, office and restroom facilities and parking.
- Provide a visual and audio recording of the auction.

Post Auction Duties

- Ensuring that the deposit funds required are in the form of cash, cashiers or certified funds and are made payable.
- Recording and maintaining a list of the executed sales contracts and retaining original copies.
- Following up with the second and third highest bidders if a winning bidder is unable or unwilling to close.
- Sending out reminder notices and notices of forfeiture of deposit notices to any bidder who does not close within the contracts allotted timelines.

Construction Consulting

- Prior to auction, do inspections as necessary to evaluate property conditions that should be noted in property description and that may impact the auction starting bid price.
- Reporting, including but not limited to:
 - The Bidder list, including bidder ID number, first and Last name or name of company, address, city state, zip, and telephone number.
 - Sale recording data, parcel catalog number, sale amount, deposit information.
 - Copy of deposit receipt.
- Appropriate finance management staff to track all fiscal transactions
- Provide daily and/or weekly progress reports, and other reports as requested, to GOSR.

1.8 Number of Awards

The respondent recognizes that, at the sole discretion of GOSR and based upon the breadth and experience of respondents to this RFP, GOSR may decide to award contracts to more than one respondent. GOSR currently anticipates awarding 1 contracts pursuant to this RFP.

Nothing in this paragraph 1.8 shall be construed in derogation of GOSR's right, in its sole discretion, to cancel this RFP.

2.0 ADMINISTRATION INFORMATION

2.1 RFP Coordinator

Contact information for the RFP Coordinator is as follows:

Danielle Ruggiero
Governor's Office of Storm Recovery
25 Beaver Street
New York, New York 10004
GOSRProcurement@stormrecovery.ny.org

2.2 Respondents' Conference and Questions

A conference will be scheduled to discuss this RFP, accept questions, and provide preliminary responses. GOSR is in the process of scheduling the conference and will post an update to the Governor's Office of Storm Recovery "Procurement Opportunities" webpage:

<http://stormrecovery.ny.gov/procurement-opportunities>

We strongly encourage interested firms to check the Procurement Opportunities webpage frequently for updates and additional information pertaining to this RFP.

Respondents may also submit questions outside of the conference by e-mail to GOSRProcurement@stormrecovery.ny.gov All questions must reference this specific RFP in the subject line of the email. For Example, the subject line for questions related to this RFP should read **RE: RFP Question – Auction and real Estate Consulting Services**.

Answers to all substantive questions, including any substantive questions arising from the respondents' conference, will be posted on the GOSR "Procurement Opportunities" webpage listed above as soon as practical following the deadline for question submission. All questions and correspondence must be sent to GOSRProcurement@stormrecovery.ny.gov. Any correspondence or questions sent to any other email address regarding this RFP will not be answered.

2.3 Procurement Lobbying Provisions

Pursuant to State Finance Law §§ 139-j and 139-k, this RFP includes and imposes certain restrictions on communications between GOSR and respondents during the solicitation process. A respondent is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the contract (the restricted period) with GOSR staff other than the RFP Coordinator, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a).

GOSR employees also are required to obtain certain information when contacted during the restricted period and make a determination of responsibility of the respondent pursuant to these two statutes. Certain findings of non-responsibility can result in the rejection for contract award and in the event of two (2) findings within a four-year period, the offeror/respondent is debarred from obtaining governmental procurement contracts. Further information about these requirements can be found on the Office of General Services website at <http://www.ogs.state.ny.us/aboutogs/regulations/defaultAdvisoryCouncil.html>.

For all lobbying law contacts and inquiries, please contact:

Chanterelle Sung

Lobbying Contact Officer

Governor's Office of Storm Recovery

GOSRProcurement@stormrecovery.ny.gov

Email must indicate subject: **RE: Lobbying Inquiry**

2.4 Conflicts of Interest

Any contract awarded under this RFP will preclude the selected respondent from representing before GOSR any bidder or grantee of GOSR other than those bidders or grantees who may be assigned under this contract during the period the contract is in effect. The selected respondent will be subject to the provisions on conflicts of interest set forth in section 74 of the New York State Public Officers Law.

In the event of real or apparent of conflicts of interest, GOSR reserves the right to impose additional conditions upon contractors. GOSR reserves the right to cancel any contract awarded pursuant to this RFP with 30 days' notice in the event that the actual conflict of interest, or the appearance of such conflict, is not cured to GOSR's satisfaction.

3.0 PROPOSAL INFORMATION

3.1 Proposal Instructions

Proposals submitted in response to this RFP must be filed electronically in .pdf file format. Unless otherwise noted, respondents must complete and submit all forms, information, and other documentation listed herein (including, without limitation, any Attachment and Appendix to this RFP) as part of their electronic proposal submissions. Only complete proposals will be evaluated. In all instances, GOSR's determination regarding the completeness of any proposal shall be final.

Proposals must be delivered by email in two parts no later than: **5:00 pm (EDT) on the date indicated in the table of section 1.3**. Part one is to include the Price Proposal. The email subject shall indicate **RE: Bid Proposal for Auction and Real Estate Services– Price Proposal**. Part two is to include the Technical Proposal along with all attachments and completed forms. The email subject shall indicate **RE: Bid Proposal for Auction and Real Estate Services – Technical Proposal and Attachments**.

Any proposal delivered after 5:00 pm (EDT) will be returned. Please note: Delivery delays shall not excuse late bid submissions. The respondent is responsible to ensure that emails and attachments are delivered on time in a legible format. Complete proposals, including all multiple parts, must be received by the deadline in order for a proposal to be considered submitted on time. Those submitting a proposal assume all risks associated with delivery. The determination of whether any proposal was received on time is at the sole discretion of GOSR.

All submitted files are to be in Portable Document Format (PDF) compatible with Adobe Reader XI, version 11.0.4.

Proposals shall be submitted by email to:
Ms. Danielle Ruggiero
RFP Coordinator
Governor's Office of Storm Recovery
GOSRProcurement@stormrecovery.ny.gov

All proposals must exhibit the respondent's ability to perform all tasks described under the Scope of Services of this RFP. All subcontractors must be approved by GOSR. All bid prices shall remain valid until June 16, 2014.

The proposal should otherwise concisely state the respondent's ability to meet the requirements of the RFP. There is a 40-page total limit with the exception that résumés, curricula vitae, appendices that document relevant work performed, and screen shots of potential project management systems do not count against the page limit. Proposal font size shall not be any less than 12 point, with 1-inch margins, with the exception of tables and charts, but such text must be clearly legible. Respondents are encouraged to submit only relevant and necessary information.

The respondent shall not make any aspect of its proposal contingent upon the use of State of New York personnel, property, or equipment.

GOSR will consider responses to this RFP in a consistent and easily comparable format. Proposals not organized in the manner set forth in this RFP may be considered, at the sole discretion of GOSR, as unresponsive. Do not refer to other parts of your proposal, to information that may be publicly available elsewhere, or to the respondent's website or another website in lieu of answering a specific question.

The proposal must be accompanied by a cover letter stating that: (a) the information submitted in and with the proposal is true and accurate; and (b) the person signing the cover letter is authorized to submit the proposal on behalf of the respondent.

3.2 Rejection of Proposals; Cancellation of RFP

Issuance of this RFP does not constitute a commitment by GOSR to award a contract. GOSR reserves the right to accept or reject, in whole or part, all proposals submitted and/or cancel this solicitation and reissue this RFP or another version of it, if it deems that doing so is in the best interest of the impacted communities or the State of New York.

3.3 Waiver of Informalities

GOSR reserves the right to waive any informalities and/or irregularities in a proposal if it deems that doing so is in the best interest of the impacted communities or the State of New York.

3.4 Withdrawal of Proposal

A respondent may withdraw a proposal at any time up to the date and time the contract is awarded. The withdrawal must be submitted in writing and directed to the RFP Coordinator.

3.5 Ownership of Proposal

All materials submitted in response to this RFP shall become the property of GOSR. Selection or rejection of a proposal does not affect this provision.

3.6 Proprietary Information

Only information considered trade secrets or non-published financial data may be classified as proprietary or confidential. Such information within the proposal must be clearly marked. Proposals containing substantial contents marked as confidential or proprietary may be rejected by GOSR. Provision of any information marked as confidential or proprietary shall not prevent GOSR from disclosing such information if required by law. The ultimately awarded contract(s) and all prices set forth therein shall not be considered confidential or proprietary and such information may be made publicly available.

3.7 Cost of Preparing Proposals

All costs associated with the response to this proposal are the sole responsibility of the respondent.

3.8 Errors and Omissions in Proposal

GOSR reserves the right to reject a proposal that contains an error or omission. GOSR also reserves the right to request correction of any errors or omissions and/or to request any clarification or additional information from any respondent, without opening up clarifications for all respondents.

3.9 Award and Execution of Contract

Upon receipt and evaluation of all proposals, GOSR reserves the right to award a contract without further discussion or delay.

3.10 RFP and Proposal as Part of Contract

This RFP and the selected respondent's proposal will become part of any contract between GOSR and the respondent. In the event the terms of the RFP or proposal conflict with the contract, the contract shall control.

4.0 Evaluation and Selection

4.1 Evaluation Methodology

GOSR will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of the GOSR, may be rejected. All proposals meeting the proposal submission requirements will be evaluated.

GOSR will evaluate each proposal based on the "Best Value" concept. This means that the proposal that "optimizes quality, cost, and efficiency among responsive and responsible offerors" shall be selected for award (State Finance Law, Article 11, § 163).

GOSR, at its sole discretion, will determine which proposal best satisfies its requirements. GOSR reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this RFP may be eliminated from consideration. Qualified staff/individuals will evaluate all submitted proposals. GOSR may request clarification of a proposal. The evaluation process will include separate technical and cost evaluations and will be conducted as set forth herein.

Upon review of proposals, GOSR may, at its discretion, submit to respondents written questions and requests for clarification relating to their proposals. If specific sections of the written proposal require clarification, GOSR will identify the section(s) and information requested in writing. Respondents will be provided a reasonable period of time in which to submit written responses to GOSR's requests for clarification. Respondents should respond by the deadline stated in the correspondence.

In addition, GOSR may use the proposal, information obtained through any interviews, and GOSR's own investigation of a respondent's qualifications, experience, ability, or financial standing, as well as any other material or information submitted by the respondent in the course of evaluation and selection under this RFP. GOSR reserves the right to contact other sources not necessarily identified in the proposal to obtain information.

Other than to provide clarifying information as may be requested by GOSR, no respondent will be allowed to alter its proposal or add information.

4.2 Selection Criteria

Complete proposals will be preliminarily scored based upon the criteria listed below.

4.2.1 Experience and Capacity (50)

Scored on the respondent's demonstrated experience in executing and delivering Auction and Real Estate Services. Respondents who have demonstrated experience and success in providing Auction and Real Estate Services for housing grant and loan programs, business grant and loan programs, and a variety of infrastructure development projects will be scored higher than those who do not. In addition to experience, respondents must clearly identify the ability to provide sufficient capacity for the efficient and timely implementation and administration of the program. Respondents that demonstrate they have the staff and many of the deliverables already in place to begin serving disaster-impacted New Yorkers immediately will be scored higher than those who need more time, or whose responses are vague.

4.2.2 Approach and Methodology (20)

Respondents that present a clear and straightforward work plan for all aspects of Auction and Real Estate Services which is based on a well-defined timeline for delivery of key goals and objectives, and places emphasis on high standards for the delivery of services, in expectation of meeting or exceeding these goals, will score higher than those that do not. Furthermore, respondents that demonstrate creative leveraging of additional resources, including but not limited to partnerships and/or collaborations with other experienced companies or organizations for any or all aspects of program management, with the same approach towards meeting or exceeding established goals in the delivery of services, will receive the most points.

4.2.3 Price Proposal (20)

Proposals will be scored based on price proposal format provided. Respondents that clearly identify a plan for reducing program costs over the life of the program, as key milestones are reached and volume of activity reaches natural break points, and that identifies a clear plan for cost savings measures and/or efficiencies, will receive the most points.

4.2.4 Commitment to Complying with all Applicable Federal, State, and Local Regulations (10)

Respondents who demonstrate a commitment to complying with all applicable Federal, state, and local regulations, including M/WBE and Section 3 income requirements, will receive the most points.

4.3 Finalist Interview

GOSR reserves the right, at its sole discretion, to invite qualified respondents to a finalist interview. If GOSR elects to conduct finalist interviews, each qualified respondent will be required to give a strictly timed 30-minute presentation. This presentation should highlight Auction and Real Estate Services provided for similar organizations. GOSR may alter the scoring of a qualified respondent's proposal based upon the presentation. GOSR, at its sole discretion, may choose the time and place of this interview. Respondents are responsible for all costs or expenses incurred to attend such interview.

4.4 Selection of Proposal in Best Interests of the State

Notwithstanding the scoring system set forth above, GOSR reserves the right to select a proposal that, in its sole judgment, is consistent with and responsive to the goals of the state's CDBG-DR Action Plan, irrespective of whether it is the apparent lowest-priced proposal, if it is determined by the Executive Director of GOSR and the Commissioner of NYS HCR to be in the best interests of the citizens of the State of New York.

4.5 Notification of Selection

The selected respondent(s) will be issued a Letter of Intent to Contract, via overnight or regular post.

4.6 Service Level Agreements

GOSR expects to select a respondent that will agree to clearly-defined service level agreements (“SLAs”), as yet to be determined but to be included in any final contract between parties. Such SLAs will be established and agreed to, to ensure that the selected respondent delivers the maximum level of service on a timeline and in a manner requested and required by the State to ensure a timely, efficient, equitable, and transparent recovery process. Fees provided under this contract will be contingent upon adherence to these SLAs and other pre-agreed metrics for success. Furthermore, GOSR reserves the right to cancel any contract awarded pursuant to this RFP, or withhold payment of funds under any contract awarded pursuant to this RFP, for failure to adhere to these SLAs.

5.0 Respondent Requirements

5.1 Requirement of Legal Entities

Respondents that are corporations, partnerships, or any other legal entity, domestic or foreign, shall be properly registered to do business in the State of New York at the time of the submission of their responses to this RFP. Such respondents shall attach a certificate of good standing from the New York Secretary of State to their proposals.

5.2 Required Qualifications of Respondent

Respondents to this RFP shall provide information in their proposals that demonstrates the following qualifications:

- (a) Respondent has adequate financial resources to perform the contract, or the ability to obtain them. Financial records for the past 2 years must be included in the proposal. In the alternative, if Respondent is a New York State certified M/WBE firm, please provide evidentiary documentation of registration.
- (b) Respondent is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- (c) Respondent has a satisfactory performance record.
- (d) Respondent has a satisfactory record of integrity and business ethics.
- (e) Respondent has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them.
- (f) Respondent is otherwise qualified and eligible to receive an award under applicable laws and regulations.

- (g) Respondent has thoroughly reviewed the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2) and all pertinent Federal Register notices.
- (h) Respondent has thoroughly reviewed the New York State Action Plan and all amendments thereto.
- (i) Respondent has the ability to provide services in multiple languages, if necessary.
- (j) Respondent has the ability to provide services in multiple languages as necessary.
- (k) Neither respondent nor any person or entity associated or partnering with respondent has been the subject of any adverse findings that would prevent GOSR from selecting respondent. Such adverse findings include, but are not limited to, the following:
- Negative findings from the New York State Inspector General, a federal Inspector General or from the U.S. Government Accountability Office, or from an Inspector General in another state
 - Pending or unresolved legal action from the U.S. Attorney General or from an attorney general in New York or another state
 - Pending litigation with New York State, any other state, or a municipality located in New York or another state
 - Arson conviction or pending case
 - Harassment conviction or pending case
 - Local, State, Federal or private mortgage arrears, default, or foreclosure proceedings
 - In rem foreclosure
 - Sale of tax lien or substantial tax arrears
 - Fair Housing violations or current litigation
 - Defaults under any Federal, State or locally-sponsored program
 - A record of substantial building code violations or litigation against properties owned and/or managed by respondent or by any entity or individual that comprises respondent
 - Past or pending voluntary or involuntary bankruptcy proceeding
 - Conviction for fraud, bribery, or grand larceny
 - Listing on the federal or state excluded parties lists

5.3 Proposal Format

The respondent's proposal should be formatted as follows:

5.3.1 Cover Letter and Table of Contents

Provide a cover letter that includes a certification that the information submitted in and with the proposal is true and accurate, and that the person signing the cover letter is authorized to submit the proposal on behalf of the respondent.

Provide a table of contents that clearly identifies the location of all material within the proposal by section and page number.

5.3.2 Executive Summary

Provide an executive summary including a description of the respondent's legal status (e.g., individual practitioner, partnership, Limited Liability Company, corporation, non-profit organization, charitable institution, etc.), background, mission, an explanation of the types of services the respondent provides that relate to this RFP, and an organizational chart.

Briefly describe any significant changes to the management and/or structure of the respondent that are related to the work contained in this RFP, including any mergers that occurred in the last five (5) years. Provide the respondent's financial statements for the previous two (2) years.

Submit a completed Respondent Overview form (page 1 of the RFP Appendices) which includes the name, address, telephone, fax, and email of the respondent and the names of all principals and staff that will be providing monitoring and compliance services.

5.3.3 Experience and Capacity

Experience

Provide a summary of the types of services the respondent offers that relate to this RFP. Provide specific details on any previous experience with housing-related disaster recovery. Identify engagement with entities comparable to New York State for which the respondent provides or has provided, similar services within the last (5) years. Detail at least three (3), but no more than five (5) similar engagements with private and public sector clients of similar size and complexity to the State that would demonstrate that the respondent can provide the services. Each example should include:

- a) Name of client organization.
- b) Description of engagement and objectives of the project including beginning and ending dates.
- c) Examples of recommendations offered to the client and the results of the implementation of those recommendations.

- d) Information regarding the project that would demonstrate successes experienced by the client as a result of the recommendations. This may include performance metrics and improvements.
- e) If the example involves a private sector client, describe how the experience could be applied to the public sector.

GOSR may seek information from references regarding subjects that include, but are not limited to, the quality of services provided, anticipated ability to perform the services required in this RFP, and the responsiveness of the respondent to the client during the engagement.

Information provided by references may be used by GOSR for proposal evaluation purposes. GOSR is not responsible for the lack of responsiveness of the references listed by respondents, and the State is not required to alert respondents of a reference's unresponsiveness during the proposal evaluation period. Inability to contact a reference will not be looked upon favorably.

GOSR reserves the right to deploy, at its sole discretion, a variety of methods and communication approaches to contact references, depending on what the State deems to be the most effective and efficient manner.

If a respondent will be subcontracting or partnering for any portion of the work, please also summarize the qualifications and experience of their relevant staff and attach any contracts or agreements pertaining to the proposal. **Please provide at least three (3) references for the respondent and for any partners or sub-contractors. Respondents are required to provide a reference for any disaster-related experience they list in this section.** Each reference should include the name, title, company, address, phone number and email address of the reference, and a brief summary of the relationship between the reference and the respondent.

Capacity to Perform Services

Provide a summary of the respondent's technical expertise that describes the respondent's unique capabilities. This narrative should highlight the respondent's ability to perform auction and real estate consulting services.

Attach the résumés and professional qualifications of the respondent's principals, project managers, key personnel, and staff to be assigned, including degrees, licenses and years of relevant experience.

Specifically identify people currently employed by the respondent who will serve in key roles and descriptions for performing auction and real estate consulting services. List, describe, and discuss the need for specific roles to perform each of these functions and provide an organizational chart that shows how and by whom these master program management functions will be performed.

In addition, identify any sub-consultants and subcontractors the respondent will be engaging as part of the proposal. Please note, respondents providing specific opportunities

and partnerships with minority-and/or women-owned business enterprises will be given additional consideration as part of the proposal evaluation and selection process. Please also note that all subcontractors of the selected firms prior to and after the issuance of a contract will be subject to prior written approval by GOSR.

Specify the primary contact person for the respondent (name, title, location, telephone number, and e-mail address).

5.3.4 Approach and Methodology

Explain how the respondent will achieve the goals, objectives, tasks, and deliverables outlined in this RFP. Set forth a detailed narrative describing the unique process the respondent would apply to monitoring and compliance services. Outline the respondent's approach to streamlining monitoring processes to provide successful and timely services to GOSR. Address why the proposed approach is appropriate and suited for the affected counties in New York State.

Further, describe fully any similar experience for projects for public and/or private sector organizations similar in size (both in terms of size of workforce and budget) and complexity to New York State government. **Proposals must provide examples of how the proposed approach has achieved success in specific, relevant projects for public or private sector organizations similar in size and complexity to New York State government.** The Technical Proposal must contain enough information for the evaluators to ascertain the success of the projects accomplished by the Firm, and include the metrics and factors used to demonstrate that those projects and the Firm's approach was indeed successful.

This section must include an acknowledgement that, if selected, the Firm has the ability to respond with sufficient key and line staff and that those key staff approved by the GOSR as part of the contract, including Engagement Partners, Project Managers, Management Analysts, Investigators, and Auditors/Accountants, will continue to be available for those assignments.

Identify existing staff who will be involved in ongoing program management, including each staff member's proposed role in the organization, their relevant qualifications, and the allocation of their time to this project. Additionally, clearly identify the staff to be employed, including staff that will need to be hired, the process for hiring them, and how they will be trained. Indicate if any work will be subcontracted to other partners. If so, please provide a pending or executed contract, MOU, or agreement. If the agreement is pending a successful proposal, it must be executed and a copy submitted to GOSR prior to the execution of the contract awarded pursuant to this RFP. Clearly detail and describe the respondent's approach to start-up of operations.

Provide detailed approach for establishing engagement of a monitoring and compliance program for the broad range of activities outlined in the Action Plan, including housing, economic development, and infrastructure related programming. Describe the respondent's approach to identifying risks and mitigation measures, as well as its approach to making implementation recommendations. **Provide samples of any risk matrix tools or**

technologies that can support the management and monitoring of overall risks. Provide sample monitoring plans and reports, audit plans and reports, and investigative plans and reports as well as a description of the system(s) used to capture, maintain, review, and report data.

Outline procedures for ensuring compliance with all federal and state legal requirements.

5.3.5 Price Proposal

Team Rates

Complete the Price Proposal Form (Attachment 1):

- Proposers must submit their gross commission fee on the Cost Proposal Form provided as Attachment 1. Any alterations, exceptions, qualifiers, ranges, etc. will result in rejection of the proposal. The contract fee is expressed as a percentage of gross auction sales (not including sales tax). A percentage shall be provided for each year of the contract, as stated on the Cost Proposal Form.

The commission fee is inclusive of all ancillary costs and expenses (Including, but not limited to travel, lodging, meals, insurance, bonding, administrative, overhead and profit, etc.). For evaluation purposes, an estimated annual dollar value will be used.

- Proposers may propose a Firm fixed price in addition to the gross commission fee above for all work done to gather a qualified bidder pool by developing and posting a Request for Qualifications for builders and developers who meet minimum qualifications as set by GOSR, including evaluation of all proposals based on a scoring system to determine a builders or developer's qualifications and present it to GOSR for final determination. Use the Price Proposal Worksheet (Attachment 3) to provide the firm's price proposal. Respondents must commit to the prices provided in the Price Proposal Worksheet for the life of the award.
- The Price Proposal Form should be signed by the individual who signs the proposal cover page.

Respondents that regularly use pricing models other than what is required above may elect to submit an Alternate Cost Structure along with their completed Price Proposal Form. The Alternate Cost Structure should clearly describe the pricing model used by the respondent and provide a clear explanation of how the rates proposed on the Price Proposal Form correlate to the fees described in the Alternate Cost Structure. This information may be used, at the sole discretion of GOSR, when negotiating a contract with the selected respondent.

If electing to submit an Alternate Cost Structure, the respondent must also submit a completed Price Proposal Form in accordance with the instructions above. The Alternate Cost Structure must also include in its fees any reproduction, travel, postage, or other expenses and otherwise abide by the terms and conditions related to submitting a price proposal as described herein. Respondents that do not submit a completed Price Proposal Form will not be evaluated.

For GOSR to consider an Alternate Cost Structure, the proposal must include:

- A completed Price Proposal Form with hourly rates
- A detailed description of the Alternate Cost Structure including staff qualifications, number of hours worked per unit billed, rate (daily, weekly), and other relevant information
- A detailed explanation of how the hourly rates proposed in the Price Proposal Form equate to the Alternate Cost Structure

5.3.6 Commitment to Complying with all Applicable Federal, State, and Local Regulations

Respondents who demonstrate a commitment to complying with all applicable Federal, state, and local regulations, including M/WBE and Section 3 income requirements, will receive the most points.

New York State Law

Pursuant to New York State Executive Law Article 15-A (“Article 15-A”), GOSR recognizes its obligation to promote opportunities for maximum feasible participation of certified M/WBEs, and the employment of minority group members and women in the performance of all New York State funded GOSR contracts. GOSR encourages firms that are M/WBE certified in New York State, or any other city or state, or the federal government, to submit proposals in response to this RFP.

In 2006, the State commissioned a disparity study to evaluate whether M/WBEs 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 M/WBEs in State procurement contracting versus the number of M/WBEs 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 M/WBE program. The recommendations from the Disparity Study culminated in the enactment and the implementation of Article 15-A, which requires, among other things, that GOSR establishes goals for maximum feasible participation of State certified M/WBEs and the employment of minority group members and women in the performance of all New York State funded GOSR contracts.

Business Participation Opportunities for MWBEs

GOSR is committed to achieving significant M/WBE participation in its contracts and will use good faith efforts to ensure that qualified M/WBE firms are included in the selection of a firm to provide the above described services. For purposes of this solicitation, the Corporation has established an overall goal of 20% for M/WBE participation for the above described services performed under the contract(s) awarded pursuant to this RFP: 10% for Minority-Owned Business Enterprises and 10% for Women-Owned Business Enterprises.

Respondents that are not M/WBEs are strongly encouraged to consider partnering, or other joint venture arrangements, with other certified M/WBE firms to achieve the prescribed goals and to give M/WBE firms the opportunity to participate in the above-described services performed under the contract(s) awarded to the successful respondent(s).

Note that under Article 15-A, respondents must document good faith efforts to provide meaningful participation by M/WBE firms for the above-described services. Willful and/or intentional violation of this obligation may result in the imposition of liquidated damages or other appropriate sanctions, including, without limitation, suspension of any future contracts with GOSR and monetary payments based on the M/WBE goal shortfall.

The directory of New York State Certified M/WBEs can be viewed at <http://www.esd.ny.gov/MWBE.html>. For further information or assistance relating to M/WBE partnering arrangements, contact GOSR via email at MWBE_EEOCreports@stormrecovery.ny.gov.

Include the following in the respondent's proposal:

- (a) If the respondent is a New York State-certified M/WBE firm, provide documentation evidencing registration. For M/WBE firms that are not certified but have applied for certification, provide evidence of filing, including the filing date.
- (b) A description of the instances, if any, in which the respondent has worked with M/WBE firms on previous transactions by engaging in joint ventures or other partnering or subcontracting arrangements. Proposals should include the nature of the engagement, how such arrangement was structured and a description of how the services and fees were allocated.
- (c) A statement of the respondent's willingness, if any, to engage in M/WBE partnering or mentoring arrangements with a M/WBE firm selected by the respondent. Such statement should include an explanation of how the respondent would suggest structuring such an arrangement and allocating services and fees between the firms participating or mentoring arrangement.
- (d) Provide a plan for ensuring the participation of minority group members and women in accordance with the Participation by Minority Group Members and Women

Requirements and Procedures for Contracts with HTFC, attached hereto as Appendix III.

5.3.7 Section 3 of the Housing & Urban Development Act of 1968

In addition to the above diversity requirements, and pursuant to Section 3 of the Housing & Urban Development Act of 1968, GOSR is committed to ensuring that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, be directed to low- and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

A “Section 3 resident” is: 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County where the Section 3 covered assistance is expended. A “Section 3 business concern” is a business that can provide evidence that they meet one of the follow criteria: 1) 51 % or more owned by Section 3 residents; or 2) at least 30% of its full time employees include persons that are currently Section 3 residents, or were Section 3 residents within three years of the date of first hire; or 3) provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to business concerns that meet one of the preceding two qualifications.

Further requirements for Section 3 contracts are detailed in Section 30 of Appendix I, “HUD General Provisions.”

5.3.8 Vendor Responsibility

Complete and include in the proposal a Vendor Responsibility Questionnaire, the form for which can be found at http://www.osc.state.ny.us/vendrep/forms_vendor.htm. Select the questionnaire that best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other). Do not send the completed form to the Office of the State Comptroller (OSC) unless specifically requested.

5.3.9 Affirmation of Understanding Form

Complete and sign the Affirmation of Understanding and Agreement Pursuant to State Finance Law § 139-j (3) and § 139-j (6) (b), attached hereto as Appendix A.

5.3.10 Offeror Disclosure of Prior Non-Responsibility Determinations Form

Complete and sign the Offeror Disclosure of Prior Non-Responsibility Determinations, attached hereto as Appendix B.

5.3.11 General Federal Grant Requirements

Because the contract is being funded with federal funds, the contract shall be governed by certain federal terms and conditions for federal grants, such as the Office of Management and Budget's ("OMB") applicable circulars. Respondent shall provide a description of experience with such grant requirements and affirmatively represent and certify that the respondent shall adhere to any requirements of applicable federal requirements. Any funds disallowed by any federal government entity shall be disallowed from fee or compensation to contractor.

5.3.12 HUD General Provisions

Because the contract is being funded with HUD funds, the contract shall be governed by certain general HUD terms and conditions, attached hereto as Appendix I. Respondent shall provide a description of experience with such requirements and affirmatively represent and certify that the respondent shall adhere to the terms and conditions set forth at Appendix I, and any subsequent changes made by HUD.

5.3.13 Standard Clauses for Contracts with HTFC

Because the ultimate contract will be between the respondent and HTFC, the contract shall be governed by certain standard HTFC terms and conditions, attached hereto as Appendix II. Respondent shall provide a description of experience with such requirements and affirmatively represent and certify that the respondent shall adhere to the terms and conditions set forth at Appendix III, and any subsequent changes deemed appropriate by HTFC.

Attachments and Appendices

Attachment 1 – Price Proposal Form

- Part 1- Cost Proposal
- Part 2 - Rates

Page 1 in RFP Appendices – Respondent Overview

Appendix A – Affirmation of Understanding and Agreement Pursuant to State Finance Law §
139-j (3) and § 139-j (6) (b)

Appendix B – Offeror Disclosure of Prior Non-Responsibility Determinations

Appendix I – HUD General Provisions

Appendix II – Standard Clauses for Contracts with the Housing Trust Fund Corporation

Appendix III – Diversity Forms

Appendix IV – Construction Requirements and Procedures for Contracts with Housing Trust
Fund Corporation

Attachment 1

Price Proposal Form – Part 1

COST PROPOSAL FORM

All Proposers must submit a bid commission price for each year that are totally inclusive of all costs and expenses to be incurred in the performance of any contract resulting from this RFP.

Commission Bid

Year 1 (_____ %)

Year 2 (_____ %)

Year 3 (_____ %)

Contractors will be paid per the commission % bid based on actual auction gross sales receipts.

Firm fixed price in addition to the gross commission fee \$_____

Company Name

Authorized Signature Date

Printed Name Title

Description of Positions and Titles

The following represents the general descriptions for the staffing categories to be utilized in the respondent's proposal and, if awarded, the resulting contract:

Engagement Partner: The Engagement Partner would be responsible for reporting to Senior GOSR staff on large contractual issues. They would participate in contract negotiations and engage GOSR when significant scope or change of work order is needed. The Engagement Partner must have at least five years' experience in Auction and Real Estate Consulting Services to public entities (which include federal, state, or local agencies or public authorities within the United States), including but not limited to those services outlined in Section 1.4 of the RFP.

Project Manager: The Project Manager, reporting to the Engagement Partner, will coordinate and delegate the assignments to the contractor's staff, and serve as the point of contact for GOSR staff. The project manager will be responsible for reporting to GOSR on progress – and if necessary, communicating with subrecipients – on new issues, project status, meetings, and deliverables. The Project Manager must have at least four years' experience in Auction and Real Estate Consulting Services, including but not limited to those services outlined in this RFP.

Senior Management Analyst: The Senior Management Analyst, working under the Project Manager, will be responsible for the execution Auction and Real Estate Consulting Services tasks and assignments as directed by GOSR as well as integrity monitoring issues on which GOSR seeks advice or guidance. These tasks, assignments, and issues include but are not limited to those outlined in this RFP. The Senior Management Analyst must have at least three years' experience in Auction and Real Estate Consulting Services, with a minimum of one year experience in Auction and Real Estate Consulting Services for public sector projects.

Management Analyst: The Management Analyst will assist in the execution of Auction and Real Estate Consulting Services tasks and assignments under the supervision of the Senior Management Analyst, Project Manager, or Engagement Partner. The Management Analyst will serve in a capacity similar to that of the Senior Management Analyst. The Management Analyst must have at least two years' experience in Auction and Real Estate Consulting Services, with a minimum of one year experience in integrity monitoring for public sector projects.

Price Proposal Form – Part 2

Rates

Firm Name: _____

		Hourly Rates		
Name(s)	Title	Contract Year		
		2014-2015	2015-2016	Extension Year 2016-2017
	Engagement Partner			
	Project Manager			
	Senior Management Analyst			
	Management Analyst			

Note: Add as many rows as needed for relevant and related labor categories. For any additional labor categories, the respondent must provide a description of such, inclusive of the minimum education and experience qualifications.

Signature: _____

Date: _____