



## GOVERNOR'S OFFICE OF STORM RECOVERY

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Andrew M. Cuomo  
Governor

James Rubin  
*Executive Director*



### HOUSING TRUST FUND CORPORATION

Request for Proposals

For

Professional Services

For

Community Development Block Grant-Disaster Recovery  
Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management  
Systems & Services

**RFP#201409\_020**

September 23, 2014

Responses must be received no later than  
**12:00 PM** (Eastern) October 15, 2014

# Table of Contents

<b>1.0 GENERAL INFORMATION</b> .....	<b>4</b>
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 .....	7
1.7 Key Deliverables.....	8
• Davis-Bacon Module.....	8
• Section 3 Module.....	8
• Business and M/WBE Utilization Module .....	8
• Document Module.....	8
1.8 Number of Awards.....	9
<b>2.0 ADMINISTRATION INFORMATION</b> .....	<b>9</b>
2.1 RFP Coordinator .....	9
2.2 Respondents’ Conference and Questions.....	9
2.3 Procurement Lobbying Provisions.....	10
2.4 Conflicts of Interest.....	10
<b>3.0 PROPOSAL INFORMATION</b> .....	<b>11</b>
3.1 Proposal Instructions.....	11
3.2 Rejection of Proposals; Cancellation of RFP.....	12
3.3 Waiver of Informalities.....	12
3.4 Withdrawal of Proposal .....	12
3.5 Ownership of Proposal.....	12
3.6 Proprietary Information .....	13
3.7 Cost of Preparing Proposals.....	13
3.8 Errors and Omissions in Proposal.....	13
3.9 Award and Execution of Contract.....	13
3.10 RFP and Proposal as Part of Contract.....	13
<b>4.0 Evaluation and Selection</b> .....	<b>14</b>
4.1 Evaluation Methodology.....	14
4.2 Selection Criteria .....	15
4.2.1 Experience and Capacity (15 Points).....	15
4.2.2 Functionality & Implementation Approach (35 Points) .....	15
4.2.3 Price Proposal (25 Points).....	15
4.2.4 Commitment to Complying with all Applicable Federal, State, and Local Regulations as well as all Section 3, Davis Bacon and MWBE regulations. (25 Points).....	15
4.3 Finalist Interview .....	16
4.4 Selection of Proposal in Best Interests of the State .....	16
4.5 Notification of Selection .....	16
4.6 Service Level Agreements .....	16
<b>5.0 Respondent Requirements</b> .....	<b>17</b>

5.1 Requirement of Legal Entities .....	17
5.2 Required Qualifications of Respondent .....	17
5.3 Proposal Format .....	19
5.3.1 Cover Letter and Table of Contents.....	19
5.3.2 Executive Summary .....	19
5.3.3 Experience and Capacity.....	19
5.3.4 Functionality & Implementation Approach .....	20
5.3.5 Price Proposal .....	21
5.3.6 Commitment to Complying with all Applicable Federal, State, and Local Regulations, including all M/WBE, Section 3 and Davis Bacon.....	21
5.3.7 Section 3 of the Housing & Urban Development Act of 1968 .....	23
5.3.8 Vendor Responsibility .....	23
5.3.9 Affirmation of Understanding Form .....	23
5.3.10 Offeror Disclosure of Prior Non-Responsibility Determinations Form .....	23
5.3.11 General Federal Grant Requirements.....	24
5.3.12 HUD General Provisions .....	24
5.3.13 Standard Clauses for Contracts with HTFC.....	24

## **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 Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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 for Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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 Compliance Tracking Management Systems and Services for a variety of programs 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
September 23, 2014	Release of RFP
September 29, 2014	Anticipated Respondents’ Conference *conference information to be posted to the website*
September 29, 2014	Last Day to Submit Questions – 8:00 PM ( <b>Eastern</b> )
October 5, 2014	Issuance of Answers to Questions
October 15, 2014	Proposal Submission Deadline – 12:00PM ( <b>Eastern</b> )
N/A	Finalist Interviews (if applicable)
October 22, 2014	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 Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & Services to be procured through this RFP will support the implementation and administration of a broad range of programs for which CDBG-DR funds will be used, including but not limited to housing grant and loan programs, business grant and loan programs, and a variety of infrastructure development projects performed by municipalities, agencies, and other organizations that will help administer funds.

### **1.6 Scope of Services**

As one of the HUD CDBG-DR grant requirements, GOSR is required to fulfill federal regulatory reporting, monitoring and enforcement requirements such as M/WBE, Davis-Bacon and Related Acts (DBRA) and Section 3.

The application GOSR procures must allow or facilitate:

- On-boarding, training, and provide ongoing technical assistance of participants (contractors, sub-contractors and sub-recipients) and creation of participant profiles
- Digital submission and signatures of all forms required by GOSR
- Submission of Certified Payroll Reports (CPR) in various formats or through ad-hoc forms
- Automated prompts to ensure completeness of participant submissions
- Store images of scanned documents and attach documents to participant records
- Storage of participant records and CPR reports in a structured database
- Standardized and ad-hoc statistical and trend reporting
- Exporting of structured data for use in external reporting or analysis systems
- Comprehensive electronic DBRA, Section 3, M/WBE business utilization, Economic Impact tracking
- Workforce utilizations, and Accountability Tracking

- Provide site interview function and payroll data reconciliation for wage enforcement needs
- Provide workforce tracking and work hours reporting
- Provide advanced workforces tracking based on geographical regions
- Provide ongoing training and technical support to all users of the system. Support services should be available via, phone, email in real time
- Scale easily to accommodate an ever-increasing influx of data
- Meet acceptable standards for usability and operating system compatibility
- Be compatible with mobile devices deployed in the field
- Allow for integration with third-party or custom applications

### **1.7 Key Deliverables**

The key deliverables to be provided are the following modules. Each module must have the capacity to capture and analyze data from the required diversity forms in Appendix III of the Appendices for RFPs included with this RFP.

- **Davis-Bacon Module**
  - Wage compliance reporting module that will allow GOSR to automate and aggregate the reporting, monitoring and enforcement of federal Davis-Bacon requirements on all contracts and subrecipient agreements.
- **Section 3 Module**
  - The Section 3 module will allow GOSR to automate and aggregate the reporting and monitoring data for contractors and subrecipients to generate Section 3 related contract and workforce reports based on HUD requirements.
- **Business and M/WBE Utilization Module**
  - The Business and MWBE utilization module will allow GOSR to automate and aggregate the reporting and monitoring of contractors and subrecipient business utilization plans.
- **Document Module**
  - With the ability to be integrated with the other modules in the system, the document module will provide GOSR with a document management, sharing and repository
- **Training & Technical Assistance**

- Provide training materials, schedule, Staff Training (QTR), Contractors (As Needed)

### **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 one (1) contract 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:

Shin Kim  
Director of Procurement  
Governor's Office of Storm Recovery  
25 Beaver Street  
New York, New York 10004  
GOSRProcurement@stormrecovery.ny.gov

### **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](mailto: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 – Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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](mailto:GOSRProcurement@stormrecovery.ny.gov).

**Please Note: 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](mailto: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: **12:00 PM (EDT) on the date indicated in the table of section 1.3.** Part one is to include the Cost Proposal. The email subject shall indicate **RE: Bid Proposal for Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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 Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & Services– Technical Proposal and Attachments.**

Any proposal delivered after 12:00 PM (EDT) will not be accepted. 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:  
Shin Kim  
Director of Procurement  
Governor's Office of Storm Recovery  
[GOSRProcurement@stormrecovery.ny.gov](mailto: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 December 31, 2014.

The proposal should otherwise concisely state the respondent's ability to meet the requirements of the RFP. There is a 15 -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 price 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 (15 Points)**

Scored on the respondent's demonstrated experience in executing and delivering Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & Services. Respondents who have demonstrated experience and success in providing Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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.

### **4.2.2 Functionality & Implementation Approach (35 Points)**

Respondents that present a clear and straightforward approach for implementation of Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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. In addition, GOSR is also committed to manage the program using the best available technology to implement a comprehensive compliance reporting and monitoring program.

### **4.2.3 Price Proposal (25 Points)**

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 as well as all Section 3, Davis Bacon and MWBE regulations. (25 Points)**

Respondents who demonstrate a commitment to complying with all applicable Federal, state, and local regulations, including M/WBE, Davis Bacon 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 20-minute presentation. This presentation should highlight Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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.
- (b) If Respondent is a New York State certified M/WBE firm, please provide evidentiary documentation of registration and or certification.
- (c) Respondent is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- (d) Respondent has a satisfactory performance record.
- (e) Respondent has a satisfactory record of integrity and business ethics.
- (f) Respondent has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them.
- (g) Respondent is otherwise qualified and eligible to receive an award under applicable laws and regulations.
- (h) Respondent has thoroughly reviewed the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2) and all pertinent Federal Register notices.
- (i) Respondent has thoroughly reviewed the New York State Action Plan and all amendments thereto.
- (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 services in conjunction with this RFP.

#### **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 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.

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.

### 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 Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & Services

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 Functionality & Implementation Approach**

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 Section 3, MWBE and Davis Bacon Electronic Compliance Tracking Management Systems & 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 publically funded 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.

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

### **5.3.5 Price Proposal**

#### **Price Proposal – Attachment 1 – Part 1 & 2**

Please submit your pricing structure as Attachment 1. Identify a minimum and maximum cost allowable under this award.

### **5.3.6 Commitment to Complying with all Applicable Federal, State, and Local Regulations, including all M/WBE, Section 3 and Davis Bacon**

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](mailto: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](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.

**Price Proposal Form**  
**Attachment 1**  
**Part 1**

Optional

	<u>2014</u>	<u>2014</u>	<u>2014</u>	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>
<b>Program Design</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>
<i>Requirements Gathering</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<i>Functional Design</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<b>Total</b>									

Optional

	<u>2014</u>	<u>2014</u>	<u>2014</u>	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>
<b>Implementation</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>
<i>System Build Out</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<i>Testing</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<b>Total</b>									

Optional

	<u>2014</u>	<u>2014</u>	<u>2014</u>	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>
<b>Initial Training</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>
<i>Define User Roles</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<i>Develop/Deliver User Role based Training</i>									
{ Insert Title }									
{ Insert Title }									
{ Insert Title }									
<b>Total</b>									

**Price Proposal Form**  
**Attachment 1**  
**Part 2**

Optional

	<u>2014</u>	<u>2014</u>	<u>2014</u>	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>
<b>Ongoing Support</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>	<b>Hours</b>	<b>Cost</b>	<b>Total</b>
<i>System Maintenance</i>									
{Insert Title}									
{Insert Title}									
{Insert Title}									
<i>Ongoing Training</i>									
{Insert Title}									
{Insert Title}									
{Insert Title}									
<b>Total</b>									

Optional

<b>Total Labor Cost</b>	<u>2014</u>	<u>2015</u>	<u>2016</u>
<i>Program Design</i>			
<i>Implementation</i>			
<i>Initial Training</i>			
<i>Ongoing Support</i>			
<b>Total</b>			

Optional

<b>Software Licensing Total – Need to clarify if per user, enterprise, per year etc.</b>	<u>2014</u>	<u>2015</u>	<u>2016</u>

## **Attachments and Appendices**

Attachment 1 – Price Proposal – Part 1 & 2

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