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Governor

**Homes and
Community Renewal**

JAMES S. RUBIN
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**THE COMMUNITY PRESERVATION CORPORATION
("CPC")**

28 East 28th Street, 9th Floor, NY, NY 10016-7943

**REQUEST FOR PROPOSALS FOR:
CONSTRUCTION COMPLIANCE
CONSULTANTS
SMALL PROJECT AFFORDABLE
RENTAL CONSTRUCTION PROGRAM**

Date of Issuance: February 29, 2016
RFP Response Due Date: April 1, 2016

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I. REQUEST FOR PROPOSALS SCHEDULE

Proposals responding to this request for proposals (“RFP”) shall be received by April 1, 2016 provided, however, that CPC reserves the right to, at its discretion, extend this RFP period beyond April 1, 2016 to fulfill the needs of the Program. CPC may, at its discretion, modify this RFP in writing by addendum and/or a replacement RFP at any time without prior notice. CPC may award contracts to multiple entities under this RFP in accordance with Program needs. CPC reserves the right to reject any proposal as non-responsive if compliance with any portion of the specifications provided and/or referenced herein is not clearly evident on the face of any such proposal. In addition, CPC reserves the right to waive any informality or noncompliance with the specifications provided and/or referenced herein, reject any and all proposals, or accept any proposal in whole or in part, if, at CPC’s discretion, deemed to be in the best interest of CPC.

For consideration, all responders to this RFP (“Applicants”) should contact RClarke@communitytp.com to provide their names and contact information for placement on the Construction Compliance Consultant RFP - SMALL PROJECT AFFORDABLE RENTAL CONSTRUCTION PROGRAM solicitation list.

For consideration, proposals must be received by CPC by April 1, 2016 in the manner set forth below:

- (1) Please submit one (1) hard copy of the application at the address below:

The Community Preservation Corporation
28 East 28th Street, 9th Floor
New York, New York 10016-7943
ATTN: Ross Clarke
*** Construction Compliance Consultant RFP Response ***
*** PRIVILEGED AND CONFIDENTIAL ***

- (2) Please submit a PDF of your response to Ross Clarke at RClarke@communitytp.com.

RFP Timeline:

- February 29, 2016 – Release of the RFP
- March 14, 2016 – Questions regarding the RFP due by 4pm and should be sent via email to RClarke@communitytp.com
- March 21, 2016 – Answers to RFP questions will be posted at <http://www.communitytp.com>.
- April 1, 2016 – All responses must be received by CPC by 4pm.
- CPC will inform all respondents of their status on or before April 15, 2016.

II. SMALL PROJECT AFFORDABLE RENTAL CONSTRUCTION PROGRAM DESCRIPTION

A. CPC Background

CPC is a nationally recognized leader in affordable housing finance. CPC has provided a consistent source of capital to underserved housing markets throughout New York State since 1974, and is committed to delivering financing, technical expertise and to working closely with a range of community partners to create and preserve affordable housing. Over its 41-year history, CPC has contributed to the preservation or creation of approximately 153,000 units of affordable housing, initiated numerous downtown revitalizations, and improved the quality and energy efficiency of the multifamily stock.

B. Program Summary

The Small Project Affordable Rental Construction Program (the “Program”) is a program to make project financing available to qualified housing developers for the construction of affordable multifamily rental properties of eight (8) to twenty (20) units located in areas where housing stock was damaged or lost due to the impact of Superstorm Sandy, Hurricane Irene and/or Tropical Storm Lee (the “Storms”). The Program is funded by the U.S. Department of Housing and Urban Development (“HUD”) through a grant to New York State from HUD (the “Grant”) with Community Development Block Grant Disaster Recovery (“CDBG-DR”) funds. The Grant is administered on behalf of New York State (the “State”) by the Housing Trust Fund Corporation (“HTFC”) and the Governor’s Office of Storm Recovery (“GOSR”) and as program administrator of the Grant, The Community Preservation Corporation (“CPC”) is assisting HTFC and GOSR with the administration of the Grant. The maximum amount of Program assistance to a project will be the lesser of \$3,750,000 per project or \$200,000 per affordable unit.

The Program’s primary objectives are:

- Promoting recovery from the Storms by creating new rental housing in markets where housing was damaged and affordable multifamily rental properties of eight (8) to twenty (20) units (“Small Projects”) will address an impact of the Storms;
- Addressing affordable housing needs in storm-affected communities where small scale development meets demand and neighborhood context;
- Stimulating the creation of a broad range of housing options for the residents of the State of New York;
- Addressing the needs of New York State’s most vulnerable populations, including those with low to moderate income. At least 51% of the residential units in any project must be reserved for occupancy by individuals or families with household incomes below 80% of the Area Median Income, as adjusted for household size; and
- Supporting recovery in New York Rising Community Reconstruction Program areas (See <http://www.stormrecovery.ny.gov/community-reconstruction-program>) and other areas highly impacted by the Storms in the following counties: Albany, Broome,

Chemung, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washing and Westchester (each, an “Eligible County” and collectively, the “Eligible Counties”).

On behalf of New York State, CPC will facilitate approximately \$19 million in permanent financing to qualified housing developers upon a project’s completion and occupancy in order to pay down a portion of the construction loan to be provided to such eligible housing developer by CPC to finance either the substantial rehabilitation of buildings damaged by the aforementioned storms, substantial rehabilitation of vacant buildings in the areas affected by the aforementioned storms or new construction of Small Projects situated in Eligible Counties. Applicants must qualify for both CPC construction financing and Program funds. Projects will only be eligible for Program funds in connection with construction financing from CPC and permanent financing from a CPC investor.

The Program is expected to be phased in over a 24-month period, the first construction loan closing is expected to occur no later than March 1, 2017 and the first permanent loan closing is expected to occur no later than March 1, 2019. The portion of the permanent loan consisting of Program funds will have a term of 30 years and, depending on the economics of the Project, may not have to be repaid during the loan term other than from cash flow generated by the property.

All projects receiving Program assistance must comply with the Federal National Environmental Protection Act (“NEPA”) as implemented through 24 CFR 58 and the New York State Environmental Quality Review Act (“SEQRA”). Additionally, the recipient of Program funds must ensure that each funded activity meets one of three named National Objectives: (i) benefiting low and moderate income persons; (ii) preventing or eliminating slums or blight; and (iii) meeting urgent needs.

III. DESCRIPTION OF CONSTRUCTION COMPLIANCE CONSULTANT SERVICES

Proposals should demonstrate that Applicants are qualified to provide services in the capacity of a "Construction Compliance Consultant", as outlined below.

In the Program, CPC is required to ensure that general contractors comply with certain federal requirements and practices. To that end, throughout the Program's duration, the Construction Compliance Consultant will work with Program staff, the general contractors and their subcontractors to ensure compliance with the following federal requirements, practices, statutes, regulations and any publications, handbooks, guidance, memos or letters issued by the U.S. Department of Labor ("DOL") or HUD (collectively, the "Requirements"):

A. Federal Labor Standards

1. The Davis-Bacon Act (40 U.S.C. §§ 3141 *et seq.*): For any construction contract ("Construction Contract") involving an excess of \$2,000, unless exclusively in connection with the rehabilitation of residential property containing fewer than 8 units, all laborers and mechanics must be paid at a rate not less than those determined by the Secretary of Labor to be prevailing for the locality, which rates are to be provided by the State. These wage rates are a federally mandated minimum only, and will be superseded by any State or local requirement mandating higher wage rates. The general contractor must also comply with Department of Labor Regulations pursuant to the Davis-Bacon Act found in 29 CFR Parts 1, 3, 5 and 7 which enforce statutory labor standards provisions.
2. Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701 *et seq.*), which provides that no laborer or mechanic shall be required or permitted to work more than eight hours in a calendar day or in excess of forty hours in any workweek, unless such laborer or mechanic is paid at an overtime rate of 1½ times his/her basic rate of pay for all hours worked in excess of these limits, under any Construction Contract costing in excess of \$2,000. In the event of a violation of this provision, the general contractor shall not only be liable to any affected employee for his/her unpaid wages, but shall be additionally liable to the United States for liquidated damages.
3. The Copeland "Anti-Kickback" Act (18 U.S.C. § 874), as supplemented by the regulations contained in 29 CFR Part 3, requiring

that all laborers and mechanics shall be paid unconditionally and not less often than once a week, and prohibiting all but “permissible” salary deductions.

4. DOL Federal Regulations contained in CFR Parts 1, 3, 5, 6 and 7)

B. Working Conditions

No part of the work, labor or services shall be performed or rendered by the general contractor in any plants, factories, buildings or surroundings or under working conditions that are unsanitary or hazardous or dangerous to the health and safety of employees working on the Construction Contract. Compliance with the safety, sanitary and factory inspection laws of the state where the work is performed shall be prima facie evidence of compliance.

C. Laminated Identification Tags

The general contractor shall provide laminated identification badges which indicate the worker's, laborer's or mechanic's name, trade, employer's name and employment starting date (month/day/year). The general contractor shall require as a condition of employment on the Property that each and every worker, laborer or mechanic wear the laminated identification badge at all times and that it may be seen by any representative of CPC, the State, and the Owner during the performance of the work.

D. Other Federal Requirements

1. Executive Order 11246 of September 24, 1965 entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60).
2. Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 134.
3. The general contractor's status as or commitment to hire or work jointly with minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs) including evidence of designation as a minority or woman-owned business by local or state government or demonstrated commitment to hire or work with small, minority and women-owned businesses through (i) the contractor's hiring track record (ii) the contractor's current hiring plan, and (iii) evidence of past and current joint venture partnerships with MBEs, and/or WBEs.

E. Pre-Loan Closing Services

With regard to the Requirements, the selected Construction Compliance Consultant will be expected to do the following prior to the closing of the construction loan:

1. Select the appropriate prevailing wage determination from DOL for each Project and ensure that said wage determination and standard Davis-Bacon contract clauses are attached to and made a part of the construction contract and bid solicitations **prior to execution or delivery thereof.**
2. Submit to CPC before construction loan closing a certification from the prime contractor of each Project (“General Contractor”) that the General Contractor and every subcontractor have complied with the requirements set forth in paragraph E.1. hereinabove.
3. Verify the eligibility of the prime contractor or general contractor of each Project to participate in federal programs by accessing the list of debarred contractors maintained by the U.S. General Services Administration which can be accessed on-line at <http://epls.ARNet.gov>.
4. Complete a Project Wage Sheet (HUD Form 4720) for each Project and obtain a Davis-Bacon Notice to All Employees (DOL Form WH-1321) and post both documents on the job site of each Project.
5. **Prior to execution of the construction contract and bid specifications,** schedule and preside over a meeting with representatives of the sponsor/developer and General Contractor of each Project to discuss the following issues:
 - a. Make sure the General Contractor and sponsor/developer understand their responsibilities under the Davis-Bacon Act and related federal statutes including the requirement that Davis-Bacon reporting will be done online using HTFC’s Elation System account which is accessible at www.elationsys.com.
 - b. Review any issues regarding compliance with the requirements described in paragraphs E.1. through E.4. hereinabove.
 - c. Review any issues regarding compliance with the requirements described in section F hereinbelow.

F. Construction and Post-Construction Completion Services

With regard to the Requirements, the selected Construction Compliance Consultant will be expected to do the following during construction of the Project and upon completion of the Project:

1. Obtain signed certified weekly payroll reports (DOL Form WH-347) (“Weekly Payroll Report”) from the General Contractor and subcontractors for each Project. Upon receipt of the Weekly Payroll Reports, Consultant shall promptly arrange for delivery thereof to CPC.
2. Using the Elation System, review Weekly Payroll Reports to ensure that all laborers and mechanics are being paid no less than the prevailing wage rates (including any applicable fringe benefits) listed on the wage

determination for the Project for the type of work performed. Such review shall include, but not be limited to, the following:

- a. Incomplete reports including missing addresses, social security numbers and missing signature on Statement of Compliance page.
 - b. Spot check payroll computations to ensure not less than wage rates on wage determination.
 - c. Deductions that are not identified or labeled or are unusually large.
 - d. Employees with too few or irregular or scattered hours.
3. Notify the State of the name of each general contractor and subcontractors proposed to be engaged by such general contractor and conduct investigations of General Contractor and subcontractors as may be necessary to ensure compliance with federal labor standards. Consultant shall promptly notify CPC of any investigation. Such investigation shall include, but not be limited to, the following:
- a. On-site interviews with employees and maintaining a record thereof by completing, as applicable, HUD Form 11 (Record of Employee Interview), HUD Form 4730 (Employee Questionnaire Form) and HUD Form 4731 (Federal Labor Standards Complaint Intake Form).
 - b. Examination of payroll data (time cards, tax records, evidence of fringe benefit payment) that supports Weekly Payroll Reports.
 - c. Priority should be given to investigations of Projects of which complaints have been received of alleged violations such as employee underpayment, or reasonable suspicion has been aroused with respect to falsification of Weekly Payroll Reports.
4. Promptly provide written notification to the General Contractor and/or subcontractors (as applicable) to correct within thirty (30) days of receipt of such notice any underpayments found in any Weekly Payroll Report or any other violation of federal labor standards described herein (e.g., overtime violations). Within such notification, the Consultant shall provide instructions for computing the restitution to be paid (and any liquidated damages) and documenting the restitution in corrected Weekly Payroll Report to be submitted to the Consultant. The Consultant shall promptly provide CPC with a copy of the notification. If the correction is not made within the 30 day period, then the Consultant will promptly make a recommendation to CPC with respect to further corrective action to be taken which shall include, but not be limited to, withholding of loan disbursements, establishment of deposits or escrows and/or recommendations of administrative sanctions to HUD and/or DOL including debarment or suspension proceedings.
5. Unless otherwise notified by CPC, the Consultant shall represent CPC in any administrative hearing, or civil or criminal proceeding, and any appeals thereof, with respect to the compliance of the General Contractor or subcontractors with federal labor standards described herein regarding the Project.
6. The Consultant shall prepare a DOL Section 5.7 enforcement report to be submitted to the Secretary of the DOL on all enforcement actions

including, but not limited to, cases where underpayments by the General Contractor or subcontractor total \$1,000 or more, or where there is reason to believe that violations are aggravated or willful. Such reports must be submitted to HUD for review within forty-five (45) days of completion of the investigation which will allow HUD fifteen (15) days to review and submit to DOL.

7. The Consultant shall complete Semi-Annual Labor Standards Enforcement Report (HUD Form 4710) by April 30 and October 31 of each calendar year in connection with compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and its related federal statutes covering the periods of October 1 through March 31 and April 1 through September 30, respectively.
8. Employee data and employee statements received by the Consultant shall be governed by the Freedom of Information Act and the Privacy Act of 1974, and shall be kept confidential with the exception of the Consultant's disclosure to CPC in the course of the performance of its duties as agent thereof.
9. The Consultant shall maintain all Weekly Payroll Reports (including signed Statements of Compliance) for a period of no less than three years from the date of completion of the applicable construction contract and shall be reproduced by the Consultant at the request of DOL at any time during said three year period.

G. Additional Services:

Consultant shall perform the following additional services:

1. Assist in the development of additional procedures for ensuring compliance with the above Requirements for the Program;
2. Review Construction Contracts to ensure that all Construction Contracts contain a CDBG-DR Construction Rider, if applicable;
3. Facilitate any needed payroll modifications and work directly with general contractors and subcontractors to ensure that any and all errors are quickly remedied in full satisfaction of the State, GOSR, HTFC and DOL requirements;
4. Audit construction job sites on a weekly basis and ensure that all job site Davis Bacon requirements are being met, including ensuring proper Davis Bacon notices are posted; that workers are performing work included in the relevant job classification; and that workers onsite are in fact the workers listed on the payroll;
5. Serve as a liaison with the State upon receipt of a notice from an agency of the federal government directing that funds be withheld from payment of a general contractor or subcontractor or advanced into an escrow account; and
6. Respond to questions and concerns raised by CPC with regard to any of its compliance obligations.

Interested vendors must submit a proposal that includes a detailed description of the proposed work plan to ensure that Davis Bacon requirements are understood by Program staff and understood and adhered to by general contractors and subcontractors.

IV. PROGRAM GUIDELINES

A. Outcome Letters and Contract for Services

If selected for the Program, CPC will send the Applicant a letter notifying the Applicant that it has been selected for participation in the Program. The letter is a preliminary notification, and is issued prior to the contract described below.

Subsequent to issuance of a letter, Applicants will be required to execute a contract with CPC upon receipt of such contract. Depending on the needs of the Program, the contract may need to be amended to include additional properties or remove properties.

If an Applicant is not selected for the Program, CPC will notify the Applicant pursuant to an Application Review Letter.

B. Obligations of the Consultants

Upon entering into a contract with CPC, Construction Compliance Consultants accept responsibility for meeting all deadlines and for complying with enforcement provisions and Program requirements. The consultants are required to provide the Scope of Services in accordance with the following:

1. Ensure compliance with New York State and CPC deadlines. Some requirements will take priority, which will require immediate attention. Given the time-sensitive nature of the Program, CPC requires that the work completion deadlines be adhered to strictly. Failure to meet these deadlines may be grounds for termination by CPC.
2. Maintain adequate staff to undertake the services required. CPC reserves the right, at its sole discretion, to request additional staff or to require the replacement of nonproductive staff members when deemed necessary. Construction Compliance Consultants may choose to retain non-employees or consultants to perform work pursuant to the contract; however, CPC will not pay beyond the agreed upon contract amount for use of such consultants or services.
3. Establish with CPC staff an operations plan including, but not limited to, site visit scheduling and reporting procedures.

C. Term/Pricing

Fees for consulting services will be established through the pricing provided in response to this RFP. CPC will select the lowest reasonable and responsive bidder(s). CPC will enter into contracts for an initial term to be determined by CPC, renewable for an additional term, at the sole discretion of CPC. CPC cannot and does not guarantee a particular number of Projects to selected Construction Compliance Consultants.

D. General Requirements

To participate in the Program, Construction Compliance Consultants will need to adhere to many New York State and federal contracting provisions similar to the provisions in the Federal & State Requirements attached to this RFQ at **Attachment 2** (“Federal & State Requirements”).

Pursuant to the foregoing, Construction Compliance Consultants will be required to, without limitation:

1. Complete background questionnaires.
2. Comply with laws, rules and regulations governing lobbying activity.
3. Demonstrate ability to comply with the requirements of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 134.
4. Comply with the New York State Historic Preservation Act and New York State’s equal employment opportunity (“EEO”) requirements, including reporting requirements.
5. Comply with New York State Executive Law Article 15-A regarding utilization of New York State certified minority-and women-owned business enterprises (“MWBEs”), including reporting requirements.
6. Comply with whistleblower protection laws, as applicable.
7. Comply with all CDBG-DR requirements set forth below.
8. Promptly furnish CPC with any reasonably requested information and reports and otherwise cooperate with CPC, in each case, in furtherance of ensuring compliance with federal, state, and local requirements.

Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy. Applicants should be aware that federal law and regulations require that contracts providing CDBG-DR assistance contain certain provisions including, but not limited to, the following:

- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
- Termination for cause and for convenience by CPC including the manner by which it will be effected and the basis for settlement;

- Compliance with Executive Order 11246 of September 24, 1965 entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60);
- Compliance with Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (24 CFR part 3).
- Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5).
- Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5).
- Compliance with Section 503 and 504 of The Rehabilitation Act of 1973 (29 U.S.C. 794) as supplemented by Department of Labor regulations (41 CFR Part 60-741 and 24 CFR 8).
- Notice of awarding agency requirements and regulations pertaining to reporting;
- Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract;
- Awarding agency requirements and regulations pertaining to copyrights and rights in data;
- Access by CPC, the State, HUD, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions;
- Retention of all required records for three years after CPC or HTFC make final payments and all other pending matters are closed;
- Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (U.S.C. 6201).

V. REQUEST FOR PROPOSALS

This RFP has been issued by CPC to select Applicants to provide Program services on behalf of CPC within the appropriate timetable.

A. Submission of Applications

On or before the submission deadline date, Applicants must submit their applications in accordance with the instructions and attachments contained in the RFP. Submission of applications shall be deemed to be permission by Applicants for CPC to make inquiries concerning the Applicants as deemed necessary.

B. Review and Selection

Applicants must initially meet the threshold requirements outlined in Section VI of this RFP to be considered for participation in the Program. CPC will evaluate and determine whether Applicants satisfy the Threshold Requirements (as defined below), and are determined to be qualified Construction Compliance Consultants. Failure to meet these Threshold Requirements (as defined below) or to provide the complete information required in the RFP may disqualify the Applicants from consideration in the Program, although CPC reserves the right to waive any of the Threshold Requirements if CPC deems such waiver to be in the best interest of CPC and the Program, subject to the applicable statutes and Program regulations.

Once an Applicant is determined to be qualified by CPC and HTFC, CPC may, in consultation with HTFC, elect whether, pursuant to the criteria outlined in Sections VI and VII of this RFP, to execute a contract with a Construction Compliance Consultant and when to execute such contract. Considering the criteria outlined in Sections VI and VII of this RFP, CPC will select the lowest reasonable and responsive bidder(s).

VI. SELECTION CRITERIA

A. Applicant Threshold Requirements

The application must include all required information and must be deemed complete by CPC. Upon review, CPC, at its discretion, may notify Applicants that additional information or clarification is necessary. Failure to meet any of the requirements listed below may result in the rejection of the application.

To be eligible, Applicants must meet the following qualifications:

- Demonstrate that Applicant is a lawfully organized business.
- Demonstrated three (3) years prior experience in New York State, relevant to and consistent with the scope and description of services provided in Section III of this RFP;
- Demonstrate that the Applicant is financially viable;
- Provide evidence of the existence of or ability to obtain insurance in accordance with CPC requirements and the Federal & State Requirements attached hereto;
- Provide evidence of sufficient staffing.

Applicants will be disqualified for adverse findings with respect to:

- Arson, fraud, bribery, embezzlement, theft, forgery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, receiving stolen property, or grand larceny (including conviction or pending case);
- Criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local contract or subcontract;
- Previous record of default on work done under government contract;
- Compliance/history with governmental agencies as described in Applicant Questionnaire or in references;
- Formal debarment or suspension from entering into contracts with any governmental agency or other notification or ineligibility for or prohibition against bidding or proposing on government contracts;
- Denial of a contract based on any obligation to, or unsatisfied judgment or lien held by, a governmental agency;
- Subject of any voluntary or involuntary bankruptcy proceeding;
- A negative history with New York State and federal government agencies, including but not limited to NYSHCR, Dept. of Health, Dept. of Buildings, Dept. of Environmental Protection, or HUD;
- Federal or State anti-trust statutes;
- Failure to comply with existing State contracts;
- Unsatisfactory performance in State programs and contracts.

B. Competitive Criteria

CPC will further review Applicant responses for competitiveness in accordance with the criteria outlined in Section VI of this RFP:

- Proven ability to facilitate the completion of construction projects requiring compliance with the Requirements on schedule; and
- Ability to assist contractors with the utilization of MWBEs.

VII. SUBMISSION REQUIREMENTS

One fastened original of the Applicant's qualifications, including all documentation requested, as described below, must be submitted by ALL APPLICANTS in response to this RFP. Submission of an incomplete application may be grounds for disqualification of the Applicant.

The qualifications must be clearly labeled with tabs as indicated below. The tabs should run down the right hand side of the submission. The original application must be signed by Applicant or an authorized representative of the Applicant. Also, Applicant's response must be clearly labeled with the name of the Applicant on the cover.

PLEASE NOTE THAT THE APPLICANT'S QUALIFICATIONS MUST CONTAIN THE FOLLOWING FORMS AND SUPPORTING DOCUMENTATION.

A. Cover Letter (5%)

The Applicant's cover letter will constitute 5% of its overall score, and will be evaluated on Applicant's track record with federal and state governmental entities.

Applicants should include a cover letter that:

- References the RFP;
- Summarizes the Applicant's ability to perform such services as described in the RFP;
- Provides contact information for senior staff identified as the primary point-of-contact;
- Attaches existing insurance certificates, or if necessary, an explanation that the Applicant is able to obtain insurance that complies with the Federal & State Requirements;
- Attaches two (2) years of financial statements to establish financial viability of the individual or the business; and
- Attaches the completed Applicant Questionnaire attached to the RFP as Attachment 1.

B. Statement of Qualifications and Personnel (30%)

The Statement of Qualifications will constitute 30% of Applicant's overall score. Applicants will be evaluated on the firm's experience providing construction compliance and monitoring services, and on its work plan for performing the General Scope of Services described in Section III of this RFP in a timely, cost-effective manner.

The Statement of Qualifications should include, and will be evaluated, on the following information:

- Organizational profile including number of employees, year firm was established and number of years of experience that the Applicant has in the field.

- Experience in the construction compliance field, including:
 - Types/sizes of projects
 - Location of projects
 - Year job/s were completed
 - Any post-implementation relevant data
- Description of firm's ability to complete projects on schedule and within budget.
- Experience using the Elation System to monitor Davis-Bacon compliance, MWBE compliance, and/or any other monitoring area supported by the Elation System.
- Experience (if any) working with projects affiliated with CPC, a New York State governmental agency or any local municipalities.
- Demonstrated commitment to hire low and very low-income persons for the Program: CPC will consider the following items to evaluate the criteria: (i) the Applicant's hiring track record and (ii) the Applicant's current hiring plan.
- Evidence that some or all of the Competitive Criteria outlined in Section VI B. of this RFP have been met.

Applicants must include a list of certified personnel who will be performing and overseeing the assessments and identify the Person in Charge. The Person in Charge will be held responsible for performing services as stated under contract with CPC. Please include name, title, and years with the firm. Please include resumes for all assessment team personnel. Key team members cannot be changed without approval from CPC.

C. Description of the Proposed Work Plan (30%)

Applicant's description of the proposed work plan will constitute 30% of its overall score. Applicants will be evaluated based on the ability of their work plan to demonstrate a comprehensive understanding of Davis-Bacon Act and other labor laws, to provide a reasonable outline for the compliance process, to effectively use the Elation System's monitoring and reporting capabilities, and to demonstrate that Program deliverables will be met in a timely, cost-effective manner.

D. References (5%)

Applicant's references will constitute 5% of its overall score. Through its references, Applicant will be judged on how it provides construction compliance services to other clients, and on its reputation for providing services in the industry.

Please include at least three client references, with diversity in the types and sizes of projects. Written statements of reference or the names, addresses and telephone numbers of clients, who can explain the respondent's involvement and the scope of services, should be included.

E. Pricing (20%)

Applicant's pricing proposal will constitute 20% of its overall score. Applicants will be evaluated based on the reasonableness of pricing and a comparison of proposals from similarly-sized and experienced Applicants.

Applicants are asked to submit a blended rate per unit based upon the Section III *Description of Services* and upon the Applicant's own Proposed Work Plan as described in Sub-section C of this Section VII.

Applicants should assume that participating consultants would work on 5-7 projects over the course of the Program. Applicant should assume sole responsibility for traveling to and from jobs in different counties within the State of New York. With respect to the expected size (in value) of projects, Applicants should assume that *most* projects are expected to have between 12 and 20 units, and a construction budget of \$4,000,000-\$7,000,000.

F. Commitment to utilize MWBEs (10%)

Applicant's status as or commitment to hire or work jointly with minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs) will constitute 10% of its overall score. CPC will consider the following items to evaluate the criteria: Evidence of designation as a minority or woman-owned business by local or state government or demonstrated commitment to hire or work with small, minority and women-owned businesses through (i) the Applicant's hiring track record (ii) the Applicant's current hiring plan, and (iii) evidence of past and current joint venture partnerships with MBEs, and/or WBEs.

G. Additional Information

Disclosure and Conflicts of Interest: CPC will require disclosure by the respondent, its employees or anyone acting on its behalf. Such disclosure review will include, but not be limited to: (i) whether the respondent, any affiliates, its employees or anyone acting on its behalf has ever been convicted of a crime or offense arising directly or indirectly from the conduct of the respondent's business and (ii) whether any of the respondent's officers, directors, or persons exercising substantial policy discretion have ever been convicted of any crime or offense involving misconduct or fraud. CPC will also require disclosure of (iii) any material financial relationships that the respondent or any employee or affiliate has with firms or entities that may create a conflict of interest or the appearance of a conflict of interest in acting as a construction compliance consultant for any development for which they enter into a contract pursuant to this RFP or (iv) any other matter that the firm believes may create a conflict of interest or the appearance of a conflict of interest in acting as a construction compliance consultant for any development with which they enter into contract pursuant to this RFP.

VIII. RFP TERMS AND CONDITIONS

This RFP is subject to the specific conditions, terms and limitations stated below:

1. CPC is not obligated to pay nor shall in fact pay any costs, expenses or losses incurred by any Applicant at any time including the cost of responding to the RFP;
2. CPC reserves the right (1) to reject at any time any or all proposals and/or to withdraw this RFP in whole or in part, (2) to negotiate with one or more Applicants, (3) to extend the timeline for responses or any other time periods specified herein, (4) to revise this RFP from time to time, (5) to assign the work on terms other than those set forth herein and (6) to issue subsequent RFPs. CPC likewise reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP, and to entertain modifications and additions to the selected proposals.
3. Designation of an Applicant as a Construction Compliance Consultant for this Program will not create any rights on the Applicant's part, including without limitation, rights of enforcement, equity, or reimbursement, until the contract is executed and then only to the extent expressly provided therein.

A. Submission Due Date

All submissions become the property of CPC. Submissions shall be delivered by 4 PM EST on April 1, 2016 for this RFP.

- (1) Please submit one (1) hard copy of the application at the address below:

The Community Preservation Corporation
28 East 28th Street, 9th Floor
New York, New York 10016-7943
ATTN: Ross Clarke
*** Construction Compliance Consultant RFP Response ***
*** PRIVELEGED AND CONFIDENTIAL ***

- (2) Please submit a PDF of your response to Ross Clarke at RClarke@communityp.com.

Submissions will be as promptly as practicable reviewed by CPC. Interviews, site visits and/or additional information may be requested after selections.

Please contact Ross Clarke at RClarke@communityp.com with questions or concerns.



ANDREW M. CUOMO
Governor

Homes and Community Renewal

JAMES S. RUBIN
Commissioner/CEO

ATTACHMENT 1: APPLICANT QUESTIONNAIRE

ATTACHMENT 2: FEDERAL & STATE REQUIREMENTS

ATTACHMENT 3: PRICING WORKSHEET

ATTACHMENT 1: APPLICANT QUESTIONNAIRE

ALL APPLICANTS SHALL COMPLETE THIS FORM AS WELL AS THE QUESTIONNAIRE THAT IS ATTACHED.

If the applicant is a joint venture, a separate Questionnaire and Attachment shall be provided for each entity that comprises the joint venture, as identified in Section 2 below. If the applicant is a newly formed joint venture or business, information on the entity with their rehabilitation and marketing and sales experience must be provided.

If additional space is needed, please submit separate sheet(s), identifying the question(s) being answered on each sheet.

NAME OF
APPLICANT _____

ADDRESS: _____

CONTACT PERSON:
(for the Applicant)
Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail: _____

IS THE APPLICANT A JOINT VENTURE? YES [] NO []

If yes, list below the name, address, and phone number of each entity, which comprises the applicant entity stated above, and the percentage of ownership interest in the joint venture.

Name of Entity

Address

% of Ownership

**NAME OF ENTITY COMPLETING THIS
QUESTIONNAIRE:** _____

1. PRINCIPALS

- (a) Provide the following information about all principals of this entity. For corporations: provide the names of the officers and controlling shareholders (those owning 10% or more). For partnerships, provide the names of all general partners. For not-for-profits, please provide the names of the Board of Directors and Officers.

Also state the role that each would play in the Program.

Name/ Position/Title	Home Address	Role		% Owned

2. ORGANIZATIONAL STRUCTURE

(a) Type of Organization: Sole proprietorship [] Partnership []
Corporation [] Not-For Profit []

(b) For corporations or partnerships: provide the following information about all partners, officers, and shareholders. For not-for-profits, list your board members and officers.

Name Position/Title	Percentage of Ownership	Date of Ownership

(c) Do any principals and/or officers maintain a business relationship with or have an ownership interest in another company?
Yes [] No []

If yes, provide the following information:

Name of Principal/Officer	Name, Address, Tel. # of Affiliated Company	Position with and % Interest with Company

(d) Is company owned in full or in part by another firm or investor(s)?

Yes [] No []

If yes, provide the following information:

Name of Firm/Investor	Address and Phone	% of Ownership

3. OTHER

Has any principal identified on page 1, or any organization in which the principal is or was a general partner, or corporate officer, or owned more than 10% of the shares of the corporation been the subject of any of the following:

	YES	NO
A. Arson conviction, or pending case;		
B. Pending or active case or negative history with any housing litigation bureau of the State of New York;		
C. Defaulted on any contract obligation or agreement of any kind or nature whatsoever entered into with federal, state or municipal agencies, including but not limited to HUD, NYSHCR, City of New York, New York City Department of Buildings, New York City Department of Environmental Protection, and New York City Department of Health and Mental Hygiene;		
D. In the last 5 years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any government agency?		
E. In the last 7 years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings?		
F. In the last 5 years, failed to file any required tax returns, or failed to pay any applicable Federal, State or New York City taxes or other charges?		

G. Been convicted of fraud, bribery, or grand larceny?

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If yes, please state the following information:

(1) Name of principals: _____

(2) Name of organization/corporation and if an officer, state title:

(3) Date of action: _____

(4) Current status of action: _____

(5) Explanation of Circumstances: _____

Provide a statement detailing current standings with local, state, and federal regulatory agencies for compliance related construction, hiring practices, and wage & labor laws.

1. Applicants must disclose compliance history with local, state, and federal regulatory agencies for the last 10 years. CPC reserves the right to confirm respondent's current standing with any applicable regulatory agencies to confirm information submitted by respondents.
2. Disclose any compliance violations within the last 10 years, detail steps taken to resolve such violations, and describe current status of compliance.
3. Highlight specific compliance violations with DOB, HPD, Mayor's Office of Contract Services (VENDEX), NYSHCR, and other regulatory agencies responsible for construction compliance, wage & labor laws, hiring practices, etc.

4. CERTIFICATION

This certification must be signed by one of the Individuals listed above.

I certify that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that CPC will rely on the information in or attached to this document and that this document is submitted to induce the CPC to select you as a developer.

Signature

ATTACHMENT 2: FEDERAL & STATE REQUIREMENTS

SEE ATTACHED

ATTACHMENT 3: PRICING WORKSHEET

To be included in RFP submission.

Applicant Name: _____

Blended rate per unit based upon the Section III *Description of Services* and upon the Applicant's own Proposed Work Plan as described in Sub-section C of Section VII:

Cost per unit: \$_____