



REQUEST FOR PROPOSALS
FOR
INVESTMENT ADVISORY SERVICES

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I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (individually a “Proposal” and collectively the “Proposals”) from qualified firms (individually a “Proposer” and collectively the “Proposers”) to provide BPCA with a full range of financial investment advisory services. The investment advisory services to be provided by the selected Proposer shall include, but not be limited to, assisting BPCA in the management of its investment portfolio by advising the Board on appropriate investment philosophy; providing regular investment performance reports, policy reviews and updates, asset allocation strategy, compliance monitoring, developing an overall investment strategy and managing BPCA’s investment portfolio to maximize return on capital in a manner consistent with the BPCA’s Investment Reports and Guidelines (the “Guidelines”), which can be viewed under the BPCA Investment Report & Guidelines section of BPCA’s website at <https://bpca.ny.gov/public-information/>.

A detailed scope of the Investment Advisory Services is set forth in the Scope of Work, attached hereto as Exhibit A (the “Work”).

Created in 1968, BPCA is a New York State public benefit corporation responsible for financing, developing, constructing, maintaining, and operating Battery Park City as a richly diversified mixed-use community providing residential and commercial space, with related amenities such as parks, plazas, recreational areas, and a waterfront esplanade. A summary of BPCA’s structure, mission, and history, as well as the Battery Park City project area, may be viewed at: <http://bpca.ny.gov/>. Public information regarding BPCA’s finances, budget, internal controls, guidelines, and policies may be viewed at: <http://bpca.ny.gov/public-information/>.

New York State-certified Minority-Owned Business Enterprises (“MBE”), Women-Owned Business Enterprises (“WBE”) and Service-Disabled Veteran-Owned Business Enterprises (“SDVOB”) are encouraged to submit Proposals.

II. GENERAL PROVISIONS

This request for Proposals, including attachments, exhibits, and any amendments or addenda (collectively, the “RFP” or “Solicitation”) is subject to the rights reserved by BPCA, including, but not limited to BPCA’s right to:

- Reject any or all Proposals received in response to the Solicitation.
- Withdraw the Solicitation at any time, at the Authority’s sole discretion.
- Make an award under the Solicitation in whole or in part.
- Disqualify any Proposer whose conduct and/or Proposal fails to conform to the requirements of the Solicitation.
- Seek clarifications and/or revisions of a Proposal or any part of a Proposal.
- Use information obtained by the Authority through site visits; interviews; investigation of a Proposer’s qualifications, experience, ability or financial standing; and any other material or information provided by or received from the Proposer during the RFP process.
- Prior to reviewing the Proposals, direct Proposers to submit modifications to their Proposals addressing subsequent amendments to the Solicitation.
- Request that Proposers submit best and final offers subsequent to the review of Proposals.
- Change any of the scheduled dates contained in this RFP.
- Waive any non-material requirements of this RFP.
- Negotiate with one or more selected Proposers within the scope of the Solicitation and in the best interests of the Authority.

- Conduct contract negotiations with one or multiple responsible Proposers if the Authority is unable to finalize contractual terms with the first selected Proposer.
- Utilize any and all ideas submitted in the Proposals received regardless of whether a Contract is offered; and
- Require clarification at any time during the RFP process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposal and/or to determine a Proposer’s compliance with the requirements of the Solicitation.

BPCA is not liable or responsible in any way for any expenses incurred in the preparation of a Proposal in response to this RFP. All information submitted in response to this RFP is subject to the Freedom of Information Law, Article 6 of the New York State Public Officers Law (“FOIL”), which requires public access to certain documents possessed by BPCA, unless a specific exemption applies. Proposers are responsible for identifying any information in their respective Proposals considered to be confidential and exempt from FOIL. BPCA, however, is obligated to disclose information consistent with the requirements of FOIL, NYS Public Officers Law Section 87.

III. TIMETABLE & DESIGNATED CONTACT

A. *Key Dates*

Subject to change at BPCA’s discretion, the following are key dates for this RFP:

Procurement Step	Date
RFP Issued	Wednesday, April 22, 2026
Deadline to Submit Questions to BPCA*	Friday, May 1, 2026, by 3:00 p.m. EST
BPCA’s Response to Substantive Questions	Wednesday, May 6, 2026
<i>Responses will be provided in the form of an addendum to be posted on BPCA’s website https://bpca.ny.gov/apply/rfp-opp/</i>	
PROPOSAL DUE DATE	Wednesday, May 13, 2026, by 3:00 p.m. (the “Due Date”)
Proposer Interviews (if any)	Wednesday, May 20, 2026
Contract Start Date	October 2026

*All questions regarding this RFP should be submitted in writing via email to the “Designated Contact”: Danah Alexander, BPCA’s Associate Contracting Officer, at danah.alexander@bpca.ny.gov

B. *Anticipated Contract Term*

The anticipated term of the contract awarded pursuant to this RFP (the “Contract”) will be three (3) years with two (2) one-year renewal options, each exercisable at BPCA’s sole discretion. BPCA reserves the right to terminate the Contract at any time, with or without cause, in accordance with the terms of the Contract. BPCA’s sample form of contract is attached as Exhibit F.

IV. GENERAL REQUIREMENTS

A. Minimum Qualification Requirements

The following are the minimum qualification requirements for this RFP. Proposals that fail to meet these requirements will be rejected.

- 1) Proposer must be lawfully authorized to business in New York State.
- 2) Proposer must be registered under the Investment Advisers Act of 1940, as amended, and shall provide BPCA with a copy of its ADV Form, Part II, as currently filed, in the Appendices (see section V.B.6.4, below) of this Proposal.
- 3) The Lead Manager and at least one of the Portfolio Managers, must have at least ten (10) years of experience in providing similar financial investment services to clients.

B. MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-contracting Goals

Contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs/SDVOBs and equal employment opportunity requirements relating to minority group members and women are attached as Exhibit D. For questions relating to MBE/WBE/SDVOB participation, joint ventures and sub-contracting goals only, please contact the “MBE/WBE/SDVOB Designated Contact” Zag Kimpolo at zag.kimpolo@bpca.ny.gov or 212-417-2339.

C. Restricted Period

New York State’s State Finance Law sections 139-j and 139-k apply to this RFP, restricting Proposers’ contacts with BPCA. Proposers are restricted from making any contact (defined as oral, written or electronic communications with BPCA under circumstances where a reasonable person would infer that a communication was intended to influence BPCA’s conduct or decision with respect to a procurement) relating to this RFP with anyone other than the Designated Contact, as specified in Section III.A., or MBE/WBE/SDVOB Designated Contact, as specified in Section IV.B., from the time of Proposer’s receipt of notice of this RFP through the date of the Final Award as defined in BPCA’s Procurement Guidelines (the “Restricted Period”). BPCA employees must record certain contacts during the Restricted Period, including, but not limited to, any oral or written communications that could reasonably be seen as intended to influence BPCA’s conduct or award of this RFP. Upon notice of an improper contact, BPCA shall make a determination regarding the Proposer’s eligibility to continue participating in this RFP.

D. Submission of Proposals

Proposals must be received by BPCA no later than 3:00 p.m. on Wednesday, May 13, 2026.

- Each Proposer must e-mail their Technical Proposal to the following e-mail address: **technicalproposals@bpca.ny.gov**

The Technical Proposal must be clearly labeled as “Technical Proposal Enclosed – Investment Advisory Services RFP.”

- Each Proposer must also e-mail their Cost Proposal to the following e-mail address:
costproposals@bpca.ny.gov

The Cost Proposal must be separately attached and clearly labeled as “Cost Proposal Enclosed – Investment Advisory Services RFP.”

- **Each Proposer is responsible for the successful delivery and receipt of their Proposal. BPCA does not accept Proposals sent via messenger, overnight courier, or certified mail to BPCA offices.** If a Proposer has already sent a Proposal via one of these methods, please e-mail the Proposal to the above e-mail address by the Due Date. If a Technical Proposal’s file size is too large to submit by e-mail, the Proposer must make alternate electronic accommodations (e.g., linking to a file sharing website), which shall also be transmitted through technicalproposals@bpca.ny.gov. Please contact the Designated Contact prior to the Due Date in order to ensure successful transmission of the documents prior to the Due Date.
- Proposals *must* arrive at the time and place specified herein. Please leave ample time for submission. Late Proposals, no matter the cause of their lateness, may NOT be accepted. Hard copy or faxed Proposals will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting an amended Proposal, clearly labeled “Amended Proposal – Investment Advisory Services RFP,” as long as the amended Proposal is submitted by the Due Date.

V. PROPOSAL FORMAT AND CONTENTS

A. *Proposal Format*

The Proposal must:

- Be formatted to 8½” x 11” sized pages.
- Use fonts no smaller than 10 points.
- Have numbered pages; and,
- Be submitted in Adobe PDF, Microsoft Word or Excel format.

B. *Proposal Content*

In addition to the separately sealed Cost Proposal, described in Section VII below, each Proposal must include the following in the order listed, which shall comprise the Proposer’s Technical Proposal:

- a. Executive Summary. Executive Summary may be no longer than two (2) single-sided pages.
- b. Completed Proposal Submission Packet, attached as Exhibit B.
 - 1) Financial Statements: Provide a copy of your firm’s most recent Audited Financial Statements (within the last year) or where an audited financial statement is not available, the most recent tax return. In the event you do not have an audited financial statement, you must provide a statement to that effect and summary financial information for the calendar year most recently ended certified by an authorized officer.
 - 2) Copies of the Proposer’s Internal Revenue Service (“IRS”) Form W-9

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

3) Appendices:

- Attach professional biographies for all employees identified in your Proposal.
- A detailed list identifying all exceptions taken to BPCA’s standard form of contract, attached as Exhibit F, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, “Appendix: Objections to BPCA Form of Contract.”

BPCA will consider any exceptions listed in such appendix but is under no obligation to accept them. BPCA reserves the right to disallow any additional exceptions to the Contract after submission of the Proposals and to reject Proposals based on non-conformance with the standard form of Contract.

- Copy of Form ADV, Part II, as currently filed.

BPCA reserves the right to reject any Proposals that fail to include any required item described in this Section V. B. or fail to include each of the above representations (including an appendix, if applicable).

VI. INSURANCE REQUIREMENTS

A. General Requirements

The total cost of the required insurance listed in Items B. and C. below must be incorporated into the Cost Proposal. The additional insured protection afforded BPCA, BPCPC, and the State of New York must be on a primary and non-contributory basis. All policies must include a waiver of subrogation in favor of BPCA, BPCPC, and the State of New York, no policies may contain any limitations / exclusions for New York Labor Law claims, and cross liability coverage must be provided for BPCA, BPCPC, and the State of New York.

All of the carriers that provide the below required insurance must be rated “A-:VII” or better by A.M. Best and must provide direct written notice of cancellation or non-renewal to BPCA, BPCPC, and the State of New York at least thirty (30) days before such cancellation or non-renewal is effective, except for cancellations due to non-payment of premium, in which case ten (10) days’ written notice is acceptable.

B. Insurance Requirements for the Selected Proposer

The selected Proposer will be required to obtain and provide proof of the types and amounts of insurance listed below: (i) as a condition precedent to the award of the contract for the Project; and (ii) continuing throughout the entire Term. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA’s Standard Form of Contract (attached as Exhibit F).

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:
 - \$11,000,000 per occurrence
 - \$12,000,000 general aggregate, which must apply on a per location/per project basis
 - \$12,000,000 products/completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by the selected Proposer and any of its subcontractors. Should the Proposer's work include construction activities of any kind, then the Proposer must maintain Products/Completed Operations coverage for no less than three years after the construction work is completed, and continue to include Additional Insured protection for BPCA, BPCPC and the State of New York for the prescribed timeframe. When providing evidence of insurance, the Proposer must include a completed ACORD 855 NY form. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the Proposer's owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insureds.
- **Workers' Compensation, Employer's Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the Proposer.
- **Professional Liability ("Errors & Omissions") Insurance** must be maintained at a limit of not less than \$1,000,000 each claim.
- **Third Party Crime Insurance** insuring against claims that arise from the theft of BPCA and or BPCPC property, including but not limited to money and securities at a limit of not less than \$500,000.
- **Data Breach and Privacy/Cyber Liability Insurance** including coverage for failure to protect confidential information and failure of the security of the Proposer's computer systems or BPCA's/BPCPC's systems due to the actions of the Proposer which results in unauthorized access to BPCA's and/or BPCPC's data. The limit applicable to this policy shall be no less than \$10,000,000 per occurrence and must apply to incidents related to the cyber theft of BPCA's and BPCPC's property, including but not limited to, money and securities. BPCA, BPCPC, and the State of New York must be protected as additional insureds on policies held by the selected Proposer and any of its subcontractors.

BPCA, BPCPC, and the State of New York must be protected as additional insureds on policies held by the selected Proposer and any of its subcontractors.

The policy shall include coverage for third party fidelity including cyber theft and protect BPCA, BPCPC, and the State of New York as additional insureds.

C. Insurance Requirements for all Subcontractors

Any subcontractor(s) utilized by the selected Proposer will be required to obtain the types and amounts of insurance listed below: (i) as a condition of commencing any Work; and (ii) continuing throughout the duration of such subcontractor's Work. The insurance policies listed below must also conform to

the applicable terms of the Contract, as shown in BPCA's sample form of contract attached as Exhibit F.

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:
 - \$1,000,000 per occurrence
 - \$2,000,000 general aggregate which must apply on a per location / per project basis
 - \$2,000,000 products/completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by all subcontractors. Should the subcontractor's work include construction activities of any kind then the subcontractor must maintain Products / Completed Operations coverage for no less than three years after the construction work is completed and continue to include additional insured protection for BPCA, BPCPC & the State of New York for the prescribed timeframe. When providing evidence of insurance the subcontractor must include a completed Acord 855 NY form. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the subcontractor's owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insureds.
- **Workers' Compensation, Employer's Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the subcontractor.
- **Subcontractors will also be required to obtain all other insurances listed in Section VII(B) unless otherwise approved in writing by BPCA prior to commencement of any Subcontractor's work.**

VII. COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS

Each Proposer must complete and submit the Cost Proposal form in Exhibit C. Further details regarding AUM, fees and caps are included on the form.

VIII. SELECTION PROCESS

A. Evaluation

Each timely submitted Proposal will be reviewed for compliance with the form and content requirements of this RFP. A committee of BPCA employees selected by BPCA (the "Committee") will then review and evaluate the Proposals in accordance with the evaluation criteria set forth below. While only Committee members will score the evaluation criteria, the Committee may consult an outside expert for advisement on the evaluation of matters requiring technical expertise. Before final selection, BPCA must determine that the proposed selected Proposer is responsible, in accordance

with applicable law and BPCA’s Procurement Guidelines, which may be viewed at: <http://bpca.ny.gov/public-information/>.

B. Interviews

BPCA reserves the right to decide whether to interview any or all of the Proposers in its sole discretion. The proposed Lead Relationship Manager and Senior Portfolio Manager (or those with titles that fulfill similar roles), as well as all other key personnel proposed to perform the Work, must be available to participate in any in-person interview, which shall also include key personnel of any subcontracted service providers.

C. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

1) Technical Evaluation:

Evaluation Criteria	
A) Overall qualifications and experience of Proposer	35%
B) Relevant experience representing similar governmental entities	15%
C) Experience and expertise of team members	20%
D) Approach, Proposal Quality & Methodology	20%
E) Response to Diversity Practices Questionnaire	10%

2) Cost Proposal evaluation.

D. Basis for Contract Award

The Contract will be awarded to the highest technically rated Proposer whose Proposal is determined to be responsive and in the best interests of BPCA, subject to a determination that the Cost Proposal is fair, reasonable, and provides the best value to BPCA given the requirements of the project.

IX. NON-COLLUSION

By submitting a Proposal, each Proposer warrants and represents that any ensuing Contract has not been solicited or secured directly or indirectly in a manner contrary to the laws of the State of New York, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the Contract by any conduct, including the paying or giving of any fee, commission, compensation, gift, or gratuity or consideration of any kind, directly or indirectly, to any member of the board of directors, employee, officer or official of BPCA.

X. IRAN DIVESTMENT ACT

By submitting a Proposal or by assuming the responsibility of any Contract awarded hereunder, each Proposer certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers

Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the New York State Office of General Services website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize any subcontractor/consultant that is identified on the Prohibited Entities List on this Contract. The selected Proposer agrees that should it seek to renew or extend any Contract awarded hereunder, it must provide the same certification at the time the Contract is renewed or extended. The selected Proposer also agrees that any proposed assignee of the Contract will be required to certify that it is not on the Prohibited Entities List before BPCA may approve a request for assignment of the Contract.

During the term of any Contract awarded hereunder, should BPCA receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, BPCA will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the New York State Iran Divestment Act of 2012 within 90 days after the determination of such violation, then BPCA shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the selected Proposer in default of the awarded Contract.

BPCA reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the Prohibited Entities List prior to the renewal, extension, or assignment of the Contract, and to pursue a responsibility review with the selected Proposer should it appear on the Prohibited Entities List hereafter.

XI. EXECUTIVE ORDER 16

Pursuant to Executive Order 16 dated March 17, 2022, all State agencies and authorities are prohibited from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia. As part of this RFP, each firm is required to certify that the firm is not an ‘entity conducting business operations in Russia.’ Certification under Executive Order No. 16 can be found in section XV of Exhibit B: Proposal Submission Packet.

EXHIBIT A

(Scope of Work)

The Consultant shall provide BPCA with a full range of financial investment and advisory services, including all labor and materials as described in, and as necessary to complete, the work and service items listed below.

- 1) Assist BPCA in reviewing and modifying, if required, the Investment Guidelines (the "Guidelines"), which can be viewed under the BPCA Investment Report & Guidelines section of BPCA's website at <https://bpca.ny.gov/public-information/>. Consultant shall review the Guidelines at least annually and recommend appropriate modifications it identifies to BPCA, including recommendations on the appropriate mix of investment styles and strategies.
- 2) Review and examine the appropriateness of the investment benchmarks that are currently in use by BPCA to assess investment performance and review investment performance against appropriate benchmarks including investment performance for each asset class. The consultant shall provide recommendations for any changes to existing benchmarks or inclusion of any additional benchmarks as needed.
- 3) Provide written monthly performance analysis and quarterly investment reports, including performance of individual allocated portfolios/funds as well as the aggregate of all asset classes. The monthly analysis shall include an analysis of returns, a comparison to applicable indices, and other matters as BPCA shall request. Provide periodic performance analysis for other alternative investments.
- 4) Perform specialized studies and produce reports on specific investment matters as may be requested by BPCA.
- 5) Provide ongoing research analysis and advice on specific investment issues upon request of BPCA or such topics as may be recommended by the investment advisors. In coordination with BPCA's Investment Committee and Treasurer, develop a four-year investment plan and strategy for BPCA and its investment portfolio.
- 6) Assist BPCA in planning its overall investment strategy, including providing advice on the structure, credit quality, management, and investment of BPCA's portfolio so as to maximize BPCA's return on capital in a manner consistent with BPCA requirements and policies.
- 7) Recommend long-term investment strategies and assess investment performance using active management and annually review the potential benefits of passive investment approaches.
- 8) Help manage and direct investments and recommend corrective actions as conditions change.
- 9) Assist in all aspects of investment portfolio management, including, but not limited to:
 - a. competitive solicitation and documentation of investment bids.
 - b. gain/loss information on sales, interest accruals and investment data transfer and account reconciliations; and
 - c. compilation and transmission of trade tickets showing competitive bids investments.

- 10) Help minimize BPCA's costs for routine banking/investment of cash reserves for its investment portfolio.
- 11) Develop expert knowledge of and familiarity with BPCA's bond resolutions, policies, procedures, operations, and objectives to assure security and soundness of investments at the best competitive rates.
- 12) Provide ongoing, prompt advice to BPCA on investment opportunities and other investment related inquiries.
- 13) Provide BPCA with online access to investment portfolio reports, including earnings performance and trend analysis, which can be downloaded by BPCA.
- 14) Maintain a real-time record of the BPCA investment portfolio parallel to BPCA's records.
- 15) At least biweekly, discuss with BPCA staff (by conference call or otherwise) each week's maturities, investments and cash position provided by the selected Proposer, as well as the general market conditions.
- 16) Meet quarterly, or upon request with BPCA's Investment Committee and/or Board Members, as directed by BPCA, and report on the performance of BPCA's portfolio.
- 17) As directed by BPCA, assist on other investment-related projects, including special banking relationships, debt financing, arbitrage calculations, investment contracts and direct execution of transactions.

EXHIBIT B
(Proposal Submission Packet)

I. PROPOSAL SUBMISSION CHECKLIST AND CONFIRMATION STATEMENT

The Proposer hereby certifies that they meet the Minimum Qualification Requirements as stated in Section IV.A of the RFP.

The Proposer hereby certifies that except as disclosed in the Proposal, no officer or employee of the Proposer is directly or indirectly a party to or in any other manner interested financially or otherwise in this RFP.

The Proposer hereby certifies that they have reviewed BPCA’s form of contract, attached as Exhibit F to the RFP, and either has no objections or has detailed their objections in an appendix to their Proposal.

The Proposer hereby certifies that they possess the experience, ability, resources and financial standing to perform the Services and shall, upon request by the Authority, provide documentation of such.

The Proposer hereby certifies that their Proposal submitted for the Investment Advisory Services RFP includes the following required documents and forms, or that, where any required form or document may not be included, a written explanation has been provided for that omission:

1. Forms & Items included in this Exhibit:

- This Checklist
- Answers to “Information Required”
- Vendor Responsibility Questionnaire / Certificate of No Change
- Statement of Non-Collusion
- Affirmation of Understanding of and Agreement Pursuant to State Finance Law §139-j(3) and §139-j(6)(b)
- Certification of Compliance with New York State Finance Law §139-k(5)
- Disclosure of Prior Non-Responsibility Determinations
- Encouraging the Use of New York State Businesses Statement
- Acknowledgement of Addenda Form
- MWBE Utilization Plan
- SDVOB Utilization Plan
- Minority and Women Owned Business Enterprises And Equal Employment Opportunity Policy Statement
- Diversity Practices Questionnaire
- Executive Order 16 Certification
- Gender-Based Violence and the Workplace Certification

2. Additional Required Documents

- Executive Summary
- Copy of the Proposer’s IRS W9 Form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- Copy of the Proposer’s financial statements per section V.B.4
- Copies of appendices listed in section V.B.6

Name of Proposer: _____

Officer Name: _____

Officer Title: _____

(Signature of Officer)

II. INFORMATION REQUIRED

The information requested in Sections A and B below is mandatory, and your Proposal shall be rejected as non-responsive if it does not contain responses to these questions. Answers may be written in the space provided, or included on separate pages, as part of the Proposal.

- A. *Minimum Qualifications* - Provide an itemized and brief narrative demonstrating how the Proposer meets each of the minimum qualification requirements set forth in Section IV.A. of the RFP. Any projects identified must include the project title, a brief description of the scope of work, start date, end date (if applicable), location, and project owner or client.

B. *Questions and Information Sought Relating to the Work*

1) Overall qualifications and experience of Proposer (35%)

- a. Describe your firm’s background, services, size, and history as they are relevant to the Work, including experience managing portfolios of similar size and complexity to BPCA (~\$1.2 billion). If your firm has multiple offices, indicate which office will provide the Investment Advisory Services.

- b. Describe generally the role and types of services your firm typically provides when acting as an investment advisor for a client, including your capabilities in investment policy development and review, portfolio strategy, performance monitoring, and ongoing advisory services Does your firm intend to use any subcontractors. If so, describe their roles.

- c. Describe your firm’s capacity to provide current and historical portfolio transaction, income, and valuation history. Specify the formats (e.g., online access, data feeds), timeliness of the information available (real-time, prior month-end, prior day), and system requirements necessary for BPCA to utilize the various methods of information retrieval.

- d. Describe your firm’s experience and method for soliciting competitive bids on investment purchases.

- e. Provide at least three (3) client references for whom your firm has performed similar work to that requested in this RFP. For each client, describe the project, the project’s date, and services

performed, and provide the name, address, and telephone number for a person at client's firm familiar with such work.

2) Relevant Experience with Similar Government Entities (15%)

- a. Identify and describe three or more recent engagements in which your firm performed investment manager/adviser services for governmental entities, public authorities, or similar organizations. For each engagement, identify the client and describe the services provided, the provision of or the ability to provide weekly liquidity, the client's investment portfolio size and type, and summarize the results or accomplishments.

- b. Describe your proposed team's experience with similar work for other public entities, with an emphasis on New York State and New York City public entities. Include your firm's familiarity with applicable regulator, compliance, and policy requirements.

- c. Describe your firm's experience developing, reviewing, and implementing investment policy statements (IPS) for public sector clients, including examples of recommendations made.

3) Experience and Expertise of Team Members (20%)

- a. List each person you intend to assign to this engagement and include for each listed individual: (a) the services to be performed; (b) title and level of responsibility within Proposer's firm; and (c) availability to devote substantial time to the engagement.

- b. Identify the person who will be the lead relationship manager (the "Lead RM") and primary contact in providing services to BPCA, the lead portfolio manager (the "Lead PM") and any other persons who will be listed as a "key person" in any contract with BPCA, including those to be subcontracted.

- c. Describe your proposed team's experience performing similar work for public sector clients, particularly those comparable to BPCA.

- d. Describe your firm’s transition plan or backup plan in the event the Lead RM or the Lead PM assigned to this engagement leaves the firm or is reassigned within the firm.

4) Approach, Proposal Quality and Methodology (20%)

- a. Describe the level of involvement and cadence (daily, monthly, etc.) with, and information from, BPCA that your firm will require in order to execute its investment advisory responsibilities pursuant to the Scope of Work.

- b. Describe your firm’s approach to (i) developing and maintaining investment strategies, (ii) reviewing and updating Investment Policy Statements (iii) monitoring performance and recommending adjustments.

- c. Describe how your firm projects trade settlement (future maturities), capital changes (pay-downs) or income events (interest earnings) and state whether projection reports of any kind would be provided to the BPCA. Provide a sample of each kind of report listed above in the Appendices section, as listed below, of your Proposal.

- d. Describe your fixed income trade tickets and how and when you would provide such tickets to BPCA. Provide a sample fixed income trade ticket in the Appendices section, as listed below, of your Proposal.

- e. Briefly discuss your firm’s interest rates prognosis (both short and long-term) and the investment strategy your firm would recommend for BPCA over the next year. In terms of rate of return and relative risks, briefly discuss investment alternatives currently available to BPCA.

f. Describe your recommendation utilizing cash sweep account to manage cash position.

g. Discuss whether your firm would utilize passive investment strategies for any BPCA investments. If not, explain.

h. Discuss your approach to impact investments.

i. Given BPCA Investment Guidelines, discuss any investment ideas, and your firm's approach to and use of benchmarks.

j. Describe and provide evidence of your firm's ability to produce investment reports that meet or exceed the quality and detail of BPCA's current quarterly performance reports. BPCA's quarterly performance reports may be viewed in the Public Information section at <https://bpca.ny.gov/public-information/>. Provide sample weekly, monthly and quarterly reports.

k. Describe your firm's system capability including client's online access, reporting tools, and ability to download and integrate data.

5) Clearly identify any information in your Proposal that you believe to be confidential and exempt from FOIL and state the reasons. Please note that this question is for informational purposes only, and BPCA will determine, in its sole discretion, whether requested documents are exempt from disclosure under FOIL.

6) Identify any and all exceptions taken to BPCA’s standard form of contract, attached as Exhibit F, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, “Appendix: Objections to BPCA Form of Contract.” No exceptions to the Contract will be considered by BPCA after submission of the Proposals. BPCA maintains the right to reject Proposals based on non-conformance with the standard form of Contract.

C. Questions and Information Relating to Proposer’s Firm & Eligibility

1) Within the past three (3) years, have there been any significant developments in your firm such as changes in ownership or restructuring? Do you anticipate any significant changes in the near future? If so, please describe.

2) How does your firm identify and manage conflicts of interest?

3) Are there any potential conflict of interest issues posed by your firm’s performance of the Work on behalf of BPCA?

4) Has your firm or have any of the firm's partners/employees been disciplined or censured by any regulatory body within the last five (5) years? If so, please describe the relevant facts.

5) Within the last five (5) years, has your firm, or a partner or employee in your firm, been involved in litigation or other legal proceedings relating to the provision of professional services? If so, please provide an explanation and the current status or disposition of the matter.

6) List any professional or personal relationships your firm's employees may have with BPCA's Board Members and/or employees. A list of which is attached as Exhibit E.

7) If selected, will your firm assign any person to this engagement who was previously an employee of BPCA or BPCPC? If so, please: i) identify when (month and year) that person's employment at BPCA/BPCPC terminated, and ii) describe that person's involvement, if any, with matters related to this RFP during his/her employment at BPCA/BPCPC.

8) In the past five (5) years, have any public sector clients terminated their working relationship with your firm? If so, please provide a brief statement of the reasons. Provide the name of the client and provide a contact person, address and telephone number.

9) Please provide any additional information which would serve to distinguish your firm from other firms and that you believe may be relevant to this RFP and your capability to perform the Investment Advisory Services requested.

III. VENDOR RESPONSIBILITY QUESTIONNAIRE

A. Instructions:

The Standard Vendor Responsibility Form should be filled out by someone in your firm who knows about tax filings, prior findings of non-responsibility by a governmental authority, etc., and can certify the accuracy of all information requested in the form (such as legal status, tax status, and debarment status).

You must answer every question on the questionnaire.

NOTE: You may fill out the “Certificate of No Change” form instead ONLY if your firm has submitted the Vendor Responsibility form to Battery Park City Authority already during this calendar year. If this is the first time your firm is proposing to do work for Battery Park City Authority this year, then you must fill out the entire Vendor Responsibility Questionnaire.

B. Standard Vendor Responsibility Questionnaire

a. Legal Business Name:	
b. Federal Employer Id No. (FEIN):	
c. D/B/A – Doing Business As (if applicable): County Filed:	
d. Website Address (If Applicable)	
e. Principal Place of Business	Address:
f. Telephone:	
g. Fax (If Applicable):	
h. Authorized Contact for this Questionnaire:	i. Name: ii. Title: iii. Telephone: iv. Email:
i. Type Of Business (please check appropriate box and provide additional information)	<input type="checkbox"/> Corporation (Sole Proprietor). State of Incorporation: <input type="checkbox"/> Corporation (General Partnership). State of Incorporation: <input type="checkbox"/> Corporation (Not-For-Profit). Charities Registration Number: <input type="checkbox"/> Corporation (Limited Liability Company/LLC). Jurisdiction Filed In: <input type="checkbox"/> Corporation (Limited Partnership). State/County filed in: <input type="checkbox"/> Individual <input type="checkbox"/> Other – Specify:
j. If not incorporated or formed in New York State, please provide a current	

<p>Certificate of Good Standing from your state or applicable local jurisdiction.</p>	
<p>k. List the name and title of each principal owner, officer, major stockholder (10% or more of the voting shares for publicly traded companies, 25% or more of the shares for all other companies), director, and member, as applicable:</p>	
<p>l. Authorized Contact for the Proposed Contract:</p>	<p>i.Name: ii.Title: iii.Telephone: iv.Email:</p>

Vendor Name:		Vendor FEIN:	
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<p>C. Does the vendor use, or has it used in the past five (5) years, any other business name, FEIN, or D/B/A other than what is listed in question a-c above?</p> <p>If yes, please provide the name(s), FEIN(s), and D/B/A(s) and the address for each such company and D/B/A on a separate page and attach to this response.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>D. Within the past five (5) years, has the vendor, any principal, owner, officer, major stockholder (10% or more of the voting shares for publicly traded companies, 25% or more of the shares for all other companies), affiliate¹ or any person involved in the bidding, contracting or leasing process been the subject of any of the following:</p>	
<p>a. a judgment or conviction for any business related conduct constituting a crime under federal, state or local government law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing or bid collusion or any crime related to truthfulness and/or business conduct?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>b. a criminal investigation or indictment for any business related conduct constituting a crime under federal, state or local government law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing or bid collusion or any crime related to truthfulness and/or business conduct?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>c. an unsatisfied judgment, injunction or lien for any business related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any federal, state or local government agency?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>d. an investigation for a civil or criminal violation for any business related conduct by any federal, state or local agency?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>e. a grant of immunity for any business-related conduct constituting a crime under federal, state or local governmental law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

¹"Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

f. a federal, state or local government suspension or debarment from the contracting process?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
g. a federal, state or local government contract suspension or termination for cause prior to the completion of the term of a contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
h. a federal, state or local government denial of a lease or contract award for non-responsibility?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
i. an administrative proceeding or civil action seeking specific performance or restitution in connection with any federal, state or local contract or lease?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
j. a federal, state or local determination of a willful violation of any public works or labor law or regulation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
k. a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
l. a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local environmental laws?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
m. an Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
n. a rejection of a bid on a New York State contract or a lease with the State for failure to comply with the MacBride Fair Employment Principles?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
o. a citation, violation order, pending administrative hearing or proceeding or determination issued by a federal, state or local government for violations of:		
i. health laws, rules or regulations	Yes <input type="checkbox"/>	No <input type="checkbox"/>
ii. unemployment insurance or workers' compensation coverage or claim requirements	Yes <input type="checkbox"/>	No <input type="checkbox"/>
iii. ERISA (Employee Retirement Income Security Act)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
iv. human rights laws	Yes <input type="checkbox"/>	No <input type="checkbox"/>
v. federal U.S. Citizenship and Immigration Services laws	Yes <input type="checkbox"/>	No <input type="checkbox"/>
vi. Sherman Act or other federal anti-trust laws	Yes <input type="checkbox"/>	No <input type="checkbox"/>

p. entered into an agreement to a voluntary exclusion from contracting with a federal, state or local governmental entity?	Yes <input type="checkbox"/> No <input type="checkbox"/>
q. a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?	Yes <input type="checkbox"/> No <input type="checkbox"/>
r. a rejection of a low bid on a federal, state or local contract for failure to meet statutory affirmative action or Minority or Women's Business Enterprise or Disadvantaged Business Enterprise status requirements on a previously held contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
s. a finding of non-responsibility by an agency or authority due to a violation of State Finance Law §139-j?	Yes <input type="checkbox"/> No <input type="checkbox"/>

For each YES answer to questions D.a-s above, provide details on additional pages regarding the finding, including but not limited to cause, current status, resolution, etc.

Vendor Name:		Vendor FEIN:	
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E. During the past three (3) years has the vendor failed to:		
<p>a. File returns or pay any applicable federal, state or local government taxes?</p> <p>If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>b. File returns or pay New York State Unemployment Insurance?</p> <p>If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>F. Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven (7) years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?</p> <p>If yes, indicate if this is applicable to the submitting vendor or one of its affiliates:</p> <p>If it is an affiliate, include the affiliate's name and FEIN:</p> <p>Provide the court name, address and docket number:</p> <p>Indicate if the proceedings have been initiated, remain pending or have been closed:</p> <p>If closed, provide the date closed:</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
G. Does the vendor have the financial resources necessary to fulfil the requirements of the proposed contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Vendor Name:		Vendor FEIN:	
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H. Certification:

State of:)
) ss:
 County of:)

CERTIFICATION:

The undersigned, personally and on behalf of the vendor identified in questions B.a-c above, does hereby state and certify to Battery Park City Authority – State of New York that the information given above is true, accurate and complete. It is further acknowledged that Battery Park City Authority – State of New York will rely upon the information contained herein and in any attached pages for purposes of evaluating our company for vendor's responsibility for contract award and Battery Park City Authority – State of New York may, in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein. It is further acknowledged that intentional submission of false or misleading information may constitute a felony under Penal Law Section 175.35 or may constitute a misdemeanor under Penal Law Sections 175.30, or 210.45, and may also be punishable by a fine and/or imprisonment of up to five years under 18 USC Section 1001 and may result in a denial of contract award or contract termination.

Name of Business:

Address:

City, State, Zip:

Officer Name:

Officer Title:

 Signature of Officer

IV. CERTIFICATE OF NO CHANGE FORM

NOTE: You may fill out the “Certificate of No Change” form instead ONLY if your firm has submitted the Vendor Responsibility form to Battery Park City Authority already during this calendar year. If this is the first time your firm is proposing to do work for Battery Park City Authority this year, then you must fill out the entire Vendor Responsibility Questionnaire.

CERTIFICATE OF NO CHANGE

STATE OF ()

COUNTY OF) ss.:

The undersigned, being duly sworn, deposes and says:

1. I am _____, the _____ (title) of _____ (hereinafter the “Contractor”), which is currently submitting an amendment to a State Contract.
2. Contractor previously submitted the completed Battery Park City Authority Standard Vendor Responsibility Questionnaire, dated _____, in connection with another State Contract.
3. Attached is an accurate and true copy of such previously submitted Standard Vendor Responsibility Questionnaire.
4. I hereby certify that with the exception of the information specified in Question 12, and as changed herein, there has been no material change in the information pertaining to the Contractor specified on such attached Questionnaire.

AUTHORIZED CONTACT FOR THE PROPOSED CONTRACT:

Name & Title: _____

Telephone Number: _____

Email: _____

Signature

Print Name

Title

V. STATEMENT OF NON-COLLUSION

- A. By submission of this Proposal, Proposer and each person signing on behalf of Proposer certifies, (and in the case of a joint Proposal each party thereto certifies) as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:
- a. The prices in this Proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Proposer or with any competitor.
 - b. or with any competitor. B) Unless otherwise required by law, the prices which have been quoted in this Proposal have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by the Proposer prior to opening, directly or indirectly to any other Proposer or to any competitor.
 - c. No attempt has been made or will be made by Proposer to induce any other person, partnership, firm or corporation to submit or not to submit a Proposal for the purpose of restricting competition.
- B. A Proposal shall not be considered for award nor shall any award be made where sub-paragraphs A.a, A.b, and A.c above have not been complied with provided however, that if in any case Proposer cannot make the foregoing certification and the Proposer shall so state and shall furnish with its Proposal a signed statement which sets forth in detail the reasons therefore. Where sub-paragraphs A.a, A.b, and A.c above have not been complied with, Proposal shall not be considered for award nor shall any award be made unless the Authority determines that such disclosure was not made for the purpose of restricting competition.
- The fact that a Proposer (a) has published price lists, rates, or tariffs covering items Being procured, (b) has informed prospective customers of proposed or pending Publication of a new or revised price lists for such item, or (c) has sold the same items To other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of paragraph A.a above.
- C. This Proposal, if made by a corporate Proposer, shall be deemed to have been authorized by the board of directors of the Proposer and such authorization shall be deemed to include the signing and submission of the Proposal and the inclusion thereof of the statement of non-collusion as the act and deed of the corporation.

(Insert Name of Proposer and Sign Below)

By:

 (Print full legal name of person, firm, partnership, or corporation)

 (Signature)

 (Address)

 Corporate ID Number

 Federal ID Number

 Date

VI. OFFEROR'S AFFIRMATION OF UNDERSTANDING OF AND AGREEMENT PURSUANT TO STATE FINANCE LAW §139-j(3) AND §139-j(6)(b)

For reference, the applicable sections of the New York State Finance Law can be found here: <https://www.nysenate.gov/legislation/laws/STF/139-J>

Offeror affirms that it understands and agrees to comply with the procedures of Battery Park City relative to permissible Contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

By: _____ Date: _____

(Signature)

(Name – Printed)

(Title)

Contractor Name: _____
(Company)

Contractor Address: _____

VII. OFFEROR'S CERTIFICATION OF COMPLIANCE WITH STATE FINANCE LAW §139-k(5)

For reference, the applicable sections of the New York State Finance Law can be found here: <https://www.nysenate.gov/legislation/laws/STF/139-K>

I certify that all information provided to Battery Park City Authority, its subsidiaries and affiliates with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

(Signature)

(Name – Printed)

(Title)

Contractor Name: _____
(Company)

Contractor Address: _____

VIII. OFFEROR DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Name of Individual or Entity Seeking to Enter into the Procurement Contract:	
Address:	
Name and Title of Person Submitting this Form:	
Project Name:	
Date:	

<p>1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?</p> <p>If yes, please answer the next questions:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below:</p> <p>Governmental Entity: Date of Finding of Non-responsibility: Basis of Finding of Non-Responsibility: (add additional pages if required)</p>	
<p>5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?</p> <p>If yes, please provide details below:</p> <p>Governmental Entity: Date of Termination or Withholding of Contract:</p> <p>Basis of Termination or Withholding: (add additional pages if required)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Offeror certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

(Signature)

(Name – Printed)

(Title)

Contractor Name: _____
(Company)

Contractor Address: _____

IX. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Proposers for this Contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Proposers are strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York’s infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor’s optimal performance under the Contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State’s economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their contracts. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below. Each proposer must include a response to this question with their proposal. Please note that a “yes” response requires supporting information. If yes, identify New York State businesses that will be used and attach identifying information.

Will New York State businesses be used in the performance of this contract?

Yes **No**

X. ACKNOWLEDGEMENT OF ADDENDA FORM

RFP TITLE: _____

Complete Part I or Part II, whichever is applicable, and sign in Part III.
--

Part I

Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum # 1, Dated _____, ____

Addendum # 2, Dated _____, ____

Addendum # 3, Dated _____, ____

Addendum # 4, Dated _____, ____

Addendum # 5, Dated _____, ____

Addendum # 6, Dated _____, ____

Part II Acknowledgement of No Receipt

_____ No Addendum was received in connection with this RFP

Part III

Proposer's Name: _____

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

XI. MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE (MBE/WBE) UTILIZATION PLAN

Please fill out the utilization plan for MBE/WBE(s) participation and use the same form for all additional MBE/WBE Firms.

Contractor Information:

Project Name:		
Project No.:	Site #:	Date:
Name of Contractor:		
Address:		
Contact Person:		
Phone:	Fax:	
Federal ID No.:	Tax ID:	
Is Your Firm: MBE <input type="checkbox"/> WBE <input type="checkbox"/>		
Work to Begin:	Work to be Completed:	

MBE/WBE Information:

Sub-Contractor or Vendor:		
Name:		
Address:		
Contact Person:		
Phone:	Fax:	
Federal ID No.:	Tax ID:	
Is This Firm: MBE <input type="checkbox"/> WBE <input type="checkbox"/>		
Total Percent of Contract Holder %	Trade:	
Scope of Work to be done by MBE/WBE:		
Work to Begin:	Work to be Completed:	

MBE/WBE Information:

Sub-Contractor or Vendor:	
Name:	
Address:	
Contact Person:	
Phone:	Fax:
Federal ID No.:	Tax ID:
Is This Firm: MBE <input type="checkbox"/> WBE <input type="checkbox"/>	
Total Percent of Contract Holder %	Trade:
Scope of Work to be done by MBE/WBE:	
Work to Begin:	Work to be Completed:

**MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE (MBE/WBE)
UTILIZATION PLAN (continued)**

The Minimum MBE/WBE Business Participation Goal Expected for your Firm is as Follows:	Workforce Percentages set for this project is as Follows:
Trade(s)	Trade(s)
Minority Owned Business %	Minority Workforce %
Women Owned Business %	Female Workforce %

Please attach copies of the most recent New York State Certification Letters for all MBE/WBE Firms Listed on this Utilization Plan. If there are any changes in the information on this plan you must immediately re-submit this plan with the most recent date.

XII. SERVICE-DISABLED VETERAN OWNED BUSINESSES (SDVOB) UTILIZATION PLAN

Please fill out utilization plan for SDVOB(s) participation and use the same format for all additional SDVOB sub-contractors.

Contractor Information

Contractor:	Date:
Name:	
Address:	
Contact Person:	Phone:
Federal ID No.:	Fax:

SDVOB Information

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

SDVOB Information

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

SDVOB Information

Sub-Contractor:	Federal ID No.:
Name:	Work to Begin
Address:	
Phone:	Work to Finish On:
Contact Person:	
Estimate % of Contract to be Awarded to SDVOB:	
Scope of Work to be Done by SDVOB:	

SERVICE-DISABLED VETERAN OWNED BUSINESSES (SDVOB) UTILIZATION PLAN (continued)

Workforce Percentage Information

Trade (s)	
Minority Workforce:	%
Female Workforce:	%

XIII. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

I, _____ (the "Contractor"), agree to adopt the following policies with respect to the project being developed at, or services rendered to, the Battery Park City Authority ("BPCA").

MBE/WBE

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the MBE/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively soliciting bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to MBE/WBE contractor associations.
- (2) Requesting a list of State-certified MBEs/WBEs from BPCA and soliciting bids from these MBEs/WBEs directly.
- (3) Ensuring that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective MBEs/WBEs.
- (4) Where feasible, dividing the work into smaller portions to enhance participations by MBEs/WBEs and encourage the formation of joint venture and other partnerships among MBE/WBE contractors to enhance their participation.
- (5) Documenting and maintaining records of bid solicitation, including those to MBEs/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting MBE/WBE contract participation goals.
- (6) Ensuring that progress payments to MBEs/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives are developed to encourage MBE/WBE participation.

EEO

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing diversity programs to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of BPCA, this organization shall request that each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Agreed to this _____ day of _____

By _____

Print: _____ Title: _____

_____ is designated as the Consultant's Minority Business Enterprise Liaison responsible for administering the Minority and Women-Owned Business Enterprises - Equal Employment Opportunity (MBE/WBE - EEO) program.

MBE/WBE Contract Goals

30% Minority and Women's Business Enterprise Participation

___ % Minority Business Enterprise Participation

___ % Women's Business Enterprise Participation

EEO Contract Goals (if applicable)

___ % Minority Labor Force Participation

___ % Female Labor Force Participation

(Authorized Representative)

Title: _____

Date: _____

XIV. DIVERSITY PRACTICES QUESTIONNAIRE

I, _____, as _____ (title) of _____ company (the “Company”), swear and/or affirm under penalty of perjury that the answers submitted to the following questions are complete and accurate to the best of my knowledge:

1. Does your Company have a Chief Diversity Officer or other individual who is tasked with supplier diversity initiatives? Yes No

If Yes, provide the name, title, description of duties, and evidence of initiatives performed by this individual or individuals.

2. What percentage of your Company’s gross revenues (from your prior fiscal year) was paid to New York State certified MBEs/WBEs as subcontractors, suppliers, joint-ventures, partners or other similar arrangement for the provision of goods or services to your Company’s clients or customers?
3. What percentage of your Company’s overhead (i.e. those expenditures that are not directly related to the provision of goods or services to your Company’s clients or customers) or non-contract-related expenses (from your prior fiscal year) was paid to New York State certified MBEs/WBEs as suppliers/contractors?¹

4. Does your Company provide technical training² to MBEs/WBEs? Yes No

If Yes, provide a description of such training which should include, but not be limited to, the date the program was initiated, the names and the number of MBEs/WBEs participating in such training, the number of years such training has been offered and the number of hours per year for which such training occurs.

5. Is your Company participating in a government approved M/WBE mentor-protégé program? Yes No

If Yes, identify the governmental mentoring program in which your Company participates and provide evidence demonstrating the extent of your Company’s commitment to the governmental mentoring program.

6. Does your Company include specific quantitative goals for the utilization of MBEs/WBEs in its non-government procurements? Yes No

If Yes, provide a description of such non-government procurements (including time period, goal, scope and dollar amount) and indicate the percentage of the goals that were attained.

7. Does your Company have a formal M/WBE supplier diversity program? Yes No

If Yes, provide documentation of program activities and a copy of policy or program materials.

¹ Do not include onsite project overhead.

² Technical training is the process of teaching employees how to more accurately and thoroughly perform the technical components of their jobs. Training can include technology applications, products, sales and service tactics, and more. Technical skills are job-specific as opposed to soft skills, which are transferable.

8. Does your Company plan to enter into partnering or subcontracting agreements with New York State certified MBEs/WBEs if selected as the successful Proposer? Yes No

If Yes, complete the attached Utilization Plan

All information provided in connection with the Diversity Practices Questionnaire is subject to audit and any fraudulent statements are subject to criminal prosecution and debarment.

Signature _____ of _____
Owner/Official
Printed Name _____ of _____
Signatory
Title _____
Name of Business _____
Address _____
City, State, Zip _____

STATE OF _____

COUNTY OF _____) ss:

On the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this certification and said person executed this instrument.

Notary Public

XV. Certification Under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia

Executive Order No. 16 provides that “all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia.” The complete text of Executive Order No. 16 can be found [here: https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting](https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting).

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations.

As defined in Executive Order No. 16, an “entity conducting business operations in Russia” means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership.

Is Vendor an entity conducting business operations in Russia, as defined above? Please answer by checking one of the following boxes:

- 1. No, Vendor does not conduct business operations in Russia within the meaning of Executive Order No. 16.
- 2.a. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but has taken steps to wind down business operations in Russia or is in the process of winding down business operations in Russia. (Please provide a detailed description of the wind down process and a schedule for completion.)
- 2.b. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16 but only to the extent necessary to provide vital health and safety services within Russia or to comply with federal law, regulations, executive orders, or directives. (Please provide a detailed description of the services being provided or the relevant laws, regulations, etc.)
- 3. Yes, Vendor conducts business operations in Russia within the meaning of Executive Order No. 16.

The undersigned certifies under penalties of perjury that they are knowledgeable about the Vendor’s business and operations and that the answer provided herein is true to the best of their knowledge and belief.

Vendor Name (Legal Entity): _____

By (Signature): _____

Name: _____

Title: _____

Date: _____

EXHIBIT C
COST PROPOSAL FORM

I. Cost Proposal Requirements

Proposers shall submit a complete Cost Proposal using the form provided. Pricing shall be **firm, fixed, and fully inclusive** of all costs necessary to perform the services described in Exhibit A Scope of Work.

All pricing must be presented in U.S. dollars.

II. Base Compensation – Scope of Work Items 1–16

Proposers shall provide a **flat annual fee** for each contract year covering all services described in **Scope of Work Items 1–16**.

The flat annual fee shall be:

- **All-inclusive**, including labor, overhead, profit, travel, systems, reporting tools, and all incidental expenses
- Inclusive of all routine and recurring advisory services
- Firm for each contract year and not subject to adjustment except as expressly permitted by contract.

Contract Year	Flat Annual Fee (\$)
Year 1	\$ _____
Year 2	\$ _____
Year 3	\$ _____
Year 4 (if applicable)	\$ _____
Year 5 (if applicable)	\$ _____

Notwithstanding the foregoing, annual compensation for Scope Items 1–16 shall be subject to the AUM-based fee cap set forth in Section III, and payment shall be **limited to the lesser of** the Flat Annual Fee or the applicable AUM-based cap.

III. AUM-Based Fee Cap (Cost Control Mechanism)

To ensure cost reasonableness and alignment with portfolio size, total annual compensation for Scope Items 1–16 shall be subject to an **AUM-based cap**.

AUM Calculation

- AUM shall be calculated using a **rolling twelve (12) month average** of BPCA’s total investment portfolio value.
- BPCA’s current AUM is approximately \$1.2 billion and assume AUM may increase over time.

Cap Application

- Total annual compensation for Items 1–16 shall **not exceed the lesser of:**
 1. The Proposer’s submitted Flat Annual Fee; or
 2. The AUM-based fee calculated using the proposed basis points

Required Submission – Basis Point Fee Schedule

Proposers shall complete the following table:

AUM Range (12-Month Average) Fee (Basis Points)	
Up to \$1.2 Billion	_____ bps
\$1.2B – \$1.4B	_____ bps
\$1.4B – \$1.6B	_____ bps
\$1.6B – \$1.8B	_____ bps
\$1.8B – \$2.0B	_____ bps
Above \$2.0B	_____ bps

Basis points shall be expressed as **hundredths of one percent (e.g., 5 bps = 0.05%)**.

IV. Additional Services – Scope Item 17

Proposers shall provide **fully burdened hourly rates** for services performed outside of the Base Compensation or AUM-Based Fee Cap services included in the lump-sum pricing set forth above, including but not necessarily limited to services provided under Scope Item 17. For the avoidance of doubt, no additional services shall be performed at the rates set forth in this section without express written authorization from BPCA. BPCA may establish a **Not-to-Exceed (NTE)** amount for such services at time of award or during the contract term.

Requirements

- Rates must include all labor, overhead, profit, and incidental costs
- No additional markups shall be permitted

- Additional lines for professional titles may be added to this cost proposal form as needed prior to submission

Professional Title	Year 1 (\$/hr)	Year 2 (\$/hr)	Year 3 (\$/hr)	Year 4 (\$/hr)	Year 5 (\$/hr)
_____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

V. Payment Structure

Unless otherwise specified in the contract:

- Flat fees shall be invoiced **quarterly in arrears**
- AUM-based caps shall be reconciled **annually** based on the rolling 12-month average
- Item 17 services shall be invoiced based on **actual hours worked and approved**

VI. CERTIFICATION

By signing below, the Proposer certifies that:

- All pricing is firm and inclusive of all costs for Items 1–16, subject to the AUM cap.
- Hourly rates are fully burdened.
- The Proposer understands that the **AUM-based cap will govern maximum annual compensation.**

Authorized Signature: _____

Name / Title: _____

Firm: _____

Date: _____

EXHIBIT D

(Contractor Requirements and Procedures for Participation by New York State-Certified MBEs/WBEs/SDVOBs and Equal Employment Opportunities for Minority Group Members and Women)

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations BPCA is required to promote opportunities for the maximum feasible participation of New York State-certified MBEs/WBEs (collectively, “MWBE(s)”) and the employment of minority group members and women in the performance of BPCA contracts. Pursuant to New York State Executive Law Article 17-B and 9 NYCRR §252, BPCA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified SDVOBs.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, BPCA hereby establishes the following MWBE participation goals, based on the current availability of MWBEs:

Overall goal for total MWBE participation: 30%

NYS-Certified Minority-Owned Business (“MBE”) Participation: 15%

NYS-Certified Women-Owned Business (“WBE”) Participation: 15%

A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the Proposer agrees that BPCA may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how BPCA will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The Proposer understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract]

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

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

By submitting a bid or proposal, a Proposer agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Proposer may arrange to provide such evidence via a non-electronic method by contacting Zag Kimpolo at zag.kimpolo@bpcanyc.gov or 212-417-2339. Please note that the NYSCS is a one-stop solution for all of your MBE/WBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet

the Proposer's MBE/WBE requirements, please see the attached MBE/WBE guidance from the New York State Division of Minority and Women's Business Development, "Your MWBE Utilization and Reporting Responsibilities Under Article 15-A."

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

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to BPCA for review and approval.
- B. BPCA will review the submitted MWBE Utilization Plan and advise the Proposer of BPCA acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, the Proposer will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to Zag Kimpolo at BPCA, by email at zag.kimpolo@bpca.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:
 - 1) If a Proposer fails to submit an MWBE Utilization Plan;
 - 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
 - 3) If a Proposer fails to submit a request for waiver; or
 - 4) If BPCA determines that the Proposer has failed to document good faith efforts.

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

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

Business Participation Opportunities for SDVOBs

For purposes of this solicitation, BPCA hereby establishes an overall goal of 0% for SDVOB participation. A Proposer must document good faith efforts to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract and Proposer agrees that BPCA may withhold payment pending receipt of the required SDVOB documentation. The directory of New York State Certified SDVOBs can be viewed at: <https://sdves.ogs.ny.gov/business-search>. For guidance on how BPCA will determine a Contractor's "good faith efforts," refer to 9 NYCRR §252.2(f)(2).

In accordance with 9 NYCRR §252.2(s), the Proposer acknowledges that if it is found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, such finding constitutes a breach of Contract and Contractor shall be liable for damages as specified in the Contract.

Such damages shall be calculated based on the actual cost incurred by BPCA related to BPCA's expenses for personnel, supplies and overhead related to establishing, monitoring and reviewing certified SDVOB programmatic goals.

- A. Additionally, a Proposer agrees to submit a Utilization Plan with their bid or Proposal as evidence of compliance with the foregoing. Any modifications or changes to the Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised Utilization Plan and submitted to BPCA.
- B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA's acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to Zag Kimpolo at BPCA, by email at zag.kimpolo@bpca.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of SDVOB participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or Proposal.
- D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:
 - 1) If a Proposer fails to submit a Utilization Plan;
 - 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
 - 3) If a Proposer fails to submit a request for waiver; or
 - 4) If BPCA determines that the Proposer has failed to document good faith efforts.

The successful Proposer shall attempt to utilize, in good faith, any SDVOB identified within its Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to the Contract award may be made at any time during the term of the Contract to BPCA, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful Proposer is required to submit a Contractor's SDVOB Contractor Compliance & Payment Report to BPCA on a monthly basis over the term of the Contract documenting the progress made toward achievement of the SDVOB goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Proposer agrees with all of the terms and conditions of the attached MWBE Equal Employment Opportunity Policy Statement. The Proposer is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Proposer, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination,

and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Proposer will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, Form # 4, to BPCA with its bid or proposal.

If awarded a Contract, Proposer shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by BPCA on a monthly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.



Your MBE/WBE Utilization and Reporting Responsibilities Under Article 15-A

The New York State Contract System (“NYSCS”) is your one stop tool compliance with New York State’s MBE/WBE Program. It is also the platform New York State uses to monitor state contracts and MBE/WBE participation.

GETTING STARTED

To access the system, please login or create a user name and password at <https://ny.newnycontracts.com/>. If you are uncertain whether you already have an account set up or still need to register, please send an email to the customer service contact listed on the Contact Us & Support page, or reach out to Zag Kimpolo at zag.kimpolo@bpca.ny.gov or 212-417-2339. For verification, in the email, include your business name and contact information.

VENDOR RESPONSIBILITIES

As a vendor conducting business with New York State, you have a responsibility to utilize minority- and/or women-owned businesses in the execution of your contracts, per the MBE/WBE percentage goals stated in your solicitation, incentive proposal or contract documents. NYSCS is the tool that New York State uses to monitor MBE/WBE participation in state contracting. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

There are several reference materials available to assist you in this process, but to access them, you need to first be registered within the NYSCS. Once you log onto the website, click on the **Help & Support** >> link on the lower left hand corner of the Menu Bar to find recorded trainings and manuals on all features of the NYSCS. You may also click on the **Help & Tools** icon at the top right of your screen to find videos tailored to primes and subcontractors. There are also opportunities available to join live trainings, read up on the “Knowledge Base” through the Forum link, and submit feedback to help improve future enhancements to the system. Technical assistance is always available through the **Contact Us & Support** link on the NYSCS website (<https://ny.newnycontracts.com/>).

For more information, contact Zag Kimpolo at zag.kimpolo@bpca.ny.gov or 212-417-2339.

EXHIBIT E

(List of BPCA & BPCPC Board Members and Employees)

LIST OF BOARD MEMBERS

Donald Capoccia
Martha Gallo
Anthony Kendall
Catherine McVay Hughes
Lester Petracca
Clinton Plummer
Angela Pinsky

LIST OF EMPLOYEES

Afzal, Betzayda M.	Bender, Marieke E	Cho, Terence
Afzal, Curtis	Benon, Yipin K.	Cid, Alexis Torres
Alexander, Danah	Berendschot, Octavie	Cogan, Jonathan William
Alvarez, Elsa C.	Bergen, Zachary	Compaan, Jason
Anders, Dana J.	Best, Jacqueline	Curtin, Sarah F
Anderson, Conrad J	Blake, Nidia Xcenia	Davis, Elizabeth Nelson
Babb, David	Bonnelly, Sully	Davy, Raymond
Baichu, Sharmila	Buivid, Nancy	De Padua, Gilbert
Baki, Muriel Barnett	Buquicchio, Anthony	Diaz, Ismael
Baptiste, Marie R	Campbell, Peter M.	Diaz-Larui, Paul N.
Beaver, Rebecca	Caraballo, Angel	Dickson, Daniel Allen
Beecham, Brett D.	Centeno, Monica	Dopson, Tonia T.
Belliard, Freddy	Chen, David	Eggleston, Terrence

Ehrlich, Abigail	Koenig, Karl H.	Ngo, Jane Anh
Ellison, AnnMaria	Lalama Moreno, Cristina Alexandra	O'Toole, Kevin
Flores, Tamara G.	Lei, Jeffrey	Ortiz, Maril E.
Fonseca, Juan	Leon, Boris	Paillant, Willem
Fortune, Dennis	Lerner, Marianna	Palma, Ma Enore
Frederick, Pamela M.	Lima, Triny	Parker, Jonathan J
Fuhrman, Heather	Liu, Johnny	Patel-Haribaran, Nimisha
Gallagher, James J.	Lopcy, Rene J.	Pearlman, Gladys
Gonzalez, Anatasia I.	Lopez, Janira C	Pena , Carlen
Gregg, Evelyn	Magana, Maria	Pimentel, Rynell
Gross, Jonathan A	Maggi, Michael	Powell, Katherine
Gutin, Dmitriy	Maggi, Robert	Rachnowitz, Jason
Hansen, Robert T.	Maisonet, Evelin	Ramirez, Madelin G.
Harper, Justin	Mann, Rajinder	Ramos, Joel
Heerah, Sankar	Martinez, Eric	Reynolds, Aline E
Hernandez, Raul	Martinez, Maria	Rhoades, Takoda
Hoey, Brendan	McNeill, Princess K.	Richards, Kwame
Hood, Megan	Mesine-Michael, Vanessa	Rivera, Angel
Howard, Angela M.	Metal, Rami	Rivera, Manuel
Hudon, Craig A.	Mikati, Rayyan	Rivera, Ruben
Jogie, Amy S.	Miranda, Doreen	Rufino, Joel
Johnson, Jasmine Mikayla	Mohammed, Ronnie	Russell, Paul C
Jones, Gamal A	Moukietis, Irene	Sanders, Monica
Jones, Saladin	Murray, Ryan Patrick	Santiago, Carlos
Julien, Ebonique M.	Murtha, Lauren M.	Saul, Kimberlae
Kimpolo Nkaya, Zag Legrand	Nathan, Jahmeliah E.	Sbordone, Nicholas T

Schwartz, Jean

Sewraj-Kumar, Rekha

Simon, Sean A.

Singh, Kemnarine

Smedley, Sarah J.

Stewart, Shinay

Striggles, Patricia Antionette

Taft, Marcella

Teelan, Michael

Torres Davila, Michelle K.

Torres, Ryan A.

Van Horn, Douglas J.

Veve, Yves Emmanuel

Villalobos, Evangelio

Vitale, Matthew William

Wade, Sharon B.

Wallace, David B.

Weixel, Goldie

Wells, John

Williams, Dwight

Williams, Eileen

Williams, Ikeem

Wisnewski, Jennifer

Wright, Al

Yokoi, Erin L

Zeltser, Zachary

EXHIBIT F

(BPCA Sample Form of Contract)

TO BE PROVIDED VIA ADDENDUM