



**REQUEST FOR PROPOSALS**  
**FOR**  
**PRE-QUALIFIED PANEL**  
**OF**  
**MUNICIPAL ADVISORS**

I.	SUMMARY.....	1
II.	GENERAL PROVISIONS .....	1
III.	TIMETABLE & DESIGNATED CONTACT .....	2
IV.	GENERAL REQUIREMENTS.....	3
V.	PROPOSAL FORMAT AND CONTENTS.....	4
VI.	INSURANCE REQUIREMENTS.....	5
VII.	COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS .....	7
VIII.	SELECTION PROCESS .....	9
IX.	NON-COLLUSION.....	10
X.	IRAN DIVESTMENT ACT .....	10
XI.	EXECUTIVE ORDER 16 .....	11

EXHIBIT A - SCOPE OF WORK

EXHIBIT B - PROPOSAL SUBMISSION PACKET

EXHIBIT C - CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY  
NEW YORK STATE-CERTIFIED MBES/WBES/SDVOBS AND EQUAL EMPLOYMENT  
OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

EXHIBIT D - LIST OF BPCA & BPCPC BOARD MEMBERS AND EMPLOYEES

EXHIBIT E - BPCA SAMPLE FORM OF CONTRACT (*To be provided via Addenda*)

## **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 be appointed to a pre-qualified panel of firms (“Panel”) to provide municipal advisory services, including acting in the capacity of BPCA’s Independent Registered Municipal Advisor (“IRMA”), on an as-needed work order basis. Such services shall include, but not be limited to, the provision of advice and assistance regarding: (1) debt financing; (2) market conditions; (3) credit rating agencies; and (4) investor relations and other financial matters, as required, and shall include both transactional and non-transactional services. A detailed scope of work for which the selected Panelists may be engaged pursuant to individual work orders is attached as Exhibit A – Scope of Work (the “Work”). For the avoidance of doubt, individual work orders issued under the ultimate contract(s) awarded pursuant to this RFP (as hereinafter defined) will include individualized scopes of work which may include, some, but not necessarily all, of the Work set forth in Exhibit A.

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 of one or more contracts (each, a “Contract”) 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 the Proposal or any part of the 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 more 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:

<b>Procurement Step</b>	<b>Date</b>
RFP Issued	April 23, 2026
Deadline to Submit Questions to BPCA*	May 4, 2026, by 3:00 p.m. EST
BPCA’s Response to Substantive Questions	May 7, 2026
<i>Responses will be provided in the form of an addendum to be posted on BPCA’s website (<a href="https://bpca.ny.gov/apply/rfp-opp/">https://bpca.ny.gov/apply/rfp-opp/</a>)</i>	
<b>PROPOSAL DUE DATE</b>	May 14, 2026, by 3:00 p.m. EST (the “Due Date”)
<b>Proposer Interviews (if any)</b>	May 21, 2026
Contract Start Date	June 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](mailto:danah.alexander@bpca.ny.gov).

#### B. *Anticipated Contract Term*

The anticipated term of any Contract(s) awarded pursuant to this RFP will be three (3) years (“Initial Contract Term”), with two (2) one-year renewal options, with each being exercisable at the sole discretion of BPCA (“Extension Periods”). 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 E.

#### 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 have the ability to provide the services described in this RFP within New York City, including the ability to attend in-person meetings at BPCA offices as requested.
- 2) The Proposer must be lawfully authorized to do business in the State of New York.
- 3) Proposer must be registered with the Securities and Exchange Commission (“SEC”) as a municipal advisor and provide its registration number.
- 4) Proposer must have demonstrated experience with municipal issuers of tax-exempt and taxable bonds in direct placements.
- 5) Proposer must hold and maintain all current Federal and State licenses and registrations required to offer municipal advisory services; and
- 6) Proposer must maintain compliance with all Federal and State rules, regulations and provisions that set standards for municipal advisors when engaging in municipal advisory services.

##### *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 C. 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 the Proposal Due Date set forth above.**

- 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 – Pre-Qualified Panel of Municipal Advisors 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 – Pre-Qualified Panel of Municipal Advisors 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, will 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 – Pre-Qualified Panel of Municipal Advisors 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.
- Have numbered pages.
- Use a minimum font size of 10 point 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:

- 1) Executive Summary. Executive Summary may be no longer than two (2) single-sided pages.
- 2) Information Required and Completed Proposal Submission Packet, attached as Exhibit B.
- 3) 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.
- 4) Copies of the Proposer's Internal Revenue Service ("IRS") W9 form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- 5) Appendices:
  1. Attach professional biographies for all employees identified in your Proposal.
  2. A detailed list identifying any and all exceptions taken to BPCA's standard form of contract, attached as Exhibit E, 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.

**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 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 work; and (ii) continuing throughout the entire term of the Contract. 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 E.

The total cost of the required insurance listed in paragraphs 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, and no policies may contain any limitations / exclusions for New York Labor Law claims.

All of the carriers that provide the below required insurance must provide direct written notice of cancellation or non-renewal to BPCA, BPCPC, and the State of New York at least 30 days before such cancellation or non-renewal is effective, except for cancellations due to non-payment of premium, in which case 10 days written notice is acceptable.

***B. Insurance Requirements for the Selected Proposer***

- **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 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.

- **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 \$2,000,000 for each claim.

***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 E.

- **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 VI(B) unless otherwise approved in writing by BPCA prior to commencement of any Subcontractor's work.**

## **VII. COST PROPOSAL: FORMAT AND REQUIRED INCLUSIONS**

Each Cost Proposal must include (A) pricing for general financial advisory services on an hourly rate basis by role (or category of employee) and (B) pricing for services provided on a specific transaction or bond issuance on a rate-per bond (and/or note) issuance basis (total issuance amount), scaled or flat, with a maximum amount per issuance (for the avoidance of doubt, an issuance will include all of the tranches associated with a complete financing structure, whether public or private or negotiated or competitive) basis. Please see subsections A and B below.

All hourly rate pricing provided in the Cost Proposal is to remain valid throughout the entire Initial Contract Term. Adjusted hourly rates may be provided for the Extension Periods; if adjusted rates are not provided in the Cost Proposal, the hourly rates provided for the Initial Contract Term in the Cost Proposal will remain in effect during the Extension Periods. The transactional service rates per bond issuance provided in the Cost Proposal shall remain the same throughout the Initial Contract Term and all Extension Periods.

The Cost Proposal must be submitted per the requirements stated in Section V.B.

<b>A. General Financial Advisory Services/Hourly Rates</b>	
<p>Hourly rate for provision of services described in Exhibit A - Scope of Work when provided for general financial advice and not as part of a specific transaction or bond issuance, except in the case of amendments, or if not otherwise covered by the rate-per-bond issuance pricing set forth below in Subsection B on a specific transaction or issuance.</p> <p>Hourly rates are to be provided based on the role (title), specifying each staff member assigned to support BPCA by role. The Authority shall be entitled to establish annual, monthly, or per-project caps on maximum permissible hourly fees, provided that such caps shall be established via advance written notice to advisors where applicable. Advisors shall only exceed such caps upon express written authorization by the Authority.</p>	<p>\$ _____ .00/hour by role</p>

<b>B. Transactional Financial Advisory Services/Rate-per-Bonds</b>	
<p>Rate-per-bond issuance for services provided as part of a specific transaction or bond issuance, which do not include amendments.</p> <p>The rate-per-bond issuance pricing is to include all of the services, as needed, outlined in items 1 through 31 inclusive of Exhibit A -Scope of Work.</p> <p>At the sole election of the Authority, any or all transactional services may be requested as general financial advisory services and paid solely on an hourly basis, as per the rates reflected in subsection A above, including for a firm selected as a transaction IRMA.</p>	<p>\$ _____ .00/ bond or as scaled by level of bonds issued</p> <p>\$ _____ .00 maximum per bond issuance</p>
<p>The Authority will select firms based on the best value, which will include consideration of the pricing cost and structure.</p>	

Note that the Authority will not reimburse firms for out-of-pocket expenses, including travel, pertaining to the fulfillment of their duties as IRMA.

## 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. The Committee may conduct in-person interviews for many reasons, including to further assess a Proposer’s ability to perform the Work or provide specific services, or to seek information related to any other evaluation criteria. The proposed Lead PM, as well as all other key personnel proposed to perform the Work, must be available to participate in the interview.

### C. *Evaluation Criteria for Selection*

Selection will be based upon the following criteria:

#### 1) Technical Evaluation:

Evaluation Criteria	
A) Demonstrated relevant experience with public sector entities, including familiarity with New York municipal finance and comparable authorities (e.g. knowledge of BPCA or similar entities)	25%
B) Demonstrated technical experience and qualifications related to the Work, including municipal advisory, debt issuance and IRMA services	30%
C) Experience and expertise of team members and proposal quality	35%
D) Response to Diversity Practices Questionnaire	10%

#### 2) Cost Proposal evaluation.

### D. *Basis for Selection for the Panel*

BPCA may apply additional criteria to determine the successful Proposer for each specific work order issued to panel firms based on the needs of each individual assignment. These criteria may include, but are not limited to, project specific considerations, negotiations, evaluation criteria, and Diversity goals.

Once awarded, Contracts for each member of the panel will be active for three years and may each be extended for up to two additional one-year terms. Nothing contained herein shall be deemed to guarantee that all, or any, panel firms will receive either of the two one-year extension options.

The Authority intends to select one or more of the highest technically rated Proposers for inclusion in the panel, whose Proposals, are determined to be responsive and in the best interests of BPCA, subject to a determination that the related Cost Proposal is fair, reasonable, and provides the best value to BPCA given the anticipated services. No specific work orders will be issued as part of this RFP. Work orders, if any, will be issued at a later date to selected panel firms based on project-specific needs, at which time project-specific factors, including pricing, will be evaluated to determine best value

A Firm that has been selected to participate in the panel may be removed from the panel during the term of the Contract at the sole discretion of BPCA.

***E. Material Change***

All Firms selected for the panel are required to promptly notify BPCA of a consequential change in any operational and/or financial condition (“Material Change”), within three (3) weeks of occurrence, throughout the term of the Pool. Material Change includes any of the following:

1. An addition or removal or any staff identified in RFP Proposal;
  2. An improvement or deterioration in the Proposer’s commitment to offering municipal advisory services;
  3. Any legal action brought against the Proposer subsequent to the initial disclosure provided in the Proposal; and
  4. Failure to continue to meet the minimum requirements listed under Section IV.A.
- Notification of Material Changes are to be sent to:

Battery Park City Authority  
Office of the Chief Financial Officer  
200 Liberty Street, 24th floor  
New York, NY 10281

**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 services to be performed by the Consultant will vary depending on the needs of the Authority as set forth in any work order(s) issued pursuant to this contract, but in general may include, but not be limited to any or all of the following:

1. Act in the capacity of the Authority's Independent Registered Municipal Advisor (IRMA).
2. Assist, when selected, in structuring of each bond issue and/or other sources of funds required to finance approved capital projects.
3. Assist in the preparation and evaluation of requests for proposals ("RFPs") for other professional services related to bond issuance or debt management, such as underwriter RFPs. Assist in the selection of bond financing team(s), including reviewing the capabilities and financial qualifications of proposed investment bankers, underwriters, trustees, escrow agents, escrow verification agents, swap counter parties, and other professionals, as and if appropriate, including tabulating experience, qualifications, and takedown/gross spread of each respondent.
4. Review underwriters or other financial proposals submitted to the Authority, summarize key points, and make recommendations.
5. Prepare a pre-pricing book, outlining details of the proposed issuance. Provide market analysis prior to and throughout the pricing period.
6. Assist the Authority with cost-benefit analysis of different structuring options. Provide data on comparable transactions and relevant market indices.
7. Review and participate in any negotiated transaction(s), including: providing financial analysis and marketing advice in connection with current and future financing plans inclusive of review or preparation of a financing schedule and distribution list; advising the Authority on bond pricings, investor and rating agencies relations and presentations; and advising, analyzing and assisting the Authority in connection with the structure and timing of financings and generally identifying and reviewing any potential issues in connection with the foregoing.
8. Provide independent price guidance for each maturity across a range of couponing alternatives using option adjusted spread analyses. Analyze and recommend fair pricing levels based on the Authority's historical pricings and the pricing of comparable credits in the current municipal bond market.
9. Coordinate pricing activities, including gathering and analyzing indicative expressions of interest, for variable rate bond offerings.
10. Provide an independent review of the proposed pricing and other offering terms recommended by the managing underwriter including the components of the gross spread, inclusive of the underwriter discount and other costs of issuance. Review quantitative analyses and verify cash flows performed by the book-running senior manager. Highlight and discuss any changes or key issues. Review and provide input to BPCA on financing issues identified by underwriters.
11. Assist BPCA, if required, in establishing an electronic bidding process, securing contracts for printer and verification agents, and other services as may be required.
12. Review and comment on the retail and institutional marketing plans developed by the underwriters for each

bond issue, including investor roadshows. Assist, as requested, with investor outreach and marketing strategy.

13. Conduct or assist in refunding escrow efficiency analysis and in bidding escrows and purchasing open market securities or State & Local Government Securities (“SLGS”). Provide assistance with respect to defeasance/escrow accounts, bond redemptions and prepayments, including reconciliation of cash requirements.
14. Work cooperatively and effectively with Authority personnel, external legal counsel and real estate advisors, including attendance at working groups and other meetings, as well as communications with rating agencies and federal, state and local agencies, entities and officials, as and when needed.
15. Solicit, or assist in the solicitation of, one or more credit ratings on behalf of the Authority, in coordination with the underwriter, with matters pertaining to the Issuer’s credit ratings.
16. Review and comment on all bond and security documents prepared by bond and underwriter counsel.
17. Assist in implementing competitive financings. Competitive financings may be stand- alone or part of a larger negotiated bond sale. Consultant’s responsibilities in this respect shall include but not be limited to the following:
  - a. Prepare notice of sale, and any supplements,
  - b. Prepare Proposal forms,
  - c. Establish Proposal procedures and specifications,
  - d. Arrange electronic bidding logistics, if needed,
  - e. Verify winning Proposals,
  - f. Prepare cash flows,
  - g. Assist with closing memo logistics,
  - h. Provide certificate(s) for closing.
18. Provide the Authority with weekly updates to summarize issuance status, key open items, and next steps.
19. Provide advice and assistance with variable rate debt facilities and vehicles such as Letters of Credit and Stand-by Bond Purchase Agreements, Floating Rate Notes, and bank loans.
20. Participate in preliminary official statement/offering circular preparation and final official statement/offering circular sessions where and when held.
21. Provide guidance and assistance with investors and rating agency inquiries, meetings, and presentations. Prepare PowerPoint presentations of pertinent operating and financial information or other matters to effectively present updates or respond to inquiries, as requested.
22. Review and provide perspective and insight on underwriter reports; review findings with the Authority.
23. Review investment guidelines and recommend improvements. Advise the Authority on debt service payment and debt reserve funds.
24. Upon request, make periodic written and/or oral reports to the Authority’s Board with respect to the Authority’s current, proposed, and prospective positions.
25. Assist in evaluating the bond structure and financial implications of the Authority’s interest rate derivative agreements and provide financial structuring guidance and recommendations.

26. Make recommendations to the Authority as to liability management and the Authority's outstanding debt, including advice and assistance with respect to defining objectives, performing valuation analyses, structuring, planning, and negotiation.
27. Provide advice to the Authority on all other relevant issues that may arise in connection with the existing or prospective debt position.
28. For any project on which the Consultant has been engaged by the Authority, generally and proactively identifying and evaluating any issues or potential issues and reviewing and advising the Authority on the same.
29. Prepare and provide an IRMA Closing Memo for closings as required and/or as requested by the Authority. Steps to be taken include:
  - a. Evaluate finance team performance and bond sale results
  - b. Provide certificate(s) for closing with respect to the bond sale.
  - c. Review all numbers in closing documents for accuracy
  - d. Summarize the issuance, including a follow-up analysis of the sale and final terms, and a summary of retail order information, as well as contributions made by each underwriter.
30. Monitor post-sale trading volume and spreads including an analysis of MSRB trade data showing variances between public issue price and other trades made shortly after the original sale. Provide a summary of notable secondary market trades that occur between pricing and closing, provide commentary, and recommend if any follow-up by the Issuers is warranted based on the data.
31. Perform additional services as needed from time to time including, but not limited to, special projects upon the request of the Issuers and/or other related advisory activities, as requested.
32. Monitor, on an ongoing basis, the Authority's debt positions and make recommendations as to changes that should be made to these positions, as needed. Examine current debt issues and make refunding recommendations for bonds that produce sufficient economic benefit. Evaluate third party refunding proposals and participate in meetings and calls.
33. Provide advice regarding the financial impact of laws and regulations affecting the Authority, including the New York State Finance Law.
34. Assist in developing bonds and debt policies and procedures.
35. Maintain financial debt coverage forecasting models, provide annual debt service forecasting, and assist in determining the annual debt service budget.
36. Keep the Authority informed as to new/innovative financing mechanisms or municipal finance regulator changes, and any federal initiatives that might serve as alternative funding sources.

**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 E 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 Municipal 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 Form W-9 (<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.6.1-3

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) Describe your firm’s background, services, size, and history and its primary role in providing municipal advisory services to local governments in the State of New York, relevant to the Work and potential assignments under a panel structure.

---

---

---

- 2) Describe your proposed approach and methodology for providing municipal advisory services, with an emphasis on New York State public entities. Explain your leadership in driving the provision of services in partnership with the client.

---

---

---

- 3) Provide a recommended financing plan for the issuance of \$600 million in new bond financing. Given the Authority’s existing structure, make any restructuring recommendations. Provide a justification for the recommendations based on the current financial market environment. (For evaluation purposes only; does not represent a commitment to issue a work order)

---

---

---

- 4) Describe your firm’s experience and qualifications as it relates to the Work for public sector entities similar to BPCA or other New York State public entities. Highlight any particular areas of expertise that have not been addressed elsewhere in the proposal. Include experience performing services on an as needed or work order basis, if applicable.

---

---

- 
- 5) Describe your firm’s experience or any personnel within your firm with experience as a municipal or financial advisor to BPCA, if any.

---

---

---

- 6) Detail your firm's experience as a municipal advisor for the issuance of municipal debt during the period from January 1, 2025 to present. For each financing (demonstrating recent, relevant experience) please provide the following information (information should be provided in tabular form in an appendix to your Proposal labeled, "Advisory Services - Municipal Debt Issuance 2025 - Present,"):

- (a) name of issuer, (b) size and title of issue, (c) date of issue, (d) credit rating, (e) method and type of sale (negotiated or competitive, variable or fixed, new money or refunding), (f) role in investor presentations or rating agency presentations, if any, and (g) the lead advisor responsible at your firm.

---

---

---

- 7) List each key member of the team you intend to assign to this engagement and include for each listed individual: (a) area(s) of specialization; (b) title and/or position within your firm; (c) the services to be performed, (d) the role supporting BPCA in the services anticipated under this panel. Outline the number of active clients being covered that are currently assigned to each team member and the expected percentage of their time available to complete the Work in the next 12 months. Provide each client name (or deal name if confidential) and expected time needed to support their requirements. This can be provided on a monthly or annual timeframe and will be used to gauge availability.

---

---

---

- 8) Identify the person who will be the lead project manager (the “Lead PM”) and primary contact in providing services to BPCA, and any other persons who will be listed as a “key person” in any contract with BPCA. Provide a description of the expertise and qualifications of these professionals, including brief summaries of relevant experience, highlighting their State of New York experience, where applicable.

---

---

---

- 9) Discuss any recommendations you have regarding how BPCA markets and sells its bonds. Discuss how BPCA can expand its retail marketing efforts and any strategies you may have to expand BPCA’s

institutional distributions. Recommend specific marketing approaches BPCA should employ in the short and long term to distinguish its bonds from other issuers.

---

---

---

- 10) Describe your proposed team’s experience with similar work for other public entities, with an emphasis on New York State public entities.

---

---

---

- 11) 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.

---

---

---

- 12) Identify any and all exceptions taken to BPCA’s standard form of contract, attached as Exhibit E, 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.

---

---

---

- 13) Provide three (3) client references demonstrating performance on comparable engagements for which your firm has served as a municipal advisor during the past twenty-four (24) months, with particular emphasis on clients most similar to BPCA. For each client, describe the project, the project’s date, and services performed, and provide the name, address, and telephone number for a key person at client’s firm familiar with such work.

---

---

---

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

- 14) 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.

---

---

---

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

---

---

---

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

---

---

---

17) 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? Has your firm and/or any of its principals, or principal subsidiaries or affiliates, been the subject of any investigation relating to the municipal securities industry or any other State or Federal organization that has oversight, regulates or licenses or is otherwise responsible for the municipal securities industry? If so, please describe the relevant facts.

---

---

---

18) Within the last five (5) years, has your firm, or a partner or employee in your firm, been involved in litigation, arbitration, disciplinary or other legal proceedings arising from the firm's municipal advisory services, management or handling of municipal securities? If so, please provide an explanation and the current status or disposition of the matter.

---

---

---

19) List any professional or personal relationships your firm's partners/employees have or may have with BPCA's Board Members and/or employees, a list of which is attached as Exhibit D.

---

---

---

20) 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.

---

---

---

21) 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.

---

---

### **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 in 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 the 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:	
--------------	--	--------------	--

<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), affiliate<sup>1</sup> 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>

<sup>1</sup>"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., as above, provide details on additional pages regarding the finding, including but not limited to cause, current status, resolution, etc.

Vendor Name:		Vendor FEIN:	
--------------	--	--------------	--

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 fulfill the requirements of the proposed contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Vendor Name:		Vendor FEIN:	
--------------	--	--------------	--

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

**STATEMENT OF NON-COLLUSION Continued**

If the Proposer is an individual, the Proposer's legal residence is as follows:

Street Address	City	State	ZIP
----------------	------	-------	-----

If Proposer is a Firm or Partnership, complete the following:

Name of Members or Partners	Legal Residence

If Proposer is a Corporation, complete the following:

Names of All Officers	
President:	
Vice President:	
Secretary:	
Treasurer:	
Other Officers/Titles (if applicable):	

**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 the 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?<sup>1</sup>

4. Does your Company provide technical training<sup>2</sup> 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.

---

<sup>1</sup> Do not include onsite project overhead.

<sup>2</sup> 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

(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](mailto: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 10<sup>th</sup> 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 6%** 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](mailto: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 # 8, 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 username 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](mailto: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 to Zag Kimpolo at [zag.kimpolo@bpca.ny.gov](mailto:zag.kimpolo@bpca.ny.gov) or 212-417-2339.

**EXHIBIT D**

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

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	Moulketis, 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
Koenig, Karl H.	Ngo, Jane Anh	Schwartz, Jean
Lalama Moreno, Cristina Alexandra	O'Toole, Kevin	Sewraj-Kumar, Rekha
Lei, Jeffrey	Ortiz, Maril E.	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 E**

(BPCA Sample Form of Contract)

***TO BE PROVIDED VIA ADDENDUM***