



# **Empire State Supportive Housing Initiative**

## **Inter-Agency Service and Operating Funding Opportunity Request for Proposals**

**June 2016**

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# **Empire State Supportive Housing Initiative**

## **Inter-Agency Service and Operating Funding Opportunity**

### **Request for Proposals**

## **SECTION 1: Introduction**

New York has led the nation in affordable housing preservation and construction over the past five years. Since taking office Governor Cuomo has committed to preserve or build 14,300 units of affordable housing through the landmark \$1 billion House NY initiative and also created the Tenant Protection Unit, which has returned more than 50,000 housing units to rent regulation, preserving the affordability of those homes for years to come. Yet even with these investments, New York has not been immune to rising housing costs across the state and is taking steps to deliver more affordable housing to those who need it, especially the large number of families and adults who are homeless.

Governor Cuomo proposes a historic commitment to combat homelessness. The Governor proposes \$2.6 billion for 6,000 new supportive beds. The \$2.6 billion in funding for permanent supportive housing and other services over the next five years is in addition to the \$7.5 billion we expect to spend over the next five years through our continuing commitments in support of 44,000 supportive housing units, shelter services and other purposes. New York's total financial commitment to address homelessness over this five-year period will be more than \$10.4 billion.

New York will also invest these resources to specifically address vulnerable populations experiencing homelessness. To ensure the maximum benefit of this investment, the State will:

- Utilize the existing federal Department of Housing and Urban Development Continuum of Care model that engages localities and not-for-profit providers in developing and implementing data-driven strategies to address homelessness in specific populations such as victims of domestic violence, runaway and homeless youth and formerly incarcerated individuals. New York State has the intent to develop a total of 20,000 units over the next 15 years, as such; New York State is issuing this RFP opportunity, to initiate the development and operation of 6,000 units of Supportive Housing over the next five years for persons identified as homeless with special needs, conditions or other life challenges.
- Each applicant will be required to demonstrate that their proposal is consistent with their most recent HUD Continuum of Care reports or other local data and have the support of their local Continuum or local planning entity.
- Applicants must demonstrate how the proposal meets the gap that is identified in the Continuum of Care report or other local data, where available. For those areas of the state without a Continuum of Care, the proposal must demonstrate involvement with local levels of planning to ensure necessary planning and engagement processes have been completed.
- Sixty-five percent of the scoring of this RFP will be assigned based upon how the proposal addresses locally specific needs and the extent to which the proposal addresses such need. Cost effectiveness and readiness comprise the balance.

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## Supportive Housing

Part of New York State's Homelessness Action Plan includes an investment of new supportive housing resources and services over the next five years to address vulnerable populations experiencing homelessness. Therefore, the availability of and access to various support services such as employment and training opportunities, parenting, counseling, independent living skills training, primary healthcare, substance disorder treatment and mental health care, child care, and benefits advocacy are critical components of any project funded under this plan. The support services provided must be tailored and appropriate to the specific population to be served (e.g., safety planning for victims of domestic violence, substance abuse treatment, etc.). Supportive services which are geared to help families and individuals, including youth and young adults to maintain physical and emotional health, assist with educational and employment opportunities for all household members, sustain healthy relationships and generally improve the quality of their lives must be provided. While this initiative focuses on permanent supportive housing, the length of stay should be driven by the head of household and family members' needs, wellbeing, and development of strengths necessary for successful economic self-sufficiency and full independent living (including establishment of positive family and social supports in the community). Staff must have the skills, qualifications and experience necessary to help the head of household set meaningful goals and make progress toward his or her personal recovery. The services can be provided on- or off-site (or a combination of both), and either directly by the project sponsor or through partnerships with other community-based agencies (or a combination of both).

The following describes the focused, transparent and accountable approach that New York State will take in allocating the Services and Operating funds so that the State's health and human services providers receive the assistance they need to house the vulnerable populations they serve.

The New York State Office of Mental Health (OMH) will serve as the lead procurement agency for this Request for Proposals (RFP) under the guidance of the interagency workgroup. Although the OMH is the lead, proposals accepted through this RFP opportunity do not have to be for mental health purposes but should serve the range of needs from the population of clients served by the following agencies. This workgroup includes representatives from several State agencies including but not limited to those involved in the initiative:

- Department of Health (DOH) including the AIDS Institute;
- New York State Homes and Community Renewal (HCR);
- Office of Alcoholism and Substance Abuse Services (OASAS);
- Office of Children and Family Services (OCFS);
- Office of Mental Health (OMH);
- Office for the Prevention of Domestic Violence (OPDV);
- Office of Temporary and Disability Assistance (OTDA)

A total of 1,200 units will be awarded during the 2016-2017 fiscal year through RFP opportunities. This RFP is the first opportunity this year for applicants to apply for Services and Operating funding. It is anticipated that a second RFP opportunity will be released as early as Spring or Summer 2016 for the balance of this fiscal year's uncommitted funds.

The terms "application(s)" and "proposal(s)" are used interchangeably throughout this RFP. The terms "bed (s)" and "unit(s)" are used interchangeably throughout this RFP.

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Applications requesting Services and Operating funds must be submitted by 4:30 pm on the date listed in Section 2.2 of this RFP. The application deadline is firm as to date and hour. Applications received after specified dates and time will be deemed ineligible and will not be considered for funding. Applicants are advised to make early submission of their applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

### **Six-Month Time Frame for Securing Capital Financing:**

One objective of this RFP is to link capital projects to develop supportive housing with the Services and Operating funding of this RFP. Therefore, it is expected that applicants secure capital funding for the housing project for which they are requesting service and operating funding through this RFP within a reasonable time frame, preferably within 6 months from the date of the service and operating funding award. If after 6 months from the date of the service and operating funding award, the applicant has not successfully secured commitments for the capital financing necessary for the project, the interagency workgroup has the option to rescind the Services and Operating award. Any rescinded award amounts will be made available to all interested applicants in accordance with the terms of this RFP. However, the interagency workgroup has the option to provide extensions beyond 6 months from the date of the service and operating funding award if the opportunity for application to an uncommitted capital financing source was not available during the 6 month period or if the application is still pending consideration by the New York State Office of Temporary and Disability Assistance or New York State Homes and Community Renewal.

If in the event a capital award is rescinded, any Services and Operating award made available through this RFP would also then be rescinded. Any applicant that fails to obtain capital within the 6 month time frame and has its Services and Operating award rescinded will be eligible to re-apply for service and operating funding during subsequent RFP opportunities. If the Service and Operating award is rescinded, the applicant will be notified in writing of this decision and informed of the ability to reapply during the next RFP opportunity.

No capital funds are available through this RFP. The intent of this RFP is to provide the service and operating funding awards that are needed to operate the supportive housing units that will be developed through capital funding that will be made available through capital funding mechanisms. For those projects that may need capital resources, the separate funding mechanisms include: capital funding with Homeless and Housing Assistance Program (HHAP), New York State Homes and Community Renewal (HCR), or other acceptable governmental agencies, or may partner, whenever possible, with a project developer that has secured or is in the process of securing capital funding. The applicant must clearly state whether the project developer has secured capital funding, or clearly describe the status of any capital including the sources of capital funding. The capital funding made available from any of the sources previously listed is for the construction of permanent affordable supportive housing units within an integrated setting. The service and operating funding awards made available through this RFP are to support the operating and supportive services that the applicant is proposing to make available to tenants housed in the supportive housing units. Separate capital funding mechanisms that are available at this time or are anticipated to support this RFP from New York State agencies are described below for your information.

Shortly prior to the completion of these capital construction projects, the Services and Operating funding will be issued to the not-for-profit service providers who were awarded Services and Operating funding under this RFP through a service and operating contract between the State agency responsible for providing oversight of the permanent supportive housing services to the population to be served (Contracting State Agency) and the not-for-profit service provider that

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received the award. It is anticipated that the Services and Operating funding award made available through this RFP will be made available upon completion of capital projects. The phase in process is projected to provide up to 1,200 units per year.

### **Capital Funding Available from HCR**

Projects that plan on financing through HCR will have opportunities to apply for capital funding through HCR after receiving an award under this Services and Operating RFP. For potential NYS Housing Finance Agency (HFA) bond-financed projects, it is anticipated that projects will be able to apply for capital funding through HFA's "Open Window" RFP expected to be issued in April of 2016. Information and application instructions are available at <http://www.nyshcr.org/Funding/OpenWindow/2016/>. For potential HCR 9% Low Income Housing Tax Credit (LIHTC) -financed projects, it is anticipated that projects will be able to apply for capital funding through the 2016 Unified Funding Round, anticipated to be released in the Spring/Summer of 2016.

### **Capital Funding Available from OTDA**

Applicants to this Services and Operating RFP may also be eligible to apply for capital funding through HHAP for the units seeking Services and Operating funding through this RFP. HHAP is administered through an open-ended RFP, meaning proposals are accepted for consideration on a continuous basis until it is determined that funds are no longer available for award. The HHAP RFP specifically prioritizes projects to be developed pursuant to this Services and Operating initiative. The New York State Budget for State Fiscal Year (SFY) 2016-17 includes a \$63 million appropriation for HHAP. Applicants considering applying for funding through HHAP should visit [www.otda.ny.gov/contracts/procurement-bid.asp](http://www.otda.ny.gov/contracts/procurement-bid.asp) for additional information and to verify that OTDA is accepting applications. Applicants are encouraged to submit a concept paper for feedback prior to submitting a full application. Note that projects that have received an HHAP award reservation, but have not closed on financing, are eligible to apply under this Services and Operating RFP.

### **Predevelopment Funding Available from OMH**

For not-for-profit providers/developers that serve OMH clients, it is anticipated that there will be OMH predevelopment capital funds available. If these predevelopment funds are needed and you have received a Service and Operating award you will be eligible to apply to OMH for the predevelopment capital funding as available. This funding will be in the form of a construction grant that will need to be repaid as part of the permanent financing structure contingent upon availability of these resources as identified in Governor Cuomo's Executive Budget.

## **1.1. Funding Availability and Operating Funding**

New York State will award service and operating funding for units of housing developed with capital funding to support the needs of the individuals residing in the units. Up to \$25,000 per unit annually in Services and Operating funding is available through this RFP. The State anticipates providing an inflationary adjustment in subsequent years, subject to available appropriations for and/or statutory authorization of such increases.



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Funding through this RFP is available to support the Services and Operating needs of projects which may be in various stages of capital development; however funding will not be made available to existing projects, which have already secured service and operating funds through other sources, as a means to enhance their existing subsidies. Applicants are encouraged to seek additional funding to leverage the resources made available through this RFP opportunity.

Rather than establish rigid unit development targets or set funding amounts for specific target populations, the applicant must identify the eligible target populations that will be served both by population and breakdown of units, and explain how and why the population(s) were chosen, citing documented need for housing and services for that specific population (s) within the local community as cited by the local CoC or local planning entity. The applicant must also state in the proposal how much annual funding is being requested, as well as the number of units the requested funding will support. The application must also demonstrate that this population has identified needs within the community and how the proposed housing will address them.

For example, if an applicant proposes to serve ten (10) individuals with HIV at an amount of funding of \$12,000 annually per unit, the application would need to clearly state “the applicant is seeking a total of \$120,000 annual funding to support the Services and Operating of ten individuals diagnosed with HIV. The applicant would also need to cite reasons the population was chosen and how the proposed housing will address this population(s)’ needs.

## **1.2 Term of Contract**

The contracts awarded in response to this RFP will be for five years from the date of securing the operating certificate or ability to move tenants into the supportive housing project. The contract will be entered between the State agency(s) responsible for providing oversight of the permanent supportive housing services to the population(s) to be served and the not-for-profit service provider that received the award. In the event there is more than one population to be served through any single application in response to this RFP, a lead State agency will be determined, and assist the selected project comply with any requirements of applicable State agencies that serve such populations. Not-for-profit service providers must adhere, under this RFP, to all applicable statutes, laws and regulations with respect to serving the eligible target populations.

## **1.3 Eligible Applicants**

The submitting organization must be eligible to apply. This funding opportunity is only open to not-for-profit organizations that are properly incorporated or organized under the laws of New York with experience in one or more of the following areas:

- Housing for homeless families, individuals, and/or young adults
- Housing for families, individuals, and/or young adults with an unstable housing history
- Housing for families, individuals, and/or young adults who are at risk of homelessness
- Housing for families, individuals, and/or young adults that have health, mental health, and / or substance use disorders



- Housing for youth/young adults with significant histories of mental health, foster care or criminal/juvenile justice involvement
- Providing services and supports to help families, individuals, and/or youth/young adults that have disabling conditions or life challenges as identified in Section 1.4 that require specialized support services to become and remain stably housed

Service and Operating funds are linked to integrated apartment buildings that are developed with capital funding sources that will be made available through separate Capital Initiatives and other capital funding mechanisms. These buildings may be constructed by the same entity applying for the service and operating funding made available through this RFP and/or in partnership with private or not-for-profit housing developers. The housing developed must be affordable to the homeless population it intends to serve. For most projects, this means that applicants should plan to provide rental subsidies in an amount that ensures full rental payment that does not exceed HUD Fair Market Rate for the area. In calculating rental subsidies it is expected that 30% of a tenant household's adjusted income (exclusive of rental subsidy payment) is used. When a tenant has no reportable income; the tenant must apply for all available third party entitlements that they may be eligible to receive.

Eligible applicants partnering with housing developers must identify and provide documentation of any involved development partner or joint venture. It is important to note that although partnerships with housing developers may exist, the official applicant of this RFP, also referred to as the main applicant, must be the not-for-profit organization that will manage the service and operating contract funds, not the housing development partner. The contract for Services and Operating will be between the not-for-profit awardee and State Agency(s) responsible for providing oversight of the permanent supportive housing services to the population(s) to be served.

## 1.4 Eligible Target Population

The eligible target populations to be served under this program are families, individuals and/or young adults who are both homeless (see glossary for definition) and who are identified as having an unmet housing need as determined by the CoC or local planning entity or through other supplemental local, state and federal data, and have one or more disabling conditions or other life challenges, including:

- Serious mental illness (SMI);
- Substance use disorder;
- Individuals diagnosed with HIV;
- Victims/Survivors of domestic violence;
- Military service with disabilities (including veterans with other than honorable discharge);
- Chronic homelessness (including families, and individuals experiencing street homelessness or long-term shelter stays);
- Youth / young adults who left foster care within the prior five years and who were in foster care at or over age 16;
- Homeless young adults between 18 and 25 years old;
- Adults, youth or young adults reentering the community from incarceration or juvenile justice placement, particularly those with disabling conditions;
- Frail or disabled seniors;
- Individuals who are MRT high cost Medicaid populations (MRT Eligible).

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#### 1.4.1 Medicaid Redesign Team (MRT) Eligibility

If the applicant intends on linking the operating and services funded units to capital projects developed with Medicaid Redesign Team capital funding, the targeted tenant population must also meet the criteria established for MRT eligibility. If the proposal will serve MRT eligible individuals, Appendix Xx (MRT Project Questionnaire) must be completed and attached to the application. Criteria includes serving a high-need, high-cost Medicaid population(s) that includes but is not limited to the following: individuals transitioning from an institutional facility (including hospital long-stay or a nursing home), or homeless/unstably housed individuals that have a serious mental illness, physical disability, HIV/AIDS, substance use disorder, seniors, and/or individuals with other chronic conditions.

#### 1.5 Eligible Costs

Any funds awarded to applicants under this RFP must be used for the purposes of providing housing and services that facilitate the provision of housing and supportive services to eligible target populations so that they remain stably housed. Permissible uses of funds awarded under this RFP that meet such purposes include, but are not limited to, providing support for:

- Rental subsidies and other occupancy costs. Funding requested for rental subsidies and other operating costs must be sufficient to cover real estate maintenance and operating expenses attributable to the supportive housing units. Please note, applications planning to seek capital funding from HCR should request rental subsidies under this RFP in an amount necessary to support underwritten rents of 50% AMI (noting that tenants will have significantly lower incomes);
- Costs associated with services and/or staff that help the eligible target population remain stably housed, including program supervision, housing counselors or specialists, and employment counseling;
- Services or staff to identify and locate the eligible individuals that need housing;
- Core services designed to assist eligible families, individuals and young adults to live independently and remain stably housed. They may include but are not limited to providing the following linkage and/ or direct services:
  - primary health services;
  - behavioral health services;
  - housing case management, including eviction prevention services and skills building around tenant responsibilities;
  - counseling and crisis intervention;
  - risk assessment/reduction and safety planning;
  - legal system and court assistance;
  - coordinating access to civil legal services including immigration, family, matrimonial, consumer and housing;
  - trauma-informed assessment and services;
  - public benefits management and advocacy with multiple systems engagement (CPS/ACS, DSS/HRA/DHS, OVS, etc.);
  - employment and vocational training and/or assistance;

- educational assistance, including GED support;
  - parenting skills development and support;
  - child care assistance;
  - direct provision of child care services;
  - children's services, including educational advocacy, support and counseling;
  - pregnancy prevention, including counseling;
  - family reunification and stabilization;
  - life skills training and support;
  - health education; and/or
  - building security services.
- Other eligible services, but of a lesser priority, include but are not limited to:
    - information on other available services to meet clients' needs and referral as appropriate;
    - social/recreational services;
    - Homeless Management Information System (HMIS) expenses;
    - transportation assistance for needed services/entitlements
    - other like services defined by the applicant and approved by the Contracting State Agency.
  - Services or staff to assist eligible families, individuals and young adults in navigating the range of available housing and social service resources, identifying available housing opportunities, and completing housing applications, and documentation requirements.

## **1.6 Ineligible Expenses**

Funds awarded under this RFP may not be used for ineligible expenses. Ineligible expenses include but are not limited to the following:

- Administrative and Overhead expenses budgeted at more than 15% based on the Consolidated Fiscal Reporting Requirements (CFR);
- Expenses considered as non-allowable per Appendix X of the Consolidated Fiscal Reporting (CFR) Manual  
[http://www.oms.nysed.gov/rsu/Manuals\\_Forms/Manuals/CFRManual/home.html](http://www.oms.nysed.gov/rsu/Manuals_Forms/Manuals/CFRManual/home.html)
- Any Costs associated with Capital Development of the project (i.e. construction costs).

## **1.7 Reporting and Operating Requirements**

Applicants awarded funding through this RFP must conform to the reporting requirements established by the interagency workgroup, the Contracting State Agency(s), and when applicable Medicaid Redesign Team reporting. Contracting State Agencies may have different reporting requirements and previously established operating guidelines for Services and Operating units developed through this RFP. Applicants are encouraged to familiarize themselves with the various reporting and operating requirements specific to the Contracting State Agency that the applicant would be contracting with.

## **1.8 Standard Contract Language**

These awards will require a standard NYS Master Contract; the terms and conditions for those projects will be specified in a detailed contract that must be signed by the Awardee, State Agency

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and approved by the Attorney General and the Office of the State Comptroller before any contract activity may begin and funds may be dispersed. A copy of the NYS Master Contract can be found here

[http://www.grantsreform.ny.gov/sites/default/files/docs/nys\\_master\\_contract\\_for\\_grants\\_8\\_14.pdf](http://www.grantsreform.ny.gov/sites/default/files/docs/nys_master_contract_for_grants_8_14.pdf)

Upon contract award and completion of negotiations, the State Agency responsible for providing oversight of the permanent supportive housing services to the population to be served will send successful applicants all required forms for development and processing.

## **1.9 Executive Order Number 38 – Limits on State-funded Admin Costs and Executive Compensation**

On January 18, 2012, Governor Andrew M. Cuomo issued Executive Order Number 38, “Limits on State-Funded Administrative Costs and Executive Compensation,” which required that certain State agencies, including those involved in this RFP, promulgate regulations limiting State reimbursement for administrative expenses and executive compensation of service providers. Any contract awarded through this RFP will be subject to the EO 38 regulations of the agency awarding the contract if the awardee is a “covered provider” within the meaning of those regulations. Important Legal Notice: Based upon the April 8, 2014 decision in *Agencies for Children’s Therapy Services, Inc. v. New York State Department of Health, et al.* (“ACTS”), covered providers conducting business in Nassau County need not file Executive Order 38 disclosures. For purposes of this notice, “conducting business” means having a place of business within Nassau County, providing program services or administrative services involving the use or receipt of State funds or State-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS decision should periodically check the EO 38 website for updates regarding any changes to this notice. <http://executiveorder38.ny.gov/>

## **1.10 Contract Readiness**

The State’s Prompt Contracting and Vendor Responsibility provisions require all State agencies to complete contract development and the signatory process in accordance with statutorily prescribed timeframes. It is expected that awardees will be available and prepared to respond within the statutorily required timeframes. Awardees who cannot meet the prescribed timeframes for contract development and / or signature may, at the Contracting State Agency’s discretion, and barring extenuating circumstances, be denied funds awarded to it under this RFP.

Prior to submitting an application for funding, applicants are responsible for various verifications which validate their capacity and organizational authority to receive public funding and operate as a Not-for-Profit corporation in the State of New York, or both. Recipients of grants must be registered in the New York Statewide Financial System (SFS) Central Vendor Registry File and provide their Identification Number at the time of contracting. To register and for additional information on the Vendor File, visit: [https://www.osc.state.ny.us/vendor\\_management/index.htm](https://www.osc.state.ny.us/vendor_management/index.htm)

Not-for-profit (NFP) vendors must be registered with the Attorney General’s Office as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be

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sure all their documents are up to date and comply with the Vendor Responsibility requirements outlined below.

To determine the status of your Charities Registration information, contact:  
[https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the Grants Reform Website, including *The Vendor Prequalification Manual* and an online tutorial to walk users through the process. Effective July 31, 2013, all NFP vendors doing business with the State of NY must be prequalified in order to submit a competitive bid in response to an RFP issued by NYS. NFP contractors should go to the Grants Gateway, [www.Grantsgateway.ny.gov](http://www.Grantsgateway.ny.gov), for registration and [www.grantsreform.ny.gov](http://www.grantsreform.ny.gov) to complete the online form. NFPs must first register their agency on the system if they have not yet done so, which requires a paper form being sent by mail.

Please note proposals received from eligible not-for-profit applicants who are not in “Prequalified” status in the Grants Gateway at the time the proposal is due as indicated in Section 2.2 Proposal Submittal Process cannot be evaluated; therefore, such proposals will be disqualified from further consideration.

Section 2.3 includes a summary of the steps that must be completed to meet registration and prequalification requirements in the Grants Gateway.

### **1.11 Minority and Women Owned Business Enterprises**

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR 140-145 All State Agencies recognize their obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of State contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that State agencies establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

### **Business Participation Opportunities for MWBEs**

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For purposes of this solicitation, State Agencies hereby establish an overall goal of 30% for MWBE participation. Goals for New York State certified minority-owned business enterprises (“MBE”) and New York State certified women-owned business enterprises (“WBE”) participation on each Contract shall be established based upon vendor availability. A contractor (“Contractor”) on the subject contract (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and the Contractor agrees that State Agencies may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how State Agencies will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and the State Agency may withhold payment from the Contractor 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 bidder on the Contract (“Bidder”) agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs 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 Bidder may arrange to provide such evidence via a non-electronic method by contacting the OMH Issuing Officer identified in this RFP. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Bidder’s MWBE requirements please see the attached MWBE guidance, “Your MWBE Utilization and Reporting Responsibilities Under Article 15-A.”

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

- A. An MWBE Utilization Plan with completed contract documents. Any modifications or changes to the 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 the Contracting State Agency. The Contracted State Agency will review the submitted MWBE Utilization Plan and advise the Contractor of acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the Contractor will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Contracted State Agency, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Contracted State Agency to be inadequate, the Contracted State Agency shall notify the Contractor and direct the Contractor 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 an executed contract.

The Contracting State Agency may disqualify a Contractor as being non-responsive under the following circumstances:

- a) If a Contractor fails to submit a MWBE Utilization Plan;
- b) If a Contractor fails to submit a written remedy to a notice of deficiency;



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- c) If a Contractor fails to submit a request for waiver; or
  - d) If the State Agency determines that the Contractor has failed to document good faith efforts.

The Contractor 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 Execution may be made at any time during the term of the Contract to the Contracting State Agency, but must be made no later than prior to the submission of a request for final payment on the Contract. The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the Contracting State Agency, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

### **Equal Employment Opportunity Requirements**

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 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 Contractor, 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 Bidder will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form # 4, to the State Contracting Agency with their bid or proposal.

To ensure compliance with this Section, the Bidder will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan (Form #\_supplied during contracting process) identifying the anticipated work force to be utilized on the Contract. If awarded a Contract, Contractor 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 the Contracting State Agency on a [MONTHLY/QUARTERLY] basis during the term of the contract. 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.



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## **1.12 Participation by Service-Disabled Veterans with Respect to State Contracts Through Set Asides**

Article 17-B of the Executive Law, enacted in 2014, provides for more meaningful participation in public procurement by Service-Disabled Veteran-Owned Businesses (SDVOBs), thereby further integrating such businesses into New York State's economy. One tool authorized by the law is the use of set asides. Set asides permit the reservation in whole or in part of certain procurements by State agencies for SDVOBs. The process for managing set asides are the subject of these guidelines from the Commissioner of General Services.

Types of procurements that may use set asides include:

1. Construction
2. Construction Related Services
3. Non-Construction Related Services (including finance/bond management)
4. Technology
5. Commodities

Set asides will be administered subject to the laws, rules and procedures governing contracting for each type of procurement, including, but not limited to:

1. Competitive bidding with award based on adherence to specifications and lowest price
2. Competitive bidding with award based on technical responsiveness and best value
3. Award based on qualifications and best value (for architects, engineers, and land surveyors)
4. Emergency award
5. Single source award
6. Sole source award
7. Purchase based on exercise of discretionary authority subject to agency internal controls
8. Other authorized procurement method(s) for making acquisition

Accordingly, prior to making a "determination of need" for a procurement (within the meaning of the rules for procurement lobbying under State Finance Law §§ 139-j and 139-k), State agencies shall review the NYS Certified Service-Disabled Veteran-Owned Business Directory, available at [http://ogs.ny.gov/Core/docs/CertifiedNYS\\_SDVOB.pdf](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf), to determine if there is a competitive field of certified SDVOBs that appear to be suitable in meeting agency needs and that have sufficient capacity and resources. If there is, the agency is strongly encouraged to reserve and conduct that procurement as a set aside for SDVOBs.

Each agency shall have in place an internal approval protocol for review of and finalizing the determination to proceed with a set aside procurement. It is recommended that at least two levels of approvals be included in the protocol. The approvals should be made part of the procurement record.

In order to determine that a competitive field of SDVOBs exists, an agency must review the certified SDVOB Directory and reasonably determine that at least two SDVOBs are able to respond to the procurement. During the agency review of the Directory and prior to the "determination of need" for the

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procurement, the potential SDVOBs may be contacted regarding their suitability to meet the agency need and whether the SDVOBs are likely to respond to the procurement.

The agency in providing public notice of the procurement opportunity shall include in its advertisement in the Contract Reporter the fact that the procurement is a set aside and the pool of bidders is limited to NYS certified SDVOBs. The agency shall then proceed with its procurement in accordance with the acquisition processes that are usually employed to secure the particular type of procurement. In making the contract award, the agency must assess and make a determination that the price offered by the vendor is reasonable and reflective of fair market value. Such finding should be made a part of the procurement record.

In the event that the set aside procurement does not result in a contract award, the agency may then open up the procurement and proceed with the acquisition with participation by all qualified vendors for the type of procurement.

Such procurements will continue to be subject to restrictions on communications during the procurement process governed by § 139-j and § 139-k of the State Finance Law. The agency, as part of the procurement process must also evaluate the responsibility of the SDVOB based upon financial and organizational capacity, legal authority, business integrity and past performance history.

State agencies shall report the number of completed set asides and ongoing set asides to the Director of the Division of Service-Disabled Veterans' Business Development, on a quarterly basis commencing July 15, 2015 and thereafter October 15, 2015, January 15, 2016 and April 15, 2016. See attached Report form. If there are no completed or ongoing set asides, the report should also indicate that status.

NOTE: Information about using SDVOB participation in public procurement can be found at <http://www.ogs.ny.gov/Core/SDVOBA.asp> which provides contract template language for Use of Service-Disabled Veteran-Owned Businesses in Contract Performance.

## **SECTION 2: General Requirements**

### **2.1 Desired Outcomes and Program Requirements**

The rental subsidies and/or services provided under this initiative are intended to be a means to provide affordable and stable housing and services to families, individuals and youth/young adults who are homeless and have at least one or more disabling conditions or other life challenges. The intended outcomes for this RFP are to:

- Identify and locate eligible homeless families, individuals, and/or youth/young adults;
- Increase the availability of supportive housing as a means to reduce homelessness;
- Provide services and supports to help eligible families, individuals and/or youth/young adults manage health and behavioral health conditions and support recovery, and to assist families, individuals, and/or youth/young adults to become and remain stably housed;

- Provide service and operating funding for supportive housing units developed with Capital funding sources and/or a combination of Capital funding, and available private, federal, state, or local funding resources.
- Increase the availability of supportive housing as a means to facilitate access to health services and improve the health status and quality of life experiences of Medicaid Redesign Team eligible families, individuals, and/or youth/young adults;
- Provide housing stability for young adults between ages 18 and 25, in a supportive environment based on positive youth development principles that recognize and build on the young adults' strengths, and to maximize educational and employment opportunities to enable young adults to achieve self-sufficiency.

## 2.2 Key Events/Timeline

RFP Release Date	06/02/16
Webinar	06/14/16
Questions Due	06/21/16
Questions Posted on Website (Tentative Date)	06/28/16
Proposals Due	07/18/16
Conditional Award Notifications (Tentative Date)	09/01/16
Contract Start-Date	TBD

## 2.3 Proposal Submittal Process

Applications/proposal narrative and completed budget forms must be submitted to the appropriate contact named in the solicitation and received by the RFP's due date as indicated in Section 2.2. Applicants must submit one (1) complete hard copy paper application and one copy of a complete proposal on a SEPARATE CDs/thumb drive; an acceptable format is Adobe PDF. The CD/thumb drive copy described herein should be representative copies of the original documents, including signatures, and must be in one file on each CD/thumb drive. A complete proposal/application in response to this RFP consists of:

1. Applicant Overview (Attachment A)
2. Program Plan/Narrative (no more than 20 pages, excluding attachments)
3. New York State Master Contract Expenditure Budget (Attachment B-1)
4. Continuum of Care / Local Planning Support Document (Attachment C)
5. Vendor Responsibility Form/Questionnaire
6. Font size 12 Times New Roman, 1 inch margin, no spacing
7. Appendix Xx MRT Questionnaire (if applicable)

Proposals that do not meet these requirements for a complete application may not receive further evaluation. The Proposal Narrative must be concise (no more than 20 pages, not including attachments) and must address all areas identified in Section 3 of this RFP. In the event the

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narrative is over 20 pages, only the first 20 pages of the proposal narrative submitted will be read and reviewed.

Proposals must be submitted by mail. Proposals may not be submitted via facsimile or e-mail.

One (1) complete hard copy paper application and one (1) agency identified flash drive / CD with one (1) complete PDF application document must be mailed to the Issuing Officer and addressed as follows:

Carol Swiderski, Contract Management Specialist 2  
Application Proposal  
NYS Office of Mental Health  
Contracts and Claim Unit  
44 Holland Ave, 7<sup>th</sup> floor  
Albany, NY 12229

### **2.3.1 Register for the Grants Gateway**

On the Grants Reform Website, download a copy of the Registration Form for Administrator. A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

If you have previously registered and do not know your Username please email [grantsreform@budget.ny.gov](mailto:grantsreform@budget.ny.gov). If you do not know your Password please click the Forgot Password link from the main log in page and follow the prompts.

### **2.3.2 Complete your Prequalification Application**

- Log in to the Grants Gateway. If this is your first time logging in, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the Organization(s) link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A Document Vault link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the Required Forms and upload Required Documents. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform Team at [grantsreform@budget.ny.gov](mailto:grantsreform@budget.ny.gov).

### **2.3.3 Submit Your Prequalification Application**

1. After completing your Prequalification Application, click the Submit Document Vault link located below the Required Documents section in order to submit your

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Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to In Review.  
If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.

2. Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

## 2.4 Questions and Answers

Written questions regarding this RFP will be accepted until 06/21/16 at 4:30 pm. No telephone inquiries will be accepted. Answers to all questions will be tentatively posted on OMH's website by 06/28/16. Questions may be submitted via mail, fax or email to:

Carol Swiderski, Contract Management Specialist 2  
Questions  
NYS Office of Mental Health  
Contracts and Claim Unit  
44 Holland Ave, 7th floor  
Albany, NY 12229  
[Carol.swiderski@omh.ny.gov](mailto:Carol.swiderski@omh.ny.gov)

All questions must be typed and include the RFP section the question is about. Along with the question(s), provide your name, organization, mailing address and email. To receive a hard copy of the Questions and Answers document, please contact Ms. Swiderski at the address above.

## 2.5 Webinar

A webinar will be held on at 10:00 a.m. to provide an overview of the RFP components. This webinar will be taped and made available on OMH's website [www.omh.ny.gov](http://www.omh.ny.gov). To access the webinar on, follow the following directions:

Topic: Empire State Supportive Housing Initiative RFP Webinar

Date: Tuesday, June 14, 2016

Time: 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Meeting Number: 648 035 505

Meeting Password: fKZMXuG5

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To join the online meeting (Now from mobile devices!)  
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1. Go to <https://meetny.webex.com/meetny/j.php?MTID=md02f4f5c06f893996fe43d6b9f82fd23>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: fKZMXuG5
4. Click "Join".

To view in other time zones or languages, please click the link:

<https://meetny.webex.com/meetny/j.php?MTID=mb39f73324cef54ba1e646b6b8819473b>

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To join the audio conference only  
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1. Provide your number when you join the meeting to receive a call back. Alternatively, you can call one of the following numbers:

Local: 1-518-549-0500

Toll Free: 1-844-633-8697

Alternate Toll Free - (For callers not able to call the 844 Toll Free Number): 1-866-776-3553

2. Follow the instructions that you hear on the phone.

Your Cisco Unified MeetingPlace meeting ID: 648 035 505  
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For assistance  
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1. Go to <https://meetny.webex.com/meetny/mc>

2. On the left navigation bar, click "Support".

Add this meeting to your calendar (Cannot add from mobile devices):

<https://meetny.webex.com/meetny/j.php?MTID=mc62843e75d062115cd41724ad5d9a446>

<https://www.webex.com>  
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1. System setup and test

Two days before webinar test the computer you will be using by clicking on the following link:

<http://www.webex.com/test-meeting.html>.  
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## 2.6 Selection Criteria

All proposals will be reviewed by an interagency workgroup including, but not limited to representatives from the New York State Office of Mental Health (OMH); New York State Homes and Community Renewal (HCR); Office of Temporary and Disability Assistance (OTDA); Office of Alcoholism and Substance Abuse Services (OASAS); the Department of Health (DOH) including the AIDS Institute; Office of Children and Family Services (OCFS); Office for the Prevention of Domestic Violence (OPDV).

Proposals /applications must meet the following minimum criteria to be considered for review:

- Applications/proposal narrative and completed budget forms must be received by the round's due date and submitted to the appropriate contact named in the solicitation.
- Applications/proposals are complete.
- The submitting organization is prequalified in the Grants Gateway.

- The submitting organization must be eligible to apply as outlined in Section 1.3. This funding opportunity is only open to not-for-profit organizations that are properly incorporated or organized under the laws of New York with experience in one or more of the following areas:
  - Housing for homeless families, individuals, and/or young adults
  - Housing for families, individuals, and/or young adults with an unstable housing history
  - Housing for families, individuals, and/or young adults who are at risk of homelessness
  - Housing for families, individuals, and/or young adults that have the health, mental health, and / or substance use disorders
  - Housing for youth/young adults with significant histories of mental health, foster care or criminal/juvenile justice involvement
  - Providing services and supports to help families, individuals, and/or youth/young adults that have disabling conditions or life challenges as identified in Section 1.4 that require specialized support services to become and remain stably housed
- The Vendor Responsibility Questionnaire must be completed on-line through the NYS VendRep System or by paper copy.

Designated staff will review each proposal for completeness and verify that all eligibility criteria are met. If a proposal is not complete or does not meet the basic eligibility standards, the proposal will be eliminated from further review. The applicant will be notified of the rejection of the proposal within 15 business days from proposal opening.

Following a review for completeness, representatives from each of the agencies on the inter-agency workgroup will independently review and evaluate the proposals using an objective review process and compute a score based on the following criteria:

Scoring Criteria Category	Maximum Number of Points Available
<b>Need</b>	<b>35</b>
<b>Impact</b>	<b>30</b>
<b>Cost Effectiveness/Budget</b>	<b>30</b>
<b>Readiness</b>	<b>5</b>
<b>TOTAL</b>	<b>100</b>

- **Need:** How does the proposal provide services/benefits to an eligible target population (i.e. those families, individuals or youth/young adults who are homeless and have at least one or more disabling conditions or other life challenges) whose health outcomes and/or housing stability may be improved through the provision of safe, affordable permanent supportive housing through the Program? Does the proposal utilize the most recent data to identify



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eligible target population and the unmet needs of this population (Relevant data includes CoC, local planning or other local, state and federal reports/data)? Does the CoC/local government/local planning entity support this proposal? For counties without a CoC, does the proposal identify the eligible target population and unmet need through the use of local planning process or other relevant data sources? (Maximum 35 points).

- **Impact:** To what extent will the proposal have a meaningful impact on addressing the identified needs of the eligible target population (s) identified in the proposal, including by demonstrating the appropriateness of the program's approach to meet the needs of the target population? (Maximum of 30 points).
- **Cost Effectiveness/Budget:** How cost effective is the proposal and is the budget complete, comprehensive and realistic? Does the applicant have additional funds to leverage the State funding that is being made available through this RFP? (Maximum 30 points).
- **Readiness:** To what extent is the applicant either independently or in conjunction with a housing developer working towards project-readiness? (i.e. does the applicant have site-control, does the applicant have capital funding sources already secured, realistic time-frame for project completion). (Maximum 5 points).

**For further information on selection criteria see Section 3. Application Instruction Requirements**

Following the independent review, evaluators will meet to discuss the application and provide clarity on questions an evaluator may have about a particular section of the proposal. Following such discussion, evaluators may independently revise their original score in any section, and will note changes on the evaluation tool scoring sheet.

All applications will be reviewed, and scored. Any proposal that receives less than a final average score of 70 will be ineligible to receive an award during the RFP in which the applicant applied. These applicants will be encouraged to re- apply during future RFP opportunities. Applications that meet the threshold score of 70 or above may be eligible to receive a conditional award. Final awards will be made based on the ability to obtain capital funding to complete the project.

If after 6 months from the date of the service and operating funding award, the applicant has not successfully secured commitments for the capital financing necessary for the project, the interagency workgroup has the option to rescind the Services and Operating award. Any rescinded award amounts will be made available to all interested applicants in accordance with the terms of this RFP. However, the interagency workgroup has the option to provide extensions beyond 6 months from the date of the service and operating funding award if the opportunity for application to an uncommitted capital financing source was not available during the 6 month period or if the application is still pending consideration by the New York State Office of Temporary and Disability Assistance or New York State Homes and Community Renewal.

If in the event a capital award reserve is rescinded, any Services and Operating award made available through this RFP would also then be rescinded. Any applicant that fails to obtain capital within the 6 month time frame and has its Services and Operating award rescinded will be eligible

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to re- apply for service and operating funding during subsequent RFP opportunities. If the Service and Operating award is rescinded, the applicant will be notified in writing of this decision and informed of the ability to reapply during the next RFP opportunity.

NYS interagency workgroup reserves the right to award funds by geographic region to reach underserved areas. The geographic distribution of funds will be considered only in the event that an underserved region is identified by NYS interagency workgroup. An underserved region will be determined and substantiated by the NYS interagency workgroup with reference to the Continuum of Care, relevant statistical evidence, and other anecdotal evidence, including the lack of support service monies in a geographical region. The regional awards made will be strictly based on the overall passing score of all applicants identified as being able to provide supportive services in the identified underserved region. Should the NYS interagency workgroup exercise this option, awards will be made sufficient to meet the underserved needs of the region without negatively impacting the overall ability of the Empire State Supportive Housing Initiative program to provide statewide services.

## **2.7 Charities Registration**

Not-for-profit corporations that submit proposals must comply with Article 7-A of the State Executive law and the Estates, Powers, and Trusts Law, Solicitation and Collection of Funds for Charitable Purposes. The Charities Registration Number or Exemption reason is recorded on the Application Cover Page.

## **2.8 Vendor Responsibility Requirements**

New York State Finance Law requires that State agencies award contracts to responsible contractors, including but not limited to not-for-profit and for-profit vendors. Vendor Responsibility will be determined based on the information provided by the vendor on the Vendor Responsibility Questionnaire Form, and a review of the most recently issued independently audited annual financial reports, that must be included with each bid. The Contracting State Agency will review the Questionnaire, the audited financial statements and the information provided before making an award.

The Contracting State Agency reserves the right to reject any proposal if in the sole discretion of the Contracting State Agency; it determines the bidder is not a responsible vendor and/or a stable financial entity. All proposals are subject to vendor responsibility determination before the award is made and such determination can be revised at any point up to the final approval of the contract by OSC.

Vendors are invited and encouraged to file the required Vendor Responsibility Questionnaire online through the Office of the State Comptroller (OSC) New York State VendRep System. The Online VendRep System offers an effective and time saving mechanism to maintain a current filing. To enroll in and use the OSC New York State VendRep System all vendors may view the VendRep System Instructions available at <http://www.osc.state.ny.us/vendrep/index.htm> . For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us).

Vendors may also opt to file a paper questionnaire. There are separate Vendor Responsibility questionnaires that are used by For-Profit businesses and by not-for-profit organizations.

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Questionnaires in the VendRep System that have been completed in the last six months in response to contracts or bid announcements from the Contracting State Agency or other State Agencies do not need to be updated. If the vendor is using the hardcopy notarized questionnaire, then it also has to be current within 6 months of the due date referenced above.

## **2.9 Contracting State Agency Rights**

Successful applicants will contract with the Office of Mental Health (OMH); Office of Temporary and Disability Assistance (OTDA); Office of Alcoholism and Substance Abuse Services (OASAS); the Department of Health (DOH) including the AIDS Institute, Office of Children and Family Services (OCFS), or the Office for the Prevention of Domestic Violence (OPDV). Determination of the contracting state agency will be based on scope of the applicant's proposal and whether the applicant has an existing contractual, regulatory or oversight relationship with one of the above-listed state agencies.

The Contracting State agency reserves the right to:

1. Place a monetary cap on the funding amount made in each contract award. Make awards for less than the amount requested or up to the maximum unit amounts specified in the RFP.
2. Change any of the scheduled dates stated in the RFP.
3. Request all bidders who submitted proposals to present supplemental information clarifying their proposal either in writing or by formal presentation.
4. Require bidders demonstrate, to the satisfaction of the Contracting State Agency, any feature(s) present as a part of their proposal which may include an oral presentation of their proposal, and may be considered in the evaluation of the proposal.
5. Direct all bidders who submitted proposals to prepare modifications addressing RFP amendments and / or amend any part of this RFP with notification to all bidders. These actions are without liability to any bidder or other party, for expenses incurred in the preparation of any proposals or modifications submitted in response to this RFP.
6. Make funding decisions that maximize compliance with and address the outcomes identified in this RFP.
7. Fund only one portion, or selected activities, of selected bidder's proposal; and/or adopt all or part of the selected bidder's proposal based on State requirements.
8. Eliminate any RFP requirements unmet by all bidders, upon notice to all parties that submitted proposals.
9. Waive procedural technicalities, or modify minor irregularities, in proposals received, after notification to the bidder involved.

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10. Correct arithmetic errors in any proposal, or make typographical corrections to proposal, with concurrence of the bidder.
  11. Award contracts to more than one bidder.
  12. Fund any or all proposals received in response to this RFP. However, issuance of this RFP does not commit the any of the Contracting State Agencies to fund any proposals. The OMH can reject any proposals submitted and reserves the right to withdraw or postpone this RFP, without notice, and without liability, to any bidder, or other party, for expenses incurred in the preparation of any proposals submitted in response to this RFP, and may exercise these rights at any time.
  13. Use the proposal submitted in response to this RFP as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract.
  14. Make additional awards based on the remaining proposals submitted in response to this RFP and/or to provide additional funding to awardees if additional funds become available.
  15. Make inquiries of third parties, including but not limited to bidders' references, with regard to the applicants' experience, or other matters deemed relevant to the proposal by the OMH. By submitting a proposal in response to this RFP the applicant gives its consent to any inquiry made by the OMH.
  16. Negotiate with the selected bidder(s) prior to contract award;
  17. Award contract to the next highest bidder if contract negotiations with the selected bidder(s) cannot be accomplished within an acceptable timeframe as determined by the State. No bidder will have any rights against the Contract State Agency arising from such actions;
  18. Require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing;
  19. Require contractors to participate in a formal evaluation of the program to be developed by the Contracting State Agency. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information; and
  20. Consider statewide distribution and regional distribution within New York City including borough distribution methodology, in evaluating proposals.

## **2.10 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) 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 OGS website

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at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should the Contracting State Agency receive information that a person (as defined in State Finance Law §165---a) is in violation of the above---referenced certifications, the Contracting State Agency 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 Act within 90 days after the determination of such violation, then the Contracting State Agency 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 Contractor in default.

The Contracting State Agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

## **SECTION 3: Application Instruction Requirements**

All applicants must submit one (1) complete original and one copy of a complete proposal on a SEPARATE CD/thumb drive; an acceptable format is Adobe PDF. The CD/thumb drive copy described herein should be representative copies of the original documents, including signatures, and must be in one file on each CD/thumb drive. A complete proposal consists of:

1. Applicant Overview (Attachment A)
2. Program Plan/Narrative (no more than 20 pages, excluding attachments)
3. New York State Master Contract Expenditure Budget (Attachment B-1)
4. Continuum of Care / Local Planning Support Document (Attachment C)
5. Vendor Responsibility Form/Questionnaire
6. Font size 12 Times New Roman, 1 inch margin, no spacing
7. Appendix Xx MRT Questionnaire (if applicable)

Proposals that do not meet these requirements for a complete application may not receive further evaluation. The Proposal Narrative must be concise (no more than 20 pages, not including attachments) and must address all areas identified in Section 3 of this RFP. In the event the narrative is over 20 pages, only the first 20 pages of the proposal narrative submitted will be read and reviewed.

Proposals must be submitted by hard copy. Proposals may not be submitted via facsimile.

One (1) complete hard copy paper application and one (1) agency identified flash drive / CD with one (1) complete PDF application document must be mailed.

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### 3.1 Applicant Overview

The applicant must provide:

- Organization name
- Organization address
- Applicant ID number normally used to identify the organization on the application forms (e.g. Charity Registration Number, DUNS Number, Federal Tax ID Number, NYS Unemployment Insurance Tax Number, Social Security Number, NYS Vendor Identification Number (SFS))
- Description of type of services the organization provides
- Primary contact name
- Primary contact title
- Primary contact phone number
- Primary contact e-mail
- Applicant must indicate the number of units by population to be served
- Applicant must indicate the total amount of annual funding per unit requested,
- Applicant must indicate any State or local agency that oversees, licenses, regulates, and/or contracts for the provider's health and human service functions

### 3.2 Program Plan / Proposal Narrative

Each proposal must contain a Proposal Narrative of 20 pages or less, excluding any attachments. The proposal Narrative must answer all bulleted questions/statements listed in Sections 3.2.1 Need, 3.2.2 Impact, 3.2.3 Cost Effectiveness / Budget, and 3.2.4 Readiness. The proposal narrative will be scored as follows:

Scoring Criteria Category	Maximum Number of Points Available
Need	35
Impact	30
Cost Effectiveness/Budget	30
Readiness	5
<b>TOTAL</b>	<b>100</b>

#### 3.2.1 Need

The applicant's proposal must display need by answering the following:

- Provide an overview and history of your agency. Explain how the agency meets the eligibility requirements set forth in this RFP.

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- Describe the target population(s) the proposal would serve and what State Agency you believe would best serve as the Contracting State Agency (s). If the proposal will serve MRT eligible individuals, Appendix Xx (MRT Project Questionnaire) must be completed and attached to the application.
  - Highlight your agency's experience with the target population that will be served through your proposal; demonstrate your agency's ability to effectively serve the targeted population
  - Describe the identified needs of the target population(s).
  - What factors have created and perpetuated homelessness among the target population that your organization is proposing to serve?
  - Why does the target population need supportive housing?
  - Provide a thorough description of the community and the need for the project, including any information available from any local planning group, Local, State or Federal reports, or Continuum of Care governing body, or from relationships with community partners, local housing authorities, shelters, etc.
    - Describe where the proposed funds would be utilized /location to be served (e.g., neighborhood, city, county).
    - Describe the need for this project in the community where it will be located.
    - Identify how the delivery of homeless services is coordinated in the proposed service area.
    - Discuss how the program will be coordinated with existing programs, including those that are part of the local planning process.
    - Describe your agency's efforts with regard to participating in the Homeless Management Information System if applicable.
  - Continuum of Care / Local Planning Support Document (Attachment C) must be completed and include the following
    - A letter of support from the CoC or local planning entity that identifies the unmet needs for the relevant population(s) to be served by this proposal, and
    - Data from CoC / local planning entity planning documents and Point in Time counts,
    - Gap Analysis.
    - In Counties that do not have a CoC or where a CoC does not collect data on the target population, then the following must be included with Attachment C:



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- Letter(s) of support from county and/or municipal agencies or relevant planning group, and/or
  - Data and information from relationships with community partners, local housing authorities, shelters, and any other supplemental supportive data

### **3.2.2 Impact**

The applicant's proposal must display what Impact the project will have by answering the following:

- Describe how the target population will be identified and how access to housing will be achieved. Describe your agency's understanding and commitment to working with the proposed Contracting State Agency(s) specific referral process or how individuals will be referred to the program.

Provide an overview of the proposals' purpose and desired outcomes.

- Include specific performance measures intended to improve the health status and/or self-sufficiency and /or safety of the individuals served through this project.
- Describe how your organization will monitor the effectiveness of the program through specific performance measures that will demonstrate that the desired outcomes are being achieved.
- Describe how the proposal would meet the identified needs of the target population(s) and the intended impact.
- Describe what services the provider will make available to the targeted population(s) intended to be served.
- Describe the program including how the support services plan is developed in compliance with the Contracting State Agency(s) operating guidelines.
  - Provide a detail description of the program from outreach efforts, to referrals, to intake to exit.
  - Describe any eligibility requirements.
  - Describe the day to day activities and proposed services to be provided.
  - Discuss in detail the staffing of the project and how it relates to the proposed budget of this application.

### **3.2.3 Cost Effectiveness/Budget**

The applicant's proposal must display cost effectiveness by answering the following:

- Describe the extent viable sources of leverage funding are available to provide operating and support services costs, include the amount, status of such funding, and level of commitment.
- Describe the fiscal viability and health of the agency to undertake the construction and/or development of the proposed initiative.

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- Describe the number of units and beds proposed and the per unit/bed costs based on the full amount requested through this RFP; describe how was the funding formula calculated for this proposal. The budget for these units may have local cost factors; include these cost factors in your budget justification.
  - Provide a complete Services and Operating Budget using the NYS Master Contract Attachment B-1 Expenditure Budget located here [http://www.grantsreform.ny.gov/sites/default/files/docs/nys\\_master\\_contract\\_for\\_grants\\_8\\_14.pdf](http://www.grantsreform.ny.gov/sites/default/files/docs/nys_master_contract_for_grants_8_14.pdf). On the summary page of Attachment B-1, under the other funds category, please indicate the annualized amount of funds from the tenants' 30 % share.
  - Detail of expense components that make up the total operating expenses based on budget submitted.
  - List all sources and amounts of anticipated operating income funding that has been approved or is anticipated.
  - Explain the calculation or logic that supports the budgeted value of each category.

### **3.2.4 Readiness**

The applicant must display readiness by answering the following:

- Describe the proposed physical plant for the proposed project. Include number of units, square footage, service / program space, staff office. Include floor plans or site plans if available.
- Describe the extent the applicant, either independently, or in conjunction with a housing developer, is working towards project-readiness.
  - Describe if you have secured your site or if not, how your agency plans to gain site control.
  - Describe what capital funding sources have already been secured. If capital funds have not been secured, discuss how your agency plans to secure capital funds.
  - Provide a realistic time-frame for project completion. Be as specific as possible. Include such items as known zoning issues, community support, site control, project team readiness, licensing requirements, etc.
- Describe the management and operating plan.
  - Describe the staff and management responsibilities and policies for day-to-day maintenance of the physical plant.
  - Identify a regular preventive maintenance schedule and incorporate necessary and appropriate safety and security measures.
  - Describe any rent collection, eviction and turnover procedures.
  - Describe the work order system for repairs, emergency procedures for basic types of emergencies, include a long-term replacement plan, and identify what data will be collected to monitor the performance of the housing project.

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## **SECTION 4: Debriefing**

The OMH will issue award and non-award notifications to all applicants. Non- awarded applicants may request a debriefing in writing regarding the reasons that their own proposal was not selected and/or disqualified within 15 business days of the dated letter. The OMH will not offer scoring, statistical, or cost information of other proposals until after the NYS Office of the State Comptroller has approved all awards under this RFP. Debriefing requests must be made in writing (fax and e-mail is acceptable) and sent to the Designated Contact identified in Section 2.2 of this RFP.

## **SECTION 5: Formal Protest Procedure**

Any interested party who believes that there are errors or omissions in the procurement process, who believes they have been aggrieved in the drafting or issuance of a bid solicitation or who believe they have been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to the OMH and request administrative relief concerning such action.

### **5.1 Submission of Bid or Award Protests**

#### **5.1.1 Deadline for Submission**

- a. Concerning Alleged Errors, Omissions or Prejudice in the Bid Specifications or Documents: Formal protests which concern alleged errors in the drafting of bid specifications must be received by the OMH at least ten (10) calendar days before the date set in the solicitation for receipt of bids.
- b. Concerning Proposed Contract Award: Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts which form the basis of the protest. Formal protests will not be accepted by OMH concerning a contract award after the contract between the OMH and the offer or who received the contract award has been approved by the Office of the State Comptroller.

#### **5.1.2 Review and Final Determination**

1. Formal protests must be filed with the OMH Associate Deputy Commissioner of Administration. Any protests filed with the OMH Program Division responsible for the procurement will be advanced to the Associate Deputy Commissioner of Administration. Copies of all protests will be provided by the Associate Deputy Commissioner of Administration to the OMH Division of Legal Affairs and other necessary parties within the OMH, as determined by the Associate Deputy Commissioner of Administration.
2. Formal protests shall be resolved through written correspondence; however, either the protesting party or the OMH may request a meeting to discuss a formal protest. Where

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further formal resolution is required, the Program Division responsible for the procurement may designate a State employee involved in the procurement action ("designee") to determine and undertake the initial resolution or settlement of any protest.

3. The OMH Program Division responsible for the procurement will conduct a review of the records involved in the protest, and provide a memorandum to the Associate Deputy Commissioner of Administration or the Associate Deputy Commissioner's designee summarizing the facts, an analysis of the substance of the protest, and a preliminary recommendation including: (a) an evaluation of the findings and recommendations, (b) the materials presented by the protesting party and/or any materials required of or submitted by other bidders, (c) the results of any consultation with the OMH Division of Legal Affairs, and (d) a draft response to the protest.
4. A copy of the final protest decision, stating the reason(s) upon which it is based and informing the protesting party of the right to appeal an unfavorable decision to the OMH Executive Deputy Commissioner shall be sent to the protesting party or its agent within thirty (30) business days of receipt of the protest, except that upon notice to the protesting party such period may be extended. The final protest determination will be recorded and included in the procurement record, or otherwise forwarded to the Office of the State Comptroller (OSC).

#### **5.1.3 Appeals**

1. The final protest determination shall be deemed a final and conclusive agency determination unless a written notice of appeal is received by the OMH Executive Deputy Commissioner no more than fifteen (15) business days after the date the final protest decision is sent to the protesting party.
2. The Executive Deputy Commissioner or his or her designee shall hear and make a final determination on all appeals.
3. An appeal may not introduce new facts unless responding to facts or issues unknown to the protesting party prior to the final protest determination.

#### **5.1.4 Reservation of Rights and Responsibilities of the OMH and State Contracting Agencies**

The OMH and State Contracting Agencies reserves the right to waive or extend the time requirements for protest submissions, decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant to serve the best interests of the State.

If the OMH and State Contracting Agencies determines that there are compelling circumstances, including the need to proceed immediately with contract award and development of final contracts in the best interests of the State, then these protest procedures may be suspended and such determination shall be documented in the procurement record.

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The OMH and State Contracting Agencies will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action, including solicitation of bids, or withdraw the recommendation of contract award prior to issuance of a formal protest decision.

The OMH and State Contracting Agencies will continue procurement and contract award activity prior to the final protest determination. The receipt of a formal bid protest will not stop action on the procurement and award of the contract(s) or on development of final contracts.

The procurement record and awarded contract(s) will be forwarded to OSC, and a notice of the receipt of a protest and any appeal will be included in the procurement record. If a final protest determination, or a final decision on an appeal, has been reached prior to transmittal of the procurement record and the contract(s) to OSC, a copy of the final determination or decision will be included in the procurement record and with the contract(s).

If a final protest determination is made after the transmittal of the procurement record and contract(s) to OSC, but prior to OSC approval, a copy of the final the OMH and State Contracting Agencies determination will be forwarded to OSC when issued, along with a letter either: a) confirming the original the OMH and State Contracting Agencies recommendation for award(s); b) modifying the proposed award recommendation; or c) withdrawing the original award recommendation.

All records related to formal protests and appeals shall be retained for at least one (1) year following resolution of the protest. All other records concerning the procurement shall be retained according to the applicable requirements for records retention.

## **SECTION 6: Appeal of Formal Protest Decision**

If the protesting party is still not satisfied with the result of its protest after conclusion of the appeal to the OMH Executive Deputy Commissioner, the protesting party may file an appeal with OSC. The protest to the OSC Bureau of Contracts must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by the OMH.

Such appeal must be filed with the Director of the Bureau of Contracts at the Office of the State Comptroller, 110 State Street, 11th Floor, Albany, NY 12236.

For more information see OSC Guide to Financial Operations Chapter XI.17 Protest Procedures

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# GLOSSARY

**Applicant:** The not-for-profit agency submitting the RFP Application or proposal. The term bidder is also used in this RFP to mean applicant.

**Behavioral Health:** Refers to a state of mental/emotional being and/or choices and actions that affect wellness and refers to both mental health and substance use disorders.

**Continuum of Care(COC):** The COC is a program designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by not-for-profit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

**Contracting State Agency:** The State agency that the awarded applicant will enter into a contract with for the provision of service and operating of supportive housing units awarded through this request for proposal.

**Homeless Management Information System:** HMIS is local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each Continuum of Care is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.

**Homeless:** In order to be considered homeless for the purposes of this RFP, an individual must meet one of the following criteria:

- (1) an un-domiciled person (whether alone or as a member of a family) who is unable to secure permanent and stable housing without special assistance. This includes those who are inappropriately housed in an institutional facility and can safely live in the community and those who are at risk of homelessness,
- (2) a youth or young adult who left foster care within the prior five years and who was in foster care at or over age 16, and who is without permanent and stable housing,
- (3) an adult or young adult reentering the community from incarceration or juvenile justice placement, who was released or discharged, and who is without permanent and stable housing, or
- (4) a young adult between the ages of 18 and 25 years of age without a permanent residence.

**Integrated Setting:** Integrated settings are those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community, like individuals without disabilities. Integrated settings are located in mainstream society; offer access to community activities and opportunities at times, frequencies and with persons of an individual's choosing; afford individuals choice in their daily life activities; and, provide individuals with disabilities the opportunity to interact with non-disabled persons to the fullest extent possible.

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**Lead Agency:** For the purposes of this RFP this term means The Office of Mental Health.

**Life Challenges:** Life Challenges refers to something that needs a lot of skill, energy, and determination to deal with or achieve, especially something someone has never done before. Some examples may include obtaining employment, living independently, budgeting own finances, learning public transportation, overcoming past trauma and abuse, and developing trusting, healthy adult relationships.

**Medicaid Redesign Team (MRT) Eligible Individuals:** Individuals who exhibit conditions or histories recognized to be associated with high Medicaid usage. Examples include, but are not limited to, single adults who are transitioning out of an institution (including hospital long-stay or a nursing home) or homeless/unstably housed individuals that have a serious mental illness, physical disability, HIV/AIDS, substance use disorder, seniors, and /or individuals with other chronic conditions.

**Project-Based Rental Assistance:** Refers to rental assistance that is tied to a residential property with a specific location and remains with that particular location throughout the term of the assistance.”

**Serious Mental Illness (SMI):** SMI is a mental, behavioral, or emotional disorder (excluding developmental and substance use disorders); diagnosable currently or within the past year; of sufficient duration to meet diagnostic criteria specified within the 4th edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV); resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities.

**Substance Use Disorder (SUD):** Substance use disorders are disorders that can occur when recurrent use of alcohol and/or drugs causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home. According to the DSM-5, a diagnosis of substance use disorder is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.

**Supportive Housing:** Permanent housing located in newly constructed apartment settings, where the length of stay should be individualized and should be driven by the head of household and family members’ needs, interests, and development of strengths necessary for successful economic self-sufficiency and full independent living (including establishment of positive family and social supports in the community).

**Supportive Housing Services:** The support services are services that are tailored and appropriate to the specific population to be served (e.g., safety planning for victims of domestic violence, substance abuse treatment, etc.). Supportive services are geared to help families, individuals, or young adults maintain physical and emotional health, assist with educational and employment opportunities for all household members, sustain healthy relationships and generally improve the quality of individuals’ lives.

**Trauma-informed assessment and services:** Recognizes the impact trauma on individuals and families, including the lasting adverse effects trauma may have on a person’s functioning. This understanding is integrated into an organization’s policies, procedures, and



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practices. This includes screening for/recognizing the signs and symptoms of trauma, responding with best practices and avoiding re-traumatization.

**Victim or survivor of domestic violence:** Refers to any person over the age of sixteen or any parent accompanied by his or her minor child or children in situations in which the person or their child is a victim of an act which would constitute a violation of the penal law and has resulted in physical or emotional injury, or has created a substantial risk of physical or emotional harm, where the act was committed by a family or household member, which includes individuals related by consanguinity or affinity, married or formerly married, having a child in common or are currently, or have been, in an intimate relationship.