

EMPIRE STATE DEVELOPMENT
REQUEST FOR PROPOSALS

LAND BANK CONSULTANT SERVICES
November 18, 2011

I. INTRODUCTION

Empire State Development ("ESD") requests proposals from a Consultant to provide professional services to assist the agency in implementing and training for the New York State Land Bank Program. The services requested are for a period of six to twelve months.

II. SERVICES TO BE PROVIDED BY THE CONSULTANT ("Consultant")

ESD is a public benefit corporation of the State of New York engaging in economic development projects statewide. New York State's Land Bank Program was established with enactment of Article 16 of the New York State Not-for-Profit Corporation Law (the "Act"). Pursuant to the provisions of the Act, governmental entities that possess the power to foreclose on tax liens are permitted to create a not-for-profit corporation whose purpose is to facilitate the return of vacant, abandoned, and tax delinquent properties to productive use. Pursuant to Section 1603 of the Act, the creation of a Land Bank is conditioned upon approval of ESD.

The chosen Consultant will provide technical assistance to ESD in reviewing land bank applications, training ESD staff and advising ESD staff on best practices for formation and operation of proposed land banks. It is expected that the Consultant will provide training of ESD staff via webinars and at least in one location centrally located in the State.

III. INSTRUCTIONS TO BIDDERS

A) SUBMISSION REQUIREMENTS

Proposals must include, at a minimum, the following items:

A1) Provide a narrative describing the Consultant's firm, services, proposed method/approach to completing the tasks required under this RFP, including identification of key staff responsible for completing the tasks required under this RFP.

A2) Include a list of two (2) references for your firm with phone numbers or email for contact information, relevant projects, references role and dates of completion of projects.

A3) Bidders must:

- 1) Provide hourly rates per person and "multipliers", if any.
- 2) Specify and describe potential additional services and costs (e.g. attending meetings, travel).

3) Describe projected reimbursable expenses. Please be advised that ESD does not pay a multiplier on reimbursable expenses.

A4) Bidders must submit with their proposals as referenced in Section IV below:

- 1) the Offerer Disclosure of Prior Non-Responsibility Determinations; and
- 2) the Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law.

A5) Bidders must submit with their proposals as referenced in Section IV below:

- 1) Contractor's Staffing Plan (Schedule A-1); and
- 2) Schedule of Minority/Women Owned Business Participation (Schedule A-2)

The amount available for this contract is \$30,000. Assignment of personnel for this contract should be made in consideration of this budget amount and the estimate of monthly hours provided above.

IV. OTHER REQUIREMENTS

State Finance Law Sections 139-j and 139-k

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this solicitation. These Procurement Requirements (1) govern permissible communications between potential respondents and ESDC with respect to this solicitation during the procurement process; and (2) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this solicitation.

Compliance with the Procurement Requirements requires that (1) all communications regarding this solicitation, from the issuance of this solicitation through final award and approval of any resulting contract (the "Restricted Period"), be conducted only with the contact person(s) listed below; (2) the completion by respondents of, copies of which can be found at <http://www.esd.ny.gov/CorporateInformation/RFPs.html>.; and (3) periodic updating of such forms during the term of any contract resulting from this solicitation. Respondents must submit both of these forms, properly completed, as part of their proposals. The Procurement Requirements also require ESD employees to obtain and report certain information when contacted by prospective bidders during the Restricted Period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

A copy of ESD's Policy Regarding Permissible Contacts under State Finance Law Section 139-j and

139-k can be found at:

http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf

Neither this summary nor the referenced Policy is a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

All potential Respondents are solely responsible for full compliance with the Procurement Requirements.

All questions, comments, requests for clarification and other communications regarding this solicitation must be in writing and submitted to Stephen Gawlik at sgawlik@empire.state.ny.us

Contact with any other person regarding this solicitation is prohibited by law. All questions and requests for clarification will be responded to in writing and disseminated to all persons and organizations having expressed an interest in this solicitation.

Non-Discrimination and Affirmative Action

It is New York State and ESD policy to comply with all Federal, State and local laws, policies, orders, rules and regulations prohibiting unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-Owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by ESD and its subsidiaries, and participate in projects or initiatives, and/or the use of their funds. ESD's non-discrimination and affirmative action policies will apply to this initiative. The ESD Affirmative Action Unit (AAU) is available to assist you in identifying New York State certified M/WBEs that can provide goods and services in connection with the contract. If you require M/WBE listings, please call the AAU at (212) 803-3225.

Compliance with ESD's Non-Discrimination and Affirmative Action RFP Provisions which is attached is required. In addition, any respondent submitting a proposal shall include a Staffing Plan (Schedule A-1) and Schedule of Minority/Women Owned Business Participation (Schedule A-2) with their proposal which can be found at:

http://www.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/MWBE_requiredforms.pdf

C) GENERAL RFP INFORMATION

1. This RFP does not in any way commit ESD to reimburse the recipients of this RFP for any costs involved with the preparation and submission of their Proposal or any other additional presentations.
2. This RFP does not constitute a commitment by ESD to accept any proposals submitted

pursuant hereto, or otherwise engage with any person or entity who submits any such proposal, for the purchase of its services. ESD reserves the right to engage any Consultant who submits a proposal in response to this RFP for a portion of the services offered for such consideration as ESD shall deem reasonable.

3. ESD reserves the right to request any Consultant submitting a response to clarify its response or to supply additional material deemed necessary to further assess their qualifications. b) Reject any or all responses received. c) Negotiate final scope, cost and schedule with the selected Consultant.

4. Each Consultant shall duly inform himself/herself as to all limitations under which the services are to be performed. No allowance shall be made to any Consultant because of lack of such examination or knowledge. The submission of a proposal shall be construed as evidence that the Consultant has made such examination.

5. The selected Consultant will be required to comply with ESD's insurance requirements.

D) RFP UPDATES

At its discretion, ESD may make clarifications or amend this RFP at any time. In the event it becomes necessary to revise or amend any part of this RFP, all revisions, clarifications, and changes will be provided by addenda posted on the ESD website (<http://esd.ny.gov/CorporateInformation/RFPs.html>). It is the responsibility of all respondents to check the ESD website for posting of clarifications, amendments or addenda on an ongoing basis.

E) ESD RIGHT TO TERMINATE

ESD reserves the right to suspend or terminate, at any time and for any reason, an agreement resulting from this proposal with compensation to the Consultant for all his/her reasonable costs incurred up to the time of termination.

F) ESD REPRESENTATION OR WARRANTIES

ESD makes no representations or warranties regarding the accuracy of any information provided for this RFP and will have no liability or obligation with respect to its contents.

V. PROPOSAL SUBMISSION PROCESS

Proposals must be submitted by noon, December 12, 2011, via hard copy or electronic mail, to:

Stephen Gawlik, Senior Counsel
Empire State Development
95 Perry Street, 5th Floor
Buffalo, New York 14203
sgawlik@empire.state.ny.us

Please be advised that under no circumstances will ESD obligate itself to consider a proposal which is received after the deadline or does not include the basic items above.

ESD will notify each respondent to the status of its proposal once a Consultant has been selected.

Following final selection of a Consultant, ESD will prepare a contract defining all project terms and conditions and the selected Consultant's responsibilities in conformance with "Schedule A" which can be found at:

http://www.esd.ny.gov/CorporateInformation/Data/RFPs/ScheduleA_Legal_Sept2010.pdf

ATTACHMENTS:

ESD Non-Discrimination and Affirmative Action RFP Provisions