



City of Buffalo Urban Renewal Agency  
Chair, Honorable Byron W. Brown, Mayor

**REQUEST FOR QUALIFICATIONS (RFQ)**

HOME Investment Partnerships Program Underwriting

**Schedule of Key Action Dates**

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**1. RFQP Issue Date: Friday, December 18, 2020**

**2. Questions & Inquiries Due Date:**

Written questions must be sent via email: Jenna L. Bichler, Director of Operations  
[jbichler@ch.ci.buffalo.ny.us](mailto:jbichler@ch.ci.buffalo.ny.us) No questions will be accepted by phone.

**3. Notice of Intent to Respond Due Date: Wednesday December 30<sup>th</sup>, 2020**

Any organization interested in responding to this RFQ is required to submit a brief letter to the City of Buffalo Urban Renewal Agency (BURA) that expresses the respondent's intention to submit a package for consideration. The letter must include: the legal name of the organization, address, authorized contact person, title, contact phone number, and email address. The letter must be addressed to the BURA contact person:

Jenna L. Bichler, Director of Operations  
City of Buffalo Urban Renewal Agency  
920 City Hall, Buffalo, N.Y. 14202  
[jbichler@ch.ci.buffalo.ny.us](mailto:jbichler@ch.ci.buffalo.ny.us)

**4. Response Submission Date: Postmarked or emailed no later than Friday, January 8<sup>th</sup>, 2021**

The sealed package must be sent by email or U.S. mail, be clearly labeled, and submitted to:

RFQ –HOME Investment Partnerships Program Underwriting

City of Buffalo Urban Renewal Agency

Attention: Jenna L. Bichler, Director of Operations

Room 920 City Hall, Buffalo, N.Y. 14202

[jbichler@ch.ci.buffalo.ny.us](mailto:jbichler@ch.ci.buffalo.ny.us)

**5. Anticipated Program Start-Up Date: February 1<sup>st</sup>, 2021**

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## OVERVIEW

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**SUMMARY INTRODUCTION:** The City of Buffalo Urban Renewal Agency (BURA) is seeking submittals from qualified affordable housing underwriting consulting firms (Consultant) to provide 3<sup>rd</sup> party HOME Investment Partnerships Program Underwriting Services for the City of Buffalo Urban Renewal Agency.

All organizations interested in applying to provide programs and services must meet the requirements specified in this Request for Qualifications (RFQ). Respondents must have qualified staff on hand for this program and be ready to begin work on the anticipated contract start-up date of **February 1<sup>st</sup>, 2021**. It is anticipated that **1 administrator** will be selected to work on a prepared scope of services. Additional activity benchmarks will be negotiated upon the award of the contracts to the selected organizations.

**OBTAINING A COPY OF THE RFQ:** To obtain a copy of the RFQ, organizations can visit our website at [http://www.city-buffalo.com/Home/City\\_Departments/Office\\_of\\_Strategic\\_Planning](http://www.city-buffalo.com/Home/City_Departments/Office_of_Strategic_Planning), contact the City of Buffalo Urban Renewal Agency at 851-4769 or pick-up a copy in Room 920 or Room 315 City Hall. Any addenda issued for this RFQ will be published at the above-referenced website and will be provided to all groups that have submitted a Notice of Intent to Respond letter to BURA.

**RIGHTS RESERVED:** BURA reserves the right to accept or reject any and all responses, in whole or in part, received because of this solicitation and to waive minor irregularities. Furthermore, BURA reserves the right to make a whole award, partial award, or no award at all.

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## SECTION I – INTRODUCTION

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- 1.1 SUMMARY STATEMENT:** The City of Buffalo Urban Renewal Agency (hereinafter referred to as “BURA”) is a public benefit corporation created in part to eliminate or prevent the spread of deterioration through residential rehabilitation and to act in the public interest on behalf of the citizens of the City of Buffalo. BURA manages the City of Buffalo’s Community Development Block Grant (CDBG), the CARES Act Community Development Block Grant (CDBG-CV) and the HOME Investment Partnerships Program (HOME).

The purpose of this RFQ is to select a HOME Investment Partnerships Program Underwriting Consultant.

In order to be considered for participation in the program, the administrator must:

- document by its immediate past and current activities that it has the ability to implement the eligible activities and tasks; and
- document the experience and the capacity of the staff to implement the proposed scope of services and expend program funds in a timely manner.

It is anticipated that this RFQ will result in the selection of 1 Consultant who will work on a prepared scope of services. One or more agencies or organizations may choose to partner in applying for this RFQ. The lead Consultant must be designated in the response to the RFQ. The lead Consultant will be responsible and remain fully liable for the work done by the support agencies or organizations.

A fixed fee schedule will be negotiated for each project and the selected Consultant will be compensated for the satisfactory performance and completion of the minimum tasks associated with the program. The program does not guarantee a specific volume of work.

The consulting arrangement will be as needed on a per project basis.

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## II – GENERAL INFORMATION

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- 2.1 NOTICE TO ADMINISTRATOR:** The Consultant before submitting a proposal shall become fully informed as to the extent and character of the work required and is expected to completely familiarize themselves with the requirements of the solicitation and specifications. No consideration will be granted for any alleged misunderstanding of the material to be furnished or work to be done, it being understood that the submission of a proposal is an agreement with all of the items and conditions referred to herein.
- 2.2 ORAL PRESENTATIONS:** BURA reserves the right to conduct individual interviews with finalists and to request best and final offers from any or all finalists. Each Consultant may be required to provide oral presentations to discuss their proposed management techniques, answer questions from BURA's staff, and/or clarify their technical submittal.
- 2.3 NEW YORK STATE LOBBYING ACT:** All Bidders are required to execute an Affirmation of Understanding and Agreement that the Bidder will comply with the procedures and restrictions under the New York State Lobbying Act (Act), including but not limited to permitted contacts during the bidding and award process. Bidders must also execute a disclosure regarding any prior findings that the Bidder violated the Act.
- 2.4 WITHDRAWAL OF THE PROPOSAL:** The proposal may be withdrawn upon written request from the Consultant prior to the proposal closing date.
- 2.5 CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMAN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS:** The City of Buffalo Urban Renewal Agency, per HUD Regulations Section 85.36(e), requires the prime contractor (Consultant) to take affirmative steps to select such small and minority firms, women's business enterprise and labor surplus area firms as subcontractors.
- The grantee (BURA) and sub grantee (Consultant) will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
  - Affirmative steps shall include:
    - Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
    - Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
    - Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
    - Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
    - Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
    - Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

- 2.6 **SUBCONTRACTING:** Any person undertaking a part of the work under the terms of the Contract, by virtue of any agreement with the Consultant, must receive approval of the City of Buffalo Urban Renewal Agency prior to any such undertaking. In the event the Consultant desires to subcontract some part of the work specified herein, the Consultant shall furnish with their proposal the names, qualifications, and experience of their proposed subcontractors. Subcontractors shall conform, in all respects to the provisions specified for the Consultant. The Consultant shall, however, remain fully liable and responsible for the work done by their subcontractors. The City of Buffalo Urban Renewal Agency may terminate the Contract if the subcontracting is done without BURA's prior approval.
- 2.7 **RESIDENCY GOAL:** The selected Consultant agrees that (i) in the hiring of any contractor, subcontractor, or a person acting on behalf of the contractor or subcontractor, preference shall first be given to qualified local contractors who have resided in the City of Buffalo for at least six (6) consecutive months immediately prior to the commencement of their employment for the performance of work and (ii) any contractor or subcontractor will work towards ensuring a minimum residency goal of 25% of workforce to include qualified residents in the City of Buffalo.
- 2.8 **COLLABORATIONS:** A Consultant with limited housing experience is encouraged to partner with another experienced provider. The Consultant selected for participation in the program, however, will remain fully liable and responsible for the work done by their partners.
- 2.9 **RESPONSIBILITIES OF THE CONSULTANT:** The Consultant shall be responsible for the professional quality and technical accuracy of their advice and other services furnished by them. The Consultant will perform services with the degree of skill, which is normally exercised by recognized professionals with respect to services of a similar nature. Neither BURA's review, approval or acceptance of, nor payment for, any of the services required under the Contract shall be construed to operate as a waiver of any rights under the Contract or of any cause of action arising out of the performance of this Contract, and the Consultant shall be and remain liable to BURA in accordance with applicable law for all damages to BURA caused by the Consultant's negligent performance of any of the services furnished under the contract. The rights of BURA provided for under the contract are in addition to any rights and remedies provided by law.
- 2.10 **FORMATION OF AGREEMENT WITH SUCCESSFUL CONSULTANT:** The Agreement to be negotiated as a result of this RFQ shall be by and between the Consultant and the homeowner's and shall contain but shall not be limited to provisions included in this RFQ. By submitting a proposal in response to the RFQ, the Consultant accepts the terms and conditions set forth herein, as well as any additional terms and conditions required for adherence to federal regulations, sound fiscal management principles and the policies of the City of Buffalo Urban Renewal Agency.
- 2.11 **WORKPLACE DIVERSITY:** The City of Buffalo Urban Renewal Agency is committed to achieving excellence in workplace diversity that encompasses the equity and social justice principles of the local, state and federal Equal Employment Opportunity laws and the City of Buffalo's policies that promote participation by minority and women owned business enterprises. The City encourages our partners to adopt business methods and models that foster and strive for diversity within their workplaces as a matter of course.

In managing and valuing diversity, the City recognizes that it is the key component of effective people management as well as it is the key to significant organizational benefits such as enhancing productivity of all staff, enhanced equality of opportunity, recruitment and selection from a wider pool of talents, improved service and client satisfaction and a positive community image. It gives effect to the principles of Equal Employment Opportunity. The City encourages our partners to achieve a workforce that reflects the profile of the broader community and capitalizes on this City's vibrant diversity of people.

**2.12 LIVING WAGE ORDINANCE:** The Consultant shall comply with the Living Wage Ordinance of the City of Buffalo (Buffalo City Code §96-19), if applicable. The ordinance applies to contracts in which the City pays or receives over \$50,000 and the employer has at least ten (10) employees. It does not apply to contracts for professional services. Compliance includes:

- Paying all covered employees, a living wage. Covered employees are all employees, full or part-time, employed in, on, or for the project or matter subject to the contract, except persons employed in construction work covered pursuant to federal or state prevailing wage laws.
- Submitting quarterly reports to the Living Wage Commission, including the name, address, classification, period of employment and wage rate of all employees covered under the ordinance.
- Posting two (2) copies of the Ordinance or a summary approved by the Living Wage Commission in conspicuous places where notices to employees and applicants for employment are customarily posted.
- Informing employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit and making available forms required to secure advance Earned Income Credit payments from Contractor.

The Consultant's violation of the ordinance will enable any aggrieved employee to file an action against the contractor for damages and/or a grievance with the City's Living Wage Commission. The City has the discretion to terminate this Agreement and pursue any other legal remedies if Consultant fails to comply with the ordinance.

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### SECTION III – SCOPE & REQUIREMENTS

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- 3.1 SCOPE OF WORK:** BURA seeks proposals from experienced Consultants to perform HOME Investment Partnerships Program Underwriting on behalf of the City of Buffalo and Buffalo Urban Renewal Agency.

The Consultant selected from this RFQ will perform the following tasks in implementing the HOME Investment Partnerships Program Underwriting, including, but not limited to the following activities.

The selected Consultant will work closely with the BURA and City staff, both on-site and off-site, in every phase of review and underwriting for HOME funded projects. The Consultant work scope will include:

1. The review and completion of underwriting reports. BURA staff will provide all project information, documents, HOME applications and preliminary underwriting. Further, BURA will furnish subsidy layering and underwriting guidelines to ensure consistency with HUD and City/BURA regulations, requirements, policies, and procedures. Consultant underwriting will include, but not limited to, Underwriting Reviews, Underwriting Checklists, Developer Capacity Checklists, Cost Allocation Reviews, Subsidy Layering Reviews, and an Underwriting Summary.
2. The underwriting reports generated by the Consultant will be done in consultation and concurrence with BURA staff prior to their presentation to the BURA Loan Committee and Board of Directors.
3. Once staff deems the reports complete, the Consultant will participate with BURA staff in their presentation to the BURA Loan Committee and Board of Directors.
4. The Consultant will design and deliver a curriculum to train BURA/City staff in HOME program and best practices in underwriting HOME funded projects.

- 3.2 INSURANCE REQUIREMENTS:** The Consultant must, prior to the program execution, furnish to BURA certificates of insurance as evidence of coverage.

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## SECTION IV – EVALUATION & SELECTION

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- 4.1 **SELECTION PROCESS:** BURA reserves the right to accept any application and negotiate an agreement with any respondent. The successful respondents will be required to comply with all applicable equal opportunity laws and regulations. BURA reserves the right to reject any or all submissions, or to waive any defect or irregularity. At its sole discretion, BURA reserves the right to contact bidders and ask them for required information omitted from the bid package. BURA may contact bidders by telephone or by facsimile during its review of a bid package to clarify submitted information. BURA further reserves the right to award contracts to the respondents that, in the judgment of the selection staff and the City of Buffalo Urban Renewal Agency, best serves the need of the residents of the City of Buffalo.
- 4.2 **EVALUATION AND SELECTION:** Staff will conduct a completeness review evaluation on all responses received by the closing deadline. Finalists may be selected for interviews. Staff may request technical assistance from any source within the City of Buffalo or Buffalo Urban Renewal Agency.
- 4.3 **QUALIFYING PROPOSALS:** Staff shall first review each Proposal for compliance with the mandatory requirements of this RFQ. Failure to comply with any requirements of this procurement may disqualify a Consultant's Proposal. BURA reserves the right to waive a requirement and/or minor irregularities when it is in BURA's best interest to do so. **Qualification Proposals will not be opened publicly.**
- 4.4 **FINAL BENCHMARKING AND SELECTION:** Each proposal received shall be subject to the same review and evaluation process. Proposals will be reviewed and will be scored by the Evaluation and Selection Staff and then they will then make recommendations to the City of Buffalo Urban Renewal Agency Vice Chairman or his/her designee for award.
- Based on the initial review of Proposals, BURA may invite, without cost to itself, ranking finalists to make a presentation of their proposal and their capabilities as a further consideration in the selection process. BURA reserves the right to make an award with or without negotiations or to request best and final offers. Program participation will be granted to those entities whose Proposal best meets with BURA's requirements at the time of award.
- 4.5 **PROPOSALS PROPERTY OF BURA:** All packages submitted in response to this Request for Proposals become the property of BURA and may be appended to any formal documentation that would further define or expand the relationship between BURA and the successful Consultant.



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## SECTION V – CONTENT OF SUBMISSIONS

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- 5.1 GENERAL INSTRUCTIONS:** To receive consideration under this RFQ, submissions must be made in accordance with the following general instructions. All RFQ packages must contain the following information in the order shown and numbered as followed. The Consultant may not change the order to the questions for the page formatting. All responses to the questions should be typed, single or double spaced, using not less than 12-point font and 1-inch margins. Facsimile copies of the submission will not be accepted.

Respondents must complete the entire application and the package will be reviewed and scored on the basis of the information provided by the organization.

1. A cover letter, on business stationery, which provides the official proposal with the name, email address, telephone number and facsimile number of the individual with whom BURA personnel may communicate about the RFQ. The signature of the person signing the submission shall be in long hand. The RFQ submission must be signed by a person with the legal authority to enter into a contractual relationship in the name of the respondent organization.
2. A statement that the RFQ response will be valid for at least 60 days.
3. A table of contents with pages numbers indicated.
4. Requested Forms/Attachments:
  - Attachment I – Consultant Information
  - Attachment II – Consultant Qualifications
  - Attachment III – Understanding of Safe Work Practices – N/A
  - Attachment IV – Training/Technical Assistance Requirements
  - Attachment V – Conflict of Interest Disclosure
  - Attachment VI – New York State Lobbying Act
  - Attachment VII – City of Buffalo Living Wage

- 5.2 REQUIRED INFORMATION:** Submissions must include all items listed under requested forms. All attachments must be submitted at the same time as the RFQ response. Late proposals will not be considered. **Verbal, faxed, or email submittals will not be accepted.**

- 5.3 PRE-CONTRACTUAL EXPENSES:** BURA shall not be liable to a respondent for any and all costs incurred or liabilities and/or claims related to this RFQ and/or the Scope of Work encompassed in this RFQ incurred prior to or in anticipation of a fully executed agreement by/with BURA and the Consultant. BURA shall be held harmless and free from all liability, claims or expenses whatsoever, incurred by, or on behalf of, any persons or organization responding to this RFQ.

<b>6.1 - ATTACHMENT I – Consultant Information</b>
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**Directions: Insert the requested information in the space provided.**

Agency/ Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_

Business Fax Number: \_\_\_\_\_

Business E-mail Address: \_\_\_\_\_

Web Site: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Federal Tax Identification Number: \_\_\_\_\_

This firm is a (check one):

Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Not for Profit ☐ LLC ☐

State Certified Woman or Minority Owned Firm? Answer Yes or No

\_\_\_\_\_

If yes, Certification Number: \_\_\_\_\_

Names and address of **all** principals, partners, officers, etc.:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

If additional space is needed to list all principals, etc., please attach a separate sheet listing all the information.

If a not-for-profit, include a copy of your current board members.

How long has your organization been in business? Number of  
years: \_\_\_\_\_

<b>6.2 - ATTACHMENT II – Consultant Qualification Detail</b>
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Please provide information on the following:

1. FIRM OVERVIEW AND QUALIFICATIONS
2. RELEVANT PROJECT EXPERIENCE
3. WORKPLAN
4. PROJECT TEAM
5. COST PROPOSAL
  - a. A fee for service proposal for individual project underwriting.
  - b. A flat fee for optional training curriculum. Consultant will develop a HOME program and underwriting training curriculum for delivery to BURA/City staff. This fee, will include all technical assistance with no additional charges for travel, transportation, lodging, communication, copying, printing, or other expenses. The total fee is based upon the breadth and scope of the services outlined in the bid solicitation.

### 6.3 - ATTACHMENT III – Understanding of Safe Work Practices- N/A

The Consultant acknowledges their understanding of Safe Work Practices and how it will be addressed for work funded from the HOME Investment Partnerships Underwriting.

#### **EPA Lead: Renovation, Repair and Paint Program:**

The EPA's Lead-Based Paint Renovation, Repair, and Painting Program (RRP) is a federal regulatory program that affects contractors, property managers, and others whose work may disturb painted surfaces. The program applies to those individuals that conduct renovation, remodeling, or paint removal activities on residential houses, apartments, and child-occupied facilities such as schools and day care centers built before 1978. The RRP/RFQ includes pre-renovation education as well as training, certification, and work practice requirements.

#### **Pre-renovation education requirements are effective now:**

Contractors, property managers, and others who perform renovations for compensation in residential housing, apartments, and child occupied facilities built before 1978 are required to distribute the lead pamphlet, "Renovate Right" before starting renovation work.

#### **Training, certification, and work practice requirements became effective April 2015:**

Firms are required to be certified, their employees must be trained in the use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed. A firms' employees must take an EPA approved 8-hour training course in order to obtain certification and become a "certified renovator".

If individuals had previously taken an 8-hour approved lead safe work practices training course, then a 4-hour EPA approved RRP refresher course is required.

The undersigned representative of:

N/A

has acknowledged the responsibilities regarding the Renovation, Repair and Paint Program.

\_\_\_\_\_  
Consultant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**\*\*Please provide all applicable lead certificates\*\***

<b>6.4 - ATTACHMENT IV – Agreement of Understanding of Technical Assistance Requirements</b>
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This Agreement of Understanding of Technical Assistance Requirements will serve as notice to applicants and subsequent Consultant of the Request for Qualifications (RFQ) – HOME Investment Partnerships Program Underwriting that their participation/attendance in upcoming Technical Assistance training and/or meeting seminars may be mandatory. The training will serve to promote ethical practices, sound management, and public accountability. Failure to attend training and/or meeting seminars may result in the suspension of current funding or the barring of future funding awards.

The undersigned representative of:

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has read the above agreement and acknowledge that their participation/attendance in upcoming Technical Assistance training and/or meeting seminars may be mandatory and may affect the organization's current and/or future funding awards.

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Consultant's Signature

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Date

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Print Name

**6.5 - ATTACHMENT V – Conflict of Interest Disclosure -  
to be completed by all Staff and Board Members**

The **Consultant** represents that none of its **employees, officers, compensated members, Administrators or consultants** are, or for the duration of this agreement will be, employees of the City of Buffalo Urban Renewal Agency (BURA) or City of Buffalo nor are their family members or business relationships employees of BURA or the City of Buffalo nor will their employees, officers, compensated members, Administrators or consultants obtain a financial interest either for themselves or those whom they have immediate family or business ties, during their tenure or for one year thereafter.

The Consultant must formally disclose all potential Conflicts of Interest BURA.

Disclosure: Are you, or are you related to (by blood, marriage, act of law, or business relationship) any person who is an employee of the City of Buffalo, the City of Buffalo Urban Renewal Agency (BURA), the Municipal Housing Authority (BMHA), Board of Education, Sewer Authority or any other entity funded by Community Development Block Grant (CDBG)?

☐ YES\*

☐ NO

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**\*If yes, a full disclosure must be forwarded on official letterhead to the City of Buffalo Urban Renewal Agency (BURA). The notice must include:**

Name: \_\_\_\_\_

Job Title or Position: \_\_\_\_\_

Disclosure must include:

1. Name of Relation
2. Department
3. Position
4. Relationship

The **Consultant** acknowledges receipt of this policy and verifies that all appropriate parties have been apprised of their obligation to disclose all potential conflicts of interest.

\_\_\_\_\_  
Board President's Signature

\_\_\_\_\_  
Date

## 6.6 - ATTACHMENT VI – New York State Lobbying Act

### Summary of Permitted Contacts Under New York State Lobbying Act

Pursuant to State Finance Law §§139-j and 139-k, this “Request for Qualification” includes and imposes certain restrictions on communications between the City of Buffalo Urban Renewal Agency and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest notice of intent to solicit offers or “Requests for Qualification” through final award and approval of the Procurement Contract by the City of Buffalo Urban Renewal Agency and, if applicable, the City of Buffalo Department of Administration and Finance (“restricted period”) to other than designated staff or consultants unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are identified in this Request for Qualifications. City of Buffalo Urban Renewal Agency employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Bidder pursuant to the State Finance Law. Certain findings of non-responsibility can result in rejection of a contract award and in the event of two findings within a 4-year period, the Bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at:

<http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

Each bidder that contracts with a governmental entity, and in this case the City of Buffalo Urban Renewal Agency, about a governmental procurement shall only make permissible contacts with respect to the governmental procurement, which shall mean that the bidder shall contact only the persons or persons designated by the City of Buffalo Urban Renewal Agency relative to the procurement, except that the following contacts are permitted:

- (1) submission of written proposals in the response to a request for proposals;
- (2) submission of written questions to a designated contact set forth in a request for proposals, when all written questions and responses are to be disseminated to all bidders who have expressed an interest in the request for proposals;
- (3) participation in a conference provided for in a request for proposals;
- (4) complaints by a bidder regarding the failure of the person or persons designated by the procuring governmental entity pursuant to this section to respond in a timely manner to authorized bidder contacts made in writing to the office of general counsel of the procuring governmental entity, provided that any such written complaints shall become a part of the procurement record;
- (5) bidders who have been tentatively awarded a contract and are engaged in communications with a governmental entity staff of the procuring governmental solely for the purpose of negotiating the terms of the procurement contract after being notified of tentative award;
- (6) contacts between designated governmental entity staff of the procuring governmental entity and a bidder to request the review of a procurement contract award;
- (7) contacts by bidders in protests, appeals or other review proceedings (including the apparent successful bidder or proposer and his or her representatives) before the governmental entity conducting the procurement seeking a final administrative determination;
  - i. complaints of alleged improper conduct in a governmental procurement to the attorney general, district attorney, or court of competent jurisdiction; or
  - ii. complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller’s office.

**(8) ATTACHMENT VI – New York State Lobbying Act - continued**

**Bidder's Affirmation of Understanding and Agreement pursuant to State Finance Law  
§139-j (3) and §139-j (6) (b)**

Bidder affirms that it understands and agrees to comply with the procedures of the City of Buffalo Urban Renewal Agency relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b) commonly known as the New York State Lobbying Act (Act). A summary of the Act regarding permitted contacts during the bid process is attached.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Administrator Name: \_\_\_\_\_

Administrator Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





## *City of Buffalo Living Wage Commission*

### **APPLICATION FOR CONTRACT WITH THE CITY OF BUFFALO**

The City's Living Wage Ordinance applies to contracts for services in which the City pays – or receives – more than \$50,000 per year, and the contractor employs more than ten people. If you are bidding, responding to an RFQ, or otherwise planning to make a contract with the City, you must complete this form, a copy of which will be forwarded to the City's Living Wage Commission. Your subcontractors need not file a separate Application, but they must pay a living wage. If you win the contract, you and your subcontractors will file quarterly reports with the Living Wage Commission.

You must certify that you will pay at least the hourly wages mandated by the Ordinance. For 2020, the rate is \$12.33 if the worker receives health benefits from the employer and \$13.85 if the employee does not. There is an automatic cost-of-living adjustment to the rate each January 1.

There are two exceptions to the Ordinance. Professional contracts such as legal, architectural, or engineering services are not covered by the Ordinance. Also, persons employed in construction work covered by prevailing wage laws are exempt from the Ordinance.

The City department responsible for the contract should forward the completed Application for Contract of the employer chosen for the contract to: Living Wage Commission, c/o Cornell University ILR, 617 Main St., Suite 300, Buffalo, NY, 14203, [lwcbuffalo@gmail.com](mailto:lwcbuffalo@gmail.com).

#### ***1. Company Information***

<b>Company Name:</b>	
<b>Executive Officer:</b>	
<b>Address:</b>	
<b>City, State, Zip:</b>	
<b>Phone No.:</b>	
<b>Total No. of Employees:</b>	

#### ***2. Please describe the specific project or service for which the contract is sought:***


**3. Contract Information**

<b>Dollar Value of Your Bid/Contract:</b>	
<b>Identifying City Contract or Project Number:</b>	
<b>Start and End Dates of Contract:</b>	

**4. If you answer "Yes" to any of these, you need not complete parts 5, 6, and 7**

<b>A) Are <i>all</i> persons who will work under the contract construction workers covered by federal or state prevailing wage laws?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>B) Is this a contract for professional services such as legal, architectural, or engineering?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>C) Do you employ less than ten people?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>D) Is the total value of the contract less than \$50,000 per year?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**5. List the employees who will work on this contract. Attach additional sheets as needed.**

Job Title	Duties to be Performed	Hourly Wage	Receives Health Benefits?

**6. Subcontractors**

<b>Will there be subcontractors?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>If yes, please provide name address, and phone for each subcontractor. Attach additional sheets as needed.</b>	

**7. Please provide a signature by an official of your company with the legal authority to make binding commitments.**

I certify that if awarded a City contract I will fully comply with the Living Wage Ordinance.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print: \_\_\_\_\_  
 Title: \_\_\_\_\_



## City of Buffalo Living Wage Commission

### QUARTERLY EMPLOYER REPORT, Mandated by the Buffalo Living Wage Ordinance

Your company holds a City contract governed by the Buffalo Living Wage Ordinance. The law requires that employers pay the designated hourly “living wage” to their employees. It also requires that employers file this quarterly report with the Living Wage Commission. Please duplicate it for future use. Quarterly reports should be mailed to Living Wage Commission, c/o Cornell University ILR, 617 Main St., Suite 300, Buffalo, NY, 14203 or emailed to: [lwcbuffalo@gmail.com](mailto:lwcbuffalo@gmail.com).

**Quarterly Reports must be filed within a month of the end of each quarter: i.e., by April 30<sup>th</sup>, July 31<sup>st</sup>, October 31<sup>st</sup>, and January 31<sup>st</sup>. Ordinance violations may result in monetary sanctions, suspension or termination of your contract and ineligibility for future city contracts.**

<b>Today's Date</b>	
<b>Period Covered by this Report</b>	
<b>Company Name</b>	
<b>Contact Person</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	

<b>Describe the project or services provided to the City by your company during the last quarter</b>

**Please provide on a separate sheet the following information for each employee who performed services under the contract during the last quarter:**

Name of employee:					
Address of employee:					
Phone number:					
Type of work performed:					
Period of employment:					
Hourly wage rate:					
Health insurance provided:	<table border="1"> <tr> <td></td> <td>YES</td> <td></td> <td>NO</td> </tr> </table>		YES		NO
	YES		NO		

### I certify under penalty of perjury that:

- I have knowledge of the employment practices of this company;
- The information in this report regarding wages paid is true; and
- I understand that willful failure to report accurate information is a violation that may be penalized under the living wage ordinance