



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

REQUEST FOR QUALIFICATIONS/PROPOSALS (RFQ) (RFP)

Revolving Loan Administrator

Schedule of Key Action Dates

1. RFP/RFQ Issue Date: January 7, 2021

2. Questions & Inquiries Due Date:

Written questions must be sent via email: Anna Falicov, afalicov@ch.ci.buffalo.ny.us
No questions will be accepted by phone.

3. Notice of Intent to Respond Due Date: January 16, 2021

Any organization interested in responding to this RFP 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 and sent via email:

Anna Falicov
City of Buffalo Urban Renewal Agency
1138 City Hall, Buffalo, N.Y. 14202
afalicov@ch.ci.buffalo.ny.us

4. Response Submission Date: Emailed no later than February 5th, 2021

The package must be sent **via email**, be clearly labeled, and submitted to:

RFP/RFQ – Revolving Loan Administrator
City of Buffalo Urban Renewal Agency
Attention: Anna Falicov
Room 1138 City Hall, Buffalo, N.Y. 14202
Email: afalicov@ch.ci.buffalo.ny.us

5. Anticipated Program Start-Up Date: March 1st, 2021

TABLE OF CONTENTS

OVERVIEW.....	pg. 3
SECTION I: INTRODUCTION	
1.1 SummaryStatement.....	pg. 4
SECTION II: GENERAL INFORMATION	
2.1 Notice to PROGRAM ADMINISTRATOR.....	pg. 5
2.2 Oral Presentation.....	pg. 5
2.3 New York State Lobbying Act.....	pg. 5
2.4 Withdrawal of Proposal.....	pg. 5
2.5 Contracting with Small and Minority Firms, etc.....	pg. 5
2.6 Subcontracting.....	pg. 6
2.7 Residency Goal.....	pg. 6
2.8 Collaborations.....	pg. 6
2.9 Responsibilities of the PROGRAM ADMINISTRATOR.....	pg. 6
2.10 Formation of Agreement/Contract with Successful PROGRAM ADMINISTRATOR.....	pg. 6
2.11 Workplace Diversity.....	pg. 6
2.12 Living Wage Ordinance.....	pg. 7
SECTION III: SCOPE AND REQUIREMENTS	
3.1 Scope of Work and Negotiation of Work Plan.....	pg. 8
3.2 Insurance Requirements.....	pg.10
SECTION IV: EVALUATION AND SELECTION	
4.1 Selection Process.....	pg. 11
4.2 Evaluation and Selection.....	pg. 11
4.3 Qualifying Proposals.....	pg. 11
4.4 Final Benchmark and Selection.....	pg. 11
4.5 Proposals Property of BURA.....	pg. 11
SECTION V: CONTENT OF SUBMISSIONS	
5.1 General Instructions.....	pg. 12
5.2 Required Information.....	pg. 12
5.3 Pre-Contractual Expenses.....	pg. 12
SECTION VI: ATTACHMENTS	
6.1 Attachment I – PROGRAM ADMINISTRATOR Information.....	pg. 13
6.2 Attachment II – PROGRAM ADMINISTRATOR Qualification Detail.....	pg. 14
6.3 Attachment III – Understanding of Safe Work Practices.....	pg. 15
6.4 Attachment IV – Agreement of Understanding of Technical Assistance Requirements...	pg. 16
6.5 Attachment V – Conflict of Interest Disclosure.....	pg. 17
6.6 Attachment VI – New York State Lobbying Act.....	pg. 18
6.7 Attachment VII – City of Buffalo Living Wage	pg. 19

OVERVIEW

SUMMARY INTRODUCTION: The City of Buffalo Urban Renewal Agency (BURA) is seeking submittals from qualified Program Administrator to participate to design, implement and administer a revolving loan fund for the City of Buffalo. The objective of the revolving loan fund is to provide capital to property owners who would otherwise be unable to access capital for home repairs necessary for occupant health and safety.

All organizations interested in applying to provide programs and services must meet the requirements specified in this Request for Proposals/Qualifications (RFP/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 **March 1, 2021**. It is anticipated that a minimum of **1 administrator** will be selected to work on a prepared scope of services. Additional program and activity benchmarks, specific to geographic priority areas, will be negotiated upon the award of the contracts to the selected organizations.

OBTAINING A COPY OF THE RFP/RFQ: To obtain a copy of the RFP/RFQ, organizations can visit our website at 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 RFP/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.

SECTION I – INTRODUCTION

- 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 RFP/RFQ is to select a Community Development Financial Institution (hereinafter “CDFI” or “Program Administrator”) to design, implement and administer a revolving loan fund available to property owners, particularly landlords, in the City of Buffalo. The loan fund should be structured to provide capital for home repairs, including lead paint remediation, to property owners who might otherwise be ineligible for a loan from a traditional financial institutions, and to offer loan conditions that make the loan product attractive to such owners. Through the Cities RISE grant opportunity, BURA has \$400,000 to provide seed capital, grant funding, loan loss reserves and/or administrative support for the development of the fund.

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 RFP/RFQ will result in the selection of 1 PROGRAM ADMINISTRATORS who will work on a prepared scope of services. One or more agencies or organizations may choose to partner in applying for this RFP/RFQ. The lead administrator must be designated in the response to the RFP/RFQ. The lead administrator 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 the agreement as appropriate and the selected PROGRAM ADMINISTRATOR 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 term of the program will be for an initial period of two (2) years. BURA shall have the sole exclusive right to offer the option to extend the period for up to a one (1) year extension.

II – GENERAL INFORMATION

- 2.1 **NOTICE TO ADMINISTRATOR:** The PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR 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 (PROGRAM ADMINISTRATOR) 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 (PROGRAM ADMINISTRATOR) 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 PROGRAM ADMINISTRATOR, must receive approval of the City of Buffalo Urban Renewal Agency prior to any such undertaking. In the event the PROGRAM ADMINISTRATOR desires to subcontract some part of the work specified herein, the PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR. The PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR with limited housing experience is encouraged to partner with another experienced provider. The PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR:** The PROGRAM ADMINISTRATOR shall be responsible for the professional quality and technical accuracy of their advice and other services furnished by them. The PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR shall be and remain liable to BURA in accordance with applicable law for all damages to BURA caused by the PROGRAM ADMINISTRATOR'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 PROGRAM ADMINISTRATOR:** The Agreement to be negotiated as a result of this RFP shall be by and between the PROGRAM ADMINISTRATOR and shall contain but shall not be limited to provisions included in this RFP. By submitting a proposal in response to the RFP, the PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR 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 PROGRAM ADMINISTRATOR'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 PROGRAM ADMINISTRATOR fails to comply with the ordinance.

SECTION III – SCOPE & REQUIREMENTS

3.1 BACKGROUND AND SCOPE OF WORK: BURA seeks proposals from experienced PROGRAM ADMINISTRATORS to design, implement and administer a revolving loan fund with a focus on rental properties and health and safety repairs, including lead paint remediation.

According to the 2019-2020 City of Buffalo Assessment Roll, 98% of all single and double rental properties were built before 1978 when lead paint was banned. These single and double-unit properties across the City are owned by approximately 14,700 different landlords as follows:

- 79% own only one rental property
- 15% own two to three rental properties
- 6% own four rental properties or more

Furthermore, of these 14,700 landlords:

- 50% live in the City of Buffalo
- 27% live in Western New York (WNY), outside of the City
- 12% live in New York State (NYS), beyond the WNY region
- 9% live in the US, outside of NYS
- 2% live outside the US

Data indicates that landlords of high-risk properties who reside in Buffalo often live in the same or similar neighborhood as their rental properties. They largely fall into four categories: “Mom and Pop”—who own one to three units and live in the area; “Small Scale DIY”—who are younger and more socially conscious; “Landlords-by-Inheritance”—who own one or two properties they inherited; and “New Arrivals”—who are first generation Americans, immigrants and refugees (including Bengalis, Somalis, Burmese, and East Africans). These landlords will soon face stricter inspection requirements as the City increases interior inspections, but many have limited resources for lead remediation or other health and safety related repairs. At the same time, very few public programs address health and safety repairs of rental properties. With approximately 36,000 single and double rental units built before 1978, the demand for resources far outstrips the supply available now, and the gap between supply and demand will only widen with increased enforcement.

The Cost of Lead Safety

The cost of making properties lead safe ranges widely, depending on the scope and scale of intervention required--from a few hundred dollars to thousands of dollars of repairs. While the cost of lead poisoning prevention through remediation can be high, it represents a fraction of the costs that are incurred from childhood lead poisoning, which include medical care, special education services and potential lost earnings, not to mention the cost of human suffering. Whatever the cost, these investments must be made to protect children from lead hazards, and many landlords lack the ready cash or access to capital required to do so.

Increased Demand for Resources

The City recently passed legislation requiring interior inspections in all single and double rental units. Landlords of rental singles and doubles will soon be required to keep their properties free from threats to occupant health and safety or face fines, revocation of their license to rent and restrictions on their ability to access eviction court. Increased community education and rental inspections will create a sustained demand for resources for lead remediation and other repairs needed to bring properties into code compliance. Establishing a loan fund will enable landlords and property managers to comply with housing codes and provide safe and healthy housing to their tenants.

BURA Funds Available and Expectations

Through the Cities RISE grant opportunity, BURA has allocated \$400,000 to establish such a fund. The funds may be used to cover seed capital, grant components to loan products, loan loss reserves and/or administrative costs associated with the administration of the funds. Preference will be given to respondents with a plan to raise additional capital to add to the initial allocation of \$400,000. The Program Administrator shall be required to administer and monitor all aspects of the loan program, including but not limited to, 1) intake procedure and eligibility determinations 2) communications with the property owner and tenant; 3) lead risk assessments and development of scopes of work; 4) selection of contractors; 5) executing contract documents; 6) monitoring construction of quality control; 7) issuing payment to contractors; and, 8) monitoring any prospective affordability conditions imposed on the loan. At this time, there are no additional financial resources available to assist with any aspect of administration of such fund.

The PROGRAM ADMINISTRATOR selected from this RFP will perform the following tasks in designing, developing and administering such loans:

1. Develop a loan product or loan/grant combination product to property owners owning property in the City of Buffalo, particularly landlords, on terms and conditions more favorable or flexible (with respect to credit scores) than traditional loan products.
2. Develop a detailed budget on how the available \$400,000 will be utilized to support the development of a revolving loan fund to assist properties in need of repair and remediation located in the City of Buffalo.
3. Demonstrate a plan to raise capital from traditional financial institutions and other sources to increase the pool of available funds.
4. Ensure that the product meet bank underwriting criteria and presents a favorable investment profile.
5. Demonstrate that the contributions to loan fund are secured, including security in the form of liens or mortgages, and the existence of loan reserve fund.
6. Work with BURA to determine general terms and conditions of the loan, including but not limited to, loan caps, eligibility criteria and affordability provisions attached to the program.
7. Develop and follow a workflow procedure, including but not limited to application intake, communication with owners and tenant, lead risk assessments and scopes of work, selection of construction contractors, executing contract documents,

monitoring of construction work, issuing payment to contractors and performing any follow-up monitoring needed to ensure compliance with any affordability requirements imposed.

8. Work with BURA and City departments to coordinate marketing and promotion of the loan fund in certain target neighborhoods.
9. Provide quarterly reports to BURA on the progress of the development of the fund, including details on loans administered and repairs made, including all expenses associated with administration of the program.

The total available funds allocated for this program are \$400,000.

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

SECTION IV – EVALUATION & SELECTION

- 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 RFP/RFQ. Failure to comply with any requirements of this procurement may disqualify a PROGRAM ADMINISTRATOR’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 PROGRAM ADMINISTRATOR.

SECTION V – CONTENT OF SUBMISSIONS

- 5.1 **GENERAL INSTRUCTIONS:** To receive consideration under this RFP/RFQ, submissions must be made in accordance with the following general instructions. All RFP/RFQ packages must contain the following information in the order shown and numbered as followed. The PROGRAM ADMINISTRATOR 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 RFP/RFQ. The signature of the person signing the submission shall be in long hand. The RFP/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 RFP response will be valid for at least 60 days.
3. A table of contents with pages numbers indicated.
4. Requested Forms/Attachments:
 - Attachment I – PROGRAM ADMINISTRATOR Information
 - Attachment II – PROGRAM ADMINISTRATOR Qualifications
 - Attachment III – Understanding of Safe Work Practices
 - 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 RFP 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 RFP/RFQ and/or the Scope of Work encompassed in this RFP/RFQ incurred prior to or in anticipation of a fully executed agreement by/with BURA and the PROGRAM ADMINISTRATOR. 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 RFP/RFQ.

6.1 - ATTACHMENT I – PROGRAM ADMINISTRATOR Information

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: _____

6.2 - ATTACHMENT II – PROGRAM ADMINISTRATOR Qualification Detail

1. Describe your past experience with administering revolving loan fund activities and what credentials your firm has.
2. Describe the qualifications of key staff who will administer this program. Include any revolving loan fund, rehab or lead safe work practices training attended by these employee(s) during the past two years.
3. **List and attach** the certification(s) or license(s) held by the key staff who will work with this program.
4. Describe your administrative systems and list the financial software used by your company.
5. Describe how you propose to implement the revolving loan fund? What are your current policies and procedures?
 - List each step or provide a flow chart.
 - Include staff and anticipated time frames needed to complete the program.
6. Provide a detailed budget indicated how the \$400,000 in available funds will be utilized to support the development of the revolving loan fund.
7. Describe your organization's plan to raise capital from other sources, including but not limited to traditional financial institutions, philanthropy and other government sources.
8. Provide proposed terms and conditions for the loan terms available to property owners, including but not limited to interest, credit score requirements, maximum and minimum amounts, duration of loan term, and any affordability terms. Terms and conditions are subject to continued discussion and refinement by the selected respondent and BURA.
9. Describe any partnerships that exist or will be created to administer the program. Describe how you will contract with and monitor your partner's work.
10. If your agency/organization or firm has an established track record of administering a revolving loan fund, list the addresses of five homes that your company has assisted with capital support within the past two years. Information provided for each property must include:

Customer Name:

Address:

Funding Agency:

Amount of Contract:

Description of work:

6.3 - ATTACHMENT III – Understanding of Safe Work Practices

The Program Administer acknowledges their understanding of Safe Work Practices and how it will be addressed for work funded.

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:

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

PROGRAM ADMINISTRATOR'S Signature

Date

Print Name

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

6.4 - ATTACHMENT IV – Agreement of Understanding of Technical Assistance Requirements
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This Agreement of Understanding of Technical Assistance Requirements will serve as notice to applicants and subsequent PROGRAM ADMINISTRATORS of the Request for Proposals/Qualifications (RFP/RFQ) – Revolving Loan Fund 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:

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.

PROGRAM ADMINISTRATOR'S Signature

Date

Print Name

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

The **PROGRAM ADMINISTRATOR** 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 PROGRAM ADMINISTRATOR 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 CBO 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 **PROGRAM ADMINISTRATOR** 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 Proposal” 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 Proposal” 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 Proposals. 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.

6. 7 - 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 RFP, 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. 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.

1. Company Information

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

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

3. Contract Information

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

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

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

Will there be subcontractors?	☐ Yes ☐ No
If yes, please provide name address, and phone for each subcontractor. Attach additional sheets as needed.	

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.

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

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

Describe the project or services provided to the City by your company during the last quarter

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