



CITY OF BUFFALO URBAN RENEWAL AGENCY (BURA)
Byron W. Brown, Chairman

**315 City Hall, 65 Niagara Square
Buffalo, New York 14202-3376**



REQUEST FOR PROPOSALS (RFP)

2022 FIRST TIME HOMEBUYER ASSISTANCE PROGRAM

SCHEDULE OF KEY ACTION DATES

1. RFP Issue Date: Wednesday, July 6, 2022.

2. Questions & Inquiries Due Date: Friday, July 8, 2022.

Written questions must be sent via email: Ymccray@city-buffalo.com. No questions will be accepted by phone inquiries.

3. Notice of Intent to Respond Due Date: Tuesday, July 12, 2022.

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:

Ms. Yvonne McCray, Director of Housing

City of Buffalo Urban Renewal Agency, Room 315 City Hall, Buffalo, N.Y. 14202

YMccray@city-buffalo.com

4. Technical Assistance Virtual Workshop Scheduled Date: Thursday, July 14, 2022.

A virtual workshop will be held by BURA for all parties/organizations. **Notification will be made to those parties who provide contact information via the Notice of Intent to Respond letter.**

5. Response Submission Date: Delivered and received no later than Friday, July 29, 2022, 4:00pm.

The sealed package must be sent **U.S.P.S mail or hand delivered**, be clearly labeled, and submitted to:

Request For Proposals – 2022 Community Partnerships Initiative

City of Buffalo Urban Renewal Agency

Attention: Ms. Yvonne McCray, Director of Housing

Room 315 City Hall, 65 Niagara Square, Buffalo, N.Y. 14202-3376

6. Anticipated Contract Start-Up Date: Thursday, September 1, 2022.



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OVERVIEW

SUMMARY INTRODUCTION: The City of Buffalo Urban Renewal Agency (BURA) is seeking submittals from qualified Community Based Organizations (CBO) to administer the First Time Homebuyer Assistance Program. The goal of the program is to provide financial assistance to first time homebuyers to purchase a home and help create a wealth building opportunity for income eligible applicants, especially historically underserved and minority borrowers.

Any organization interested in applying to provide services under this contract must meet the requirements specified in this Request for Proposals (RFP). Respondents must have qualified staff on hand for this contract and be ready to begin work on the anticipated contract start-up date of **September 1, 2022**. It is anticipated that a minimum of **1-2 groups** will be selected to work on a prepared scope of services and benchmarks. 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: To obtain a copy of the RFP, organizations can visit our website at <https://www.buffalourbanrenewal.com/rfps/>, contact the City of Buffalo Urban Renewal Agency at 716-851-4769 or pick-up a copy in Room 920 or Room 315 City Hall. Any addenda issued for this RFP 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), HOME Investment Partnerships Program (HOME) as well as other federal and non-federal resources.

To be considered for a contract, the CBO must:

- document they have been in existence as an experienced housing organization for at least one year prior to entering a contract with BURA;
- document they are familiar with the administration of a First Time Homebuyer Program;
- document the experience and the capacity of the program staff, board members and the organization to implement the proposed scope of services in a timely manner;
- document by its immediate past and current activities that it can implement the eligible activities and tasks;
- document that they have developed partnerships with other private and public entities, including area lenders and the real estate community;
- document a Board of Directors that is representative of the City and/or neighborhoods to be served;
- document the ability of the applicant to generate funds from other sources; and
- document that they have a marketing plan for conducting outreach and delivering services.

A fixed fee schedule will be negotiated for each CBO and the selected CBO will be compensated for the satisfactory performance and completion of the minimum tasks associated with the contract. Payments will be made in accordance with a schedule of fixed fees payable monthly upon completion and submission of a payment request with the required back-up documentation (monthly report).

The contract with the CBO **will not guarantee a specific volume of work assigned** but will compensate for work assigned and completed based upon the fee schedule and the terms and conditions of the agreement. The term of the contract will be for an initial period of one year (tentative contracts dates are August 1, 2022 – July 31, 2023). The City of Buffalo Urban Renewal Agency shall have the sole exclusive right to offer the option to extend the period of each CBO contract for two additional one-year extensions.

II – GENERAL INFORMATION

- 2.1 NOTICE TO CBO:** A CBO, 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, as well as the regulations found at 24 CFR Part 570 (CDBG & CDBG-CV), 24 CFR Part 92 (HOME), and 24 CFR Part 35 (Lead Based Paint Hazard Reduction) governing those federal programs. 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 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 CBO 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 CBO 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 (CBO) 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 (CBO) 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 CBO, must receive approval of the City of Buffalo Urban Renewal Agency prior to any such undertaking. In the event the CBO desires to subcontract some part of the work specified herein, the CBO 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 CBO. The CBO 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 CBO 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 CBO with limited housing experience is encouraged to partner with another experienced provider. The CBO awarded the contract, however, will remain fully liable and responsible for the work done by their partners.
- 2.9 RESPONSIBILITIES OF THE CBO:** The CBO shall be responsible for the professional quality and technical accuracy of their advice and other services furnished by them. The CBO 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 CBO shall be and remain liable to BURA in accordance with applicable law for all damages to BURA caused by the CBO'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/CONTRACT WITH SUCCESSFUL CBO:** The Contract to be negotiated as a result of this RFP shall be by and between the CBO and the City of Buffalo Urban Renewal Agency and shall contain but shall not be limited to provisions included in this RFP. By submitting a proposal in response to the RFP, the CBO 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 contracting 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 contracting 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 CBO 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 CBO'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 CBO fails to comply with the ordinance.

SECTION III – SCOPE & REQUIREMENTS

3.1 SCOPE OF WORK & NEGOTIATION OF WORKPLAN: BURA seeks Proposals from experienced housing organizations to participate, as a Community Based Organization (CBO), in the First Time Homebuyer Assistance Program for the City of Buffalo. The CBO(s) selected under this RFP will be notified and will meet with BURA staff to finalize their individual work plans, benchmarks, geographic priority areas and fee for services schedule.

Proposed Work Plan will minimally include:

- **Marketing and Outreach**
 - The CBO will coordinate and conduct marketing and outreach for the First Time Homebuyer Assistance as well as any other Home Ownership programs as requested.
 - The CBO will advertise the availability of the program via press releases in neighborhood newspapers, CBO newsletters and information pamphlets distributed to area community community/resource centers. Additional outreach will be conducted at neighborhood events, home buyer classes, social media, CBO websites, and block club meetings.

Contact should also be made with area lenders, real estate agencies, and groups providing financial education.

- The CBO will conduct educational sessions and webinars for lenders and realtors.

- **Loan Application**

- The CBO must fully explain the Program guidelines and processes as part of the initial interview and screen process.
- The CBO will receive and process all applications and review them for accuracy, completeness, and appropriate supporting documents necessary to determine income eligibility.
- The CBO will assist applicants that submit incomplete applications by informing them of the information needed to complete the application package.
- The CBO must verify the applicant has qualified for a mortgage loan with a mortgage financing institution.
- The CBO must verify the applicant attends a housing counseling session customized to the consumer.
- The CBO will conduct follow-up contacts for any non-responsive applicant to finalize eligibility for the program.

- **Property Inspection**

- The CBO will document the inspection of the property to be purchased to determine and assess its general condition.

- **Education**

- The CBO will ensure that all applicants complete the minimum number of hours required by HUD for homebuyer education, including both workshops and individual counseling. A CBO with a HUD certified counselor may provide both the individual counseling and workshops in-house. CBOs with no HUD certified counselor must refer the educational component to an agency with a HUD certified counselor.

- **Loan Closing**

- The CBO will meet with the applicant to review the terms and conditions of the program prior to the scheduled closing of the loan by BURA staff. This includes re-payment terms and residency requirements.

- **Client Documentation & Records**

- The CBO will maintain a file for each applicant/household, including those that are denied assistance. All records and files containing private/protected information of any individual or household who applies for assistance must be kept secure and confidential. Access to confidential information should be available to those employees who have a **need to know**. Hard copies of information/documents should be kept in a locked cabinet and/or room and electronic copies should be password protected.

- **Reporting / Monitoring**

- The CBO will be required to provide monthly program reports and participate in any monitoring and technical assistance sessions scheduled by BURA.

3.2 INSURANCE REQUIREMENTS: The CBO must, prior to the contract execution, and for each extension of the contract, 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. Failure to comply with any requirements of this procurement may disqualify a CBO'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 of the Contract.

Evaluation: Maximum Total Score = 100 points

	Maximum Points
• Experience, Capacity, Qualifications and Readiness of the CBO	50 points
• Outreach and Marketing Plan for Historically Underserved Borrowers	20 points
• Board Leadership	15 points
• Budget & Resources	15 points

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. A Contract will be awarded 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 contractual relationship between BURA and the successful CBO.

SECTION V – CONTENT OF SUBMISSIONS

5.1 GENERAL INSTRUCTIONS: To receive consideration under this RFP, submissions must be made in accordance with the following general instructions.

- The CBO must present information in the following order:
 - ✓ 2022 First Time Homebuyer Submission Coversheet
 - ✓ Table of Contents with page numbers indicated.
 - Create a footer and insert – Response to RFP – (Name of CBO) – page #.
 - ✓ Required RFP Responses:
 - Organizational Experience & Capacity
 - Board Leadership
 - Financial Systems, Budgets & Fundraising
 - Marketing and Outreach Plan
 - The order of the questions may not change. The information provided must include the question followed by the response drafted by the CBO
 - ✓ Signed Form: Agreement of Understanding of Technical Assistance
 - ✓ Signed Forms: Conflict of Interest Forms & Disclosure Letters
 - ✓ Signed Form: Bidders Affirmation of Understanding and Agreement to State Finance Law

- ✓ City of Buffalo Living Wage Application
- ✓ Competed Agency Checklist of Required Documents with clearly labeled attachments
- ✓ Sealed Envelope: Confidential Background Information Disclosure Form
- Proposals should be prepared simply and provided responses must be brief, concise, and clear. The CBO must not include long narrative responses, instead use a bulleted format.
- All responses to the questions should be typed, single spaced, using not less than 11-point font.
- Written responses (excluding the attachments) must not exceed 20 pages.
- Respondents must complete the entire application and the package will be reviewed and scored based on the information provided by the organization.

5.2 REQUIRED INFORMATION: 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 and/or the Scope of Work encompassed in this RFP incurred prior to or in anticipation of a fully executed agreement by/with BURA and the CBO. 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.

Section VI - **ATTACHMENTS**

2022 FIRST TIME HOMEBUYER ASSISTANCE PROGRAM - SUBMISSION COVERSHEET

Date of Submission: _____

Legal Name of Organization (CBO): _____

Address: _____

Telephone Number: _____ Website Address: _____

Name of Board Chair / President: _____

Name of Executive Director: _____

Email Address: _____

Date Organization was Organized & Type of Organization: _____

Tax Status & State Char Number: _____

Federal Identification Number: _____

Corporate Boundaries:

North: _____

South: _____

East: _____

West: _____

Is the organization a Housing and Urban Development (HUD) certified housing counseling agency?

Yes No

Does the agency have HUD certified counselors on staff?

Yes How many certified counselors? _____ No

Acknowledgements / Attachment:

The Request for Proposal response will be valid for at least 90 days.

The Board of Directors has authorized the submission of the response to RFP (include a copy of the board authorization).

The preparer, to the best of his/her knowledge and belief, states that the information provided in this response is true and correct and its submission has been duly authorized by the governing body of the applicant.

Name: _____

Title: _____

Signature: _____

Date: _____

RFP RESPONSES

1. Organization Experience & Capacity

- The CBO must document by its immediate past and current activities that they can implement the tasks and administer the programs associated with the proposed work plan in a timely manner.
- The CBO must document their experience in performing similar work.
- The CBO must document their experience dealing with area lenders and realtors.

- a. Provide a history/overview of your organization including length of time in existence.
- b. Describe your organization's experience in marketing and delivery of any homebuyer assistance programs, particularly those targeted to low-moderate income homebuyers, over the past two years. Describe how management evaluates the administration of programs to ensure contract compliance and timeliness.
- c. Describe your current staffing plan. Include the experience of current staff working with Federal funds and required regulations such as determining income/program eligibility, and counseling/education.
- d. Describe your organization's strong community partnerships, linkages or collaboration developed with any other private or public entities, including area lenders and the real estate community.

2. Board Leadership

- The CBO must document an active Board of Directors that is representative of the City and/or neighborhoods to be served.
- The CBO must document how the Board of Directors provides oversight for the organization.

- a. Describe the make-up of the board of directors and state if the CBO is meeting the board membership requirements outlined in the organization's by-laws.
- b. Describe the annual calendar of board meetings and the attendance policy for board members. Has the agency conducted the required number of meetings as outlined by the by-laws?
- c. Describe how the board of Directors, along with the Executive Director, recruits new board members for the organization. Describe any challenges with the recruitment of board members during the pandemic and explain how the organization has addressed those issues.
- d. Describe how new board members are orientated to the organization, including the organization's mission, by-laws, policies, and programs, as well as their roles and responsibilities as board members.

3. Financial Systems, Budgets and Fundraising

- The CBO must document the role the Board of Directors and Executive staff have in providing financial oversight for the organization.

- a. Describe how the board of Directors and Executive Director provide financial oversight for the organization. Does the Executive Director/financial staff prepare monthly report for the Board of Directors?
- b. Does the agency have an audit committee comprised of board members?

- c. Describe how the board of directors (or audit committee) canvasses and hires an independent audit company for the agency audit.
- d. Describe who is responsible to make sure the organization meets its regulatory responsibilities and files the appropriate paperwork with New York State and the City of Buffalo.
- e. Describe fundraising efforts conducted by the board over the course of the last two years. State the role the board of directors as well as the Executive Director play with these efforts.
- f. Describe the organization's administrative systems. Please check each item that exists within your organization's capacity and state if it is maintained in either **written (W) and/or electronic (E) format.**

Administrative Systems

Internal systems to ensure compliance with federal regulations

1. Client eligibility and demographic data collection and reporting W E
2. Procurement systems – Are formal written procedures in place? W E

Adequate financial reporting system including

3. In-house bookkeeping/accounting staff which handle recording transactions W E
4. Cash receipts and cash disbursement journals, general ledger and other standard accounting books and records W E
5. Accrual based accounting system W E
6. Computerized accounting system W E
7. Monthly financial statements prepared W E
8. Periodic internal financial statement reviewed by management and/or board of directors W E

4. Marking and Outreach Plan

- The CBO must document how it provides information to the public.
- The CBO must document how they will ensure community awareness and encourage participation of eligible residents.

- a. Does the CBO conduct an annual meeting and produce an annual report available to the public? If yes, list how and to whom the reports are distributed.
- b. Describe the organization's marketing plan for delivering services with an emphasis on reaching minorities and historically underserved borrowers.
- c. List the Website address for the CBO as well as any other social media sites used by the organization to help promote programs and services. Describe the public feedback and referrals received directly from the sites.

AGREEMENT OF UNDERSTANDING OF TECHNICAL ASSISTANCE

The Executive Director and Board President must review and sign a copy of this notice.

This Agreement of Understanding of Technical Assistance Requirements will serve as notice to applicants and subsequent contractors of the Request for Proposals (RFP) – 2022 First Time Homebuyer Assistance Program 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.

Executive Director (signature)

(Print name)

(Date)

Board Chairperson (signature)

(Print name)

(Date)

CONFLICT OF INTEREST DISCLOSURE FORM

The Board President must review this form with all board members and agency staff.

The **CBO** represents that none of its **employees, officers, compensated members, contractors or consultants** are, or for the duration of this agreement will be, employees of the City of Buffalo Urban Renewal Agency (BURA) nor are their family members or business relationships employees of BURA nor will their employees, officers, compensated members, contractors 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 CBO must formally disclose all potential Conflicts of Interest to the City of Buffalo Urban Renewal Agency.

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 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
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***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 **CBO** 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
------------------------------------	-------------

SUMMARY OF PERMITTED CONTRACT UNDER NEW YORK STATE LOBBING 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 is identified in this Request for Proposals. City of Buffalo, the City of Buffalo Urban Renewal Agency employees are also required to obtain certain information when contacted during the restricted period and decide 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. (a) 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;
(b) complaints of alleged improper conduct in a governmental procurement to the attorney general, district attorney, or court of competent jurisdiction; or
(c) complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller’s office.

BIDDER’S AFFIRMATION OF UNDERSTANDING AND AGREEMENT PURSUANT TO STATE FINANCE LAW
§139-j (3) and §139-j (6) (b)

The Board President and Executive Director must review and sign this form.

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.

Contractor Name: _____

Contractor Address: _____

Executive Director (signature)

(Print name)

(Date)

Board Chairperson (signature)

(Print name)

(Date)

CITY OF BUFFALO – LIVING WAGE INFORMATION

[Contractor] 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 by 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.

[Contractor'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 CEO fails to comply with the ordinance.

CITY OF BUFFALO LIVING WAGE APPLICATION



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. From July 1, 2022, through June 30, 2023, it will be \$16.61 per hour.

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 additional information can be found at <https://buffalolivingwage.org/>.

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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
B) Is this a contract for professional services such as legal, architectural, or engineering?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
C) Do you employ less than ten people?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D) Is the total value of the contract less than \$50,000 per year?	<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

Will there be subcontractors?	<input type="checkbox"/> Yes <input type="checkbox"/> 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:	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.

CONFIDENTIAL BACKGROUND INFORMATION DISCLOSURE FORM

The City of Buffalo Urban Renewal Agency: This form must be completed by the Primary Management and Governance Principals of your firm/organization.

The information includes but is not limited to: Check applicable title:

- President/Board Chair
- Executive Director/Chief Operations Officer
- Chief Financial Officer/Treasurer/Bookkeeper
- And any individuals authorized to conduct financial transactions on behalf of your firm/organization
Title: _____

Print Name: _____
(First) (Middle) (Last)

Applicants Signature: _____

Aliases/Other Names: _____
(First) (Middle) (Last) Generation (suffix)

Social Security number: _____ Date of Birth: _____

Driver's License #/state of issue _____

Daytime Phone: () _____ Evening Phone: () _____

Present Address: _____ City/State/Zip

Date at Present Address: From (MM/YY) _____

Does Applicant have a Maiden Name? No Yes, _____
Maiden Name

Previous Addresses

Applicant, please provide addresses of residences for the past seven years, including street address, city, state, zip, and country, dates of residences for each address.

I have carefully read and understand this Disclosure, Authorization and Release form. By my signature below, I consent to the release of information I hereby authorize any law enforcement agency to furnish the City of Buffalo Urban Renewal Agency, or its agent information related to my criminal history. I hereby release the City of Buffalo Urban Renewal Agency and all its agents and employees, the law enforcement agency, and all employees of law enforcement agencies furnishing information from all liability resulting from the furnishing of this information to the City of Buffalo Urban Renewal Agency. I certify that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that providing any false statements or omitting any material information will be sufficient grounds for rejection of the application for assistance, or termination of any related agreement, and that any commitment made on behalf of the City of Buffalo Urban Renewal Agency may be voided immediately.

Applicant Signature _____

Date _____

AGENCY CHECKLIST OF REQUIRED DOCUMENTS

One original and one unbound single sided copy of the following:

- First Time Homebuyer Assistance Program **2022** – Submission Coversheet
- Board of Director’s authorization to submit a response to the RFP
- Completed RFP Responses
- Agreement of Understanding of Technical Assistance
- Conflict of Disclosure Forms / Letters
- Bidder’s Affirmation of Understanding and Agreement Pursuant to New York State Law
- City of Buffalo Living Wage Application
- Summary spreadsheet of programs administered during 2020-2022 funded from public and private sources.
 - **List funder, source of funds, amount of funds, type or project or activity, contract dates, and status of project or activity. Note if the performance timeliness measures were met.**
- List of real estate owned by the agency through a Limited Liability Company (LLC) or any other business entity. The CBO must disclose the name of the LLC and provide the address of each property owned by the company.
- List of current (2020-2022) board members (include title, term, committee assignments, and email address).
- List of scheduled board meetings held 2020-2022 (including the date and location of the annual meeting) along with the record of attendance of each board member (list name of board member, meeting dates and if present **P**, excused **E**, or absent **A**). **The list must be certified by the board secretary.**
- Copy of the annual report prepared for the agency.
- Official copy (no redacted copies) of the board minutes recorded for 2020 - 2022.
- Organization Chart and succession plan to be implemented in the absence of the Executive Director.
- Resume of the Organization’s Chief Financial Officer or Accountant / Bookkeeper.
- Resume for all staff that are expected to be engaged in the Homebuyer Assistance Program.
- Copy of current certificate for all HUD certified Housing Counselors OR Non-Applicable (NA)
- Certified, written assurance that **ALL** CBO staff members have access to and are proficient with Microsoft Word, Excel, and Outlook.
- A copy of the organization’s current budget for both revenues and expenses.
- Map outlining assigned areas: corporate boundaries.

One copy submitted on a flash drive or CD (no paper copies):

- Articles of Incorporation
- Certificate of Good Standing
- Corporate By-Laws
- NYS Charitable Registration Number
- Internal Revenue Service determination letter
- Most recent Internal Revenue Service 990 Return
- Most recent New York State CHAR 500 Report
- Most recent audited financial statement, include Single Audit, if applicable. If audit is not completed within 9 months of year-end date, provide letter from auditor indicating when audit will be complete.

- Conflict of Interest Policies
- Personnel Policies
- Financial Policies
- Whistleblower Policies (if organization has 20 or more employees and revenue more than \$1 million). Must include a system for employees and volunteers to report potential illegalities and prohibit retaliation for doing so.
- Retention and Destruction Policies for paper and electronic documents
- Written Security Protocol to address access to agency and client files

Sealed Envelope:

- Confidential Background Information Disclosure Form
Note: A Confidential Background Information Disclosure, Authorization and Release form must be completed for all Primary Management and Governance Principals of the organization. **The forms completed for the individuals must be submitted in a sealed envelope. The forms are not to be included with the paper copies, flash drive or CD submission.**