

April 30, 2013

Robert Doar
Commissioner

Roy A. Esnard
General Counsel

Vincent Pullo
Agency Chief
Contracting Officer

180 Water Street
New York, NY 10038

212 331 3434

RE: Addendum # 2 to the Request for
Proposals for the Provision of Non-
Emergency Permanent Supportive
Congregate Housing for Chronically
Homeless Single Adults Living with
AIDS or Advanced HIV Illness under
the NY/NY III Supportive Housing
Agreement
PIN: 06913H082100
EPIN: 09612P0014

Dear Prospective Proposer:

The Human Resources Administration ("HRA") appreciates your interest in the Request for Proposal ("RFP") for NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing issued on February 13, 2013.

Please find attached Addendum # 2 for the above-referenced RFP. Addendum # 2 contains:

- **Revisions to the NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP:** HRA made revisions to the RFP, and has released the revisions as Attachment A to this Addendum. **All new language is bolded and underlined. Language that is crossed out is being deleted from the RFP.**
- **Attachment B:** Attachment B contains revisions to the cover page of the RFP.
- **Attachment C:** Attachment C contains revisions to Section VI of the RFP-General Information to Proposers.
- **Attachment D:** Attachment D contains Attachment E of the RFP- Whistle Blower Protection Expansion Act Rider.
- **Attachment E:** Attachment E contains Attachment F of the RFP- Compliance with the Iran Divestment Act.
- **Attachment F:** Attachment F contains Attachment G of the RFP- Subcontractor Compliance Notice.
- **Attachment G:** Attachment G contains the revised NY/NY III HIV/AIDS Population (Pop H) Homeless Criteria.
- **Answers to Questions, Submitted to HRA in Writing:** Attached to this Addendum as Attachment H are the answers to questions received subsequent to the Pre-proposal Conference and submitted in writing to HRA.

Please acknowledge your receipt of Addendum # 2 by listing it on the Acknowledgement of Addenda (Attachment C of the RFP package) and include it in your proposal submission.

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

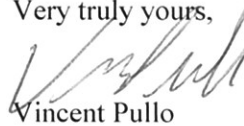
The acceptance date for the submission of proposals will be **Wednesday, May 15, 2013.**

Proposers are reminded that they can deliver their proposals beginning **May 15, 2013** to:

NYC Human Resources Administration
Office of Contracts
180 Water Street, 14th Floor,
New York, NY 10038

This is an "Open-Ended" RFP; therefore, proposals will be accepted and reviewed on an ongoing basis until all units covered by this RFP are sited.

Very truly yours,



Vincent Pullo

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

ATTACHMENT A

Revisions to the NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

REQUEST FOR PROPOSALS

For

Addendum #2

REQUEST FOR PROPOSALS

For

**NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing
PIN: 06913H082100 EPIN: 09612P0014**

Please be advised that the subject RFP is revised as described below. All new language is bolded and underlined. Language that is crossed out is being deleted from the RFP. The affected language is organized by Sections below.

Page 3

SECTION II- SUMMARY OF THE REQUEST FOR PROPOSALS

A. Purpose of RFP

As part of the *New York/New York III* Supportive Housing agreement signed in November 2005 between Mayor Michael R. Bloomberg and Governor George E. Pataki, the City of New York and the State of New York have agreed to develop 9,000 new units of supportive housing in New York City over ten years. Supportive housing as defined by the agreement is a “pairing of rental assistance and supportive services in either a congregate building constructed or renovated for this purpose or in scattered-site apartments acquired for the purposes of housing and serving the clients”. Under the agreement, for Population H, the Human Resources Administration/HIV/AIDS Services Administration (HASA) and the NYS Department of Health/ AIDS Institute (DOH) are each slated to develop 300 units of congregate housing, totaling 600 units. ~~Currently about 206 units have been developed, 172 city units developed by NYC Department of Housing Preservation and Development (HPD) and 34 state units developed by NYS Homes and Community Renewal (HCR) and NYS Office of Temporary and Disability Assistance (OTDA).~~

Page 5

SECTION II- SUMMARY OF THE REQUEST FOR PROPOSALS

E. Anticipated Payment Structure

~~Awards will be determined as follows: 266 units will be awarded to proposers who receive and/or apply for HCR and OTDA capital funding and 128 units will be awarded to proposers who receive and/or apply for HPD capital funding. Additional units may become available upon identification of other sources of funding.~~

Page 8

SECTION III- SCOPE OF SERVICES

Staffing

- Mental Health Counselors should be New York State Licensed Certified Social Worker (LCSW) and have a minimum of five years of experience in mental health. Additionally, counseling experience would be preferable particularly with HIV/AIDS affected populations and/or substance abuse individuals.
- Substance abuse counselor is a Credential Alcohol and Substance Abuse Counselor (CASAC) or a LCSW with **at least three** years of substance abuse counseling experience.

Page 11

E. Whistleblower Protection Expansion Act Rider

Local Law Nos. 30 and 33 of 2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, the Whistleblower Protection Expansion Act, protect employees of certain City contractors from adverse personnel action based on whistleblower activity relating to a City contract and require contractors to post a notice informing employees of their rights. Please read Attachment F, the Whistleblower Protection Expansion Act Rider, carefully.

F. Compliance with the Iran Divestment Act

Pursuant to State Finance Law Section 165-a and General Municipal Law Section 103-g, the City is prohibited from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Each proposer is required to complete the attached Bidders Certification of Compliance with the Iran Divestment Act, certifying that it is not on a list of entities engaged in investments activities in Iran created by the Commissioner of the NYS Office of General Services. If a proposer appears on that list, the Agency/Department will be able to award a contract to such proposer only in situations where the proposer is taking steps to cease its investments in Iran or where the proposer is a necessary sole source. Please refer to Attachment for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and to <http://www.ogs.ny.gov/About/regs/ida.asp> for additional information concerning the list of entities.

G. Subcontractor Compliance Notice

The selected vendor will be required to utilize the City's web based system to identify all subcontractors in order to obtain subcontractor approval pursuant to PPB Rule section 4-13, and will also be required to enter all subcontractor payment information and other related information in such system during the contract term.

Please read Attachment G, the subcontractor compliance notice as it relates to competitive solicitations.

Page 14

SECTION IV- FORMAT AND CONTENT OF THE PROPOSAL

d. (2) If the proposer has not identified a specific site:

- Indicate the source from whom you intend to seek capital funding, e.g: HPD, HCR or OTDA.

~~There is limited capital funding for these units, about 266 capital units are anticipated to be funded by HCR and OTDA while the remaining 128 capital units are anticipated to be funded by HPD.~~

- Indicate the borough or community that you plan to select the site from.

Page 17

B. Proposal Package Contents ("Checklist")

4. A sealed outer envelope, enclosing the three sealed inner envelopes. The sealed outer envelope should have two labels containing:

- ☐ The proposer's name and address, the Title and Pin of this RFP, ~~Option proposed~~, and the name and telephone number of the Proposer's Contract Person.

ATTACHMENT B
Revisions to the RFP cover page

THE CITY OF NEW YORK
HUMAN RESOURCES ADMINISTRATION (“HRA”)
HIV/AIDS Services Administration
REQUEST FOR PROPOSALS
for the
PROVISION OF NON-EMERGENCY PERMANENT SUPPORTIVE CONGREGATE
HOUSING FOR CHRONICALLY HOMELESS SINGLE ADULTS LIVING WITH AIDS OR
ADVANCED HIV ILLNESS UNDER THE NY/NY III SUPPORTIVE HOUSING AGREEMENT

PIN: 06913H082100

EPIN: 09612P0014

<u>TABLE OF CONTENTS</u>		<u>PAGE</u>
SECTION I	-	TIMETABLE
		2
SECTION II	-	SUMMARY OF THE REQUEST FOR PROPOSALS
		3
SECTION III	-	SCOPE OF SERVICES
		6
SECTION IV	-	FORMAT AND CONTENT OF THE PROPOSAL
		12
SECTION V	-	PROPOSAL EVALUATION AND
		CONTRACT AWARD PROCEDURES
		18
SECTION VI	-	GENERAL INFORMATION TO PROPOSERS
		20
APPENDIX A	-	GENERAL CONTRACT PROVISIONS
		STANDARD HUMAN SERVICES CONTRACT PROVISIONS
ATTACHMENT A	-	PROPOSAL COVER LETTER
ATTACHMENT B1-B4	-	BUDGET PROPOSAL FORM
ATTACHMENT C	-	ACKNOWLEDGMENT OF ADDENDA
ATTACHMENT D	-	DOING BUSINESS DATA FORM
ATTACHMENT E	-	WHISTLE BLOWER PROTECTION EXPANSION ACT RIDER
ATTACHMENT F	-	COMPLIANCE WITH THE IRAN DIVESTMENT ACT
ATTACHMENT G	-	SUBCONTRACTOR COMPLIANCE NOTICE

AUTHORIZED AGENCY CONTACT PERSON

Proposers are advised that the Authorized Agency Contact Person for all matters concerning this Request for Proposals (RFP) is:

Paula Sangster-Graham
Director of Contracts
NYC Human Resources Administration
HIV/AIDS Services Administration
12 West 14th Street, 5th Floor
New York, New York 10011
Telephone #: (212) 620-9275
Fax #: (212) 620-9280
E-mail: sangstergrahamp@hra.nyc.gov



Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

ATTACHMENT C

Revisions to Section VI of the RFP- General Information to Proposers

SECTION VI - GENERAL INFORMATION TO PROPOSERS

A. Complaints. The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007; the telephone number is (212) 669-3000. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

C. General Contract Provisions. Contracts shall be subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A—General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is available through the Authorized Agency Contact Person.

D. Contract Award. Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights. Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts. Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

G. Prompt Payment Policy. Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

H. Prices Irrevocable. Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals.

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. Confidential, Proprietary Information or Trade Secrets. Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

J. RFP Postponement/Cancellation. The Agency reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

K. Proposer Costs. Proposers will not be reimbursed for any costs incurred to prepare proposals.

L. Vendex Fees. Pursuant to PPB Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the Vendex system, including the Vendor Name Check Process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. The fee(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350. The estimated value for each contract resulting from this RFP is estimated to be above \$1million.

M. Charter Section 312(a) Certification

 X The Agency has determined that the contract(s) to be awarded through this Request for Proposals will not result in the displacement of any New York City employee within this Agency. See attached Displacement Determination Form.

 The Agency has determined that the contract(s) to be awarded through this Request for Proposals will result in the displacement of New York City employee(s) within this Agency. See attached Displacement Determination Form.

 The contract to be awarded through this Request for Proposals is a task order contract that does not simultaneously result in the award of a first task order; a displacement determination will be made in conjunction with the issuance of each task order pursuant to such task order contract. Determinations for any subsequent task orders will be made in conjunction with such

(Agency Chief Contracting Officer)

Date

ATTACHMENT D
Whistle Blower Protection Expansion Act Rider

WHISTLEBLOWER PROTECTION EXPANSION ACT RIDER

1. In accordance with Local Law Nos. 30-2012 and 33-2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, respectively,

- (a) Contractor shall not take an adverse personnel action with respect to an officer or employee in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee relating to this Contract to (i) the Commissioner of the Department of Investigation, (ii) a member of the New York City Council, the Public Advocate, or the Comptroller, or (iii) the City Chief Procurement Officer, ACCO, Agency head, or Commissioner.
- (b) If any of Contractor's officers or employees believes that he or she has been the subject of an adverse personnel action in violation of subparagraph (a) of paragraph 1 of this rider, he or she shall be entitled to bring a cause of action against Contractor to recover all relief necessary to make him or her whole. Such relief may include but is not limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorney's fees.
- (c) Contractor shall post a notice provided by the City in a prominent and accessible place on any site where work pursuant to the Contract is performed that contains information about:
 - (i) how its employees can report to the New York City Department of Investigation allegations of fraud, false claims, criminality or corruption arising out of or in connection with the Contract; and
 - (ii) the rights and remedies afforded to its employees under New York City Administrative Code sections 7-805 (the New York City False Claims Act) and 12-113 (the Whistleblower Protection Expansion Act) for lawful acts taken in connection with the reporting of allegations of fraud, false claims, criminality or corruption in connection with the Contract.
- (d) For the purposes of this rider, "adverse personnel action" includes dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space, equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

- (e) This rider is applicable to all of Contractor's subcontractors having subcontracts with a value in excess of \$100,000; accordingly, Contractor shall include this rider in all subcontracts with a value a value in excess of \$100,000.

2. Paragraph 1 is not applicable to this Contract if it is valued at \$100,000 or less. Subparagraphs (a), (b), (d), and (e) of paragraph 1 are not applicable to this Contract if it was solicited pursuant to a finding of an emergency. Subparagraph (c) of paragraph 1 is neither applicable to this Contract if it was solicited prior to October 18, 2012 nor if it is a renewal of a contract executed prior to October 18, 2012.

NOTICE TO BIDDERS, PROPOSERS, CONTRACTORS, AND RENEWAL CONTRACTORS

This contract includes a provision concerning the protection of employees for whistleblowing activity, pursuant to New York City Local Law Nos. 30-2012 and 33-2012, effective October 18, 2012 and September 18, 2012, respectively. The provisions apply to contracts with a value in excess of \$100,000.

Local Law No. 33-2012, the Whistleblower Protection Expansion Act (“WPEA”), prohibits a contractor or its subcontractor from taking an adverse personnel action against an employee or officer for whistleblower activity in connection with a City contract; requires that certain City contracts include a provision to that effect; and provides that a contractor or subcontractor may be subject to penalties and injunctive relief if a court finds that it retaliated in violation of the WPEA. The WPEA is codified at Section 12-113 of the New York City Administrative Code.

Local Law No. 30-2012 requires a contractor to prominently post information explaining how its employees can report allegations of fraud, false claims, criminality, or corruption in connection with a City contract to City officials and the rights and remedies afforded to employees for whistleblowing activity. Local Law No. 30-2012 is codified at Section 6-132 of the New York City Administrative Code.

Local Law 30-2012

By Council Members Garodnick, Barron, Brewer, Chin, Dromm, Ferreras, Fidler, Gennaro, Gentile, Jackson, James, Koppell, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Vann, Williams, Nelson, Foster, Van Bramer, Halloran and Koo

A Local Law to amend the administrative code of the city of New York, in relation to requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-132 to read as follows:

§6-132. Posting of notice of whistleblower protection rights.

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) "Contract" shall mean any written agreement, purchase order or instrument valued in excess of one hundred thousand dollars or more pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and shall include a subcontract between a contractor and a subcontractor.

(2) "Contracting agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(3) "Contractor" shall mean a person or business entity who is a party to a contract with a contracting agency valued in excess of one hundred thousand dollars, and "subcontractor" shall mean a person or entity who is a party to a contract with a contractor valued in excess of one hundred thousand dollars.

b. Posting of information about reporting fraud, false claims, criminality or corruption. Every contractor or subcontractor having a contract valued in excess of one hundred thousand dollars or more shall post a notice, in a prominent and accessible place on any site where work pursuant to such contract or subcontract is performed, containing information about

(1) how its employees can report to the New York city department of investigation allegations of fraud, false claims, criminality or corruption arising out of or in connection with such contract or subcontract, and

(2) the rights and remedies afforded to its employees under sections 7-805 and 12-113 of the administrative code for lawful acts taken in connection with the reporting of allegations of fraud, false claims, criminality or corruption in connection with such contract or subcontract.

c. Contract provisions. Every city contract or subcontract valued in excess of one hundred thousand dollars shall contain a provision detailing the requirements of this section. If a contracting agency determines that there has been a violation of this section, it shall take such action it deems appropriate consistent with the remedies available under the contract or subcontract.

d. Nothing in this section shall be construed to limit an agency's authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

§2. This local law shall take effect 120 days after its enactment into law and shall apply to contracts and subcontracts for which bids or proposals are first solicited after such effective date; provided, however, that the commissioner of investigation and the city's chief procurement officer shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Local Law 33-2012

By Council Members Garodnick, Halloran, Dromm, Barron, Brewer, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koppell, Lander, Levin, Mark-Viverito, Palma, Rose, Sanders Jr., Seabrook, Van Bramer, Vann, Williams, Rivera, Rodriguez, Foster, Chin, Mealy, Gennaro and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to extending whistleblower protection for officers and employees of city contractors and subcontractors.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the "Whistleblower Protection Expansion Act."

§ 2. Section 12-113 of the administrative code of the city of New York, as amended by local law number 10 for the year 2003, paragraphs 4, 5 and 6 of subdivision a and paragraph 3 of subdivision b as added by local law number 25 for the year 2007, and subdivision f as amended by local law number 25 for the year 2007, is amended to read as follows:

§ 12-113 Protection of sources of information. a. Definitions. For purposes of this section:

1. "Adverse personnel action" shall include dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

2. "Remedial action" means an appropriate action to restore the officer or employee to his or her former status, which may include one or more of the following:

(i) reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action, or, as appropriate, to an equivalent position;

(ii) reinstatement of full seniority rights;

(iii) payment of lost compensation; and

(iv) other measures necessary to address the effects of the adverse personnel action.

3. "Commissioner" shall mean the commissioner of investigation.

4. "Child" shall mean any person under the age of nineteen, or any person ages nineteen through twenty-one if such person receives instruction pursuant to an individualized education plan.

5. "Educational welfare" shall mean any aspect of a child's education or educational environment that significantly impacts upon such child's ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

6. "Superior officer" shall mean an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

7. "Contract" shall mean any written agreement, purchase order or instrument having a value in excess of one hundred thousand dollars pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and shall include a subcontract between a covered contractor and a covered subcontractor. Such term shall not include contracts or subcontracts resulting from emergency procurements or that are government-to-government procurements.

8. "Contracting agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

9. "Covered contractor" shall mean a person or business entity who is a party or a proposed party to a contract with a contracting agency valued in excess of one hundred thousand dollars, and "covered subcontractor" shall mean a person or entity who is a party or a proposed party to a contract with a covered contractor valued in excess of one hundred thousand dollars.

10. "Officers or employees of an agency of the city" shall be deemed to include officers or employees of local development corporations or other not-for-profit corporations that are parties to contracts with contracting agencies and the governing boards of which include city officials acting in their official capacity or appointees of city officials. Such officers and employees shall not be deemed to be officers or employees of a covered contractor or covered subcontractor.

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve

corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, (i) to the commissioner, (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner, or (iii) to the city chief procurement officer, agency chief contracting officer, or agency head or commissioner of the contracting agency, who shall refer such report to the commissioner.

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

[2.] 4. Upon request, the commissioner, council member, public advocate or comptroller receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

[3.] 5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller or the mayor, or (iii) to any superior officer.

c. An officer or employee (i) of an agency of the city, or (ii) of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action to the commissioner.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the commissioner shall provide written notice to the officer or employee making the allegation that the allegation has been received by the commissioner. Such notice shall include the name of the person in the department of investigation who shall serve as a contact with the officer or employee making the allegation.

3. Upon the completion of an investigation initiated under subdivision c of this section, the commissioner shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the commissioner's recommendations, if any, for remedial action, or shall state the commissioner has determined to dismiss the complaint and terminate the investigation.

e. 1. Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of an agency of the city in violation of paragraph one or five of subdivision b of this section, the commissioner shall without undue delay report his or her findings and, if appropriate, recommendations to the head of the appropriate agency or entity, who (i) shall determine whether to take remedial action and (ii) shall report such determination to the commissioner in writing. Upon a determination that the agency or entity head has failed to take appropriate remedial action, the commissioner shall consult with the agency or entity head and afford the agency or entity head reasonable opportunity to take such action. If such action is not taken, the commissioner shall report his or her findings and the response of the agency or entity head (i) if the complainant was employed by an agency the head or members of which are appointed by the mayor, to the mayor, (ii) if the complainant was employed by a non-mayoral

agency of the city, to the city officer or officers who appointed the agency head, or (iii) if the complainant was employed by a public agency or other public entity not covered by the preceding categories but subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, to the officer or officers who appointed the head of the public agency or public entity, who shall take such action as is deemed appropriate.

2. Any officer or employee of a covered contractor or covered subcontractor who believes that he or she has been the subject of an adverse personnel action in violation of paragraph two of subdivision b shall be entitled to bring a cause of action against such covered contractor or covered subcontractor to recover all relief necessary to make him or her whole. Such relief may include but shall not be limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorneys' fees. An officer or employee described in this paragraph may bring an action in any court of competent jurisdiction for such relief. An officer or employee who brings a cause of action pursuant to this paragraph shall notify the agency chief contracting officer or agency head or commissioner of the contracting agency of such action; provided, however, that failure to provide such notice shall not be a jurisdictional defect, and shall not be a defense to an action brought pursuant to this paragraph. This paragraph shall not be deemed to create a right of action against the city, any public agency or other public entity, or local development corporations or not-for-profit corporations the governing boards of which include city officials acting in their official capacity or appointees of city officials, nor shall any such public agency, entity or corporation be made a party to an action brought pursuant to this subdivision.

f. Nothing in this section shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review, nor shall anything in this section be construed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to prohibit any personnel action which otherwise would have been taken regardless of any report of information made pursuant to this section.

g. Violation of this section may constitute cause for administrative penalties.

h. The commissioner shall conduct ongoing public education efforts as necessary to inform employees and officers of covered agencies and contractors of their rights and responsibilities under this section.

i. Not later than October thirty-first of each year, the commissioner shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints.

§ 3. This local law shall take effect ninety days after its enactment into law; provided, however, that the provisions of this local law shall apply only to contracts or subcontracts solicited or renewed on or after such effective date.

New York City Administrative Code section 7-805
Remedies of employees.

a. (1) Any officer or employee of the city of New York who believes that he or she has been the subject of an adverse personnel action, as such term is defined in paragraph one of subdivision a of section 12-113 of the administrative code of the city of New York; or

(2) any officer or employee of the city or state of New York, who believes that he or she has been the subject of a retaliatory action, as defined by section seventy-five-b of the civil service law; or

(3) any non-public employee who believes that he or she has been the subject of a retaliatory action by his or her employer, as defined by section seven hundred forty of the labor law because of lawful acts of such employee in furtherance of a civil enforcement action brought under this section, including the investigation, initiation, testimony, or assistance in connection with, a civil enforcement action commenced or to be commenced under this section, shall be entitled to all relief necessary to make the employee whole. Such relief shall include but not be limited to: (i) an injunction to restrain continued discrimination, (ii) reinstatement to the position such employee would have had but for the discrimination or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

b. An employee described in subdivision a of this section may bring an action in any court of competent jurisdiction for the relief provided in this section.

ATTACHMENT E
Compliance with The Iran Divestment Act

**IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR
NEW YORK CITY CONTRACTORS**

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law (“SFL”) §165-a and General Municipal Law (“GML”) §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

(a) the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

(b) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder’s certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

(1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran: or

(2) The City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

**BIDDER'S CERTIFICATION OF COMPLIANCE WITH
IRAN DIVESTMENT ACT**

Pursuant to General Municipal Law §103-g, which generally prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

BIDDER'S CERTIFICATION

- ☐ By submission of this bid or proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each bidder/proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law.
- ☐ I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

Dated: _____, New York
_____, 20__

SIGNATURE

PRINTED NAME

TITLE

Sworn to before me this
____ da y of _____, 20__

Notary Public

Dated:

ATTACHMENT F
Subcontractor Compliance Notice

Notice for Proposers:

In 2013 the City will be implementing a new web based subcontractor reporting system. Once this subcontractor reporting system is implemented, and the Selected Contractor receives notice of its implementation, the Selected Contractor will be required to list in the system all of the subcontractors that it knows it will use or is already using in the performance of the contract to be awarded. For each subcontractor listed, the Selected Contractor will be required to provide the following information: maximum contract value, description of subcontractor work, start and end date of the subcontract and identification of the subcontractor's industry. Identification of subcontractors in the system along with the required information will be required in order to obtain subcontractor approval under PPB Rule § 4-13 for all subcontractors that have not been approved as of the implementation date. Thereafter, the Selected Contractor will be required to report in the system the payments made to each subcontractor within 30 days of making the payment. If any of the required information changes throughout the term of the contract, the Selected Contractor will be required to revise the information in the system.

When the subcontractor reporting system is implemented, the Selected Contractor will receive a written notice from the City which will contain the information the Selected Contractor will need to list its subcontractors and report payments. The Selected Contractor will not be required to comply with the requirements set forth herein until such notice is issued. The Selected Contractor will have 30 days from the date of the notice to list its current subcontractors for which it has already received Agency approval, if any. Thereafter, for those subcontractors that have not yet been approved by the Agency, subcontractors will have to be listed in the system in order to obtain the required Agency approval.

Failure of the Selected Contractor to list a subcontractor and/or to report subcontractor payments in a timely fashion may result in the Agency declaring the Selected Contractor in default of the Contract and may subject the Selected Contractor to liquidated damages in the amount of \$100 per day for each day that the Selected Contractor fails to identify a subcontractor along with the required information about the subcontractor and/or fails to report payments to a subcontractor, beyond the time frames set forth herein or in the notice from the City. The Selected Contractor hereby agrees to these provisions and acknowledges that they will become effective on the date set forth in the notice.

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

ATTACHMENT G

Revised NY/NY III HIV/AIDS Population (Pop H) Homeless Criteria.

Robert Doar
Commissioner

Frank R. Lipton, M.D.
Executive Deputy Commissioner
Medical Director

2 Washington Street
New York, NY 10004

212 495 2900

Updated NY/NY III HIV/AIDS Population (Pop H) Homeless Criteria

Effective January 22, 2013, the NY/NY III homeless eligibility criteria for HIV/AIDS Population H supportive housing has been modified. In addition to chronically homeless individuals (those with homeless days totaling one out of the past two years or two out of the past four years), single adults who are at serious risk of street or sheltered homelessness will be eligible for the Population H category. HASA clients who lack the resources and support networks needed to obtain access to housing are considered at serious risk of homelessness.

All other clinical documentation and requirements for NY/NY III Pop H eligibility remain unchanged.

NEW YORK/NEW YORK III POPULATION		PLACEMENT AGENCIES
Pop A	Chronically homeless single adults who suffer from a serious mental illness or who are diagnosed as mentally ill and chemically addicted (MICA).	DHS - Singles
Pop B	Single adults who are presently living in NYS-operated psychiatric centers or State-operated transitional residences and who could live independently in the community if provided with supportive housing and who would be at risk of street or sheltered homelessness if discharged without supportive housing.	SOMH
Pop C	Young adults, ages 18-24, who have a serious mental illness being treated in NYS licensed residential treatment facilities, State psychiatric facilities or leaving or having recently left foster care and who could live independently in the community if provided with supportive housing and who would be at risk of street or sheltered homelessness if discharged without supportive housing.	SOMH
Pop D	Chronically homeless families, or families at serious risk of becoming chronically homeless, in which the head of the household suffers from a serious mental illness or a MICA disorder.	DHS - Families
Pop E	Chronically homeless single adults who have a substance abuse disorder that is a primary barrier to independent living and who also have a disabling clinical condition (i.e., a medical or mental health condition that further impairs their ability to live independently). Effective April 13, 2009, there were two changes in eligibility criteria: Individuals who have been homeless 6 of the past 12 months are considered eligible; the second change was that clients are no longer required to have a disabling clinical condition.	DHS - Singles
Pop F	Homeless single adults who have completed a course of treatment or are successfully participating in treatment for a substance abuse disorder and are at risk of street homelessness or sheltered homelessness and who need transitional supportive housing (that may include half-way houses) to sustain sobriety and achieve independent living.	DHS - Singles
Pop G	Chronically homeless families or families at serious risk of becoming chronically homes, in which the head of household suffers from a substance abuse disorder, a disabling medical condition or HIV/AIDS.	DHS – Families
Pop H	Chronically homeless single adults who are persons living with HIV/AIDS (who are clients of HASA or who are clients with symptomatic HIV who are receiving cash assistance from the City) and who suffer from a co-occurring serious and persistent mental illness, a substance abuse disorder, or a MICA disorder. Effective January 22, 2013 there was a change in the homeless eligibility criteria to include HASA clients considered at serious risk of homelessness who lack the resources and support networks needed to obtain access to housing.	HRA/HASA
Pop I	Young adults (aged 25 years or younger) leaving or having recently left foster care or who had been in foster care for more than a year after their 16 th birthday and who are at risk of street homelessness or sheltered homelessness.	ACS

PLACEMENT AGENCY	POPULATION	CONTACT INFORMATION
Department of Homeless Services Single Adults	A, E & F	Jose Correa Program Manager (212) 361-0941 jcorrea@dhs.nyc.gov
Department of Homeless Services Family Adults	D & G	Carol David Assistant Commissioner of Client Responsibility (212) 361-0636 cdavid@dhs.nyc.gov Maria A. Rodriguez Director of Special Projects (212) 607-6085 mzrodig@dhs.nyc.gov
State Office of Mental Health	B & C	Jill Massey Brooklyn & Staten Island Borough Coordinator (212) 330-1665 Jill.massey@omh.ny.gov Susan Friedlander Queens Borough Coordinator (212) 330-6373 Susan.friedlander@omh.ny.gov Janyce Jones Bronx & Manhattan Borough Coordinator (212) 330-1664 Janyce.jones@omh.ny.gov
Administration for Children's Services	I	Paul Williams Client Support Specialist (212) 676-6779 Paul.williams@dfa.state.ny.us
HRA/HASA	H	John Ruscillo Director of Housing Services (212) 620-9830 ruscilloj@hra.nyc.gov Deborah McKeever Deputy Director of Housing Services (212) 620-4666 mckeeverd@hra.nyc.gov

ATTACHMENT H

Answers to Questions, Submitted to HRA in Writing

Addendum # 2
REQUEST FOR PROPOSALS
For
NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing
PIN: 06913H082100/EPIN: 09612P0014

QUESTIONS & ANSWERS

Question 1. Is the target population required to suffer from a co-occurring serious and persistent mental illness, a substance abuse disorder, or a Mentally Ill Chemical Abuse (MICA) disorder? On page 3, the 2nd paragraph states that they do, but the next paragraph seems to state that individuals who are clients of HASA do not need to suffer from one of these disorders and only clients receiving cash assistance from the City do.

Answer: Eligible clients must have a co-occurring serious and persistent mental illness, a substance abuse disorder, or a Mentally Ill Chemical Abuse (MICA) disorder and be HASA clients.

Effective January 22, 2013, the NY/NY III homeless eligibility criteria for HIV/AIDS Population H supportive housing has been modified. In addition to chronically homeless individuals (those with homeless days totaling one out of the past two years or two out of the past four years), single adults who are at serious risk of street or sheltered homelessness will be eligible for the Population H category. HASA clients who lack the resources and support networks needed to obtain access to housing are considered at serious risk of homelessness.

All other clinical documentation and requirements for NY/NY III Pop H eligibility remain unchanged.

Question 2. Do people in the target population have to be clients of HASA? On page 3 it states that they may be receiving cash assistance from the City, but on page 6 the 1st bullet does not contain this category.

Answer: They must be HASA clients.

Question 3. Are providers required to serve meals? On page 7 the RFP states that the contractor would have the option to serve one or more communal meals.

Answer: Meals are optional.

Question 4. How many years of experience does the substance abuse counselor need? On page 8, there is no number of years.

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

Answer: Substance abuse counselors should have at least three years experience.

Question 5. For the direct service staff, does each of the listed title on page 8 needs to be held by different people, or can one person fulfill both roles? For example, can the case manager have an expertise in benefits/entitlements, or can the Mental Health Counselor also be the social worker?

Answer: Case managers can have expertise in benefits/entitlements counseling or a mental health counselor could also be a social worker.

Question 6. Is there a maximum or minimum number of units?

Answer: While HRA has no minimum amount of units, HRA would require that any provider submitting a proposal be aware that the number of units proposed will determine the budget for the program. HRA believes that no provider should propose less than 5 units. The maximum would be 394 units.

Question 7. Is the start-up budget limited to a certain percentage of the annual budget request?

Answer: No it is not. It is what is required for you to start program operations. Obviously, this should not include any capital related costs or expenses.

Question 8. Where will the referrals come from?

Answer: HASA Housing Services Unit.

Question 9. Our agency is interested in applying for this RFP. We will likely partner with another organization. We are trying to clarify the timing that is contemplated for getting capital funding from OTDA or HCR to build the housing. How long will an organization have to secure capital funding after an operator is awarded?

Answer: This is an open ended RFP. Providers can apply before or after receiving capital funding from OTDA or HCR. However, there is limited number of units available; once they are allocated HASA will close the RFP.

Question 10. On page 2 of the RFP it is stated that the anticipated start date in July 1, 2013. This is very short-turn around for any proposal and HRA proposals are usually studied carefully and for a substantial amount of time. Is this a viable start date and if so when would an agency that submitted a proposal on, say, April 15, 2013 be expected to hear? Given the "open-ended" nature of the RFP how will the submission/approval process and time to hear from HRA work? Do you have an expectation, based on your history/experience

as to how long it will take to completely allocate the RFP funding?

Answer: Due to the “open-ended” nature of the RFP, HRA anticipates awarding the contracts as proposals are reviewed. If the provider has all the necessary paperwork, then the contract will be immediately awarded. Since this is congregate housing, HRA anticipates, based on historical experience that the allocation of the units will take years. For the 2008 RFP, HRA registered the last contract in September 2012.

Question 11. Must the congregate housing building be a dedicated building or substantially all of the apartments be used for the congregate housing for this program (for example, can some percentage of the building be used for regular rental or for housing for non-HIV program clients of the agency that need housing?)

Answer: It can be a mixed-use building.

Question 12. Can you clarify or give examples of the length of the contract if, for example a 10 year or 30 year mortgage is received from a public funder?

Answer: The contract term would be based on the length of the mortgage for public funding. However this would be broken down into several renewal options as determined by HRA.

Question 13. The start-up expenses are over and above the \$25,444 a year and are considered “one time expense”, is this correct? Is there a limit or an HRA expectation to start up expenses as, for example, a percentage of the annual budget? Also, is there a minimum and/or maximum number of units that a contractor can apply for or, similarly, some range of reasonableness to HRA (for example, 10-30 apartments)?

Answer: Yes, start-up expenses would not be calculated as part of the unit cost. At this time HRA has no expectation as to the amount of the start-up expense. HRA will review and negotiate with each apparent winner. Please see question #6 regarding the number of units.

Question 14. Does a proposer who already has housing in place have an advantage in being funded over those who either only secured funding or who are applying for capital funding? Similarly, is someone who has long-standing experience with HIV/AIDS clients and ScatterSite housing but does not have congregate housing or funding in place at a significant disadvantage to those with congregate housing experience/funding (regarding of experience with the target population)? Along these lines, do you recommend a potential applicant, first determine a site and secure funding

before applying?

Answer: HRA's goal is to house persons under NY/NY III in the minimum feasible time. A provider who has housing in place and requires only an operating contract may score higher than a provider seeking capital funding or one who has yet to secure site, capital or funding. Providers who have experience with housing HIV/AIDS clients would be rated differently from those without that type of experience. Scatter site or congregate housing experience would be rated at the same level. The RFP provides a proposed approach on page 13 if a provider has a site or if the provider has no site. The proposed provider should determine what would be most advantageous to them.

Question 15. The RFP states that there should be, among other personnel, a full-time case manager per 20 clients and a full-time program manager. Does this mean full-time at the agency or full-time dedicated to this contract? For example, can the program manager also be overseeing the agency's ScatterSite housing program and have a percentage of this time to oversee this program? Can the same be true for the case manager and the other required full-time staff mentioned in the RFP? As an example, if there are only 10 apartments approved it would be difficult to bear the staffing costs of personnel that had to be full-time dedicated to the program.

Answer: There are no other specific ratios regarding program managers and other direct service staff. However, the proposed provider must determine what type of program personnel it would need to effectively run the program. This should be demonstrated in the proposed approach.

Question 16. On page 14, the proposer is asked to describe and demonstrate the adequacy of the facility along numerous margins (such as proximity to transportation). But if you do not have a facility yet, how should this section be answered?

Answer: These factors should be taken into account when the provider is trying to secure a site and in demonstrating the adequacy of the facility based on the criteria identified in the RFP.

Question 17. Do you recommend an agency first ensure both the site and its funding prior to submission?

Answer: The RFP provides a proposed approach on page 13 if a provider has a site or if the provider has no site. The provider should determine what approach would be most advantageous to it.

Question 18. If a proposer submits a proposal for a certain number of units, but HRA/HASA has fewer units left to award, will it contact the proposer to

ask if it would be willing to accept an award for fewer units, or will HRA/HASA simply reject the proposal? For example, if a proposer submitted a proposal for 40 units but HRA/HASA wanted to award 20, would it contact the proposer or instead choose a proposer who had submitted a proposal for 20 units?

Answer: HRA will post on its web-site how many units have been permanently assigned so that proposers may know how many units are available. Proposers should check and verify the number of available units before submitting a proposal.

Question 19. The definition of eligible population listed on page 3 defines chronically homeless “individual is anyone who has been homeless for at least 730 days in the last four years or anyone who has a disability and has been homeless for at least 365 days of the last 2 years, not necessarily consecutively. It is my understanding that there was an update to the category H definition effective January 22, 2013, the NY/NY III homeless eligibility criteria for HIV/AIDS Population H supportive housing has been modified. In addition to chronically homeless individuals (those with homeless days totaling one out of the past two years or two out of the past four years), single adults who are at serious risk of street or sheltered homelessness will be eligible for the Population H category. HASA clients who lack the resources and support networks needed to obtain access to housing are considered at serious risk of homelessness. Does the updated definition from 1/22, apply to the eligibility for this RFP?

Answer: The new definition is included in this addendum as attachment G.

Question 20. On page 13 of the RFP, it states to attach 3 relevant letters of references that can attest to the quality and content of the proposer’s experience. Do you want actual letters from these references or is the names, contact information, brief statement describing the relationship between the proposer and or proposed sub contractor sufficient? I am unclear from how it is written on page 13 and on the checklist if you need the actual letters or the information you request about the references.

Answer: Please provide actual letters.

Question 21. On page 4 of the RFP, it states that if a proposer wishes to apply for funds for more than one building then a separate proposal must be submitted for each building. We are developing a single site where there are two buildings on adjacent parcels of land. The two buildings are being financed as a single project-e.g., single mortgage, single loan from HPD, etc. If we wish to apply under this RFP for funds for units that will be spread between these two buildings, do we actually need to submit separate proposals or will it be permissible to submit a single proposal since the two

building constitute a single project.

Answer: If the two buildings constitute one site with one address and one Certificate of Occupancy and would be utilized as one, then the provider needs to do only one application.

Question 22. Where could a vendor find saturation information on housing & other social service programs in the Bronx, either by neighborhood or community board locations? This information will better help us identify an underserved area which would benefit from supportive housing services.

Answer: Each Community Board District office collects statistics for their area and the NYC Dept of City Planning collects information on a number of areas as well. HRA also publishes the District Resource Statement for each fiscal year. It is available on HRA's Internet page under HRA/DSS statistics.

Question 23. In the RFP pg 5, it states that 266 units will be awarded for proposers who apply and/or receive HCR & OTDA capital funding and 128 for HPD capital funding, how many units will be available to applicants who are not applying for capital funding?

Answer: This language has been excluded from the RFP in this addendum. Providers are responsible for securing capital funding from any source.

Question 24. Which HRA approved employment programs are HASA clients eligible to be referred to?

Answer: There is a list of community based programs that HASA clients are eligible to be referred to, please contact the program if you need a list of names.

Question 25. Who are the current contractors and what are the current prices for existing contractors?

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

Answer:

	Provider Name	Contract Amount
1.	Housing Works	\$253,960.00
2.	Community Lantern Corporation	\$889,350.00
3.	Addicts Rehabilitation Center Foundation, Inc.	\$146,408.00
4.	Center for Urban Community Services, Inc.	\$127,220.00
5.	Bronxworks	\$686,988.00
6.	Center for Urban Community Services, Inc.	\$890,540.00
7.	Kenmore HDPC as of 12/1/12	\$233,570.00
8.	Comunilife, Inc.	\$804,265.00
9.	CAMBA	\$728,140.00
	TOTAL	\$4,760,441.00

Question 26. Why do we need to meet with the Advisory Boards? Not sure, as we are new to the process.

Answer: It is unclear what Advisory Board you are talking about. If this is regarding Community Board-Advisory Board for the Community District, please refer to question #62. If this is regarding the Community Advisory Board for the provider, then it is mandatory.

Question 27. Are bids looked at regularly since it is a rolling process?

Answer: Yes, the proposals received will be reviewed on a continuous basis.

Question 28. What do OTDA and HCR stand for?

Answer: OTDA stands for Office of Temporary and Disability Assistance and HCR stands for Homes and Community Renewal, both are New York State (NYS) funders who provide capital funding.

Question 29. What is the process to get funding for capital investment?

Answer: Funding should be requested from NYS sources of capital funding which includes but is not limited to OTDA, HCR or HPD. Please request information from these and other capital investment sources.

Question 30. Can units be spread throughout four buildings all of which we have site control? If so, would four different proposals be required or could they be grouped in one proposal?

Answer: No, HRA prefers that each proposal to be for only one building. If a provider wishes to use more than one building, or more than one certificate of occupancy, then the provider would be required to submit a proposal for each building.

Question 31. We are developing projects with low income tax credits with a compliance period of 15 years; can you confirm that the contract period can be for the same length of time?

Answer: Yes, the contract period can be for the same length of time.

Question 32. The Mayor's Preliminary Budget includes a FY14 PEG for 4 million for these units (because of the timing of the RFP). After these savings are realized is there still funding for any units that come online in FY13-14?

Answer: Yes, there should be funding for all units that come on line for FY 13-14.

Question 33. You suggest in-kind services (not HRA), is there a given percentage or ratio for this?

Answer: No, price will be a factor in determining final allocations so providers with the lower prices would be more favorably considered.

Question 34. Can you give an example of innovative payment structure, so that we could have a ball park idea?

Answer: An innovative payment structure is any payment structure that is not the price proposal structure indicated in the RFP. A past example of an innovative payment structure is proposing, performance price points rather than line item reimburse budget delineated in a solicitation documents.

Question 35. Will one time start-up costs be funded as an additional funding award or will start-up costs have to come from the per-bed allotment?

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

Answer: This will be part of the contract but will not be considered in the per bed cost.

Question 36. Can we use Scatter Site Apartments?

Answer: No, this RFP is for Congregate Housing and all units should be sited in one location.

Question 37. Is there a cap on Administrative Expenses?

Answer: Yes, it is eight percent.

Question 38. Minimum staffing includes 1 director, 1 clinical supervisor and 1 case manager for 20 clients, but we are encouraged to allocate additional staffing. Is additional staffing refunded?

Answer: This question is unclear. If you mean whether you can put in-kind staffing above those required by the proposal, then the answer is yes.

Question 39. What is your anticipation of how the timing for capital with conjunction with service award? Is site control required at the time of application?

Answer: The provider should work on both the capital request and the service award at the same time. Site control is not required at the time of application.

Question 40. Is HRA working in conjunction with OTDA or HCR on this award? Will these be set aside or funding from these agencies in support of this RFP?

Answer: The provider will have to apply to all funding sources for capital requests: OTDA, HCR, HPD and other capital sources.

Question 41. In the presentation, can you clarify what Ms. Dudley said when she discussed service planning, not meeting goals and having to submit reports to whom?

Answer: Providers will be expected to provide case summaries every six months outlining client successes, challenges and new service plan. Case summaries should be submitted to HASA's Director of Housing Services, John Ruscillo.

Question 42. Is Community Advisory Board mandatory or advised?

Answer: The Community Advisory Board is mandatory.

Question 43. Please clarify, is there 1 referral for each vacancy?

Answer: It can be 1 to 3 referrals for each vacancy.

Question 44. On page 17, #4 says the label should contain the option proposed. Where in the RFP, are there options?

Answer: There are no options in the RFP, this was a typo error which will be corrected and included as part of this Addendum.

Question 45. If we have a single site with two adjacent buildings under a single mortgage operating as a single program, can we submit a single proposal to cover both buildings or must we submit two proposals?

Answer: Please refer to the response to question # 21 and # 30.

Question 46. We have a two family house with two apartments each. Each apartment has 3 bedrooms, do we qualify to propose for this RFP or does it have to be single apartment?

Answer: Please refer to the response to question #61, # 63, and #67.

Question 47. Is the program fee calculated in the units (\$25,444)?

Answer: Yes, the unit cost is total expenses less client share and any other revenues/ in kind contributions.

Question 48. Are young adults eligible (ages 18 and up) for this program?

Answer: Yes, providing they meet all additional eligibility criteria for NY/NY III clients.

Question 49. Is there a specific time frame in which agencies are expected to secure capital funding if awarded?

Answer: Please refer to the response to question #14 and #17.

Question 50. Due to the open-ended nature of this solicitation, how do you plan on providing updates regarding how many of the 394 units are still available?

Answer: This information will be posted on HRA's website under the Contracts & Procurement section.

Question 51. Is there a minimum or maximum number of units that will be awarded per provider?

Answer: Please refer to the response to question # 6.

Question 52. What time frame do you expect to start the program, should we go ahead with financing to construct a building?

Answer: Please refer to the response to questions # 14.

Question 53. If an organization owns a building or is leasing a building for their proposed program and does not need capital funding, are they eligible for an award?

Answer: Any organization that owns a building or is leasing a building (with a long-term lease) is eligible to apply for this award. Please follow the requirements of this RFP.

Question 54. Are individuals coming from institutional setting such as residential treatment settings, considered homeless under the definitions of this RFP?

Answer: No, they are not considered homeless.

Question 55. For the purpose of this RFP, will the HUD definition of homelessness be used? The HUD definition specifies that individuals will be considered homeless if they are exiting an institution where they resided for up to 90 days, and were in a shelter or a place not meant for human habilitation immediately prior to entering that institution.

Answer: Client residing in all of HASA emergency housing are deemed eligible as per HUD homelessness guidelines.

Question 56. On pg. 8 of the RFP (first bullet-point) it states...."one case manager for every 20 clients." Is this worker/client ratio a minimum, maximum or only suggested?

Answer: This is a minimum requirement.

Question 57. In the NY/NY III RFP, for Attachment B-1, what is considered "Client rent contributions"? Where does this number come from?

Answer: Clients who receive supplemental security income, social security disability, veteran's benefits, pensions or has other income sources must contribute 30% of their income towards rent. This originated from the federal rent subsidy

Addendum #2 to NY/NY III Provision of Non-Emergency Permanent Supportive Congregate Housing RFP

standard for supportive housing.

Question 58. For Attachment B-1, what would be considered “other revenues”?

Answer: Other revenues may include shelter plus care, McKinney funding and contracts being held with other City, State or Federal sources.

Question 59. Is it possible to add other line item budget categories other than the ones listed on the Price Proposal form?

Answer: You may add other line item budget categories. However, HRA reserves the right to determine what will be funded under this RFP.

Question 60. Page 12 of the proposal requests copies of relevant program evaluations; is this referring to audits and site visits?

Answer: Yes, areas usually covered under program evaluations include audits and site visits.

Question 61. Are units containing 2-bedroom allowed? If so, is the maximum cost per unit \$50,888 (\$24,555 x 2)?

Answer: No. The RFP is for NY/NY III single congregate housing. Units larger than a one-bedroom would not be acceptable.

Question 62. Is Community Board approval required for the contract to operate congregate housing?

Answer: In order to proceed with a contract, providers are required to apply through HRA for Fair Share. As part of the Fair Share process, the proposed provider must attach written proof that they sent a letter to the Community Board (CB) in which the residential facility is located as well as to any other Community Boards (CB) that exist within the ½ mile radius of the facility. The purpose of that letter is to inform the CB of the proposed contractor’s development of their facility and to seek a written Letter of Support from that CB(s).

Question 63. If 2-bedrooms are not allowable for the current RFP, will there be an RFP for 2-bedroom units in the future?

Answer: It is anticipated that a RFP will be released shortly which would include congregate family units. Under a family unit, a provider would be able to propose a 2-bedroom unit.

Question 64. We are a Housing and Service Provider for individuals with disabilities. Traditionally we have provided services for various categories of individuals with disabilities. Attach is an overview of our services. We received a letter inviting our organization to apply for the RFP PIN 06913H082100 EPIN 09612P0014. I viewed the website and my concern was, are new providers allowed to apply? I noticed several providers were granted renewals. We are more than qualified and equipped to provide service. Unfortunately, I was unable to attend the pre-proposal conference Feb 13, 2013. We have 1200 new units in the five boroughs as of April 2013 and an additional 1500 units will be available June 2012. In addition our staff is licensed and qualified to address the need of the various genres of disabilities including HIV/AIDS.

Answer: Yes, new providers can apply. Please do not confuse a RFP with a renewal. Under a RFP, if a provider is selected and approved for an award, the contract may have one term which could include renewal options but this is still within the overall term of the contract. All providers are eligible to apply for the units. All proposals will be evaluated based on the proposal evaluation and contract award procedures as delineated in the RFP.

Question 65. For this RFP, would the following be allowed: two unrelated adults having to share a bathroom in a two bedroom unit (they would each have a room with a shared bathroom)?

Answer: This arrangement is not acceptable to HRA.

Question 66. The RFP makes mention of HRA's Supportive Housing Program Desk Guide, where can we find a copy of this? It does not seem to be available on the DOHMH website. Will you provide a link if it is there?

Answer: The Supportive Housing Program Desk Guide is available at www.nyc.gov/hra under the Contracts and Procurement link.

Question 67. We know that the RFP asks for studio or 1- bedroom apartments; however, in our Development we would only be able to provide suites for 6 rooms sharing 2 bathrooms. Please advise if this would meet the requirements of HASA.

Answer: No, this is not acceptable for this RFP.

Question 68. On page 12 of the RFP, regarding the second bullet under Experience: Are you referring to services like COBRA or other HIV-specific case management, or can we discuss broader case management services offered within a residential treatment setting?

Answer: Non-HIV specific case management, including case management in a residential treatment setting, would be acceptable as experience. However, greater consideration may be given to HIV specific case management.