



Request For Quotes (RFQ) #T000595

for

Unbanked Data Production

Issue Date: July 16, 2024

Quotes Due Date: August 16, 2024, by 3:00pm Eastern Time

<https://www.dfs.ny.gov>

Kathy Hochul, Governor
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Section 1: Timetable of Key Events

Event:	Date and Time:
RFQ T000595 Issue Date:	Tuesday, July 16, 2024
Deadline for Questions:	Tuesday, July 23, 2024, by 3pm ET
Answers to Questions Released:	On or about Tuesday, July 30, 2024
Deadline for Receipt of Quotes:	Friday, August 16, 2024, by 3pm ET

Please note that the New York State Department of Financial Services (“Department”) reserves the right to change any of the dates stated in this RFQ. If such change occurs, the Department will post a notice on its website and in the NYS Contract Reporter to notify potential Bidders.

Section 2: Overview

The Department is soliciting proposals from a responsive and responsible Contractor to provide a consultant to assist the Department in the development of a research model to estimate unbanked and underbanked data at the local level, with a particular focus on areas outside of New York City, disaggregated by race, income, educational attainment, and other socioeconomic characteristics.

This procurement is being undertaken in accordance with New York State Finance Law, Article XI. The Contractor selected shall provide all necessary services as outlined in this RFQ.

2.1 Restricted Period and Designated Contacts

Restricted Period:

The procurement is in a restricted period from the date this RFQ is issued until the contract has been approved. In compliance with State Finance Law §§ 139-j and 139-k, the following are the Designated Contacts for this solicitation. All contacts/inquiries shall be made by email to the following address: RFP@dfs.ny.gov. Contacting any Department employees other than Designated Contacts may result in rejection of quote.

Designated Contacts:

Alisa Fortune, Assistant Director Financial Services 1

Lisa McLea, Contract Management Specialist 2

Jillian LeJeune, Contract Management Specialist 1

2.2 Definitions

Unless further defined within the RFQ, the following definitions will be used:

Bid/Proposal/Quote shall mean a response to the RFQ submitted by a Bidder to provide commodities/services.

Bidder shall mean any individual, business, vendor, or other legal entity, or any employee, agent, consultant, or person acting on behalf thereof, who or that submits a bid in response to a bid solicitation.

Contract shall mean the agreement that may result from this RFQ.

Services/Commodities shall mean items or deliverables under any solicitation or contract and may include commodities, services and/or technology.

Solicitation shall mean this RFQ.

Solution shall mean the entirety of the commodities/services that a Bidder proposes.

2.3 The Department of Financial Services

The Department regulates insurance, banking, and other financial services with the goal of promoting robust financial services in New York, while safeguarding against financial crises and protecting both consumers and the industry from fraud. The Department was established on October 3, 2011, with the consolidation of the former Insurance and Banking Departments. The consolidation helped centralize and modernize regulation, enabling New York to keep pace with rapidly innovating financial markets.

2.4 Purpose of RFQ

The Department, in furtherance of its mission and responsibility to ensure that New York residents have access to safe and affordable financial products and services, seeks to measure on a continuous basis the rate of unbanked and underbanked households at the local level to find trends and developments in different communities within the state. Since the data does not exist, the Department wishes to contract with a consultant to assist it in the development of a robust model to estimate unbanked and underbanked data at the local level, with a particular focus on areas outside of New York City, disaggregated by race, income, educational attainment, and other socioeconomic characteristics. The Department wants to develop at least one of the following estimate models, but is open to other proposals that produce estimates from existing survey data:

- machine learning approaches such as decision trees, random forests, and logistic regression (preferred)
- linear regression models

Working closely with Department staff, the consultant will assist in the development of a model to estimate unbanked and underbanked household data at the local level. The consultant will assist the Department to leverage the FDIC national survey on unbanked households to impute New York

household unbankedness and underbankedness onto the American Community Survey, thus allowing for small-area estimates disaggregated by select socioeconomic characteristics. This would be a six to eight-month project that will result in the developed methodology being used to estimate unbanked and underbanked rates in areas of New York for years to come. The model developed under the resultant contract will be owned by the Department for future use.

2.5 Contract Period

The Department anticipates that an award from this RFQ will result in a one (1) year Contract.

Section 3: Minimum Qualifications

Bidder must in the past five (5) years have at a minimum:

- Published analytical research on unbanked households and other financial health topics.
- Developed and published the results from both machine learning models and linear regression models.

Subcontractor experience will not replace the bidder's experience for purposes of these Minimum Qualifications.

Section 4: Required Services

The Contractor must provide the following services:

1. Develop a model to estimate unbanked and underbanked data at the county or lower levels in New York State, with emphasis outside of New York City. This model must leverage the FDIC national survey on unbanked households to impute New York household unbankedness and underbankedness onto the American Community Survey, thus allowing for small area estimates disaggregated by select socioeconomic characteristics.
2. Validate, analyze, review, and edit a literature review document, analyzing various existing models that might be workable for this project. The consultant's analysis will further establish the validity of the proposed model in #1 for estimating the rate of unbanked and underbanked households.
3. Virtual project working group meetings at the discretion of the Department.
4. An executive level presentation on the final developed model, potentially in person.

Project Deliverables

- Final acceptance of project plan and timeline.
- Literature review document that explains, defends, and validates the use of the final model.
- Delivery of the final model.
- An executive level presentation on the final developed model.

Section 5: Quote Requirements

5.1 Overview of Quote Format

Interested Bidders must submit a complete quote that is comprised of three (3) separate sections: Technical Proposal, Cost Quote, and Administrative Proposal:

- **Technical Proposal** – The purpose of the Technical Proposal is for the Bidder to demonstrate its qualifications, competence, and capacity to provide the Solution.
- **Cost Quote** – The Cost Quote is a list of the Contractor fees associated with the services to be provided as described in this RFQ.
- **Administrative Proposal** – The Administrative Proposal contains standard requirements the Contractor must agree to, information requested by the Department in connection with these requirements, and additional forms to be completed by the Contractor.

5.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competency, and capacity of the Bidder to perform the services contained in Section 4 of this RFQ. The Technical Proposal should demonstrate the qualifications of the Bidder and of the Bidder's staff to be assigned to provide services included in this RFQ. The Technical Proposal cannot be any longer than thirty (30) pages, not including cover page, table of contents, previously published reports, and biography of proposed trainers. Please include sufficient evidence to document how the Bidder meets the Minimum Qualifications found in Section 3 of this RFQ and how the Bidder will perform the scope of services found in Section 4.

The Technical and Cost sections of each Bidder's submission will be evaluated separately. **There should be no dollar units or costs included in the Technical Proposal.**

Format of the Technical Proposal:

- **Table of Contents**
- **Executive Summary**
- **Project Plan and Timeline**
- **Published Research**
- **Staffing Plan and Relevant Experience**

1. **Table of Contents:** The Table of Contents should clearly identify the location of all material within the Technical Proposal by section and page number.
2. **Executive Summary:** Provide the Department with a brief overview of the Bidder and how the Bidder meets the minimum qualifications found in Section 3 of this RFQ.
3. **Project Plan and Timeline:** The Bidder must provide the Department with a proposed project plan

and timeline describing its strategy and approach for accomplishing the deliverables detailed in this bid. Information provided in this plan and timeline must demonstrate the Bidder's understanding of the skills and processes necessary for successfully completing the Solution described in this bid.

4. Published Research: Bidder must submit at least two previously published research papers on unbanked households and other financial health topics that use machine learning or linear regression estimate models.

5. Staffing Plan and Relevant Experience:

a. **Staffing Plan:** Bidder should describe its staffing plan and provide biographies of all staff proposed for this engagement. The Biographies should include the proposed staff's relevant experience, qualifications, and how they will meet the needs of the Department, as outlined in Section 4 of this RFQ.

5.3 Cost Quote Form

The Cost Quote sets forth the costs for the requested services. The Cost Form should be complete, accurate, well-documented, and prepared using the Cost Quote Form only. Cost information is **not** to be included in the Technical Proposal or Administrative Proposal. All prices must be inclusive of all costs necessary for proper performance under the Contract.

Cost Quote: Bidders must sign and submit **Attachment 6, Cost Quote Form**. The rates proposed by the Bidder must be for the duration of the Contract, and inclusive of all costs including travel. The Cost Quote Form is to be submitted at the same time as the remainder of the Quote but in a document detached from the Administrative and Technical Proposals. **No changes, edits or additional information is permitted on Attachment 6, as it may make the Quote non-responsive.**

Bidder's total Cost Quote must not exceed \$49,999 to be considered responsive and eligible for evaluation.

5.4 Administrative Proposal

The following must be completed and submitted with the bid in the Administrative Proposal. **Failure to submit any of the requirements below may result in the rejection of the Bidder's Quote.**

- **Attachment 1: Bidder Submission Checklist**
- **Attachment 2: Bidder Information and Attestation:** The Bidder Information and Attestation is an integral part of the Proposal and should be signed and submitted with the Administrative Proposal. The Bidder Information and Attestation should be signed by an individual authorized to contractually bind the Bidder. A proposal with an unsigned Bidder Information and Attestation page may be rejected. Modified forms will not be accepted.

- **Attachment 3: New York State Required Certifications Packet:** All documents in this packet should be completed, signed, and submitted with the Bidder’s Administrative proposal. This packet includes:
 - Non-Collusive Bidding Certification Required by State Finance Law § 139-D;
 - Offerer’s Certification of Adherence to Executive Order 177 Regarding Anti-Discriminatory Policies and Practices;
 - Offerer’s Certification of Adherence to State Finance Law §§ 139-j and 139-k;
 - Sexual Harassment Prevention Certification Form State Finance Law § 139L;
 - Freedom of Information Law (FOIL) Redaction Request Form;
 - Offerer’s Certification of Adherence to Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia; and
 - Offerer Assurance of No Conflict of Interest or Detrimental Effect.

- **Attachment 4: MWBE and Equal Employment Opportunities Requirements:** Article 15-A Requirements. Complete and submit the following with the Administrative Proposal:
 - **Attachment 4.1** – Workforce Composition Form

 - **Attachment 4.2** – Minority and Woman-Owned Business Enterprises – Equal Employment Opportunity Policy Statement – If Contractor or any of its subcontractors does not have an existing EEO policy statement, the Department may require the Contractor or subcontractor to adopt the attached model statement.

5.5 Quote Submission

Submit all Quotes electronically to RFP@dfs.ny.gov. Each of the three Quote sections should be separate documents, complete in themselves, and clearly labeled.

All Quotes must be delivered in their entirety by August 16, 2024, at 3:00 PM. Quotes received in whole or in part after August 16, 2024, will not be considered.

All Quotes and accompanying documentation will become the property of the Department and will not be returned. The content of each Bidder’s Quote will be held in strict confidence during the evaluation process, and no details of any quote will be discussed outside the evaluation process. The successful Bidder’s Quote will be made part of the Contract. Therefore, an official authorized to commit the company to a Contract must sign the Quote.

The rules established for Quote content and format will be enforced. Variations from the rules prescribed herein may subject the Bidder to outright disqualification. It is in the best interests of the Bidder to become familiar with the constraints imposed on its Quote, so that the evaluation process can proceed in a timely manner.

Bidders must submit via email a searchable, electronic version of their proposal. Scanned signatures are acceptable. However, Bidders must be prepared to submit an original signature to the Department, if requested. All Quotes must conform to the terms set forth in the RFQ, as well as the submittal requirements; extraneous terms or material deviations (including additional, inconsistent, conflicting, or alternative terms) may render the Quote non-responsive and may result in rejection of the Quote.

This RFQ is not an offer and does not commit the Department to a Contract. Furthermore, the Department is not liable for any costs, in whole or in part, incurred by a Bidder in the preparation of a response to this RFQ, or for any work performed prior to Contract execution.

A uniform Quote format is required so that the Department can fairly evaluate all Proposals. For each item listed in Section 5: Quote Requirements, please respond in order, and provide the material required. Brochures or reproductions, copies or printouts of marketing literature may not be substituted for the Proposal narratives and responses specified. Cross-references in the main Proposal to any appendices are required. The Department will not review appendices or supplemental material that do not have a clearly indicated purpose.

All Quotes, including all information required by the RFQ or provided as explanation thereof, shall be submitted in English. All prices shall be expressed, and all payments shall be made, in United States Dollars (\$US). Any Bids/Proposals submitted that do not meet the above criteria may be rejected.

Hyperlinks are not acceptable and will be redacted during the administrative review of Quotes. Evaluators will be instructed to ignore all hyperlinks in any Quotes.

Each Bidder's Quote shall be valid for a minimum period of at least (6) six months.

The State does not indemnify Contractors.

5.6 Questions and Answers

Questions regarding the RFQ should be submitted on **Attachment 5 – Bidder Questions and Extraneous Terms Form** via electronic mail, no later than July 23, 2024, at 3:00 PM Eastern Time to: RFP@dfs.ny.gov.

Questions will not be accepted orally, and any question received after the deadline may not be answered.

Bidders are cautioned that any question or inquiry regarding the RFQ must be written in generic terms and must **not** contain pricing information. The inclusion of specific information about a Bidder's pricing Quote in an inquiry may result in the Bidder's disqualification.

Responses to all questions, and any changes to the RFQ resulting from such questions, will be communicated via published addenda that will be posted on the Department's website on or about July 30, 2024.

It is the responsibility of the Bidder to check the New York State Contract Reporter ad for any

amendments, announcements, and clarifications.

5.7 Extraneous Terms

Quotes must conform to the terms set forth in the RFQ. Extraneous terms or material deviations (including additional, inconsistent, conflicting or alternative terms) may render the Quote non-responsive and may result in rejection of the Quote. Any proposed extraneous terms submitted on standard, pre-printed forms (including but not limited to product literature, order forms, license agreements, contracts, or other documents) that are attached or referenced with submissions shall not be considered part of the Quote or resulting Contract but shall be deemed included for informational or promotional purposes only. Each proposed extraneous term must be specifically enumerated in writing in **Attachment 5 – Bidder Questions and Extraneous Terms Form** and specify the RFQ section that Bidder proposes to modify and the reasons why. Any extraneous terms must be submitted during the Question and Answer period, as identified in this RFQ’s Timetable of Key Events. Extraneous terms submitted after this time will not be considered. No extraneous term shall be incorporated into the Contract unless expressly accepted by the Department in writing. Acceptance and/or processing of a Quote shall not constitute acceptance of extraneous terms. The Department will not entertain any exceptions to Appendix A – Standard Clauses for New York State Contracts.

Section 6: Quote Evaluation

6.1 Overview Quote Evaluation

The Department will evaluate the Quotes received and select the Bidder that has the requisite experience and staffing to support the work required by the Department and that does not have any conflicts. It is the Department’s intention to use the Quotes received for guidance purposes and it may request further clarification if deemed necessary, but only from those Bidders determined to meet the technical specifications of the RFQ.

The Department wishes to select the Bidder that will provide the “best value” taking into consideration the most beneficial combination of qualifications, services, and cost and that has met the minimum qualifications of this RFQ. Under NYS Procurement Guidelines, “best value” is the basis for awarding all service contracts as “[it] optimizes quality, cost, and efficiency, among responsive and responsible Bidders.”

Upon determination of the “best value” Quote, the Department reserves the right to negotiate with the selected Bidder to develop a binding Contract to provide the required services. In the case of failure to execute a Contract with the selected Bidder, the Department may pursue a Contract for the services proposed by the next best-rated Bidder.

The Department will administer any Contract that is executed between the Contractor and the Department.

6.2 Technical Proposal Evaluation (80 Points)

After completion of the Technical Evaluation, a composite score will be assigned to each Technical

Proposal. The criteria for the evaluation of each Technical Proposal are described below.

(a) Technical Evaluation – (80%)
1) Executive Summary
2) Proposed Project Plan and Timeline
3) Published Research
4) Staffing Plan and Relevant Experience

6.3 Cost Quote Evaluation (20 points)

After completion of the cost evaluation, a composite score will be assigned to each Quote. The criteria for the evaluation of each Cost Quote are described below.

(b) Cost Evaluation – (20%)
1) The cost quote (i.e., price) for the term of the contract.

The Cost Quote with the lowest total cost will be awarded the maximum cost score weighted at **20** points. The remaining cost quote will receive a proportional number of points based upon the ratio of the quote’s total cost to the lowest total cost Quote as follows: (Lowest Total Quote/ Quote being Evaluated) x 20 = Cost score.

6.4 Award

Upon complete evaluation of all responsive Quotes, the Bidder with the highest overall (Technical and Cost) score combined shall be considered for award.

The Department expects to award one (1) contract as a result of this RFQ. However, the Department reserves the right to not award a contract, at its sole discretion.

Upon notification of award via email, the Department will work with the awarded vendor to finalize an agreement. See Appendix B - Sample Contract.

No public announcements or news releases pertaining to the contract shall be made without the prior written consent of the Department.

6.5 Bidder Debriefing

An unsuccessful Bidder may request a debriefing within fifteen (15) calendar days from the date of the Department’s letter advising that the Bidder was not selected. The debriefing will be limited to the reasons the Bidder’s Quote was not selected. Debriefings will be held remotely at the discretion of the

Department, or at the Department's office located at One Commerce Plaza, Suite #1850, 99 Washington Avenue, Albany, NY.

6.6 Protest Procedures

In the event unsuccessful Bidders wish to protest the award resulting from this RFQ, Bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI, Section 17, of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guidelines.htm>.

Section 7: Department's Reservation of Rights

By submitting a Quote, the Bidder covenants not to make any claim for, or have any right to, damages because of any misinterpretation or misunderstanding of the specifications, or because of any misinformation or lack of information. The Department has the following prerogatives regarding Quotes submitted:

- To change any of the scheduled dates upon appropriate notification to all prospective Bidders;
- To accept or reject any or all Quotes, or separable portions of Quotes;
- Prior to the Bid opening, to amend the RFQ specifications and to direct Bidders to submit Quote modifications addressing subsequent amendments;
- To disqualify a Bidder from receiving an award if the Bidder, or anyone in the Bidder's employ, has previously failed to perform satisfactorily in connection with public bidding or contracts;
- To disqualify any Bidder whose conduct and/or Quote fails to conform to the requirements of the RFQ;
- To correct any arithmetic errors in any or all Quotes;
- To waive or modify minor technicalities, irregularities and omissions in Quotes, after notification to the Bidder;
- To waive any mandatory and/or non-material requirement(s) not met by all Bidders;
- To accept or reject illegible, incomplete or vague Quotes;
- To seek clarifications of Quotes;
- To adopt any part or all of a successful Bidder's Quote;
- To use any and all ideas submitted in the Quotes unless those ideas are protected by legal patent or property right;
- To consider conditional or revocable Quotes that clearly communicate the terms or limitations of acceptance; and contract award may be made in compliance with the Bidder's conditional or revocable terms in the Quote;
- To not award from this solicitation;
- To have any service completed via separate competitive Quote or other means, as determined to be in the best interest of NYS;
- To have the flexibility to consider Quotes with minor deviations or technicalities and to waive minor deviations or technicalities that may be consistent with the intent and scope of the solicitation. This flexibility may permit a reasonable outcome in cases where the results of a fair, competitive process are clear, but the award of a Contract is threatened due to a minor technicality or a minor deviation;
- To break tie bids as follows: In the event two Quotes are found to be substantially equivalent,

price shall be the basis for determining award recipient. If two or more Bidders submit substantially equivalent Quotes as to pricing or other factors, the decision of the Department to award a Contract to one or more of such Bidders shall be final;

- To negotiate with the selected Bidder(s) prior to Contract award;
- To Request a best and final offer; and
- To begin negotiations with another Bidder should the Department be unsuccessful in negotiating a Contract with the selected Bidder(s) within thirty (30) calendar days.

Section 8: Minority & Woman-Owned Business Enterprise, EEO, SDVOB Requirements & Diversity Practices

8.1 Minority and Woman-Owned Business Enterprise

I. General Provisions

- A. The Department is required to implement the provisions of New York State Executive Law (“Executive Law”) Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations (“NYCRR”) for all State contracts, as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B. The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to the Department, to fully comply and cooperate with Empire State Development (“ESD”) in the implementation of the requirements of Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and woman-owned business enterprises (“MWBEs”). The Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR § 142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state, or local laws.
- C. Failure to comply with any of the requirements herein may result in a finding of non-responsiveness, non-responsibility, and/or a breach of contract, leading to all the remedies available to the Department pursuant to the Contract and applicable law.

II. Contract Goals

- A. Pursuant to 5 NYCRR § 142.2, the Department has determined that MWBE Contract Goals are not practical, feasible or appropriate for the services required under this Contract. As such, there are no MWBE subcontracting goals for this Contract. Notwithstanding the foregoing, Contractor is still responsible for meeting all requirements of the provisions of Executive Law Article 15-A and 5 NYCRR Parts 140-145.

8.2 Equal Employment Opportunity (EEO)

III. EEO

- A. The provisions of Article 15-A of the Executive Law and the rules and regulations promulgated thereunder pertaining to EEO shall apply to the Contract.
- B. In performing the Contract resulting from this RFQ, the Contractor shall:
 1. Ensure that each contractor and subcontractor performing work on the Contract undertakes or continues existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
 2. The Contractor shall submit an EEO policy statement (**see Attachment 4.2 – Minority and Woman-Owned Business Enterprises Equal Opportunity Statement**) to the Department within seventy-two (72) hours after the date of the notice by the Department to award the Contract to the Contractor.
 3. If the Contractor or Subcontractor(s) does not have an existing EEO policy statement, the Department may provide the Contractor or Subcontractor(s) a model statement to the Department along with the signed Contract.
 4. The Contractor's EEO policy statement shall include the following language:
 - a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, or marital status; will undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination; and will make and document its conscientious and active efforts to employ and use minority group members and women in its work force.
 - b. The Contractor will state in all solicitations or advertisements for employees that, in the performance of the Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status.
 - c. The Contractor will request that each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex age, disability, or marital status and that such union or representative will affirmatively cooperate in the implementation

of the Contractor's obligations herein.

- d. The Contractor will include the provisions of Subdivisions (a) through (c) of this Subsection 4 and Paragraph "E" of this Section III, which provide for relevant provisions of the Human Rights Law in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each Subcontractor as to work in connection with the Contract.

C. Staffing Plan

To ensure compliance with this Section, the Contractor shall submit a staffing plan to document the composition of the proposed workforce to be used in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories. The Contractor shall complete the staffing plan form and submit it at the time of award of the contract.

D. Workforce Utilization Report

1. The Contractor shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in Excel format only on a monthly basis for construction contracts over \$100,000, or a quarterly basis for commodities and services contracts over \$25,000, during the term of the contract to RFP@dfs.ny.gov by the 10th day following each end of month or quarter as applicable.
2. Separate forms shall be completed by Contractor and any Subcontractor.
3. Pursuant to Executive Order #162, contractors and subcontractors are also required to report the gross wages paid to each of their employees for the work performed by such employees on the contract on a quarterly basis.

- E. The Contractor shall comply with the provisions of the Human Rights Law and with all other state and federal statutory and constitutional non-discrimination provisions. The Contractor and Subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law regarding non-discrimination on the basis of prior criminal conviction and prior arrest.

8.3 Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs)

Article 3 of the New York State Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-

disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of such veterans' economic activity in doing business in New York State, contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. For purposes of this procurement, the Department conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to the Contractor. Nevertheless, Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://online.ogs.ny.gov/SDVOB/search>.

Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the CONTRACT.

Section 9: Ethics

Ethics Compliance: All Bidders/Contractors and their employees must comply with the requirements of §§ 73 and 74 of the Public Officers Law, other NYS codes, rules, and regulations, and executive orders establishing ethical standards for the conduct of business with NYS. In signing the Bid, Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, and/or relationships, involving NYS and/or its employees. Failure to comply with those provisions may result in disqualification from the bidding process, termination of contract, and/or other civil or criminal proceedings as required by law.

Legal Compliance: The Bidder/Contractor represents and warrants that it shall secure all notices and comply with all applicable laws, ordinances, rules, and regulations of any governmental entity in conjunction with the performance of obligations under the Contract. Prior to award and during the Contract terms and any extensions thereof, Contractor must establish to the satisfaction of the Department that it meets or exceeds all requirements of the RFQ and Contract and any applicable laws, including but not limited to, permits, and licensing, and shall provide such proof as required by the Department. Failure to comply or failure to provide proof may constitute grounds for the Department to terminate or suspend the Contract, in whole or in part, or to take any other action deemed necessary by the Department. Contractor also agrees to disclose information and provide affirmations and certifications to comply with §§ 139-j and 139-k of the State Finance Law.

Section 10: Subcontracting

The selected Contractor must assume full responsibility for the services offered in the Quote for the duration of the Contract. The Contractor shall remain liable even when the Contractor subcontracts out a portion of the services. Subcontracting shall be permitted only with the prior written approval of the Department.

Section 11: Appendices/Attachments

- **Appendix A: Standard Clauses for All New York State Contracts**
- **Appendix B: Sample Department Contract**
- **Attachment 1: Bidder Submission Checklist**
- **Attachment 2: Bidder Information and Attestation**
- **Attachment 3: New York State Required Certifications Packet**
- **Attachment 4: MWBE and Equal Opportunities Requirements**
- **Attachment 4.1: Workforce Composition Statement**
- **Attachment 4.2: Minority and Woman-Owned Business Enterprises Equal Opportunity Statement**
- **Attachment 5: Bidder Questions and Extraneous Terms Form**
- **Attachment 6: Cost Quote Response Form**