

NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY

REQUEST FOR PROPOSAL:

HEATING, VENTILATION & AIR-CONDITIONING (HVAC)
SERVICES

I. SYNOPSIS

The New York State Housing Finance Agency (“HFA”) and the State of New York Mortgage Agency (“SONYMA”) (collectively, the “Agencies”) are public benefit corporations created pursuant to State legislation.

The Agencies issue this Request for Proposals (“RFP”) pursuant to their Procurement Contracts Guidelines, adopted in compliance with Section 2879 of the Public Authorities Law, in anticipation of selecting a firm (“Servicer”) to award a three-year, Heating, Ventilation and Air Conditioning (“HVAC”) Maintenance Contract (the “Contract”), subject to the approval of the Agencies’ Boards.

The Contract will set the terms for the service and maintenance of the Agencies’ heating ventilation and air-conditioning systems, located at 641 Lexington Avenue, New York, NY 10022. The building is owned by Rudin Management (the “Owner”), and a certificate of insurance and approval of the Servicer by the Owner is required.

II. RESPONSE SUBMISSION

The Agencies prefer that prospective bidders submit completed RFPs to the Agencies by e-mail to Proposal@nyhomes.org in PDF file format only. The “Subject” line of the e-mail must say, “HVAC Proposal”. Alternatively, bidders may submit completed RFPs in hard copy by enclosing five (5) copies in a sealed envelope labeled “HVAC Proposal” and addressed to:

New York State Housing Finance Agency
State of New York Mortgage Agency
641 Lexington Avenue, 4th floor
New York, New York 10022
Attention: Mr. Jose Dilan

Completed RFPs submitted by e-mail or hard copy must be received by the Agencies no later than 5:00 p.m., Eastern Standard Time, May 14, 2007.

III. REQUIRED SERVICES

STATEMENT OF WORK

The Contract between the Agencies and the Servicer will require the following from the Servicer:

- a. Twelve inspections for Computer Room & Mailroom and quarterly (4) inspections for fan coil & chill water systems.
- b. Renew filters; check all drive belts for tension and wear and replace as needed.
- c. Check all controls for loose connections; tighten as needed; blow off dust, lint, grease & grime.
- d. Check drip pan for scale; scrape and clean; check and clean condensation and Y strainers. If equipped with condensation pump, clean out pump, lube pump.
- e. Lubricate unit bearing and pillow blocks.
- f. Check fans, tension, alignment and rotation. Inspect and brush clean fins as necessary. All motor amperages should be checked and adjusted accordingly.
- g. Check out condenser and cooling coil motor air intake and outlet, assuring that all ports are free and clear of any lint, dust and debris.
- h. Check anti-freeze with hydrometer (to -10F Temp) and add additional anti-freeze when necessary at current price (where applicable).
- i. Check refrigerant charge, leak test; repair and recharge if necessary.
- j. Lubricate automatic dampers and check operation.
- k. Check all electrical connections, contacts and fuses.
- l. Make note of any malfunctions and any corrective action taken.
- m. Make note of all recommendations.

CHARGES AND GUARANTEES

The Servicer's proposal must include the following, in anticipation of setting the terms of the Contract between the Servicer and the Agencies:

- a. all labor charges to meet the specifications for full service and emergency calls during regular working hours (8:00 AM – 4:30 PM) (Monday through Friday). No work may be done on overtime unless prior approval is received from the Agencies.
- b. all labor charges involved for any repair work performed at the time of emergency service. Labor required for follow-up repairs may be billable at current time and material rates. A 2 to 4 hour response time must be guaranteed.
- c. a guarantee that all warranties extended to Servicer by the manufacturer of all parts and materials used must be passed on to the Agencies.
- d. a guarantee of 24-hour on-call service, after 4:30 PM on weekdays, Saturdays, Sundays & Holidays.

MATERIALS

The following materials must be guaranteed in the proposal, in anticipation of setting the terms of the Contract between the Servicer and the Agencies:

All belts
All filter media pads
All lubricants and grease fittings (excluding refrigerant oil)
All solvents, sealants and corking compounds
(Above to meet specifications outlined by manufacturers' recommendations).

*Note: Special pleated or made-to-order filters, steel filter frames and all additional material will be charged at Servicer's current selling prices.

SCHEDULING

A regular maintenance schedule shall be decided upon, at the convenience of the Agencies, through their representative, and submitted to the Agencies.

SEASONAL PROCEDURE

Seasonal start-up and shut down of equipment shall coincide with the timely "Full Service Inspection" for that period.

START-UP VISIT

At start-up (the end of heating and beginning of cooling season), an operation check and system testing will be made of all automatic temperature controls, pertinent safety devices, compressors and motors, refrigerant circuit components and sequence of operation.

Control and control devices are to be cleaned, calibrated and adjusted, as required. Damper pivots shall be lubricated annually with a recommended dry lubricant. Damper linkages and operation modulations shall be checked and adjusted. Valves and actuators shall be checked for proper operations, leaks and cleanliness. Valve packing will be replaced as needed.

Air handlers, condenser, all fan components, filter brackets, drip pans, coils, supports, filter housings, drains, insulation and connections shall be inspected to determine their condition and operational status. Cleaning, rustproofing and mastic coating shall be done.

SHUTDOWN VISIT

At shutdown (end of cooling and beginning of heating season), all water-cooled condensers and chilled water coils shall be drained and flushed with anti-freeze (where applicable). All pump housings are to be drained, winterized and coated as to prevent seizure and seal leakage.

All heat sources relating to equipment will be connected and activated with an actual turn on of heat. Compressor relays are to be blocked preventing accidental activation. All heating and changeover controls are to be set for appropriate operation, including the checking of all venting for steam coils and risers.

GENERAL STANDARDS

All work shall be performed exhibiting sound field procedures in compliance with recommendations of equipment manufacturer. All manufacturers' lubricating techniques will be followed and all specifications will be met.

Full reports, in clearly legible form, are to be submitted on each "Full Service" or "Emergency

Service" call, clearly identifying the work performed, data and other related variables. When possible, an original mechanics work order is to be signed by, and a copy is to be left with, the Agencies' Facilities Unit Head, or else a full report is to be submitted to the Agencies within one week of the service visit.

Careful visual and aural observations of all conditions shall be made at each visit, with clear identification of any potential problem or malfunction to be noted in the report. Cleanliness of both equipment and mechanical areas will be maintained.

OTHER PROVISIONS

- a. The Contractor must not perform any service until an agreement is signed by the Agencies. The agreement may not be transferred or assigned without prior written consent by the Agencies. No modifications, additions or changes may be made, except in writing, signed by both the contractor and the Agencies.
- b. The Agencies may declare the contract to be void if at any time during the term thereof, services are performed by anyone other than the contractor in connection with the air conditioning equipment covered by this agreement.
- c. Successful bidder must meet Rudin Management Insurance requirements.

EQUIPMENT LIST

Liebert M/N VH192G-AA00, 20 Ton
(ACCU) Serial # A/C 1 - 394054001
Location: 4th Floor Computer Room

Liebert M/N VH192G-AA00, 20 Ton
(AHU) Serial# A/C 1 - 394054002
Location: 4th Floor Computer Room

(1) Carrier M/N 50AH060620 S/N 0093G35746
5 Ton Split room top system
Location: 4th Floor Mail Room

(6) Ceiling suspended chillwater Fan Coil Units w/electric duct heaters
C.W. Coil Units A-B-C-D-E & F
Location: 4th Floor Office Area - serving Conference Rooms,
Audio/Visual Room, and meeting areas.
Used as supplemental systems.

(2) York DX Liquid Chillers 15 Ton
M/N LCH15A-45B
S# CH1: JM-194704 CH2: JM-194703
Location: 3rd Floor Mechanical Room

IV. FORMAT OF PROPOSAL

The following components must be included in the proposal:

- 1. Company background and experience**
- 2. Qualifications**
- 3. References**

4. Evidence of required insurance compliance

5. Cost and fees

6. Affirmative Action / Equal Opportunity and Related Topics

- A. All companies with fifty or more employees are required to submit to the Agencies a copy of an officially adopted Affirmative Action Plan (the "Plan") in effect for the company, or explain why the company is not covered by a Plan.
- B. All companies with fewer than fifty employees must submit to the Agencies a statement of commitment to affirmative action and equal employment opportunity executed by an authorized officer.
- C. The Agencies encourage the participation of companies that are classified as Minority-Owned Business Enterprises ("MBEs") or Women-Owned Business Enterprises ("WBEs") as prime consultants, joint venture partners, or sub-consultants. Certified MBE/WBEs must be registered as such with the Empire State Development Corporation ("ESDC"), New York's economic development agency, and copies of certification letters from ESDC must be provided to the Agencies with this proposal. Attached hereto as Schedule A is the *Contractor/Vendor Information* form, which must be completed and provided to the Agencies with this proposal. Indicate (i) if the company has received New York State certification as a MBE/WBE or (ii) if the company is a MBE/WBE, but is not certified as such by New York State.
- D. All companies must submit data regarding the ethnic origin and sex of all company employees by job classification (e.g., officers, managers, professionals, clericals, etc.). The data should include these categories: (i) for males: White (not Hispanic), African American (not Hispanic), Hispanic, Asian American/Pacific Islander, and American Indian/Alaskan Native; (ii) for females: White (not Hispanic), African American (not Hispanic), Hispanic, Asian American/Pacific Islander, and American Indian/Alaskan Native. A copy of a Form EEO-1 prepared by the company will satisfy this requirement.

Information concerning the availability of New York State subcontractors and suppliers is available from ESDC, which shall provide information about the directory of MBEs and WBEs. It is the policy of New York State to encourage the use of New York State subcontractors and suppliers, and to promote the participation of MBEs and WBEs, where possible, in the procurement of goods and services.

For potential bidders located in foreign countries, the Agencies may assign or otherwise transfer offset credits created by procurement contracts, directly or indirectly, to third parties located in New York State, in accordance with the written directions of the Commissioner of Economic Development. The Agency cooperates with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York state created by procurement contracts.

7. Conflicts of Interest

A statement describing whether the representation of the Agencies would create any potential conflict of interest, or appearance of impropriety, relating to other clients/customers of the respondent or former officers and employees of the Agencies must be provided to the Agencies along with the proposal. Indicate what procedures will be followed to detect, notify the Agencies of, and resolve any such conflicts.

8. Non-Collusion

Attached hereto is the Non-Collusive Bidding Certification form (Schedule B), which must be completed and provided to the Agencies along with the proposal. The proposal is required to include certifications to the Agencies that: (i) the prices or rates in the proposal(s) were arrived at independently, without collusion, consultation, communication, or agreement, for the purpose of restricting competition, or as to any matter relating to such prices or rates with any other Contractor or with any competitor; (ii) unless otherwise required by law, the prices or rates which have been quoted in the proposal were not knowingly disclosed by a Contractor prior to opening, directly or indirectly, to any other Contractor or with any competitor and (iii) no attempt was made or will be made by the Contractor to induce any other person, partnership or corporation to submit or not submit a bid or proposal for the purpose of restricting competition.

9. Miscellaneous Conditions

- A. The issuance of this RFP and the submission of a response by any company or the acceptance of such response by the Agencies do not obligate the Agencies in any manner whatsoever.
- B. The Agencies reserve the right (i) to amend, modify, or withdraw this RFP, (ii) to revise any requirements of this RFP, (iii) to require supplemental statements or information from any responding party, (iv) to accept or reject any or all responses hereto, (v) to extend the deadline for submission of responses hereto, (vi) to negotiate or hold discussions with any respondent and to correct deficient responses which do not completely conform to the instructions contained herein, and (vii) to cancel, in whole or in part, this RFP, if the Agencies deem it in their best interest to do so. The Agencies may exercise the foregoing rights at any time without notice and without liability to any respondent or any other party for its expenses incurred in the preparation of responses hereto or otherwise, subject to any legal restrictions applicable to the Agencies. Responses hereto will be prepared at the sole cost and expense of the responding party.
- C. The Agencies shall be the sole judge of whether a response complies with the requirements of this RFP and the merits of such response. Nothing contained in this RFP or in the selection of a firm to provide services to the Agencies shall limit the Agencies in its selection of firm(s) to be issued RFPs in relation to these services or RFPs for any projects in the future. This RFP does not commit the Agencies to select a firm, to pay the cost incurred in preparation of any response hereto, or to procure or contract for the services described herein.
- D. This RFP and any Contract which may result from it are subject to all applicable laws, rules, and regulations promulgated by any federal, state, or local authority having jurisdiction over the subject matter hereof, as the same may be amended from time to time.
- E. Nothing stated at any time by any representative of the Agencies will effect a change in or constitute an addition to this RFP unless confirmed in writing by the Agencies.
- F. Companies responding hereto must agree to keep confidential their responses and any information received from the Agencies.
- G. The Agencies believe the information set forth in this RFP is accurate. However, the Agencies, its members, directors, officers, agents and employees assume no

responsibilities for errors and omissions contained therein.

- H. Any company(s) selected as a result hereof will be required to execute a contract prescribed by the Agencies, and to abide by all relevant laws and policies of the Agencies with regard to, among other things, conflicts of interests, ethics policies, lobbying etc.
- I. Under no circumstances (including withdrawal of this Request for Proposals before or after proposals are received) will any proposer have any recourse against the State of New York or the Agencies for any expenses incurred or damages sustained as a result of the RFP process.
- J. The Agencies reserve the right to conduct, at their discretion, pre-award activities which may include, but are not limited to, participation in a conference, interviews either individually or in a group, and other such pre-award activities to further evaluate and assess the qualifications of proposers beyond their written response to the proposal.
- K. The Agencies' Committee designated to review and recommend bid proposals reserves the right to select the three most-qualified proposals ("short list") for further review and negotiation, culminating in a request for a final proposal, in order to determine the best-qualified proposal.

V. **CONTACT**

If you have questions regarding the technical components of this RFP, please contact:

Jose Dilan, Vice President
Facilities & Administrative Services
New York State Housing Finance Agency
State of New York Mortgage Agency
641 Lexington Avenue
New York, New York 10022
(212) 688-4000, ext. 632
email address: josed@nyhomes.org

If the Agencies receive questions with respect to this Request for Proposal, the Agencies might respond by means of questions and answers ("Q&A") posted on the Agencies' website, which might be periodically updated as need be. Companies are advised to review such postings by visiting the Agencies' website at www.nyhomes.org, clicking on "Forms, Applications and Resources" and then "RFPs/RFQs".

VI. **EVALUATION OF PROPOSAL**

Each Proposal will be evaluated based upon information supplied by the proposers. Criteria for evaluation and the approximate amount of points assigned to each are:

- 1. Qualifications: 25 points**
- 2. Cost and Fees: 25 points**
- 3. Financial Condition: 15 points**

4. Meets Servicing Needs: 25 points

**5. Affirmative Action/
Equal Opportunity
Employment
Policies: 10 points**

Total: 100 points

In addition, the Agencies reserve the right to negotiate the scope of services and fees with the company selected. The Agencies also reserve the right to reject any and all responses, for any reason, to withdraw this request for proposal at any time, and to revise any term thereof.

Upon prior request and scheduling, companies may visit the Agencies' premises, with regards to the heating, ventilation and air-conditioning system maintenance proposal.

SCHEDULE A

**NEW YORK STATE HOUSING FINANCE AGENCY / STATE OF NEW YORK
MORTGAGE AGENCY / NEW YORK STATE AFFORDABLE HOUSING
CORPORATION / STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY /
TOBACCO SETTLEMENT FINANCING CORPORATION**
(individually, the "Agency" and collectively, "Agencies")

Contractor or Vendor Information

Name of Contractor or Vendor: _____

Address: _____

Telephone Number (include area code): _____

Fax Number (include area code): _____

E-mail Address: _____

Name and Title of Authorized Signatory of Contractor or Vendor: _____

Provide Contractor or Vendor Federal Social Security Number or Federal Employee Identification Number. This information will be maintained on our records under the file name of "Vendor Federal Social Security and Federal Employee Identification Numbers." The Disbursement Manager is responsible for maintaining these records, and she can be reached at (212) 688-4000 Ext. 569.

Federal Social Security Number _____

Federal Employer Identification Number _____

Is your business a New York State business enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

(Please circle) Yes No

“New York State business enterprise shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale or lease or other form of exchange, goods which are sought by the corporation and which are substantially manufactured, produced or assembled in New York state, or services, other than construction services, which are sought by the corporation and which are substantially performed within New York state. For purposes of construction services, a New York state business enterprise shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which has its principal place of business in New York state.”

Is your company a Minority-Owned business enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

(Please circle) Yes No

If yes, has your company been certified as a Minority-Owned business enterprise?

(Please circle) Yes No

“A Minority-Owned business enterprise shall mean any business enterprise, including a sole proprietorship, partnership or corporation that is:

- (i) at least fifty-one percent owned by one or more minority group members or in the case of a publicly-owned business at least fifty-one percent of the common stock or other voting interests of which is owned by one or more minority group members;
- (ii) an enterprise in which the minority ownership is real, substantial and continuing;
- (iii) an enterprise in which the minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- (iv) an enterprise authorized to do business in New York state, independently owned and operated, and not dominant in its field.

A minority group member means a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

- (i) Black persons having origins in any of the Black African racial groups not of Hispanic origin;

- (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;
- (iii) Asian and Pacific Islander persons having origins in any of the Far East, Southeast Asia, the Indian sub-continent or the Pacific Islands; or
- (iv) Native American persons having origins in any of the original peoples of North America.”

Is your company a Women-Owned business enterprise as defined below pursuant to Section 2879 of the Public Authorities Law?

(Please circle) Yes No

If yes, has your company been certified as a Women-Owned business enterprise?

(Please circle) Yes No

“A Women-Owned business enterprise means a business enterprise, including a sole proprietorship, partnership or corporation which is:

- (i) at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women or in the case of a publicly-owned business at least fifty-one percent of the common stock or other voting interests of which is owned by United States citizens or permanent resident aliens who are women;
- (ii) an enterprise in which the ownership interest of women is real, substantial and continuing;
- (iii) an enterprise in which the women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- (iv) an enterprise authorized to do business in New York state, independently owned and operated, and not dominant in its field.”

Name of Contractor or Vendor: _____

Authorized Signature: _____

(Print Name and Title): _____

Date: _____

NON-COLLUSIVE BIDDING CERTIFICATION
Required by Section 139-D of the State Finance Law

By submission of this bid, bidder and each person signing on behalf of bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

[3] No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FORGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this __ day of _____, 20__ as the act and deed of said corporation of partnership.

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS LEGAL RESIDENCE

_____	_____
_____	_____
_____	_____
_____	_____

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAMES

LEGAL RESIDENCE

_____	_____
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President

Secretary

Treasurer

Identifying Data:

Potential Contractor: _____

Street Address: _____

City, Town, etc. _____

Telephone: _____ **Title:** _____

If applicable, Responsible Corporate Officer Name

Title

Signature

Joint or combined bids by companies or firms must be certified on behalf of each participant:

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By _____
(Name)

By _____
(Name)

Title

Title

Street Address

Street Address

City and State

City and State