

**BATTERY PARK CITY AUTHORITY**

**REQUEST FOR PROPOSALS**

**FOR**

**REAL ESTATE CONSULTANT SERVICES**

**Table of Contents**

Table of Contents.....	2
I. SUMMARY .....	4
II. DESCRIPTION OF THE ORGANIZATION.....	4
III. SERVICES REQUIRED .....	5
IV. KEY DATES, CONTRACT TERM AND MINIMUM QUALIFICATIONS.....	6
A. Key Dates .....	6
B. Anticipated Contract Term .....	6
C. Minimum Qualification Requirements .....	6
V. GENERAL REQUIREMENTS .....	6
A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals .....	6
B. Restricted Period.....	7
C. Submission of Proposals .....	7
D. Mandatory Forms .....	7
VI. PROPOSAL FORMAT AND CONTENTS.....	8
A. Proposal Format.....	8
B. Proposal Content.....	8
C. RFP Questions .....	8
D. RFP Additional Information Request .....	9
E. Cost Proposal .....	10
VII. THE EVALUATION PROCESS .....	10
A. Objectives .....	10
B. Interviews.....	10
C. Evaluation Criteria for Selection .....	10
D. Basis for Contract Award .....	11
VIII. NON-COLLUSION.....	11
EXHIBIT A .....	12
Business Participation Opportunities for MBE/WBEs.....	12
Equal Employment Opportunity Requirements.....	13



## **I. SUMMARY**

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (each individually, a “Proposal” or collectively, the “Proposals”) from real estate consulting firms (each individually, a “Proposer” or collectively, the “Proposers”) to provide REAL ESTATE CONSULTANT SERVICES. BPCA intends to be prepared to access the bond markets as early as possible in the last fiscal quarter of the current fiscal year ending October 31, 2013. BPCA’s bonds are secured by revenues derived from ground leases in Battery Park City (the “Subleases”) that exceed certain operating and maintenance obligations of BPCA (the “Pledged Revenues”). The Pledged Revenues include ground rent and payments in lieu of taxes (“PILOT”). Therefore, a Real Estate Consultant is an integral part of BPCA’s financing team, and must be engaged to prepare an independent pro forma cash flow study of the Subleases pertaining to the World Financial Center, NYMEX, Goldman Sachs, Battery Park City hotels and other residential building ground leases. The revenue projection and study is the basis of any proposed financing alternatives and will be scrutinized by BPCA management, underwriters, bond counsel, investment community, real estate community and rating agencies and will be included in the BPCA’s Official Statement to market the proposed bonds. Interested firms must be able to demonstrate the experience and firm capabilities to produce a timely report containing information of at least the same quality and detail as the Appendix “Real Estate Consultant’s Report(s)” in the 2003 and 2009 Official Statements posted on BPCA’s website [www.bpca.ny.gov](http://www.bpca.ny.gov). The Real Estate Consultant’s Report for this engagement must include an independent proforma 30 year revenue forecast of Pledged Revenues which is prepared on the Proposer’s letterhead and is to be used in conjunction with the Official Statement as the basis of a BPCA financing. The perceived reliability of the revenue projections from the Proposer and the Proposer’s prominence and reputation are key to establishing the credibility of the Real Estate Consultant’s Report and projection.

The Project consists of approximately 92 acres of landfill created, owned, and operated by the BPCA. The Project’s plan of development included approximately 35 acres of parkland and open spaces and provides for the construction, by private developers, of approximately 10.2 million square feet of office space, a 500,000-square-foot commodities trading facility, retail space, a marina, two hotels, a multiplex cinema, museums, three public schools, a community center, a public library, four not-for profit condos owned by the Authority and approximately 8,600 residential units. Ground rents, PILOT, and other lease payments are received under the ground leases, all expiring in 2069. All sites on the Project have been designated for development and construction is substantially complete.

Minority-Owned Business Enterprises (“MBE”) and Women-Owned Business Enterprises (“WBE”) are encouraged to submit Proposals.

This request for proposals, the attachments and any additional information submitted herewith, (collectively, the “RFP”) does not obligate BPCA to complete the selection and contract award process. The BPCA reserves the right: 1) to accept or reject any and all Proposals; 2) to request additional information from any or all Proposers to assist BPCA in its evaluation process; 3) to amend or withdraw this RFP prior to the announcement of the selected firm; and 4) to award the proposed services, in whole or in part, to one or more firms. In case of an amendment to the RFP, all Proposers will be provided with a copy of any such amendment(s) and will be afforded the opportunity to revise their Proposals in response to the RFP amendment.

## **II. DESCRIPTION OF BPCA**

BPCA is a public benefit corporation created in 1968 under the laws of the State of New York for the purpose of financing, developing, constructing, maintaining, and operating a planned community development of the Battery Park City site as a mixed commercial and residential community.

Under the Battery Park City Authority Act (the “Act”), BPCA has the following powers, among others: to borrow money and to issue negotiable bonds, notes or other obligations and to provide for the rights of the holders thereof; to acquire, lease, hold, mortgage and dispose of real property and personal property or any interest therein for its corporate purposes; to construct, improve, enlarge, operate and maintain Battery Park City; to make bylaws for the management and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of Battery Park City; to make contracts and to execute all necessary or convenient instruments, including leases and subleases; to accept grants, loans and contributions from the United States, or the State of New York or the City of New York (the “City”), or any agency or instrumentality of any of them, or from any other source and to expend the proceeds for any corporate purpose; to fix, establish and collect rates, rentals, fees and other charges; and to do all things necessary or convenient to carry out the powers expressly granted by the Act. BPCA has no taxing power.

Since its inception, BPCA has caused the staged development of Battery Park City, in individual parcels, creating a richly diversified mixed use community providing residential and commercial space, with related amenities such as parks, plazas, recreational areas and a waterfront esplanade. Most individual parcels of land in Battery Park City were developed into residential and commercial buildings by tenants (“Ground Lease Tenants”) under long-term ground leases with BPCA. The Ground Lease Tenants are responsible for the maintenance, insurance and defense and indemnification of BPCA with regard to those leased parcels.

To obtain a copy of the BPCA most recently completed audited financial statements for fiscal year ended October 31, 2012 and the 2003 and 2009 BPCA’s Official Statements, please visit BPCA’s official website at [www.bpca.ny.gov](http://www.bpca.ny.gov). The audited financial statements, Official Statements and related reports found on BPCA’s website will provide you with an overview of the lease revenues, operating expenses and cash flow.

### **III. SERVICES REQUIRED**

A. BPCA intends to be prepared to access the bond markets as early as possible in the last fiscal quarter of the current fiscal year ending October 31, 2013. If selected, Proposer will provide at a minimum the following:

- 1) A detailed, timely independent report containing information of at least the same quality and detail of information as the Appendix “Real Estate Consultant’s Report(s)” in the 2003 and 2009 Official Statements posted on BPCA’s website [www.bpca.ny.gov](http://www.bpca.ny.gov).
- 2) Real Estate Consultant’s Report will include but not limited to:
  - an independent, proforma, 30 year revenue forecast of Pledged Revenues which is prepared on the real estate firm’s letterhead and is to be used in conjunction with the Official Statement as the basis of a BPCA financing;
  - a demonstrated understanding and a report supporting a comprehensive knowledge the New York City Residential and Commercial Assessment policy, history, trend, real estate tax certiorari challenges, appeals process, and New York City’s methodology of calculating assessments and use of tax rates and capitalization rates for real estate taxes;
  - a demonstrated understanding and a report supporting New York’s economy, commercial and residential markets, employment trends, etc. with a particular focus on downtown Manhattan.
- 3) Presentations of draft report and cash projections to the BPCA Board and attendance at weekly working meetings of the bond financing team, as requested by BPCA.
- 4) Presentations of draft report and cash projections to credit rating agencies and investor groups which will require providing answers to questions, additional support documentation and/or alternative sensitivity cash flows.

5) All work to be performed by the selected Proposer shall be performed under the supervision of a Principal of the firm in charge of this engagement, who must ensure that the work completed for BPCA is performed competently and in a timely manner.

**B.** All work to be performed by the selected Proposer shall be performed under the supervision of a Principal of the firm in charge of this engagement (the “Lead Principal”), who must ensure that the work completed for BPCA is performed competently and in a timely manner.

#### **IV. KEY DATES, CONTRACT TERM AND MINIMUM QUALIFICATIONS**

##### **A. Key Dates**

The following is a list of key dates, up to and including the date Proposals are due to be submitted, which is subject to change at BPCA’s discretion:

■ Request for Proposals issued: Thursday, **February 28 , 2013**

■ Deadline to submit questions to the BPCA: Thursday, **March 14, 2013** by 4:00 p.m. (by email only)

All questions regarding this RFP should be submitted in writing via email to the “Designated Contact”: **Lauren Bruggess**, at [lauren.bruggess@batteryparkcity.org](mailto:lauren.bruggess@batteryparkcity.org).

■ Deadline for the Organization’s response to substantive questions: Friday, **March 15, 2012** (by email)

■ **DUE DATE FOR RESPONSES TO RFP:** Thursday, **March 28, 2013 by 3:00 p.m. (the “Due Date”)**

■ Selection and notification of successful Proposer: To be determined.

■ Contract start date: To be determined.

##### **B. Anticipated Contract Term**

It is anticipated that the term of the contract awarded pursuant to this RFP (the “Contract”) will be 1 year. BPCA reserves the right to terminate the Contract at any time, with or without cause, upon thirty (30) days written notice. BPCA reserves the right to terminate the Contract at any time, without prior notice, if the principal identified in the Proposal as the Lead Principal for this engagement ceases to be employed by the selected Proposer.

##### **C. Minimum Qualification Requirements**

The following are the Minimum Qualification Requirements for this RFP. **Proposals that fail to comply with these requirements will be rejected.**

- 1) The firm must have an office in New York State (a New York City office is preferred); and
- 2) The Firm and Lead Principal must both be licensed in the State of New York.

#### **V. GENERAL REQUIREMENTS**

##### **A. Questions regarding MBE/WBE participation, joint ventures and sub-contracting goals**

Please see **Exhibit A** (attached) for contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs and equal employment opportunities for minority group members and women.

For questions relating to MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact “MBE/WBE Designated Contact” Mr. Anthony Peterson at 212.417.2337.

**B. Restricted Period**

Applicants are restricted from making contact with anyone other than the Designated Contact or MBE/WBE Designated Contact specified above during the period from the date of publication of the notice of this RFP in the New York State Contract Reporter through approval of the Contract by BPCA (the “Restricted Period”). Employees of BPCA are required to record certain contacts during the Restricted Period, including, but not limited to, any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence BPCA conduct or decision regarding the governmental procurement, and to make a determination of responsibility based, in part, upon any such contact. Failure to abide by this process may result in a finding that the firm is a non-responsive Proposer.

**C. Submission of Proposals**

**Proposals are due no later than 3:00 p.m. on March 28, 2013.**

Proposers must submit ten (10) paper copies of their Proposals and one (1) electronic CD-Rom copy in a sealed package clearly marked “**Proposal Enclosed – Real Estate Consultant Services**” to the Designated Contact **by messenger, overnight courier or certified mail** to the following address:

Hugh L. Carey Battery Park City Authority  
One World Financial Center, 24<sup>th</sup> Floor  
New York, NY 10281-1097  
Attention: Ms. Lauren Brugess  
Legal Administrative Assistant

The BPCA is not responsible for any internal or external delivery delays which may cause any Proposal to arrive beyond the stated Due Date. To be considered, Proposals must arrive at the time and place specified herein and be time stamped by BPCA’s time stamp prior to the Due Date. Please leave ample time for building security, as late Proposals will not be accepted. Proposals submitted by fax or electronic transmission will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting a second, amended Proposal, clearly labeled “**Amended Proposal Enclosed – Real Estate Consultant Services,**” as long as the amended Proposal is submitted by the Due Date.

Public access to Proposals shall be governed by the relevant provisions of the Freedom of Information Law, Article 6 of the New York State Public Officers Law, and regulations adopted pursuant thereto.

**D. Mandatory Forms**

Proposers must complete and include with their Proposal all “Mandatory Forms,” which can be found at the following URL address: [http://www.batteryparkcity.org/pdf\\_n/Mandatory\\_Forms\\_Packet.pdf](http://www.batteryparkcity.org/pdf_n/Mandatory_Forms_Packet.pdf), by the Due Date.

These Mandatory Forms include the following:

1) NYS Standard Vendor Responsibility Questionnaire – **Submit with the Cost Proposal (as described below), one (1) original unbound set of a completed NYS Standard Vendor Responsibility Questionnaire with original ink signatures. Do not include the Standard Vendor Responsibility Questionnaire in the bound**

**copies of the Cost Proposal.** The NYS Standard Vendor Responsibility Questionnaire must be notarized and signed by the individual(s) authorized to bind the firm contractually. Indicate the title or position that the signer holds within the firm.

2) State Finance Law § 139 Form 1 – **one original unbound completed SFL 139 Form 1: Professional’s Certifications Pursuant to SFL § 139-j and § 139-k with original signature.** State Finance Law § 139 Forms 1 must be signed by the individual(s) authorized to bind the firm contractually.

3) W-9 form.

4) Statement of Non-Collusion.

5) Diversity Forms.

## **VI. PROPOSAL FORMAT AND CONTENTS**

### **A. Proposal Format**

The Proposal must be printed on 8½” x 11” paper. Pages should be numbered. The Proposal will be evaluated on the basis of its content, not length and should be limited to no more than ten (10) pages, exclusive of the Transmittal Letter and the Appendices listed below. BPCA reserves the right to disqualify Proposals that fail to comply with any of these instructions.

### **B. Proposal Content**

A Proposal in response to this RFP must include the following sections in the order listed:

1) Transmittal Letter, as follows:

The Proposal must include a signed Transmittal Letter from a person within the firm who is authorized to bind the firm, preferably the Lead Principal. **Transmittal Letters must be signed. Proposals with unsigned Transmittal Letters will be rejected.**

**The Transmittal Letter must include a representation by the Proposer that, except as disclosed in the Proposal, no officer or employee of the Proposer is directly or indirectly a party to or in any other manner interested financially or otherwise in this RFP.**

2) Executive Summary.

3) Firm’s discussion of its understanding of the Services Required (see Section III).

4) Firm’s Responses to the RFP Questions and RFP Additional Information Request, set forth below.

5) Firm’s Cost Proposal, as described below.

### **C. RFP Questions**

1) Briefly describe your firm’s background, size, and history as it may be relevant to the Services Required, with an emphasis on any similar assignments of size and scope or specific familiarity with downtown New York commercial and residential real estate markets, New York City real estate tax policy and BPCA leases. If your offices are located in more than one city, indicate which office will provide the services.



- 2) Describe the relevant special services your firm provides, particularly those that may not be offered by other firms.
- 3) Describe your experience and methodology for modeling a cash flow projection.
- 4) Within the past three years, have there been any significant developments in your firm such as changes in ownership or restructuring? Do you anticipate any significant changes in the near future? If so, please describe.
- 5) How does your firm identify and manage conflicts of interest?
- 6) Has your firm or any of the firm's partners/employees been disciplined or censured by any regulatory body within the last 5 years? If so, please describe the relevant facts.
- 7) Within the last five years, has your firm, or a principal or employee in your firm, been involved in litigation or other legal proceedings relating to the provision of Real Estate Consultant Services? If so, please provide an explanation and the current status or disposition of the matter.
- 8) Are there any potential conflict of interest issues in representing BPCA?
- 9) List any professional or personal relationships your firm's employees may have with BPCA's Board and/or staff members of BPCA.
- 10) List all the professional staff you intend to assign to this engagement and the area(s) of specialization. Describe the role of each employee who will be assigned to this engagement.
- 11) Identify the Lead Principal who will be the primary contact in providing services to the BPCA, and who will be listed as a "key person" in any contract with BPCA.
- 12) Describe your proposed team's experience with similar work for other public agencies and authorities, with a particular emphasis on New York State agencies and authorities.
- 13) Describe your firm's "backup plan" in the event one or more of the Principals assigned to this engagement leave the firm.
- 14) In the past five years, have any public sector clients terminated their working relationship with your firm? If so, please provide a brief statement of the reasons. Provide the name of the client and each such client's in-house counsel's name, address and telephone number.
- 15) Please provide any additional information which would serve to distinguish your firm from other firms and that you believe may be relevant to this RFP and your capability to perform the services requested.

**D. RFP Additional Information Request**

1) Insurance:

- a. Do you impose any limitations on liability through your contracts?
- b. Describe the levels of coverage for any professional liability insurance your firm carries. List the insurance carrier(s).

2) Appendices:

- a. Include professional biographies for all principals and senior level staff listed in your proposal.
- b. Attach a sample contract or retainer agreement your firm uses for the provision of services to governmental clients.

3) References:

Please provide at least three client (3) references for whom your firm has performed similar work to that requested in this RFP. For each client, please provide the name, address and telephone number for the client's Chief Financial Officer.

### **E. Cost Proposal**

Each “Cost Proposal” must include the proposed hourly billing rates for each member of the proposed team and must state a proposed maximum annual fee (“Fee Cap”) for the services related to the preparation for the bond financing contemplated herein for the proposed one-year term (irrespective of whether the hourly fees required will actually exceed the Fee Cap).

## **VII. THE EVALUATION PROCESS**

### **A. Objectives**

The primary objective of the evaluation process is to select a firm:

- That demonstrates a thorough understanding of the scope of the engagement and the specific responsibilities which it entails;
- Possesses adequate resources to handle assigned responsibilities and to handle unforeseen circumstances that may arise;
- Assigns highly skilled, experienced, diligent, responsible and professional personnel to perform the required services;
- Maintains high ethical standards and has an unblemished reputation;
- Has no conflict of interest between its representation of BPCA and that of other clients.

The selection process will begin with the review and evaluation of each of the written Proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this RFP and (2) to identify the complying firms that have the highest probability of satisfactorily performing the Services Required at a reasonable cost to BPCA. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation process will be conducted by a committee of the BPCA’s employees selected by BPCA (the “Committee”). The Committee will evaluate the Proposals based upon the evaluation criteria for selection set forth below.

BPCA reserves the right to reject and return unopened to the Proposer any Proposal received after the RFP Due Date. All timely submitted Proposals will be reviewed to determine if they contain all required submittals specified herein. Incomplete Proposals may be rejected.

### **B. Interviews**

The BPCA reserves the right to determine whether interviews will be necessary for any or all of the Proposers. The purpose of the interview is to further document a Proposer’s ability to provide the Services Required, and to impart to the Committee an understanding of how specific services will be furnished. The proposed Lead Principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The firm will be evaluated on the basis of whether the interview substantiates the characteristics and attributes claimed by the Proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

### **C. Evaluation Criteria for Selection**

Selection will be based upon the following criteria:

- 1) Cost Proposal: 30%

- 2) Demonstrated relevant experience and knowledge of the Downtown Manhattan real estate markets, NY City assessments and tax real estate tax policy and method of calculation, BPCA and like assignments: 30%
- 3) Firm resources, organizational capability, interview feedback, quality/experience of assigned staff and ability to produce long range revenue projection model: 30%
- 4) Proposed MBE/WBE utilization plan (the “Utilization Plan”) and/or Firm MBE/WBE status: 10%

**D. Basis for Contract Award**

The Contract will be awarded to the highest technically rated Proposer whose Proposal is determined to be responsive and in the best interests of the Organization, subject to a determination that the Cost Proposal is fair and reasonable.

**VIII. NON-COLLUSION**

By submitting a Proposal, Proposers hereby warrant and represent that any ensuing Contract has not been solicited or secured directly or indirectly in a manner contrary to the laws of the State of New York, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the Contract by any conduct, including the paying or giving of any fee, commission, compensation, gift, or gratuity or consideration of any kind, directly or indirectly, to any member of the board of directors, employee, officer or official of BPCA.

**EXHIBIT A**

**CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MBE/WBEs AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

Pursuant to New York State Executive Law Article 15-A, BPCA recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified MBE/WBEs and the employment of minority group members and women in the performance of BPCA contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title “The State of Minority and Women-Owned Business Enterprises: Evidence from New York” (the “Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that BPCA establish goals for maximum feasible participation of New York State Certified MBE/WBEs and the employment of minority groups members and women in the performance of New York State contracts.

**Business Participation Opportunities for MBE/WBEs**

For purposes of this solicitation, BPCA hereby establishes an overall goal of 20% for MBE/WBE participation, 10% for MBE participation and 10% for WBE participation (based on the current availability of qualified MBEs and WBEs). A contractor (“Contractor”) on the Contract must document good faith efforts to provide meaningful participation by MBE/WBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that BPCA may withhold payment pending receipt of the required MBE/WBE documentation. The directory of New York State Certified MBE/WBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

For guidance on how BPCA will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MBE/WBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and BPCA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MBE/WBEs had the Contractor achieved the contractual MBE/WBE goals; and (2) all sums actually paid to MBEs/WBEs for work performed or materials supplied under the Contract.

By submitting a bid or Proposal, a Proposer agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Proposers are required to submit a Utilization Plan with their bid or Proposal. Any modifications or changes to the Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised Utilization Plan and submitted to BPCA.

B. BPCA will review the submitted Utilization Plan and advise the Proposer of BPCA's acceptance or issue a notice of deficiency within 30 days of receipt.

C. If a notice of deficiency is issued, Proposer agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to BPCA, at the address specified in this RFP, or by facsimile at 212-417-2279 a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by BPCA to be inadequate, BPCA shall notify the Proposer and direct the Proposer to submit, within five (5) business days, a request for a partial or total waiver of MBE/WBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or Proposal.

D. BPCA may disqualify a Proposer as being non-responsive under the following circumstances:

- 1) If a Proposer fails to submit a Utilization Plan;
- 2) If a Proposer fails to submit a written remedy to a notice of deficiency;
- 3) If a Proposer fails to submit a request for waiver; or
- 4) If BPCA determines that the Proposer has failed to document good faith efforts.

Contractors shall attempt to utilize, in good faith, any MBE/WBE identified within its Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to the Contract award may be made at any time during the term of the Contract to BPCA, but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's MBE/WBE Contractor Compliance & Payment Report to BPCA on a monthly basis over the term of the Contract documenting the progress made toward achievement of the MBE/WBE goals of the Contract.

#### **Equal Employment Opportunity Requirements**

The Contractor is required to ensure that it shall undertake or continue 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, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract or (ii) employment outside New York State.

Proposer further agrees, where applicable, to submit with the Proposal, a staffing plan identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to the Organization a workforce utilization report identifying the workforce actually utilized on the Contract, if known.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other New York State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will 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 with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as are allowed by the Contract.**

For questions on MBE/WBE participation, joint ventures and sub-contracting goals ONLY, please contact Mr. Anthony Peterson at 212.417.2337.