



**Mount Vernon, New York**

**Request for Proposals**

**FY 2020-2024 Consolidated Plan and First-Year Action Plan  
(2020 Annual Action Plan)**

**FY 2020-2024 Analysis of Impediments to Fair Housing  
2019 Annual Action Plan**

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## General Information

Mount Vernon is a city in Westchester County, New York. It is an inner suburb of New York City located immediately to the North of the borough of the Bronx. Mount Vernon is the eighth-most populous city in the state of New York. It is a predominantly African-American city but has a large Brazilian population, which is estimated by the City and the Brazilian Consulate to be one in 10 residents.

As of the [2010 United States Census](#), there were 67,292 people residing in the city. The racial makeup of the city was 61.3% African-American, 18.5% White, 14.3% Hispanic, 1.8% Asian, and 0.3% Native American.

At the time of the 2010 Census, the median income for a household in the city was \$47,128, and the median income for a family was \$55,573. The per capita income for the city was \$24,827. 13.9% of the population and 11.8% of families were below the poverty line. 12.7% of the population was 65 or older.

## Background

The City of Mount Vernon is seeking proposals from experienced and qualified consultants and/or firms for professional services to prepare the: (1) FY2020-2024 Consolidated Plan; (2) the Analysis of Impediments to Fair Housing Plan (AI) that can be converted to an Affirmatively Furthering Fair Housing Plan (AFFH) if required by HUD at a later date; (3) the Annual Action Plan covering Fiscal Year 2019-2020 and (4) the Annual Action Plan covering Fiscal Year 2020-2021.

The City of Mount Vernon has been designated as an Entitlement Community since the passage of the Housing and Community Development Act of 1974. The Consolidated Plan identifies the City's housing and community development needs and then proposes strategies for addressing those needs. As a CDBG Entitlement Community, the City is required to prepare and adopt a five-year Consolidated Plan for the 2020-2024. Accordingly, the City will use CDBG and HOME administrative funds for preparation of the Consolidated Plan, the Annual Action Plans, and the Analysis of Impediments to Fair Housing Plan. The new fiscal year for Mount Vernon's CDBG Program begins on January 1, 2020.

The City of Mount Vernon's Urban Renewal Agency (MVURA) administers federal funds that the City of Mount Vernon receives from the U.S. Department of Housing and Urban Development (HUD) for the following programs: Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME), and Continuum of Care Program (CoC).

In connection with these responsibilities, the City of Mount Vernon is seeking proposals from qualified firms for: submission of the City of Mount Vernon's Five-Year Consolidated Plan and 2020 Annual Action Plan, 2019 Annual Action Plan, and Analysis of Impediments to Fair Housing Plan. The RFP outlines the detailed scope of work and deliverable products, requirements, selection procedures, and the documentation necessary to submit a proposal for the respective projects.

## Project Objectives

The City of Mount Vernon is over 75 percent community of color and is committed to holding racial equity as a tenet throughout the entire consolidated plan process by meaningfully engaging residents in the decisions affecting the community.

Resident involvement in the process is key with special attention focused on low-income and historically disenfranchised communities, including people of color, immigrants and refugees, as well as women, veterans, people with disabilities and the LGBTQ community.

The City of Mount Vernon is committed to partnering with the community to identify opportunities for improvements to programs and services to improve quality of life for Mount Vernon residents.

Goals include but are not limited to:

- Build a more inclusive economy that supports Mount Vernon as a destination for business growth.
- Improve Health and Safety of Mount Vernon residents by increasing access to produce and nutritious meals.
- Increase homeownership opportunities by launching home ownership program (down payment and closing costs).
- Promote stable housing for residents by increasing availability, affordability, and quality of housing stock and livability to address poor housing conditions, abandoned properties, and an over-concentration of problem properties in Mount Vernon.
- Improve educational attainment and career outcomes for Mount Vernon students.
- Partner with community-based organizations to develop a workforce plan and training programs to meet the demand for projected employment needs in partnership with public schools and higher education institutions.
- Create youth employment opportunities.
- Develop and implement new tools to address the needs of at-risk populations (ex-offenders) including wrap-around family services.

The City of Mount Vernon seeks a consultant or firm that will:

- Provide technical excellence and timely submission.
- Develop ways to involve low-income and historically disenfranchised populations.

## **Submission Information**

**All proposals must be received by 4:00 p.m. Eastern Standard Time on Friday, April 12, 2019, at the following address:**

Commissioner Chantelle Okarter  
Department of Planning and Community Development  
1 Roosevelt Square,  
Mount Vernon, New York, 10550

**Proposals must be submitted in a sealed envelope and shall be labeled:**

**“Proposal for 5 Year Consolidated Plan, Analysis of Impediments to Fair Housing Plan, FY 2019 Annual Action Plan and FY2020 Annual Action Plan.” Please submit 3 copies of your proposal, along with any attachments.**

**It is also requested that proposals be submitted electronically by the submission deadline to:**

[sajohnson@ci.mount-vernon.ny.us](mailto:sajohnson@ci.mount-vernon.ny.us)

**All proposals must include the items listed in the content and format of proposals section. Please refer to pages 10 - 11 for required documents.**

The selected consultant or firm shall be required to comply with all applicable federal and state laws related to equal opportunity and affirmative action, as well as all federal requirements associated with CDBG and HOME funds.

All respondents will be required to certify that they are not on HUD’s list of debarred contractors and are not in default on any obligations due to the State of New York or the City of Mount Vernon, including but not limited to payment of taxes, fines, penalties, or other monies due.

## Scope of Services

The City of Mount Vernon will utilize a HUD-approved eCon Planning Suite Template introduced in May 2012 to develop the referenced Consolidated Plan and FY 2019 and FY2020 Annual Action Plans.

Guidelines for preparing the Consolidated Plan and Annual Action Plan using eCon Planning Suite can be found on the HUD website at:

<https://www.hudexchange.info/programs/consolidated-plan/guides/#consolidated-plan-template-in-idis>

A copy of the City’s 2015-2019 Consolidated Plan is available at:

[http://cmvny.com/wp-content/uploads/2017/07/FINAL-2015-2019-CONSOLIDATED-PLAN\\_090115.pdf](http://cmvny.com/wp-content/uploads/2017/07/FINAL-2015-2019-CONSOLIDATED-PLAN_090115.pdf)

A copy of the City’s 2015-2019 Analysis of Impediments to Fair Housing is available at:

<http://cmvny.com/wp-content/uploads/2018/04/2015-2019AnalysisofImpedimentstoFairHousing.pdf>

The City intends to submit the FY2019 Annual Action Plan by August 1, 2019 and the FY2020 Annual Action Plan by August 3, 2020. The City of Mount Vernon also intends to submit the FY2020-2024 Consolidated Plan and FY2020-2024 Analysis of Impediments to Fair Housing by October 30, 2019.

In addition to meeting the Federal Requirements and deadline for submission of the Consolidated Plan, the City of Mount Vernon is interested in encouraging meaningful public participation in the Consolidated Plan development process. The selected applicant should be expected to confer with:

1. Public and private agencies that provide health services, education, and social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, immigrants, LGBTQ constituencies, and homeless persons;
2. State or local health and child welfare agencies in regard to the portion of its consolidated plan concerning lead-based paint hazards;
3. Adjacent governments regarding priority non-housing community development needs and local government agencies with metropolitan-wide planning responsibility regarding problems and solutions that go beyond a single jurisdiction (e.g. transportation);
4. Westchester Continuum of Care that serves homeless and formerly homeless persons in the area;
5. Business and civic leaders;
6. Faith based community;
7. Arts and culture organizations;
8. Food Bank and food pantries;
9. Various City of Mount Vernon Departments;
10. The Mount Vernon City Council; and
11. Mount Vernon Residents.

The resulting FY2020-2024 Consolidated Plan should provide a direct link between community goals/objectives and priority needs and should include clear direction for implementation of the accompanying First-Year Action Plan framework and future Annual Action Plans.

Professional planning and writing services on behalf of the City of Mount Vernon to be performed under the proposal include, but are not limited to:

1. Preparation, organization, and submission of professionally detailed and comprehensive plans in accordance with guidelines as specified by HUD;
2. Synthesize all necessary information to write all sections of the Consolidated and Annual Action Plans, including, but not limited to, an extensive summary, background program information, consultation process, needs assessment, market analysis, strategic plan, and the FY2019 and FY2020 Annual Action Plans;
3. Consultation with public and private agencies as outlined in 24 CFR §91.100, including those that provide assisted living, homeless service providers and agencies, health services and social services; State or local health and child welfare agencies regarding lead-based paint hazards; adjacent units of local government, including planning agencies; and jurisdictions receiving ESG and HOPWA funds within the eligible metropolitan statistical area; and
4. Conduct a Needs Assessment of the Consolidated Plan as outlined in the eCon Planning Suites Template, in conjunction with information obtained through consultation process as well as those provided by the eCon Planning Suites. The Needs Assessment will provide a clear picture of the City of Mount Vernon's needs related to affordable housing, community development, and homelessness. The Needs Assessment will form the basis for the Strategic Plan and the programs and projects to be administered as outlined in §9.215 and for any policy issues.

The template for the Consolidated Plan in the eCon Planning Suite is based on regulations set forth in 24 CFR Part 91, and includes the following sections:

- Setup
- Executive Summary
- The Process
- Needs Assessment
- Market Analysis
- Strategic Plan
- First-Year Action Plan

The Executive Summary (ES) section of the template is based on the regulations, covers the Consolidated Plan and First-Year Action Plan, and includes the following:

- Executive Summary

The Process (PR) section of the template is based on the regulations and includes the following sections:

- Lead and Responsible Agencies
- Consultation
- Citizen Participation

The Needs Assessment (NA) section of the template is based on the regulations and includes the following sections:

- Housing Needs Assessment
- Disproportionately Greater Need
- Public Housing
- Homeless Needs Assessment

- Non-Homeless Special Needs Assessment
  - Non-Housing Community Development Needs
5. Conduct a Housing Market Analysis as outlined in the eCon Planning Suites Template that provides a clear picture of the environment in which the City of Mount Vernon must administer its programs over the course of the Consolidated Plan. In conjunction with the Needs Assessment, the Housing Market Analysis will provide the basis for the Strategic Plan and the programs and projects to be administered.

The Housing Market Analysis (MA) section of the template is based on the regulations and includes the following sections:

- General Characteristics of the Housing Market
  - Lead-based Paint Hazards
  - Public and Assisted Housing
  - Assisted Housing
  - Facilities, Housing, and Services for Homeless Persons
  - Special Needs Facilities and Services
  - Barriers to Affordable Housing
6. Develop a comprehensive Strategic Plan that identifies the priority needs of the City of Mount Vernon and describes strategies that the City of Mount Vernon will undertake to serve the priority needs.

The Strategic Plan (SP) section of the template includes the following screens:

- Overview
  - Geographic Priorities
  - Priority Needs
  - Influence of Market Conditions
  - Anticipated Resources
  - Institutional Delivery Structure
  - Goals
  - Public Housing
  - Barriers to Affordable Housing
  - Homelessness Strategy
  - Lead-Based Paint Hazards
  - Anti-Poverty Strategy
  - Monitoring
7. Prepare an Analysis of Impediments to Fair Housing Plan (AI) that can be converted to an Affirmatively Furthering Fair Housing Plan (AFFH) if required by HUD at a later date. The AI serves as the basis for fair housing planning and provides essential information regarding any impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.



The analysis shall include the following services:

- An examination of pertinent data including demographic, income, employment, and housing data, as well as studies that have been completed that relate to fair housing;
  - An extensive review of State and local jurisdiction's laws and regulations, including an assessment of agencies currently providing fair housing programs in the area and administrative policies, procedures, and practices;
  - An assessment of how those laws affect the location, availability, and accessibility of housing;
  - An evaluation of conditions, both public and private, affecting fair housing choice for all protected classes;
  - An identification of any impediments to fair housing in both the private and public sector because of race, color religion, sex and disability, familial status or national origin which restrict or have the effect of restricting housing choices or availability of housing choices listed in order of priority; and
  - A set of conclusions and recommendations for action, including recommended actions to overcome identified impediments to fair housing choice, milestones, timetables, and measurable results.
8. Prepare the Annual Action Plans for FY2019-20 and FY2020-21. The selected consultant or firm must provide a concise summary of the actions, activities, and programs that will take place during the program year to address the priority needs and goals identified by the Strategic Plan.

The Annual Action Plan (AP) section of the template includes the following sections:

- Executive Summary
  - Lead and Responsible Agencies
  - Consultation
  - Participation
  - Expected Resources
  - Annual Goals and Objectives
9. Community-Wide Survey
- The selected consultant or firm will:
- Create and initiate a community-wide survey in English, Spanish, and Portuguese. Data collection is anticipated to be through Survey Monkey or similar product;
  - Work with local organizations – including housing providers, culturally specific groups, service providers and groups that work with special needs populations – to encourage involvement of traditionally marginalized communities;
  - Collect, analyze and summarize the survey results in a report to the City of Mount Vernon;
  - Translate Spanish and Portuguese data results into English and provide results in Spanish, Portuguese, and English. The report should categorize findings, provide tables and graphics summarizing results for each category of need, and provide a summary analysis of the overall results. The data in conjunction with other collected data, will be used to support need statements, goals and objectives, and areas of prioritization; and
  - Include survey questions regarding fair housing. This information should be broken out and used to support work under Analysis of Impediments to Fair Housing.

**All costs incurred by respondents are considered by the City of Mount Vernon to be marketing costs required in order to select an organization to perform this work. The City of Mount Vernon will not reimburse respondents for any costs incurred in applying to this RFP.**

Drafts as well as the Final Plans shall be delivered both electronically and in hard copy format. A minimum of ten (10) hard copies of the Final Plan shall be delivered in hard copy. Information shall also be accessible to citizens on the City of Mount Vernon web site and accessible to a wide variety of users, including those with disabilities.

The Final Plan shall include an Executive Summary and materials for presentation to the Mount Vernon Mayor, Mount Vernon City Council, and the Mount Vernon Urban Renewal Agency Board. The Plan shall also be in an electronic that may be readily incorporated into HUD's IDIS on-line system.

## **Content and Format of Proposals**

Each proposal shall be prepared simply and economically, providing a straightforward, concise description of the applicant's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

### Proposal Format

1. Title Page:

Show the RFP subject, the name of your firm, address, telephone number, name of contact person, email address, and date.

2. Signature

The proposal shall include an original transmittal letter signed by a representative authorized to contractually bind their organization to the proposal.

3. Profile

A. State whether the applicant is national, regional, or local;

B. State the location of the office in which the services will be provided when such services are not provided on-site;

C. Describe the applicant's experience in the provision of services described herein and the number of years engaged in this type of work; and

D. Describe the respondent's experience working with the City of Mount Vernon as well as clients in the New York State area.

4. Summary of Qualifications

Describe the respondent's experience with five-year consolidated plans and analysis of impediments to fair housing. In addition, detail any experience with successfully converting analysis of impediment to fair housing plans to an AFFH plan if needed at a future date.

5. Community Partnership

Describe any experience working with a community-wide, multi-lingual public participation program with an emphasis on low-income and historically disenfranchised communities, including people of color, immigrants and refugees, as well as women, veterans, people with disabilities and the LGBTQ community.

6. Work Plan

Formulate a work plan that clearly and systematically identifies and describes all tasks and subtasks necessary to complete the scope of work and deliverables. Provide a summary project schedule showing all deliverables as well as the timeframe for each of the tasks required to produce them starting with selection.

7. Identification of Personnel

Identify each person who will be involved in the provision of services described herein. Describe each person's qualifications, including relevant experience and education/training in Consolidated Plan and Analysis of Impediments to Fair Housing Plan.

The Key member(s) of the consultant's or firm's staff must be identified and assigned to the project for the duration of the contract, unless the City of Mount Vernon agrees in writing to modify the assignment. If a key member leaves during the course of the contract, the City of Mount Vernon must be notified immediately, and the contractor must submit the replacement's name and credentials for approval by the City of Mount Vernon prior to that person starting work on the contract.

In the event of any proposed subcontractors, please provide details of the expertise and scope being provided by the firm as well as the firm's relevant experience and depth of qualified personnel as it relates to the project.

8. Litigation

State whether the respondent has been involved in any litigation within the last five years or if there is any pending litigation in any way arising out of performance or delivery of services identical or similar to those described herein. If so, provide a brief explanation of the issues involved and the outcome, if resolved.

9. Availability

Provide a statement that the respondent is ready, willing, and able to provide the services rendered in accordance with this RFP and in accordance with applicant's proposal if selected.

10. Fees

Provide a detailed proposed fee structure. The fee structure should include all labor, administrative expenses, per diem, travel expenses, billing schedule, equipment, materials, and overhead necessary to perform work under the term of condition of this solicitation.

11. References

The submission shall include a list of 5 references, at least 3 of which have obtained services or materials from the applicant in the last 24 months. Details shall include client name, client contact information, project location, key personnel, duration of project or portion of project if the project involves other work beyond this scope, and projected and actual cost.

12. Required Forms – Please refer to Page 15 and send all of the attached forms.

## Selection Process

Based on all information reviewed and presentations/interviews (if conducted), the Executive Staff shall establish the final ranking of the proposals.

During the evaluation process, the City of Mount Vernon reserves the right, where it may serve the City of Mount Vernon’s best interest, to request additional information or clarification from respondents.

**Projected Timeline**

Proposals Due by 4 :00pm Eastern Standard Time	April 12, 2019
Proposals Reviewed	April 17, 2019
Interviews Conducted	April 19, 2019
Applicants Notified	April 22, 2019
Begin Work on Consolidated Plan AI Plan, and 2019 Annual Action Plan	April 24, 2019
Complete 2019 Annual Action Plan	July 19, 2019
Complete 2020 Annual Action Plan	July 17, 2020
Complete 2020-2024 Consolidated Plan and 2020-2024 AI Plan	October 18, 2019
Submission of 2020-2024 Consolidated Plan and 2020-2024 AI Plan	October 30, 2019

**Proposal Evaluation**

**General**

Selection will be based upon the qualification of the applicant and its ability to satisfy the project requirements, schedule, and approach as described in the proposal. The City of Mount Vernon reserves the right, at its sole discretion, to reject any and all proposals, and to waive minor irregularities. The City of Mount Vernon also reserves the right to select any proposal as the basis for negotiating a contract; to exercise its sole discretion and apply its judgment with respect to any aspect of this request for proposals; the evaluation of proposals and the negotiation and award of any contract; and to weigh its evaluation criteria in any manner it deems appropriate. **The City of Mount Vernon may also include in its evaluation publicly available information about the respondent and/or other projects or other work products of the respondent.**

Proposals will be evaluated using the following criteria:

1. Responsiveness to the Request for Proposals.
2. Demonstrated understanding of the Project Objectives and Scope of Work.
3. Adherence in the schedule for performing the work to federal requirements.
4. The extent to which the proposal meets the following criteria:
  - Conforms to Consolidated Plan regulations and AI Plan Regulations;
  - Includes effective policies and strategies for working with consensus building with a focus on community development policies;
  - Demonstrate consultant’s or firm’s ability to complete the project based on current workload;
  - Demonstrates understanding of the City of Mount Vernon’s goals and purpose for this project; and
  - Provides a specific approach as to how the consultant or firm would achieve the project’s goals and produce deliverables within the project timeframe.
5. Extent of qualifications and relevant experience of the consultant’s or firm’s team.
6. Cost-effectiveness of the proposal.

**MBE/WBE firms are highly encouraged to apply. Evaluation criteria are not necessarily listed in order of importance. The City of Mount Vernon reserves the right to weigh its evaluation criteria in any matter it deems appropriate.**

The response to the RFP shall incorporate adequate information as detailed below for the City of Mount Vernon's selection committee to evaluate the firm's ability to meet the design needs specified in this proposal. To expedite the review process, please organize the technical information in the order listed below with the submission being concise.

### **Term**

The 2019 Annual Action Plan must be completed by July 19, 2019 while the 2020 Annual Action Plan must be completed by July 17, 2020. The Five-Year Consolidated Plan and the AI Plan must be completed by October 18, 2019. The successful applicant shall be responsible for uploading the plan into HUD's Integrated Disbursement and Information System (IDIS).

It is estimated that the term of the contract awarded will end on August 16, 2020.

### **Right to Reject Proposals**

The City of Mount Vernon reserves the right without prejudice any or all proposals in whole or in part. It also reserves the right to waive any technical defects or minor irregularities, which in its discretion, is in the best interest of the City of Mount Vernon. The City of Mount Vernon further reserves the right to seek new proposals when such a procedure is reasonably in the best interest of the City of Mount Vernon to do so.

The City of Mount Vernon will not pay or reimburse any applicant, including a selected applicant, for any information required in the RFP, nor is it liable for any cost incurred by a firm in responding to an RFP.

Any materials received at a later time and/or date than specified in this RFP will not be considered in the evaluation.

**All proposals must include the items listed in the content and format of proposals. Please refer to Page 9-10 for required documents.**

The City of Mount Vernon is not responsible for any internal or external delivery delays that may cause any proposal to arrive beyond the stated deadline. To be considered, proposals must arrive at the place specified herein and be time stamped prior to the deadline.

## **Professional Liability and Other Insurance Coverage**

All proposals shall include a statement by the applicant and its sub-consultants, if any, concerning professional liability for negligent acts, errors, and omissions and any other insurance coverage that would protect the City of Mount Vernon from loss or harm should the proposal be accepted. The standard insurance provisions are indicated in Attachment A.

## **Proposals to be in Effect**

Each proposal shall state that it is valid for a period of one hundred eighty (180) calendar days from the date of submission.

## Public Access to Records

The City of Mount Vernon is committed to creating transparency throughout the process. Proposals will be made available to the public upon request, consistent with the City of Mount Vernon's laws.

## Non-Collusion

By signing the proposal, the selected consultant or firm hereby warrants and represents that any ensuing agreement has not been solicited or secured, directly or indirectly, in a manner contrary to the laws of the State of New York and the City of Mount Vernon, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity, or consideration of any kind, directly or indirectly, to any City of Mount Vernon employee, officer or official.

## Avoidance of Conflict of Interest

**Consultants or firms shall be ineligible to apply to this solicitation if it, or any of its officers, employees, affiliates, or sub-consultants, is:**

Advising Developers on development projects in Mount Vernon;

Have business related to development projects in Mount Vernon before the Mount Vernon Planning Board, Zoning Board of Appeals, Architectural Review Board, Mount Vernon Real Estate Committee or Mount Vernon City Council.

This shall be considered a conflict of interest because the selected respondent will be advising the City of Mount Vernon with respect to the plan for allocating federal funds. Ineligible consultants or firms are welcomed to provide input during the community engagement process.

All proposals shall contain an affirmation that the respondent, its officers, employees, affiliates, and sub-consultants, if any, will not seek to participate in this project, either directly or indirectly, except in accordance with the definitive terms of this RFP or any subsequent RFP that replaces this RFP.

## Prohibited Interest of Members, Officials, or Employees of the State of New York, the City of Mount Vernon, New York, and Local Public Bodies

No official, employee, or member of a governing body of Mount Vernon, New York State, or a local public body having jurisdiction within the City of Mount Vernon, New York, shall have any interest, direct or indirect, in any resultant contract or the proceeds thereof during his or her tenure, which shall extend 12 months after such tenure. The award of a contract is subject to provisions of all Federal, State, and City of Mount Vernon laws. All respondent's must disclose with their submitted proposal the name of any officer, director or agent who is also an employee of the City of Mount Vernon or is related to an employee of the City of Mount Vernon. Further, all respondent's must disclose the name of any City of Mount Vernon employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

## Non-Discrimination Policy

In connection with this proposal, the respondent, its employees, its sub-consultants, if any, or any other person acting on its behalf, shall not discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital

status, sexual orientation, familial status, genetic predisposition or carrier status during the term of, or in the connection with, any resulting contract.

The respondent will take affirmative action to assure that consultants are employed, and that employees are treated during employment, without regard to their race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

## **Minority Participation Policy**

It is the policy of the City of Mount Vernon to use its best efforts to encourage, promote, and increase the meaningful and significant participation of business enterprises owned and controlled by persons of color or women, Minority Business Enterprise (MBE) and Women Business Enterprise (WBE), in contracts and projects funded by all departments of the City of Mount Vernon and to develop guidelines to efficiently and effectively monitor such participation.

The term persons of color means a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (a) Black persons having origins in any Black African racial groups; (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race; (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands.

An enterprise owned and controlled by persons of color or women means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability corporation, or corporation that is: (a) at least 51% owned by one or more persons of color or women; (b) an enterprise in which such ownership by persons of color or women is real, substantial and continuing; (c) an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and (d) an enterprise authorized to do business in this state which is independently owned and operated.

In addition, a business enterprise owned and controlled by persons of color or women shall be deemed to include any business enterprise certified as an MBE or WBE pursuant to Article 15-a of the New York State Executive Law and implementing regulations, 9 NYCRR Subtitle N Part 540 et seq., or as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended. In furtherance of this goal, the respondent must complete an MBE/WBE questionnaire attached hereto as Attachment D. The completion of this form is requested to compile statistical data. The successful respondent shall also be required to complete a similar questionnaire as part of the contract.

## **Respondent Certification**

Proposals shall not be accepted unless the certification annexed hereto as Attachment J is fully executed by the proposing entity.

## Attachments

A - Standard Insurance Provisions

B – Questionnaire Regarding Business Enterprises Owned and Controlled by Women or Persons of Color

C – Required Disclosures of Relationships to City of Mount Vernon

D – Contractor Disclosures Form

E – Certification Regarding Disbarment and Suspension

F – Conflict of Interest Form

G – Certification Regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreements

H – Certification Regarding Business Dealings with Northern Ireland

I – Conflict of Interest Questionnaire

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**Exhibit A**  
**STANDARD INSURANCE PROVISIONS**  
**(Contractor)**

Prior to commencing work, the Contractor shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the City of Mount Vernon as may be required and approved by Corporation Counsel. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to Corporation Counsel of the City of Mount Vernon by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Contractor and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the City of Mount Vernon, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the City of Mount Vernon, the Contractor shall upon notice to that effect from the City of Mount Vernon, promptly obtain a new policy, submit the same to Office of Corporation Counsel of the City of Mount Vernon for approval and submit a certificate thereof. Upon failure of the Contractor to furnish, deliver and maintain such insurance, the Agreement, at the election of the City of Mount Vernon, may be declared suspended, discontinued or terminated. Failure of the Contractor to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Contractor from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Contractor concerning indemnification. All property losses shall be made payable to and adjusted with the City of Mount Vernon.

In the event that claims, for which the City of Mount Vernon may be liable, in excess of the insured amounts provided herein are filed by reason of Contractor's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Contractor until such time as the Contractor shall furnish such additional security covering such claims in form satisfactory to the City of Mount Vernon.

The Contractor shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

Workers' Compensation. Certificate form C-105.2 or State Fund Insurance Company Form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at:  
<http://www.web.ny.gov/>

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- (a) Employer's Liability with minimum limit of \$100,000.

(b) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or a combined single limit of \$1,000,000 (c.s.1) naming the City of Mount Vernon as an additional insured.

This insurance shall include the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub Contractor.
- (iv) Products and Completed Operations.

(c) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

(d) Contractor's Professional Liability. The Contractor shall provide proof of such insurance. (Limits of \$1,000,000 per occurrence/\$3,000,000 aggregate).

2. All policies of the Contractor shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the City of Mount Vernon (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" "in a policy in which the City of Mount Vernon is named as an insured, shall not apply to the City of Mount Vernon.

(c) The insurance companies issuing the policy or policies shall have no recourse against the City of Mount Vernon (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Contractor.

**Exhibit B**  
**QUESTIONNAIRE REGARDING BUSINESS ENTERPRISE**  
**OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR**

As part of the City of Mount Vernon’s program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in City of Mount Vernon contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A business enterprise owned and controlled by women or persons of color means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability corporation, or corporation, that either:

1. Meets the following requirements:
  - (a) Is at least 51% owned by one or more persons of color or women;
  - (b) Is an enterprise in which such ownership by persons of color or women is real substantial and continuing;
  - (c) Is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
  - (d) Is an enterprise authorized to do business in this state which is independently owned and operated.
  
2. Is a business enterprise certified as a minority business enterprise (“MBE”) or women business enterprise (“WBE”) pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq.,  
**OR**
  
3. Is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term “persons of color,” as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

\_\_\_\_\_ No

\_\_\_\_\_ Yes

Please note that if you answered “yes “based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.

2. If you answered “Yes “above, please check off below whether your business enterprise is owned and controlled by women, persons of color, both.

\_\_\_\_\_ Women

\_\_\_\_\_ Persons of Color (please check off below all that apply)

\_\_\_\_\_ African American

\_\_\_\_\_ Hispanic

\_\_\_\_\_ Native American or Alaskan Native

\_\_\_\_\_ Asian or Pacific Islander

Name of Enterprise: \_\_\_\_\_

Name and Title of person completing questionnaire: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Notary Public: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit C**  
**REQUIRED DISCLOSURE OF RELATIONSHIPS TO THE CITY**  
**OF MOUNT VERNON, NEW YORK**

A potential City of Mount Vernon contractor must complete this form as part of the proposed City of Mount Vernon contract.

1. Are any of the employees that the Contractor will use to carry out this contract also a City of Mount Vernon officer or employee or the spouse, child, or dependent of a City of Mount Vernon officer or employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary):

2. Are any of the owners of the Contractor or their spouses a City of Mount Vernon officer or employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary):

3. Do any City of Mount Vernon officers or employees have an interest<sup>1</sup> in the Contractor or in any approved subcontractor that will be used for this contract?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide details (attach extra pages, if necessary):

By signing below, I hereby certify that I am authorized to complete this form for the Contractor.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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<sup>1</sup> Interest means a direct or indirect pecuniary or material benefit accruing to a City of Mount Vernon officer or employee, his/her spouse, child or dependent, whether as a result of a contract with the City of Mount Vernon or otherwise: For the purpose of this form, a City of Mount Vernon officer or employee shall be deemed to have an "interest" in the contract of:

- a) His/her spouse, children and dependents, except a contract of employment with the County;
- b) A firm, partnership or association of which such officer or employee is a member or employee;
- c) A corporation of which such officer or employee is an officer, director or employee; and
- d) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

**Exhibit D**  
**CONTRACTOR DISCLOSURE FORM**

**Instructions:** The Contractor Disclosure Form has been developed to collect information from contractors who wish to do business with the City of Mount Vernon and to ensure that the City of Mount Vernon is in compliance with all local, county, state and federal mandates.

1. Every Contractor submitting a bid or proposal to the City of Mount Vernon must complete and return a Contractor's Disclosure Form.
2. The Contractor's Disclosure Form must be complete and notarized. Failure to complete all parts of the Contractor's Disclosure Form will make a bid non-responsive and not eligible for award consideration.
3. In the event the Contractor is a joint venture, the joint venture and each of the joint venture partners must submit a complete Contractor's Disclosure Form.
3. If the Contractor is fully or partially owned by one or more corporations, each Corporation must submit a complete Contractor's Disclosure Form.
4. This Contractor's Disclosure Form need only be filed with the City of Mount Vernon Clerk's Office when submitting a bid for the first time in which this form is required. Any future bid or proposal submitted by the Contractor need only reference its previous submittal, the specification/contract number and the date the form was submitted.
5. Any changes in organizational structure, ownership, ethics compliance or any other material change of the Contractor shall require submission of an amended form within five (5) working days of the change which shall be submitted to the City of Mount Vernon Clerk's Office citing the contract number, if applicable.
7. Providing any false, incomplete or inaccurate information in the Contractor's Disclosure Form will make a bid non-responsive and not eligible for award consideration and may result in fines, penalties and/or debarment from bidding on contracts for a period of up to three (3) years.
8. A contractor shall not perform any work whatsoever without first having submitted a Disclosure Form.

Bid Name/Specifications: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

List of all other Addresses of Contractor: \_\_\_\_\_

\_\_\_\_\_

(Assumed Name, if any): \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contractor Telephone No: \_\_\_\_\_

Contractor Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Federal Employer I.D. # or Social Security #: \_\_\_\_\_

Supplier is a certified Minority/Women Business Enterprise: MBE \_\_\_ WBE \_\_\_ Neither \_\_\_

**A. DISCLOSURE OF OWNERSHIP INTEREST**

All Contractors shall provide the following information with their bid or proposal. If the question is not applicable, answer with "NA." If the answer is none, please answer "none."

Supplier is a (check one): ( ) For Profit Corporation ( ) Sole Proprietor/Consultant  
( ) Partnership ( ) Not-For-Profit Corporation  
( ) Limited Liability Company ( ) Other: \_\_\_\_\_  
( ) Joint Venture

**SECTION I. FOR PROFIT CORPORATIONS**

a. Incorporated in the State of \_\_\_\_\_

b. Corporation in good standing: Yes ( ) No ( )

c. Authorized to do business in the State of New York: Yes ( ) No ( )

d. List below the names of all **Directors** and **Officers** of corporation (or Attach List):

Name (Print or Type)	Title (Print or Type)	Address
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e. If the corporation has fewer than 100 shareholders indicate below or attach a list of names and addresses of all shareholders and the percentage interest of each.

Name (Print or Type)	Address	Ownership Interest
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

f. Is the corporation owned partially or completely by one or more other corporations?  
YES ( ) NO ( ). If "Yes", provide the above information, as applicable, for each of said corporations.

Name (Print or Type)	Address	Federal Employee ID#	Ownership Interest
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>



**SECTION 2. PARTNERSHIPS /LIMITED LIABILITY COMPANIES**

a. If the Contractor is a partnership or limited liability company indicate, or attach list, the name, address and ownership interest of each partner or member. Please identify the general partners for limited partnerships and managing members for limited liability companies.

Name (Print or Type)	Address	Ownership Interest
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**SECTION 3. JOINT VENTURES**

a. If the Contractor is a joint venture indicate the name, address and ownership interest of each partner. Please attach a copy of the fully executed joint venture agreement.

Name (Print or Type)	Address	Ownership Interest
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**SECTION 4. SOLE PROPRIETORSHIPS / CONSULTANTS**

a. If the Contractor is a sole proprietor/consultant, is the Contractor acting in any representative capacity on behalf of any beneficiary? YES { } NO { }.

If "YES" complete items b and c of this Section.

b. If the sole proprietorship is held by an agent(s) or a nominee(s), indicate the name, address of the principal(s) for the agent or nominee holding such interest.

Name(s) of Principal(s) (Print or Type)	Address
_____	_____
_____	_____
_____	_____
_____	_____

c. If the interest of a spouse or any party is constructively controlled by another person or legal entity indicate the name, address of such person or entity processing such control and the relationship under which such control is being or maybe exercised:

Name(s) of Principal(s) (Print or Type)	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SECTION 5. NOT-FOR-PROFIT CORPORATIONS**

a. Incorporated in the State of \_\_\_\_\_

b. Authorized to do business in the State of New York: Yes ( ) No ( )

c. Is corporation a 501(c) 3 organization? Yes ( ) No ( )

d. List below the names of all **Directors** and **Officers** of corporation (or Attach List):

Name (Print or Type)	Title (Print or Type)	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SECTION 6. LAND TRUSTS, BUSINESS TRUST, ESTATES & OTHER ENTITIES**

If the Contractor is a land trust, business trust, estate or other similar commercial or legal entity, indicate the name, address and ownership interest of any representative or entity holding legal title as well as each beneficiary in whose behalf title is held.

Name (Print or Type)	Address	Ownership Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**B. ETHICS CODE**

The Contractor acknowledges that it is familiar with the City of Mount Vernon Code of Ethics (City Code Chapter 24) adopted January 14, 1959, as amended from time to time.

\_\_\_\_\_ 1. To its knowledge, the Contractor is in compliance.

\_\_\_\_\_ 2. To its knowledge, the Contractor is **not** in compliance.

Does any individual who is required to be identified (in Part A, Sections 1 through 6 of this form) have any family member (or member of his or her household) who is a present or former employee of the City of Mount Vernon or a current or former member of the Mount Vernon City Council?

Yes\_\_\_\_ NO\_\_\_\_\_.

If "Yes," please provide the name of such person, and explain briefly the relationship and the circumstances below:

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### C. DISCLOSURE OF RETAINED PARTIES

#### **A. Definitions and Disclosure Requirements**

1. For purposes of this section, "Contractor" means a person or entity who within the past five years has had a Contract or purchase order with the City of Mount Vernon.
2. Every Contract and/or purchase order must be accompanied by a disclosure statement providing certain information about attorneys, lobbyists, accountants, consultants, subcontractors and other persons whom the Contractor has retained or expects to retain with respect to the Contract or purchase order. In particular, the Contractor must disclose the name of each person, business address, the nature of the relationship, and the amount of fees paid or estimated to be paid. For purposes of this section, "Lobbyist" means any person (a) who for compensation or on behalf of another person undertakes to influence any legislative or administrative action, or (b) any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.
3. The Contractor is not required to disclose the identity of employees who are paid solely through the Contractor's regular payroll.

**B. Disclosure**

1. EACH AND EVERY attorney, lobbyist, accountant, consultant, subcontractor, or other person retained or anticipated to be retained by the Contractor with respect to or in connection with the Contract or purchase order should be listed below (attach additional pages if necessary):

Name	Business Relationship	Address	FEIN#

2. This Disclosure relates to the following Contract/purchase order: \_\_\_\_\_

**CHECK HERE IF NO SUCH PERSONS HAVE BEEN RETAINED OR ARE ANTICIPATED TO BE RETAINED: \_\_\_\_\_**

**IF SUCH PERSONS ARE RETAINED, THE CONTRACTOR IS REQUIRED TO FILE AN AMENDMENT TO THIS CONTRACTOR'S DISCLOSURE FORM.**

**D. WORK RELATED DISCLOSURE**

For purposes of this section, "Controlling Person" means an affiliated entity or person who is a director, officer, partner, managing member, proprietor, owner of 10 % or more of voting shares, or any other individual that participates in the policy making, financial decisions or directs operations of the Contractor.

**If the answer to any of the following questions is "Yes," please indicate the responding party as either the Contractor or Controlling Person(s).**

1. In the past five years, has the Contractor or Controlling Person(s) existed or operated a business under another name?

YES\_\_\_\_ NO\_\_\_\_

If "Yes", list the name(s) used, description of the business, current status of the business, and years under current ownership.

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2. Has the Contractor or Controlling Person(s) previously performed work for the City of Mount Vernon?

YES \_\_\_ NO \_\_\_

If "Yes", please list the date and nature of goods or services provided to the City of Mount Vernon.

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3. In the past five years has the Contractor or Controlling Person(s) rendered goods or performed services for any other governmental agency?

YES \_\_\_ NO \_\_\_

If "Yes", please list the agency, date and nature of goods rendered or services performed.

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4. In the past five years, have consequential, liquidated or special damages been assessed against the Contractor or Controlling Person(s) upon completion of any governmental agency contracts?

YES \_\_\_ NO \_\_\_

If "Yes", please attach explanation.

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5. In the past five years, has the Contractor or Controlling Person(s) defaulted on any indebtedness, judgment, or other financial obligation?

YES \_\_\_\_ NO \_\_\_\_

If “Yes”, please attach explanation.

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6. In the past five years, has the Contractor or Controlling Person(s) been a defendant in a criminal action, or been a party in litigation, or subject to a lien, claim, demand, or judgment, or filed a petition for bankruptcy or reorganization?

YES \_\_\_\_ NO \_\_\_\_

If “Yes”, please attach explanation and cite caption, case/docket number and disposition.

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Business entities are affiliated if, directly or indirectly, one controls or has the power to control the other or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members, shared facilities and equipment, common use of employees, or organization of another business entity using substantially the same management, ownership or principals as the first entity.

7. In the past five years, has the Contractor or Controlling Person(s) been sued for failing to pay subcontractors for work performed?

YES \_\_\_\_ NO \_\_\_\_

If “Yes”, please attach explanation and cite caption, case/docket number and disposition.

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8. The Contractor has coverage under or is able to obtain the following insurance policies, as applicable to perform work for the City of Mount Vernon: worker's compensation and employers' liability insurance, commercial general liability insurance, automobile liability insurance, professional liability insurance, and umbrella/excess liability insurance.

YES \_\_\_\_\_ NO \_\_\_\_\_

If "NO", please attach explanation.

**If the Contractor is a construction contractor, please complete the following questions:**

9. In the past five years, has the Contractor or Controlling Person(s) been investigated or found in violation of Federal, State or Local safety or sanitary laws?

YES \_\_\_\_\_ NO \_\_\_\_\_

If "Yes", please attach all violations and state whether the violations caused injuries.

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10. In the past five years, has the Contractor or Controlling Person(s) been investigated or found in noncompliance of the State of New York prevailing wage requirements?

YES \_\_\_\_\_ NO \_\_\_\_\_ If "Yes", please attach explanation.

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11. In the past five years, has the Contractor or Controlling Person(s) been investigated or found in violation of Federal, State of Local Environmental laws or regulations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If "Yes", please attach explanation.

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12. In the past five years, has the Contractor or Controlling Person(s) been involved in a work related accident, including but not limited to automobiles used in the course of business?



YES \_\_\_\_\_ NO \_\_\_\_\_ If "Yes", please attach explanation.

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## **E. CONTRACTOR CERTIFICATION**

### **A. Contractor**

The Contractor certifies that the following is true and correct:

1. The Contractor or any subcontractor to be used in the performance of a Contract or purchase order, or any affiliated entity of the Contractor or any such subcontractor, or any responsible official thereof, or any other official, agent or employee of the Contractor, or any such subcontractor of any such affiliated entity, acting pursuant to the direction or authorization of a responsible official thereof has not, during the period of five years prior to the date of execution of this Contractor's Disclosure Form, or if a subcontractor's affiliated entity during a period of five years prior to the date of award of the subcontract:
  - a. Bribed or attempted to bribe, or been convicted of bribery or attempting to bribe a public officer or employee of the City of Mount Vernon, the State of New York, any agency of the federal government or any state or local government in the United States (if an officer or employee, in that officer's or employee's official capacity); or
  - b. Agreed or colluded, or convicted of agreeing or colluding with, between or among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
  - c. Made an admission of guilt of such conduct described in Section I (a) and (b) above, which is a matter of record but has not been prosecuted for such conduct.

### **B. Subcontractor**

The Contractor certifies that the following is true and correct:

1. The Contractor has obtained from all subcontractors to be used in the performance of the Contract, known by the Contractor at this time, certifications in form and substance equal to Section G (A) above. Based on such certification(s) and any other information known or obtained by the Contractor, the Contractor is not aware of any such subcontractor, subcontractor's affiliated entity, or any agent, partner, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of: (a) any of the conduct described in Section G (A) (1) (a) or (b) or (c) above.

### **C. Certification Regarding Suspension and Debarment**

1. The Contractor certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from any Federal, State or Local department or agency, or the City of Mount Vernon;
  - b. Have not within a five year period preceding the Contract been convicted of or had a civil judgment rendered against them for: the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local) transaction or contract under a public transaction; a violation of Federal or State antitrust statutes; or commission of embezzlement,

theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in Section G (C) (1) (b) above; and
  - d. Have not within a five year period preceding the Contract had one or more public transactions (Federal, State, and Local) terminated for cause or default.
2. If any subcontractors are to be used in the performance of the Contract, Contractor shall cause such subcontractors to certify as to Section G (C) (1) of this Contractor's Disclosure Form.

**D. Anti-Collusion**

The Contractor, its agents, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this Contractor's Disclosure Form.

**INCORPORATION INTO CONTRACT DOCUMENT**

The above certifications shall become part of any Contract awarded to the Contractor or entered into during the year that this Contractor's Disclosure Form is in effect. Further, the Contractor shall comply with these certifications during the term or performance of any Contract awarded to the Contractor, and any extension thereof.

**ATTESTATION CLAUSE**

Under penalty of perjury, I certify that I am authorized to execute this Contractor's Disclosure Form on behalf of the Contractor set forth on page 1, that I have personal knowledge of all the certifications made herein and that the same are true. Furthermore, that I have examined this Contractor's Disclosure Form and the answers are true and correct. I have not knowingly omitted any information requested. I understand that records and documents may be requested by the City of Mount Vernon to verify the information provided in this Contractor's Disclosure Form. I understand that providing any false, incomplete or inaccurate information in this Contractor's Disclosure Form shall make a bid non-responsive and not eligible for award consideration and may result in fines, penalties and/or debarment from bidding on Contracts for a period of up to three years. I understand that providing any false, incomplete or inaccurate information constitutes an event of default under the Contract and may result in termination of the Contract. I understand and agree to pay all costs, fees, expenses, including attorney fees, in connection with any legal action or criminal prosecution as a result of providing false, incomplete or inaccurate information in this Contractor's Disclosure Form.

Signature of Authorized Official: \_\_\_\_\_

Name of Authorized Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

State of: \_\_\_\_\_

County of: \_\_\_\_\_

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary Public Signature:

**Exhibit E**  
**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

1) In order to assure compliance with 2 C.F.R. Part 180. 2 C.F.R. Part 2424. and other applicable law, the Contractor certifies that it, its principals, and affiliates:

- (a) Are not presently disbarred, suspended, proposed for debarment, declared ineligible
- (b) or voluntarily excluded by any Federal department or agency;
- (c) Have not within a 3-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, including any violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification of records, making false statements, or receiving stolen property;
- (d) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) above;
- (e) Have not within a 3-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.

2) Where the Contractor is unable to certify to any of the statements in this paragraph, the Contractor shall attach a written explanation to this certification.

**Contracting Entity's Name:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Exhibit F**  
**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

The Contractor certifies that it will provide a drug-free workplace, in compliance with 41 U.S.C. 8101 et seq., 48 C.F.R. Subpart 23.5, and 2 C.F.R. Part 2429. The Contractor certifies that it will make a good faith effort, on a continuing basis, to maintain a drug-free workplace, including by taking certain specific measures, as follows:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment on any federally-funded contract, the employee will:

- (1) Abide by the terms of the statement, and, Notify the employer in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

Making it a requirement that each employee to be engaged in the performance of any federally-funded contract be given a copy of the statement required by paragraph (a);

(c) Establishing an ongoing drug-free awareness program to inform employees about:

- (1) the dangers of drug abuse in the workplace;
- (2) the Contractor's policy of maintaining a drug-free workplace;
- (3) any available drug counseling, rehabilitation, and employee assistance programs; and,
- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(d) Notifying the County and the Federal agency that provided the Funds within ten days after receiving notice under subparagraph (b)(2) from an employee or otherwise receiving actual notice of such conviction, with such notification:

- (1) being in writing;
- (2) including the employee's position title;
- (3) including the identification number(s) of each affected award of Federal funds;

(e) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted: :

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with applicable law; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

(f) The Contractor shall insert in the space provided below, or include as a separate attachment, a listing of the site(s) for the performance of work done in connection with the specific grant:

Place(s) of Performance (Street Address, City, County, State, Zip Code)

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Contracting Entity's Name

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Authorized Signature

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Name

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Title

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Signature

**Exhibit G**

**CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS,  
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**NOTE:** If Standard Form-LLL, Disclosure Form to Report Lobbying, is required, it can be obtained from Appendix B to 24 C.F.R. Part 87.

**Contracting Entity's Name:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Exhibit H**  
**CERTIFICATION REGARDING BUSINESS DEALINGS WITH NORTHERN IRELAND**

A. The Contractor and any individual or legal entity in which the Contractor holds a ten percent (10%) or greater ownership interest and any individual or legal entity that holds a ten percent (10%) or greater ownership interest in the Contractor (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles.

B. For purposes of this Certification, “MacBride Principles” shall mean those principles relating to nondiscrimination in employment and freedom of workplace opportunity which require employers doing business in Northern Ireland to:

- (1) increase the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;
- (2) take steps to promote adequate security for the protection of employees from underrepresented religious groups both at the workplace and while traveling to and from work;
- (3) ban provocative religious or political emblems from the workplace;
- (4) publicly advertise all job openings and make special recruitment efforts to attract applicants from underrepresented religious groups;
- (5) establish layoff, recall and termination procedures which do not in practice favor a particular religious group;
- (6) abolish all job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion;
- (7) develop training programs that will prepare substantial numbers of current employees from underrepresented religious groups for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of workers from underrepresented religious groups;
- (8) establish procedures to assess, identify and actively recruit employees from underrepresented religious groups with potential for further advancement; and
- (9) appoint a senior management staff member to oversee affirmative action efforts and develop a timetable to ensure their full implementation.

C. For purposes of this Certification, “Northern Ireland” shall be understood to be the six counties partitioned from the Irish Province of Ulster, and administered from London and/or from Stormont.

D. The Contractor agrees that the warranties and representation in paragraph “A” are material conditions of this Contract. If the City of Mount Vernon receives information that the Contractor is in violation of paragraph “A”, the City of Mount Vernon shall review such information and give the Contractor opportunity to respond. If the City of Mount Vernon finds that such a violation has occurred, the City of Mount Vernon may declare the Contractor in default, and/or



terminate this Contract. In the event of any such termination, the City may procure the supplies, services or work from another source in accordance with applicable law.

The Contractor shall pay to the City of Mount Vernon the difference between the contract price for the uncompleted portion of this Contract and the cost to the City of Mount Vernon of completing performance of this Contract either by itself or by engaging another contractor. If this is a contract other than a construction contract, the Contractor shall be liable for the difference in price if the cost of procurement from another source is greater than what the City of Mount Vernon would have paid the Contractor plus any reasonable costs the City of Mount Vernon incurs in any new procurement and if this is a construction contract, the City of Mount Vernon shall also have the right to hold the Contractor in partial or total default in accordance with the default provisions of this Contract.

In addition, the Contractor may be declared not to be a responsible bidder or applicant for up to three (3) years, following written notice to the Contractor, giving the Contractor the opportunity for a hearing at which the Contractor may be represented by counsel. The rights and remedies of the City hereunder shall be in addition to, and not in lieu of, any rights and remedies the City of Mount Vernon has pursuant to this Contract or by operation of law or in equity.

Agreed:

\_\_\_\_\_  
*(Legal Name of Person, Firm or Corporation)*

\_\_\_\_\_  
*By: (Signature of Authorized Representative)*

\_\_\_\_\_  
*(Title)*

Dated: \_\_\_\_\_

SWORN to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Exhibit I**  
**CONFLICT OF INTEREST QUESTIONNAIRE**

Federal, State, and City of Mount Vernon, New York Laws<sup>2</sup> prohibit employees and public officials of the City of Mount Vernon from participating on behalf of the City of Mount Vernon in any transaction in which they have a financial interest. Accordingly, the purpose of this questionnaire is to determine if the respondent or any of the respondent's staff, or any of the respondent's Board of Directors would have a conflict of interest.

1. Is there any member of the respondent's staff or any member of the respondent's Board of Director's or governing body who currently is or has/have been, within one year of the date of this questionnaire, either a City of Mount Vernon employee, a consultant to the City of Mount Vernon, or a member of the Mount Vernon City Council?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, on a separate page please list the name of the individual.
- b) Please indicate the job title or role each person listed above has or had with respect to the respondent. State whether each person listed above is a City of Mount Vernon employee, consultant, or member of the Mount Vernon City Council, and identify the City of Mount Vernon Department in which he/she is employed.

2. Will the respondent award a subcontract to any individual(s) or business affiliate(s) who is/are currently or has/have been, within one year of the date of this questionnaire, a City of Mount Vernon employee, a consultant to the City of Mount Vernon, or member of the Mount Vernon City Council?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, on a separate page please list the individual name(s).
- b) Please state whether each person listed above is a City of Mount Vernon employee, consultant to the City of Mount Vernon, or member of the Mount Vernon City Council, and identify the City of Mount Vernon Department in which he/she is employed.

3. Is there any member of the respondent's staff or members of the respondent's Board of Directors or other governing body who are business partners or family members of a City of Mount Vernon employee, consultant, or member of the Mount Vernon City Council?

Yes \_\_\_\_\_ No \_\_\_\_\_

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<sup>2</sup> Mount Vernon's Code of Ethics may be found at Chapter 24. See also <https://ecode360.com/6600073>.

- a) If yes, on a separate page please list the name(s).
- b) If yes, please identify the City of Mount Vernon employee, consultant, or member of the Mount Vernon City Council with whom each individual has family or business ties.

Name of Firm: \_\_\_\_\_

Name: \_\_\_\_\_

- 4. Does the respondent have business related to development projects in Mount Vernon before the Mount Vernon Planning Board, Zoning Board of Appeals, Architectural Review Board, Mount Vernon Real Estate Committee or Mount Vernon City Council?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, on a separate page please list the development project name.

- 5. Is the respondent advising developers on development projects in Mount Vernon?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, on a separate page please list the development project name.

**Exhibit J**  
**RESPONDENT CERTIFICATION**

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the City of Mount Vernon and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the City of Mount Vernon for the required services.

The undersigned agrees and understands that the City of Mount Vernon is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the City of Mount Vernon, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the City of Mount Vernon and approved by the Mount Vernon Office of the Corporation Counsel.

It is understood and agreed that the City of Mount Vernon reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the City of Mount Vernon reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the City of Mount Vernon is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

Agreed:

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(Legal Name of Person, Firm or Corporation)

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(Signature of Authorized Representative)

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(Title)

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Dated: