



REQUEST FOR PROPOSALS

FOR

**ENTERPRISE RESOURCES PLANNING, HUMAN RESOURCES
INFORMATION SYSTEM, SYSTEM INTEGRATOR, AND
SOFTWARE VENDOR SERVICES**

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I. SUMMARY

Battery Park City Authority d/b/a Hugh L. Carey Battery Park City Authority (“BPCA”) requests proposals (individually a “Proposal” and collectively the “Proposals”) from firms (individually a “Proposer” and collectively the “Proposers” if more than one firm will be part of the team) to provide BPCA with, and implement, a cloud-based enterprise resource planning (“ERP”) human resource information system (“HRIS”) applications and software.

BPCA is seeking to select a Proposer with the experience and capacity to implement and support a cloud-based, hosted ERP HRIS solution (“the Solution”) that manages all of BPCA’s human resources (“HR”), Timekeeping and Payroll functions through a single, unified system. A detailed scope of work for which the selected Proposer will be responsible is attached as Exhibit A1-A2 (the “Work”).

Created in 1968, BPCA is a New York State public benefit corporation responsible for financing, developing, constructing, maintaining, and operating Battery Park City as a richly diversified mixed use community providing residential and commercial space, with related amenities such as parks, plazas, recreational areas, and a waterfront esplanade. A summary of BPCA’s structure, mission, and history, as well as the Battery Park City project area, may be viewed at: <http://bpca.ny.gov/>. Public information regarding BPCA’s finances, budget, internal controls, guidelines, and policies may be viewed at: <http://bpca.ny.gov/public-information/>. Information relating to the Battery Park City Parks Conservancy Corporation (“BPCPC”), BPCA’s affiliate, may be viewed at: <http://bpcparks.org/>.

New York State-certified Minority-Owned Business Enterprises (“MBE”), Women-Owned Business Enterprises (“WBE”) and Service-Disabled Veteran-Owned Business Enterprises (“SDVOB”) are encouraged to submit Proposals.

II. GENERAL PROVISIONS

This request for Proposals, including attachments, exhibits, and any amendments or addenda (collectively, the “RFP”) is subject to the rights reserved by BPCA, including, but not limited to BPCA’s right to:

- withdraw and/or cancel this RFP at any time before final award of the contract;
- request clarification and/or additional information from any or all Proposers;
- amend any term or requirement of this RFP at any time before award of a contract (Proposers may amend their Proposals, as directed by BPCA, if BPCA materially alters or amends the RFP after submission of Proposals);
- alter any key dates or deadlines related to this RFP;
- award the Work, in whole or in part, to one or more Proposers with or without interviews or negotiations;
- reject any Proposal that does not strictly conform to the requirements of this RFP;
- conduct an interview with any or all of the Proposers to aid the evaluation process;
- negotiate potential contract terms with any Proposer;

BPCA is not liable or responsible in any way for any expenses incurred in the preparation of a Proposal in response to this RFP. All information submitted in response to this RFP is subject to the Freedom of Information Law, Article 6 of the New York State Public Officers Law (“FOIL”), which requires public access to certain documents possessed by BPCA, unless a specific exemption applies. Proposers are responsible for identifying any information in their respective Proposals considered to be confidential and exempt from FOIL. BPCA, however, is obligated to disclose information consistent with the requirements of FOIL, NYS Public Officers Law Section 87.

III. TIMETABLE & DESIGNATED CONTACT

A. *Key Dates*

Subject to change at BPCA's discretion, the following are key dates for this RFP:

- RFP issued: June 27, 2022
- Pre-proposal meeting: Friday, July 8, 2022, 10:00am. To be held virtually via audio-visual conference. Please RSVP via email to the "Designated Contact": Emily Birdseye, Assistant Contracting Officer, Battery Park City Authority, at Emily.Birdseye@bpca.ny.gov by Thursday, July 7th, 2022, 1pm.
- Deadline to submit questions to BPCA: Friday, July 22nd, 2022 by 4:00 p.m. (by email only)

All questions regarding this RFP should be submitted in writing via email to the "Designated Contact": Emily Birdseye, Assistant Contracting Officer Battery Park City Authority, at emily.birdseye@bpca.ny.gov.

- BPCA's response to substantive questions: Friday, August 5, 2022, to be posted to the Authority's website in the form of an Addendum: bpca.ny.gov/apply/rfp-opp/
- PROPOSAL DUE DATE: Thursday, August 18, 2022 by 3:00 p.m. (the "Due Date")

B. *Anticipated Contract Term*

The anticipated term of the contract awarded pursuant to this RFP (the "Contract") will be five (5) years. BPCA reserves the right to terminate the Contract at any time, with or without cause, in accordance with the terms of the Contract. BPCA's sample form of contract is attached as Exhibit I.

IV. GENERAL REQUIREMENTS

A. *Minimum Qualification Requirements*

The following are the minimum qualification requirements for this RFP. Proposals that fail to meet these requirements will be rejected.

- 1) The Proposer must be authorized to do business in the State of New York.
- 2) Proposer must have implemented at least two (2) cloud-based HRIS ERP for Human Resources and payroll functions. After implementation, such system(s) must have been in use for at least 24 months.

Proposers must have at least one (1) current government entity as a client that Proposer is in good standing with and that is available to serve as a reference.

B. *MBE/WBE/SDVOB Participation, Joint Ventures, and Sub-contracting Goals*

Contractor requirements and procedures for business participation opportunities for New York State certified MBEs/WBEs/SDVOBs and equal employment opportunity requirements relating to minority group members and women are attached as Exhibit F. For questions relating to MBE/WBE/SDVOB participation, joint ventures and sub-contracting goals *only*, please contact the "MBE/WBE/SDVOB Designated Contact" Mr. Justin McLaughlin-Williams at justin.mclaughlin-williams@bpca.ny.ov or 212-417-2337.

C. Restricted Period

New York State's State Finance Law sections 139-j and 139-k apply to this RFP, restricting Proposers' contacts with BPCA. Proposers are restricted from making any contact (defined as oral, written or electronic communications with BPCA under circumstances where a reasonable person would infer that a communication was intended to influence BPCA's conduct or decision with respect to a procurement) relating to this RFP with anyone other than the Designated Contact, as specified in Section III.A., or MBE/WBE/SDVOB Designated Contact, as specified in Section IV.B., from the time of Proposer's receipt of notice of this RFP through the date of the Final Award as defined in BPCA's Procurement Guidelines (the "Restricted Period"). BPCA employees must record certain contacts during the Restricted Period, including, but not limited to, any oral or written communications that could reasonably be seen as intended to influence BPCA's conduct or award of this RFP. Upon notice of an improper contact, BPCA shall make a determination regarding the Proposer's eligibility to continue participating in this RFP.

D. Submission of Proposals

Proposals must be received by BPCA no later than 3:00 p.m. on August 18, 2022.

- Each Proposer must e-mail their Technical Proposal to the following e-mail address:
technicalproposals@bpca.ny.gov

The Technical Proposal must be clearly labeled as "Proposal Enclosed Enterprise Resources Planning, Human Resources Information System, System Integrator, and Software Vendor Services 2021"

- Each Proposer must also e-mail their Cost Proposal to the following e-mail address:
costproposals@bpca.ny.gov

The Cost Proposal must be separately attached and clearly labeled as "Cost Proposal – Enterprise Resources Planning, Human Resources Information System, System Integrator, and Software Vendor Services 2021"

- **Each Proposer is responsible for the successful delivery and receipt of their Proposal. BPCA is not accepting Proposals sent via messenger, overnight courier, or certified mail to BPCA offices.** If a Proposer has already sent a Proposal via one of these methods, please e-mail the Proposal to the above e-mail address by the Due Date. If a Technical Proposal's file size is too large to submit by e-mail, the Proposer must make alternate electronic accommodations (e.g., linking to a file sharing website), which shall also be transmitted through technicalproposals@bpca.ny.gov. Please contact the Designated Contact prior to the Due Date in order to ensure successful transmission of the documents prior to the Due Date.
- Proposals *must* arrive at the time and place specified herein. Please leave ample time for submission. Late Proposals, no matter the cause of their lateness, will NOT be accepted. Hard copy or faxed Proposals will NOT be accepted. A Proposer may, after submitting a Proposal, amend its Proposal by submitting an amended Proposal, clearly labeled "Amended Proposal – Enterprise Resources Planning, Human Resources Information System, System Integrator, and Software Vendor Services 2021," as long as the amended Proposal is submitted by the Due Date.

V. PROPOSAL FORMAT AND CONTENTS

A. *Proposal Format*

The Proposal must:

- Be formatted to size 8½” x 11” paper;
- Have numbered pages; and
- Be no longer than twenty (20) pages, exclusive of the Cover Letter, Cost Proposal, and Required Attachments.

B. *Proposal Content*

In addition to the separately sealed Cost Proposal, described in Section VIII. below, each Proposal must include the following in the order listed:

- 1) Cover Letter, signed by a person within the firm who is authorized to bind the Proposer, which includes representations that:
 - (a) 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;
 - (b) Proposer satisfies all of the minimum qualification requirements in Section IV.A; and
 - (c) Proposer has reviewed BPCA’s form of contract, attached as Exhibit I to this RFP, and either has no objections or has detailed their objections in an appendix to their Proposal.
- 2) Executive Summary. The Executive Summary must summarize the key aspects of the Proposal, including:
 - (a) Understanding of the requested products and services.
 - (b) Key aspects of any distinguishing characteristics, including the roles and qualifications of the firms and/or affiliations included in the Proposal, and relevant qualifications for performing each of the roles.
 - (c) Strategy and approach in fielding an experienced industry team that is familiar with the Solution and that can execute all phases, from Project Preparation and Enterprise Design to Build to Implementation to Support, across all modules and locations.
 - (d) Expectations of the BPCA resources required in order to make the project successful.
 - (e) A clearly articulated recommendation and high-level depiction of your phased deployment approach and rationale.
 - (f) Approach to delivery of the services described in the RFP, including time frame to deliver the services, proposed team, and advantage to BPCA.
 - (g) Any issues or concerns that you envision being associated with fulfilling the requirements of the RFP; cite specific suggestions for avoiding or mitigating these problems.

(h) Recommendations for areas that have not been discussed, particularly as it relates to changing industry practices.

- 3) Responses to the Questions as well as all of the Information Required (Sections VI.
- 4) Required Attachments (Section VI. G.).

BPCA reserves the right to reject any Proposals that fail to include any required item described in this Section V. B., including Cover Letters that are unsigned or fail to include each of the above representations (including an appendix, if applicable).

VI. INFORMATION REQUIRED

A. Questions and Information Sought Relating to the Overall Work

- 1) Describe your firm's background, services, size, and history as these factors are relevant to the Work, with an emphasis on ERP HRIS software and your experience in implementing such software.
- 2) Describe the training and/or other instructional material your firm will provide to BPCA's HR and Payroll staff, employees and managers.
- 3) Please describe your experience providing and implementing ERP HRIS systems to public sector and private employers.
- 4) Summarize the product strategy in areas relevant to BPCA and this RFP, including, but not limited to: product growth strategy and objectives, significant functional enhancements or additions, significant technical and/or architecture developments, product acquisition vs. internal development strategy, product differentiators, and software delivery strategy (i.e., SaaS, cloud, hosted, single-tenant, multi-tenant, etc.), and any industry offerings relevant to the public sector industry.
- 5) Briefly describe your overall integration methodology and differentiators.
- 6) For all work listed in Exhibit A1 and Exhibit A2 provide a well-articulated and concise narrative that fully describes your firm's methods, tools, frameworks, etc. associated with the proposed approach to fulfill the SI's roles and responsibilities.
- 7) Describe all locations (other than BPCA locations) where you propose performing work associated with this RFP.
- 8) Describe any forums/events/conferences available to your customers, whether virtual or in person, which are managed by you. Your description should include the frequency, format, cost, and locations of these forums/events along with summary agendas from recent forums/events.
- 9) Describe if and how user group collaboration events are used to inform your product strategy.
- 10) Describe any current or planned efforts to improve the quality of user group collaboration.
- 11) State any assumptions that you have made in preparing the Proposal that are not otherwise identified elsewhere in the Proposal.

B. Questions and Information Sought Relating to the Implementation

- 12) Describe your proposed approach and methodology for implementation of the ERP HRIS software.
- 13) Provide a detailed list of deliverables associated with each key work stream described in Exhibit A1 and Exhibit A2, and clearly identify the project phase (i.e., Project Preparation, Enterprise Design, Build/Test, and Final Prep and Go-Live/Support) associated with each deliverable.
- 14) Provide acceptance criteria for each proposed deliverable.
- 15) Please describe your recommendations on governance and how you will help ensure the required structure and processes are in place and supported throughout the project's duration.
- 16) Describe how your firm proposes to continue to implement subsequent phases while simultaneously providing the necessary site and geographic support for phases that are or will go into use.
- 17) Identify any subcontractors you intend to use for this engagement, and describe the services and any software to be performed or provided by each subcontractor.
- 18) Describe your IT knowledge transfer process to ensure BPCA self-sufficiency prior to Go-Live.

C. Questions and Information Sought Relating to Proposed Software Solution

- 19) List and describe the Solution's supported operating systems.
- 20) Describe all potential hosting strategies for the Solution, including cloud-related details.
- 21) Provide an architectural diagram of a typical solution's end state.
- 22) Provide the browsers, and respective versions, that the Solution supports.
- 23) Describe the Solution's workflow capabilities.
- 24) Describe the Solution's mobile application integration capabilities.
- 25) List and describe the Solution's email integration using templates.
- 26) Describe how the Solution is typically load balanced.
- 27) Define, for any Windows Server requirements, support for various Hypervisors, (VMware, Hyper-V) and if these components are certified for support from Hypervisor vendors.
- 28) Describe the Solution's fault-tolerant configuration.

- 29) Describe the process or procedure the Solution provides for data archiving and purging.
- 30) Describe the Solution's performance monitoring features and tools.
- 31) Describe the Solution's exception reporting features and processes.
- 32) Describe the Solution's typical support time frame and release/upgrade strategy, frequency, and associated requirements.
- 33) Describe the Solution's customization processes and if/how the Solution's customizations change the support model.
- 34) Describe the Solution's cloning capability.
- 35) Describe the Solution's capabilities for migrating configurations between instances/environments.
- 36) Describe the Solution's support for database sub setting and masking technology. For instance, a masking example is when cloning from one environment to another automatically masks emails and PII data.
- 37) Describe the Solution's requirements for database security and user/group administration.
- 38) Describe how the Solution manages encryption keys (e.g., where are they stored, how often do they expire, how difficult are they to change) and what data can be either selectively or holistically encrypted.
- 39) Describe how the Solution will require special protection mechanisms to secure sensitive data in storage and/or transmission.
- 40) Describe the ability of the applications to support LDAP for security authentication and or support for external federated AD domains.
- 41) List and describe all certificates required by the Solution.
- 42) Describe the Solution's process for acquiring and updating certificates.
- 43) Describe the Solution's user authentication process.
- 44) Describe the Solution's support for encryption at different levels, including table, field and entire database.
- 45) Describe the Solution's support for digital signatures for content/data that is generated for partners and third parties.
- 46) Describe the Solution's support for setting up security profiles as templates that can be applied across modules with access privileges as well as entitlements.
- 47) Describe the Solution's support for complex passwords with configurable expiration.

- 48) Describe the Solution's support for an integrated user provisioning tool with the ability for delegated administration.
- 49) Describe the Solution's support for password reset's self-service component.
- 50) Describe the Solution's support for auditing and logging.
- 51) Describe the Solution's support for data retention in support of audit needs.
- 52) Describe the Solution's ability to report audit-related information, including Segregation of Duties reporting, Reporting by User, Function, or Date by Module by User.
- 53) Describe the Solution's ability to report workflow-related audit information.

D. Questions and Information Sought Relating to Proposed Software Support

- 54) Provide a summary description of your approach to service level management, including proposed measurements; proposed service levels; strategy for documenting service levels and performance against such service levels; and format and frequency of reporting. Specify the mechanisms, tools and techniques you will use to meet, measure, report and improve upon these service levels.
- 55) Succinctly describe your relevant patch and upgrade support services and service levels that will ensure a high quality release management strategy can be executed during and after implementation. Also provide patch/upgrade support service cost and rate information in response to Exhibit C.
- 56) Describe your release strategy with respect to patches, point upgrades, and major release upgrades. Address your position on version compliance to remain on support and options clients may have to defer patches/upgrades.
- 57) Describe the tools and documentation that will be provided to facilitate a high quality patch or upgrade effort.
- 58) Describe any continuous improvement efforts underway or planned to improve the quality of patch/upgrade support services.
- 59) Describe your call center and problem ticket support services and service levels and how they will ensure responsive, reliable, and knowledgeable support during and after as well as any direct contact services available to address issues on a timely basis
- 60) Describe the size, structure, hours of availability and average response time of your call center services team.
- 61) Identify and describe any support tools or techniques you will use to quickly diagnose and resolve critical or escalated problems. Summarize the escalation process in your description.

- 62) Describe any differences in call center support for client hosted vs. single tenant SaaS vs. multi-tenant SaaS support vs. any other models offered.
- 63) Describe any current or planned efforts to improve the quality of call center support services.
- 64) Describe the Solution's upgrade and patch deployment process.
- 65) Describe the Solution's ability to be hot-patched.
- 66) Describe the Solution's backup and restore processes. Describe how the Solution supports both full and incremental backup strategies.
- 67) Describe how the Solution supports point in time recovery.
- 68) Describe the Solution's requirements for internal or remote access for diagnostics and repair.
- 69) Describe the Solution support for disaster recovery with either a hot stand-by site or other equivalent technology designed to minimize loss of data.
- 70) Describe the training methods available to users, developers and system administrators.
- 71) Describe the typical amount of education and training required for BPCA's Core Implementation Project Team and the timing of that training with respect to the implementation life cycle.

E. Questions and Information Sought Relating to the Project Team and Staffing

- 72) Describe in detail how the Proposer will organize its team and leverage its methodology to deliver a single Solution for BPCA through deployment synergies that are efficient, cost-effective, and high quality.
- 73) Identify any and all assumptions your firm is making with respect to BPCA's role/staffing as well as the role and contribution of your firm and any third parties included in its Proposal.
- 74) Provide a staffing plan detailing the number of personnel, level, roles and responsibilities, and team reporting relationships. The staffing plan must include the following: Organizational chart showing the proposed project team positions and reporting relationships, staff/resource loaded chart for each major phase and each major work stream of the proposed plan, the staff/resource loaded chart should delineate between Proposer and BPCA staff and should reflect the estimated staff count by project phase, staff level and role for both teams.
- 75) Outline the roles you expect BPCA to play and the resource commitment that you expect BPCA to make as part of this effort.
- 76) List each key member of the team you intend to assign to this engagement and include for each listed individual: (a) area(s) of specialization; (b) title and/or position within your firm; (c) the services to be performed.
- 77) Describe how the Proposer proposes to organize the phases and deployment teams to transition to the Solution with minimal business disruption.

- 78) Describe any issues, suggestions or disagreements the Proposer has with the Roles and Responsibilities matrices included in Exhibits A1 and A2 of this RFP.
- 79) Identify the person who will be the lead project manager (the “Lead PM”) and primary contact in providing services to BPCA, and any other persons who will be listed as a “key person” in any contract with BPCA.
- 80) Describe your proposed team’s experience with similar work for other public entities, with an emphasis on New York State public entities.
- 81) Clearly identify any information in your Proposal that you believe to be confidential and exempt from FOIL, and state the reasons. Please note that this question is for informational purposes only, and BPCA will determine, in its sole discretion, whether requested documents are exempt from disclosure under FOIL.
- 82) Identify any and all exceptions taken to BPCA’s standard form of contract, attached as Exhibit I, explaining the reasons for such exceptions. Such exceptions must be detailed in an appendix to your Proposal labeled, “Appendix: Objections to BPCA Form of Contract.” No exceptions to the Contract will be considered by BPCA after submission of the Proposals. BPCA maintains the right to reject Proposals based on non-conformance with the standard form of Contract.
- 83) Provide at least three (3) client references for whom your firm has performed system integration work that is requested in this RFP. For each client, describe the project, the project’s start and completion dates, and services performed, and provide the name, address, and telephone number for a person at client’s firm familiar with such work. These references must be willing and available to participate in telephone conferences and/or site visits with BPCA. In addition, provide a list of your last five (5) large ERP implementations for public sector clients.

Table 1: Client Reference Form	
Industry:	
Scope of Services Provided	<input type="checkbox"/> System Integration Only <input type="checkbox"/> Application Support Only <input type="checkbox"/> System Integration and Application Support <input type="checkbox"/> System Integration, Application Support and Other Services <input type="checkbox"/> Other Services, but not System Integration or Application Support
Contract Size	
Business Functionality Provided	
HRIS Solution Implemented	
Is the proposed HRIS solution similar to those proposed to BPCA?	YES / NO
(If Yes, provide substantiation through a brief description of the HRIS	
Start Date	

Contract Term	
Contact Name	
Contact Telephone Number	
Contact Address	
Contact E-mail	
Project Manager Name	

84) In regard to the proposed *software*, specifically, please provide all customer reference information requested below.

- a. A list of its current customers within the public sector industry.
- b. Using the form provided at Table 18 below, provide three (3) customer references with contact name/title, address, phone number, email, and a short description of the timing and scope of product and services provided. All references must be for ERP solutions implemented within the last five (5) years. All customer references should be public sector entities, but if providing a non-public sector customer reference, the Proposer must include a short justification for such reference.
- c. Identify the five (5) most recent ERP implementations within the public sector.

Table 18. Software Vendor – References	
Company Name	
Company location(s)	
Industry	
Scope of functionality provided	
Software solutions implemented	
System Integration firm (check one)	<input type="checkbox"/> Respondent to this RFP <input type="checkbox"/> Other. Name of firm: _____
Contract Size	
Start Date	
Contract Term	
Contact Name	
Contact Telephone Number	
Contact Address	
Contact E-mail	
Respondent Project Manager Name (if relevant)	

85) State any assumptions relied upon in formulating the Proposal and which are not identified elsewhere in the Proposal or expressly identified in the RFP.

- 86) BPCA will consider any suggestions for achieving the goals of this project that are not identified in this RFP and will benefit BPCA. In addition, if you have any exceptions that you wish to communicate, please describe how such exceptions would be advantageous to BPCA.

F. Questions and Information Sought Relating to Proposer's Firm & Eligibility

- 87) Within the past three (3) 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.
- 88) How does your firm identify and manage conflicts of interest?
- 89) Are there any potential conflict of interest issues posed by your firm's performance of the Work on behalf of BPCA?
- 90) Has your firm or have any of the firm's partners/employees been disciplined or censured by any regulatory body within the last five (5) years? If so, please describe the relevant facts.
- 91) Within the last five (5) years, has your firm, or a partner or employee in your firm, been involved in litigation or other legal proceedings relating to the provision of professional services? If so, please provide an explanation and the current status or disposition of the matter.
- 92) List any professional or personal relationships your firm's Program/Project Manager, Functional/Process Leads, Technical Lead, Solution Architect and Org Change Management Lead, and Senior Executives may have with BPCA's Board Members and/or employees, a list of which is attached as Exhibit H.
- 93) If selected, will your firm assign any person to this engagement who was previously an employee of BPCA or BPCPC? If so, please: i) identify when (month and year) that person's employment at BPCA/BPCPC terminated, and ii) describe that person's involvement, if any, with matters related to this RFP during his/her employment at BPCA/BPCPC.
- 94) In the past five (5) 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 provide a contact person, email and street address and telephone number.
- 95) Describe any existing business relationships you or any of your affiliates and proposed third-party vendors may have with BPCA.
- 96) Identify and describe any disciplinary and/or other administrative actions taken by any jurisdiction or person against your firm. List and summarize all judicial or administrative proceedings in which you have been a party within the last five years. If you are a subsidiary, submit above information for all parent companies.

G. Required Attachments

- 1) Mandatory Forms:

Each Proposal must include a completed copy of all "Mandatory Forms" found at: https://bpca.ny.gov/wp-content/uploads/2020/03/Vendor_Responsibility_Questionnaire_3_27_20.pdf

The Mandatory Forms include the following:

- a) NYS Standard Vendor Responsibility Questionnaire, notarized and signed by the individual(s) authorized to contractually bind the Proposer, indicating the signer's title/position within the firm.*
 - b) State Finance Law § 139 Form 1, signed by the individual(s) authorized to contractually bind the Proposer.*
 - c) W-9 form.
 - d) Statement of Non-Collusion.
 - e) MBE/WBE/SDVOB Utilization Plans. Please note that all such plans must be submitted even if Proposer is a MBE/WBE/SDVOB.
- 2) Response to the question regarding the use of New York State businesses set forth in Section XII.
- 3) Completed MBE/WBE and EEO Policy Statement and Diversity Practices Questionnaire (attached as part of Exhibit F).
- 4) Financial Statements:
- Provide a copy of your firm's most recent Audited Financial Statements (within the last year). In the event you do not have audited financials you must provide a statement to that effect with your proposal, and summary financial information for the calendar year most recently ended.
- 5) Acknowledgement of Addenda:
- Attach a completed and signed Acknowledgement of Addenda Form, attached as Exhibit G, acknowledging receipt of all addenda to this RFP, if any, issued by BPCA before the Due Date. Addenda are posted by BPCA as necessary and can be found on the BPCA website at <https://bpcanyc.org/apply/rfp-opp/> It is the responsibility of each Proposer to check the BPCA website for addenda and to review addenda prior to submitting any proposal in response to this RFP.
- 6) Copy of the Proposer's most recent annual cybersecurity threat assessment report that has been conducted by a third-party.
- 7) Copy of the Proposer's most recent annual data privacy assessment report that has been conducted by a third-party
- 8) Copy of the Proposer's most recent SSAE-18 SOC type or type 22 report.

VII. INSURANCE REQUIREMENTS

1) General Requirements

The total cost of the required insurance listed in paragraphs 2) and 3) below, must be incorporated into the Cost Proposal. The additional insured protection afforded BPCA, BPCPC, and the State of New York must be on a primary and non-contributory basis. All policies must include a waiver of subrogation in favor of BPCA, BPCPC, and the State of New York, no policies may contain any limitations / exclusions for New

York Labor Law claims, and cross liability coverage must be provided for BPCA, BPCPC, and the State of New York.

All of the carriers that provide the below required insurance must be rated “A-:VII” or better by A.M. Best and must provide direct written notice of cancellation or non-renewal to BPCA, BPCPC, and the State of New York at least 30 days before such cancellation or non-renewal is effective, except for cancellations due to non-payment of premium, in which case 10 days written notice is acceptable.

2) Insurance Requirements for the Selected Proposer

The selected Proposer will be required to obtain and provide proof of the types and amounts of insurance listed below: (i) as a condition precedent to the award of the contract for the Project; and (ii) continuing throughout the entire Term. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA’s sample form of contract attached.

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:

- \$1,000,000 per occurrence
- \$2,000,000 general aggregate which must apply on a per location / per project basis
- \$2,000,000 products/completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by the selected Proposer and any of its Subconsultants. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed. The General Aggregate limit must apply on a per project basis on the primary General Liability policy should a combination of primary and Umbrella/Excess liability policies be utilized to secure the required total limits of coverage.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the Proposer’s owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insured.

- **Workers’ Compensation, Employer’s Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the Proposer.

- **Data Breach and Privacy/Cyber Liability Insurance** including coverage for failure to protect confidential information and failure of the security of the Proposer’s computer systems or BPCA’s/BPCPC’s systems due to the actions of the Proposer which results in unauthorized access to BPCA’s and/or BPCPC’s data. The limit applicable to this policy shall be no less than \$10,000,000 per occurrence, and must apply to incidents related to the cyber theft of BPCA’s and BPCPC’s property, including but not limited to, money and securities. BPCA, BPCPC, and the State of New York must be protected as additional insured on policies held by the selected Proposer and any of its Subconsultants.

- **Technology Errors and Omissions insurance** with a limit of not less \$5,000,000 for damages arising from computer related services including, but not limited to, the following:

- Consulting;
- Data processing;
- Programming;
- System integration;
- Hardware or software development;
- Installation;
- Distribution or maintenance;
- Systems analysis or design;
- Software configuration
- Training; and
- Staffing or other support services.

The policy shall include coverage for third party fidelity including cyber theft and protect BPCA, BPCPC, and the State of New York as “Additional Insured”.

3) Insurance Requirements for all Subconsultants

Any Subconsultant(s) utilized by the selected Proposer will be required to obtain the types and amounts of insurance listed below: (i) as a condition of commencing any Work; and (ii) continuing throughout the duration of the Subconsultant’s Work. The insurance policies listed below must also conform to the applicable terms of the Contract, as shown in BPCA’s sample form of contract attached:

- **Commercial General Liability Insurance**, written on ISO Form CG 00 01 or its equivalent and with no modification to the contractual liability coverage provided therein, shall be provided on an occurrence basis and limits shall not be less than:
 - \$1,000,000 per occurrence
 - \$2,000,000 general aggregate which must apply on a per location / per project basis
 - \$2,000,000 products/completed operations aggregate

BPCA, BPCPC, and the State of New York must be protected as additional insureds on ISO Form CG 2010 (11/85) or its equivalent on policies held by all Subconsultants. Securing the required limits via a combination of primary and umbrella/excess liability policies is allowed. The General Aggregate limit must apply on a per project basis on the primary General Liability policy should a combination of primary and Umbrella/Excess liability policies be utilized to secure the required total limits of coverage.

- **Automobile Liability Insurance** with a combined single limit of not less than \$1,000,000. Coverage must apply to the Subconsultant’s owned, hired, and non-owned vehicles and protect BPCA, BPCPC, and the State of New York as additional insured.
- **Workers’ Compensation, Employer’s Liability, and Disability Benefits** shall not be less than statutory limits, including United States Longshore and Harbor Workers Act coverage as applicable to the operations of the Subconsultant.
- **Subconsultants will also be required to obtain all other insurances listed in Section (2) unless otherwise approved in writing by BPCA prior to commencement of any Subconsultant’s work.**

VIII. COST PROPOSAL; FORMAT AND REQUIRED INCLUSIONS

Each Proposer must complete and submit a Cost Proposal, in the form attached as Exhibit C: Cost Proposal Format and pursuant to the instructions in this Section of the RFP. Each Cost Proposal must contain a completed version of all worksheets/tabs contained in the Exhibit C.

Pursuant to the Cost Proposal, the contract will set forth a fixed price for all costs associated with performance of all services described in this RFP, including, but not limited to, any licensing and/or leasing fees. Payment of the fixed price will be based on completion of major milestones and deliverables. The final milestone and deliverable payment schedules will be determined with the selected Proposer during Contract negotiations.

A risk-reward pricing scenario will be considered by BPCA and the Proposer should include those options with their Cost Proposal.

Please refer to Cost Proposal submission guidelines (Section IV.D).

IX. SELECTION PROCESS

A. Evaluation

Each timely submitted Proposal will be reviewed for compliance with the form and content requirements of this RFP. A committee of BPCA employees selected by BPCA (the “Committee”) will then review and evaluate the Proposals in accordance with the evaluation criteria set forth below. While only Committee members will score the evaluation criteria, the Committee may consult an outside expert for advisement on the evaluation of matters requiring technical expertise. Before final selection, BPCA must determine that the proposed selected Proposer is responsible, in accordance with applicable law and BPCA’s Procurement Guidelines, which may be viewed at: <http://bpca.ny.gov/public-information/>.

B. Interviews

BPCA reserves the right to decide whether to interview any or all of the Proposers. The Committee may conduct interviews for many reasons, including to further assess a Proposer’s ability to perform the Work or provide specific services, or to seek information related to any other evaluation criteria. The proposed Lead PM, as well all other key personnel proposed to perform the Work, must be available to participate in the interview.

Structured Oral Presentations and Demonstrations

BPCA reserves the right to require any or all of the Proposers to demonstrate their Solution and present their implementation approach and services, following the demo scenarios provided in the Appendices to the RFP.

Each Proposer must address the following system integration subjects during such presentations:

- Qualifications and experience
- Discussion of key areas of benefit from past client experiences
- Collaborate between integration and software services for appropriate portions of the product demonstrations

- In-depth implementation approach, methods, tools, accelerators with BPCA team
- In-depth discussion regarding staffing assumptions

Each Proposer must address the following software subjects during such presentations:

- Qualifications and experience
- Solution’s ability to meet BPCA’s business and technical requirements
- Ability of the proposed Solution to bring added value to BPCA
- Product overview/navigation/user interface
- Product demonstration
- In-depth technical discussion with BPCA technical team

C. Evaluation Criteria for Selection

Selection will be based upon the following criteria:

1) Technical Evaluation

- A) Overall quality of Solution including functionality and capabilities: 25%
- B) Degree of flexibility and customization offered by solution: 15%
- C) User Interface and User Experience including intuitiveness, ease of use..... 10%
- D) Reporting and audit capability of solution.....10%
- D) Security of Solution and cloud hosting environment: 15%
- E) Quality and capability of implementation team: 5%
- F) Quality, reliability, and responsiveness of customer service team 10%
- F) Response to Diversity Practices Questionnaire: 10%

2) Cost Proposal evaluation.

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 BPCA, subject to a determination that the Cost Proposal is fair, reasonable, and provides the best value to BPCA given the requirements of the project.

X. NON-COLLUSION

By submitting a Proposal, each Proposer warrants and represents 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.

XI. IRAN DIVESTMENT ACT

By submitting a Proposal or by assuming the responsibility of any Contract awarded hereunder, each Proposer certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the New York State Office of General Services website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize any subcontractor/consultant that is identified on the Prohibited Entities List on this Contract. The selected Proposer agrees that should it seek to renew or extend any Contract awarded hereunder, it must provide the same certification at the time the Contract is renewed or extended. The selected Proposer also agrees that any proposed assignee of the Contract will be required to certify that it is not on the Prohibited Entities List before BPCA may approve a request for assignment of the Contract.

During the term of any Contract awarded hereunder, should BPCA receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, BPCA will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the New York State Iran Divestment Act of 2012 within 90 days after the determination of such violation, then BPCA shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the selected Proposer in default of the awarded Contract.

BPCA reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the Prohibited Entities List prior to the renewal, extension, or assignment of the Contract, and to pursue a responsibility review with the selected Proposer should it appear on the Prohibited Entities List hereafter.

XII. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Proposers for this Contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Proposers are strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York’s infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor’s optimal performance under the Contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State’s economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their contracts. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below. Each proposer must include a response to this question with their proposal. Please note that

a “yes” response requires supporting information. If yes, identify New York State businesses that will be used and attach identifying information.

Will New York State businesses be used in the performance of this contract?

_____ **Yes** _____ **No**