



Request for Proposals (RFP)
Auditing Services
Proposal Due Date — December 15, 2017, 2:00 p.m.

I. Introduction / Statement of Purpose

The purpose of the Request for Proposal (“RFP”) is soliciting proposals for audits of the financial statements, tests of internal controls, compliance in accordance with Generally Accepted Auditing Standards, as defined in subdivision eleven of section two of the state finance law, and as required by the New York State Corporation Budget Office, pursuant to subdivision two of section 2802 of the Public Corporation Act. This RFP is a solicitation to bid and not an offer of a contract.

The Land Reutilization Corporation of the Capital Region (“Land Bank” or the “Corporation”) was established in 2012 as a New York State Type C Not-for-profit Corporation with the mission of revitalizing vacant, abandoned and underutilized land in the cities of Schenectady and Amsterdam and Schenectady County. The Land Bank is administered and staffed through a management agreement with the Schenectady Metroplex Development Authority, 433 State Street, City of Schenectady. The Land Bank is issuing this RFP to qualified interested parties to provide auditing services. Upon final selection and award, the Offeror/Bidder will enter into a contract for an annual independent audit for the fiscal years ending December 31, 2017, December 31, 2018, and December 31, 2019.

II. Scope of Audit

An examination of the Land Bank’s financial statements should be made in accordance with auditing standards generally accepted in the United States of America and the standards as defined in subdivision eleven of section two of the State Finance Law. It should also include a review and evaluation of the Corporation’s systems of accounts and business practices to determine their adequacy and compliance with applicable provisions of the Laws of the State of New York. The audits should also include recommendations of possible improvements and advice to the respective Corporation senior staff as to accounting matters and records. Audit reports on each of the Corporation’s financial statements for the last three fiscal years will be available to the successful Offeror/Bidder. Each of the audits must be in conformity with all requirements of the New York State Corporation Budget Office, the New York State Office of the Comptroller, and all appropriate Governmental Accounting Standards Board pronouncements.

III. Format of Responses

Please respond to the set of questions that follows. Although there will be no set page

limit, we ask that all proposals be limited to the questions proposed and not include any extraneous information or appendices. The proposals must be in the following required form: (1) questions must be answered in the order presented, (2) each response must be numbered to correspond with the question being answered and must be preceded by a restatement of the question, (3) each page must be numbered, (4) include Exhibits A, B and C in the proposal, and (5) the proposal must be bound in one volume.

DO NOT SEND RESPONSES BY FAX. RESPONSES WILL BE ACCEPTED ONLY BY EMAIL, MAIL, HAND DELIVERY OR EXPRESS-MAIL DELIVERY SERVICES.

If any proprietary information is contained in the response, it should be clearly identified.

IV. Proposal Content / Questions

1. Bids should list **the total cost for each year to be audited**, excluding the expenses incurred in preparing and submitting this proposal. Payments will not exceed these amounts regardless of the actual costs incurred in completing the audit.
2. In addition, Bids should also **list an hourly rate and estimated number of hours for work beyond the preparation of the audit** limited to the annual submission of the NYS Annual Filing for Charitable Organizations CHAR500 and U.S. Form 990.
3. The Offeror/ Bidder should address the following information: a) describe the technical methods used in performing the audit; b) estimate the total number of audit hours for the engagement broken down by level of staff; and, c) brief description of the firm's experience in auditing New York State public authorities.
4. The resumes of the audit manager and other key audit and management personnel that thoroughly describe relevant training and experience that would qualify them for this level of service, including several references from recent engagements.
5. Provide names and brief resumes of the professionals who will be assigned to this engagement. The professionals listed will be expected to be available should the Corporation request to conduct interviews. Limit the listing to personnel who would actually work on these accounts.
6. Provide a list of three relevant client references, including a contact person's name, address and phone number.
7. All submissions must include an EEO Policy Statement stating the Offeror/Bidder's non-discriminatory policy in accordance with federal and state laws. This form or the Firm's EEO Policy, must be signed and submitted as part of any bid proposal. **Either the Firm's EEO Policy or Exhibit A must be completed and submitted with the response to RFP.**
8. Complete and submit **Exhibit B** with respect to acknowledging permissible

contacts, and **Exhibit C** regarding prior non-responsibility determinations..

V. Questions Relating to RFP

Pursuant to State Finance Law §§139-j and 139-k, Request for Quotes, Bid, Solicitations and Proposals include and impose certain restrictions on communications between the Land Bank and an Offeror/Bidder during the procurement process. An Offeror/Bidder is restricted from making contacts from the earliest notice of intent to RFP, solicitation and bid submission through final award and approval of the contract by the Land Bank (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is David Hogenkamp, Executive Director.

The Restricted Period is now in effect and will continue until a final award of contract has been made and approved by the Land Bank Board of Directors.

Questions regarding this RFP may be submitted via e-mail to David Hogenkamp, Executive Director, at director@capitalregionlandbank.com until December 7, 2017. Questions sent or delivered to any other individual may not be considered for response. If any prospective Offeror/Bidder finds discrepancies or omissions or there is doubt as to the true meaning of any part of this RFP, a written request for a clarification or interpretation shall be submitted to the Corporation only at the above address. In turn, the Corporation shall notify to all candidates of record such clarifications.

The Offeror/Bidder must agree to comply with all procedures of the Corporation related to permissible contacts. Please sign and include with your statement of qualifications **Exhibit B, which must be completed and submitted with the response to RFP.**

VI. Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates the Land Bank to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9).

In accordance with State Finance Law §139-k, an Offeror/Bidder must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by The Land Bank due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to the Land Bank. State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts (as such term is defined in the State Finance Law) during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror/Bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination.

The Land Bank must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The form attached to this RFP as **Exhibit C must be completed and submitted with the response to RFP.**

VII. Delivery of Responses

Offeror/Bidder must submit two (2) copies of statement of qualifications, including accompanying exhibits. No materials will be accepted after the due date and time. Any material received after the stated date and time will be considered late and will be returned to the Respondent unopened. Responses will be time stamped by the Corporation.

The mailings must be marked "Proposal for Auditing Services". They will be kept unopened until the deadline. Late proposals will be marked "Received Past Deadline" and returned unopened. The Corporation, in its sole discretion, reserves the right to accept or reject any or all responses received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety this RFP. The Corporation may request additional information from the respondents during the course of the selection process and all responses will become the property of the Corporation. Proposals will be accepted until 2:00 p.m. on December 15, 2017. The Copies should be distributed as follows:

Number of Copies

2

Contact/Address

Mr. David Hogenkamp, Executive Director
Land Reutilization Corporation of the Capital Region
433 State Street, 4th Floor
Schenectady, New York 12305

PLEASE DO NOT SEND RESPONSES BY E-MAIL OR FAX. RESPONSES WILL BE ACCEPTED ONLY BY MAIL, HAND DELIVERY OR EXPRESS-MAIL DELIVERY SERVICES.

The Corporation reserves the right to reject any and all responses received or to waive any irregularity or informality if deemed to be in the best interest of the Corporation. Awards for the engagement by the Corporation are expected no later than December 31, 2017.

EXHIBIT A

**AGREEMENT TO ABIDE BY EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT REQUIREMENTS
NEW YORK STATE REVOLVING FUND (SRF)**

I, _____, am the authorized representative of _____

Name of Representative

Contractor/Service Provider

I hereby certify that _____ will abide by the equal employment

Contractor/Service Provider

opportunity (EEO) policy statement provisions outlined below.

- (i) A statement that the contractor will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on contracts relating to the Project.
- (ii) An agreement that all of contractor's solicitations or advertisements for employees will state that, in the performance of the contract relating to this Project, all qualified applicants will be afforded equal employment opportunities without discrimination on the basis of race, creed, color, national origin, sex, age, disability or marital status.
- (iii) An agreement to request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.
- (iii) An agreement to comply with the provisions of the Human Rights Law (Article 15 of the Executive Law), including those relating to non-discrimination on the basis of prior criminal conviction and prior arrest, and with all other State and federal statutory constitutional non-discrimination provisions.

Failure to submit an EEO policy statement consistent with the provisions set forth above in clauses (i), (ii), (iii) and (iv) may declare the bid submission to be null and void.

X

Contractor/Service Provider Representative

EXHIBIT B

Certification of Understanding and Compliance

Offeror affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

EXHIBIT C

RESPONSIBILITY QUESTIONNAIRE

Instructions:

Please complete this form answering every question. A “Yes” answer to any question requires a written explanation attached to the questionnaire and submitted on company letterhead signed by an officer of the company.

Questions:

Within the past five years, has your firm, any affiliate, any owner or officer or major stockholder (5% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:

- (a) a judgment or conviction or any business-related conduct constituting a crime under local, state or federal law, including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusions?
_____ YES _____ NO
- (b) a criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law, including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusions?
_____ YES _____ NO
- (c) an unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any government agency?
_____ YES _____ NO
- (d) an investigation for a civil violation by any local, state or federal agency?
_____ YES _____ NO
- (e) a grant of immunity for any business-related conduct constituting a crime local, state or federal law, including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusions?
_____ YES _____ NO
- (f) a local, state or federal suspension, debarment or termination from the contract process?
_____ YES _____ NO
- (g) a local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?
_____ YES _____ NO
- (h) a local, state or federal denial of award for non-responsibility?
_____ YES _____ NO

- (i) an agreement to a voluntary exclusion from bidding/contracting? _____YES _____NO
- (j) an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract? _____YES _____NO
- (k) a State Labor Law violation deemed willful? _____YES _____NO
- (l) a firm-related bankruptcy proceeding? _____YES _____NO
- (m) a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license? _____YES _____NO
- (n) a denial, decertification, revocation or forfeiture of Women’s Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status? _____YES _____NO
- (o) a rejection of a low bid on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract? _____YES _____NO
- (p) a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws? _____YES _____NO
- (q) a citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of:
- federal, state or local health laws, rules or regulations
 - unemployment insurance or workers’ compensation coverage or claim requirements
 - ERISA (Employee Retirement Income Security Act)
 - federal, state or local human rights laws
 - federal or state security laws
 - federal INS and Alienage laws
 - Sherman Act or other federal anti-trust laws
- _____YES _____NO

NOTES:

Information on the following additional topics should also be submitted with this questionnaire. Check “none” if topic does not apply.

- (1) agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? _____NONE

(2) disputes within the past two years concerning your company’s failure to provide commodities or services to political subdivisions within the past two years pursuant to centralized contracts with the New York State Office of General Services?

_____NONE

(3) Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation previously or currently used by your business which is different from that listed on your mailing list application form?

_____NONE

CERTIFICATION:

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the Corporation to make a determination regarding an award of a contract or approve a subcontract; acknowledges that the Corporation may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that the intentional submission of false or misleading information may constitute a felony; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

Name of Business

Business Address

Signature of Officer

Printed Name of Signatory / Title