

## Attachment D: NYCHA Solution Provider Procurement Requirements

NYCHA has provided the below summary of its procurement requirements to aid proposers to RFQL 4553 in understanding their procurement process for future stages of the Pilot. NYSERDA cannot advise on compliance with NYCHA's requirements, and qualification in NYSERDA's RFQL is not indicative of subsequent compliance with NYCHA requirements.

Vendors looking to do business with the New York City Housing Authority (NYCHA) should be aware of the following requirements regarding procurement rules, terms and conditions, project labor union and NYCHA (Section 3) resident hiring. The following is **not** an exhaustive list of NYCHA requirements but is intended as helpful information to prepare bidders looking to do work on NYCHA property. All information below is subject to change at NYCHA's discretion or as required by law.

### 1. General NYCHA Procurement info

All NYCHA procurements are officially announced on the [City Record Online](#) and are available in [iSupplier](#), NYCHA's free online procurement portal. Vendors should register with iSupplier in order to view bid documents, ask questions during the Q&A period, receive bid amendments, and submit bids. You may reach out to [procurement@nycha.nyc.gov](mailto:procurement@nycha.nyc.gov) with any questions you have on the iSupplier platform or process.

The form of bid for NYCHA construction projects is a sealed-bid RFQ (request for quotes).

Vendors looking to bid on NYCHA work should refer themselves to NYCHA Procurement's website at <https://www1.nyc.gov/site/nycha/business/procurement-opportunities.page> for more information. Contractors are particularly encouraged to note NYCHA's [prevailing wage requirements](#), insurance requirements and the Riskworks [insurance tracking](#) system, and New York City's [PASSPort](#) portal for submission of disclosure documents. (PASSPort has replaced the previous VENDEX system.) The vendor and all subcontractors must create a PASSPort account and file all required disclosures by the bid submission date.

### 2. Project Labor Agreement (PLA)

All NYCHA construction contracts of \$250,000 or more are subject to NYCHA's Project Labor Agreement (PLA) entered into by and between NYCHA and the Building and Construction Trades Council of Greater New York and their signatory Local Unions. This PLA is available for public review at <https://www1.nyc.gov/assets/nycha/downloads/pdf/project-labor-agreement.pdf> and an FAQ is available at <https://www1.nyc.gov/assets/nycha/downloads/pdf/project-labor-agreement-faq.pdf>. Please note, in particular, that employees on PLA projects will be paid wage rates according to the local collective bargaining agreements but only insofar as those rates are higher than the federal prevailing wage rate- if prevailing wage is higher, then that controls.

Any contractor (Bidder) performing renovation and rehabilitation of NYCHA structures, as well as any and all subcontractors working on the project, will be bound by the terms and conditions of the PLA (as currently set forth or may be amended), will be bound by the collective bargaining agreements and local trust agreements as set forth in the PLA, and must certify that they do not have any commitments or agreements that would preclude compliance with the PLA.

The Bidder and all identified Subcontractors will be required to include letters of assent as part of their Bid; for any subcontractor not required to be a part of the Sealed Subcontractor List (required for certain types of work such as plumbing, HVAC, and electrical), letters of assent will be required upon five business days notification from NYCHA.

### **3. Performance and Payment Bond**

Bidders are required to include a performance and payment bond as part of the Contract. A copy of the standard Form of Performance and Payment Bond is attached.

### **4. Section 3 (NYCHA Resident Hiring)**

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that requires that recipients of certain HUD funding provide job training and employment opportunities to low-income residents for projects in their neighborhoods. In practice, this means that bidders need to commit, to the greatest extent feasible, to meeting numerical goals for training and employment of verified NYCHA residents. A Section 3 Hiring Plan is required for all NYCHA agreements. This plan include projections for trainees and workers expected to be hired as a result of the Contract, as well as answering questions on recruitment methods. Additionally:

- The bid documents include a Resident Employment Program Hiring Plan that must be filled out for bids exceeding \$500,000, which includes spending not less than 15% of the labor cost of the contract (including fringe benefits) on verified public housing residents (i.e. legal tenants listed on a public housing lease).
- To the greatest extent feasible, the prime bidder must meet numerical goals for awarding subcontracts to Section 3 Business Concerns. A Section 3 Business Concern is a business that is either owned 51% or more by a Section 3 resident or meets certain percentage targets for employing and/or contracting with Section 3 residents. For more info on Section 3 business concerns, please see <https://www1.nyc.gov/site/nycha/business/section3-business-concern-information.page>

NYCHA's [REES](#) (Resident Economic Empowerment and Sustainability) department monitors and supports NYCHA resident hiring requirements, helping to connect residents with employment opportunities. In addition to the Section 3 commitments highlighted above, NYCHA's bid

documents normally include additional REES forms asking for more detail on expected hires so that REES may better monitor and target their support.

## **5. Other Forms, Terms, and Conditions**

The NYCHA bid documents will detail any additional minimum requirements; this will include providing valid copies of trade licenses from Bidder and all subcontractors, and may include experience thresholds, certifications and pre-qualifications (such as those provided by NYSERDA), etc.

Bidders should be aware of the following terms and conditions that are incorporated into NYCHA contracts.

- [Instructions to Bidders for Contracts \(HUD form 5369\)](#)
- [General Conditions for Construction Contracts \(HUD Form 5370\)](#)
  - Please note that the bid documents will also include NYCHA Special Conditions. These special conditions cover items such as PASSPort disclosures, Project Labor Agreement, bid preparation and submission info, and other details which may vary from contract to contract (such as contract length and insurance template).

Additionally, note that the following forms will require signature as part of the bid package:

- [Non-Collusive Bidding Certification](#) (link provided)
- Certification Regarding Debarment and Suspension (HUD Form 2992)
- Certification for a Drug Free Workplace (HUD Form 50070)
- Certification of Payments to Influence Federal Transactions (HUD Form 50071)
- Representation Certifications and Other Statements of Bidders (HUD Form 5369-a)
- Previous Participation Certification (HUD Form 2530)